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Resolution adopted by the Human Rights Council on 22 March 2019

40/26. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, 31/28 of 24 March 2016, 34/39 of 24 March 2017 and 37/39 of 23 March 2018, by which it extended the mandate of the Independent Expert,

Reaffirming the primary responsibility of all States to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the deterioration in security conditions in Mali, especially the expansion of terrorist activities, the rise in violent extremism, the proliferation of small arms, drug trafficking and migrant smuggling, trafficking in persons and other forms of transnational organized criminal activities in the central and northern regions, as well as the intensification of intercommunal violence in the centre of Mali,

Deeply concerned also about continued human rights violations and breaches, including abuses, and violations of international humanitarian law, the slow progress in the implementation of some relevant provisions of the Agreement on Peace and Reconciliation



in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,

Remaining concerned about the food and humanitarian crisis faced by the populations affected by the conflict and about the insecurity which hinders humanitarian access, and condemning the attacks against humanitarian personnel,

Noting with satisfaction that the Government of Mali has established a three-year emergency plan for the period 2018–2020 for the restoration of basic social services in two regions of the centre of the country, and calling upon the Government to implement the plan,

Noting also with satisfaction the renewed commitment of the Government of Mali and the signatory groups to expeditiously fulfil their obligations under the Agreement on Peace and Reconciliation in Mali, including the measures provided for in Security Council resolution 2423 (2018) of 28 June 2018,

Welcoming in this regard the signing on 15 October 2018 between the Government of Mali and the United Nations of the Pact for Peace in Mali, which commits the Malian parties to pursuing and accelerating the peace process in a more inclusive way,

Welcoming the launch of an accelerated process of disarmament, demobilization, reintegration and integration for 1,600 combatants, and the establishment of 10 interim administrations at *cercle* level in Kidal, Ménaka, Timbuktu and Taoudéni regions,

Welcoming Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against, in particular, those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, including women and children, and noting the adoption by the Security Council of a first series of sanctions on 20 December 2018,

Noting the commitment made by the Government of Mali at a number of sessions of the Human Rights Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Welcoming the cooperation of the Malian authorities with international human rights mechanisms, notably the participation of Mali in the third cycle of the universal periodic review, and the invitations issued to special procedures mandate holders of the Human Rights Council,

Taking note of the latest report of the Secretary-General on the situation in Mali,¹ in which he urges the Malian authorities to spare no effort to ensure that the perpetrators of human rights violations or abuses or violations of international humanitarian law are held to account, emphasizing in this regard that significant progress is needed in the fight against impunity, if there are to be successful reconciliation initiatives that contribute to rebuilding the social fabric, building confidence and bringing society together and opening the way to lasting peace,

Urging the Government to redouble its efforts to investigate crimes that threaten to destabilize the peace process, including terrorism-related offences and violations and breaches of international law, and to bring the perpetrators to justice,

Taking note with satisfaction of the report of the Independent Expert on the situation of human rights in Mali,²

¹ S/2018/1174.

² A/HRC/40/77.

Noting the account taken by the joint force of the Group of Five for the Sahel (G5 Sahel) of the human rights due diligence policy on United Nations support to non-United Nations security forces,

Noting also the establishment of the framework for ensuring the compliance of the joint force operations with human rights and international humanitarian law,

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, including those involving violations and abuses of women's rights, notably sexual and gender-based violence, violations and abuses of children's rights, in particular the recruitment and use of children in violation of international law, and extrajudicial and summary executions, arbitrary arrests and detention, mistreatment of prisoners, killing and maiming, and attacks on schools and hospitals;

2. *Calls upon* all parties to respect the civilian character of schools in accordance with international humanitarian law and to cease the detention of children on national security charges in violation of applicable international law, and urges all parties to put an end to such violations and abuses and to comply with their obligations under applicable international law, including international human rights law and international humanitarian law;

3. *Recalls*, in this regard, that all perpetrators of such acts must be held accountable before the competent courts, at both national and international levels;

4. *Strongly condemns* the attacks, including terrorist attacks, on civilians, representatives of local, regional and central institutions, and the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces deployed in the framework of Operation Barkhane, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

5. *Also strongly condemns* the escalation of intercommunal violence in the past year, and calls upon the Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the international community, to continue its efforts towards national reconciliation and to prevent violence in identified hotspots of tension;

6. *Underlines* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance, development and reconciliation, as well as respect for, and protection and promotion of, human rights;

7. *Welcomes* measures taken by the Government of Mali in support of the implementation of the integrated security plan for the central regions, a comprehensive plan to re-establish State presence in central Mali, notes in this context the improvement of the situation on the ground with the signing, in August 2018, of the Koro peace agreement, as well as the deployment of Malian security and defence forces to Dialloubé (Mopti *cercle*), Kouakourou (Djenné *cercle*) and Dioungani (Koro *cercle*), and underlines the need for continued efforts in this regard;

8. *Reiterates* its call for an immediate halt to all human rights violations and abuses and violations of international humanitarian law and for the strict observance of all human rights and fundamental freedoms;

9. *Calls upon* all parties to facilitate free, safe and unhindered access for the timely delivery of aid to all persons in need across Mali, and to ensure the safety and protection of civilians receiving assistance and of humanitarian and health personnel operating in Mali;

10. *Calls upon* the Government of Mali to continue and to step up its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

11. *Encourages* the Government of Mali to take the necessary steps for the implementation of the recommendations accepted during the third cycle of the universal periodic review of Mali, and calls, in particular, for accelerated efforts towards the adoption of the law against gender-based violence;

12. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former fighters, the redeployment of Malian armed forces throughout the territory, decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes the involvement of the Carter Center as an independent observer of the Peace Agreement;

13. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the recruitment and use of children in violation of international law, and to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account;

14. *Notes* the initiation in January 2013 by the Prosecutor of the International Criminal Court of an investigation into crimes committed on the territory of Mali since January 2012, and also notes that, on 27 September 2016, the Court found an individual guilty of war crimes for having intentionally directed attacks against buildings of a religious and historical character in Timbuktu, and that all Malian stakeholders decided to lend the Court their support and cooperation;

15. *Supports* in this regard the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before impartial and independent courts, urges it to intensify its efforts to combat impunity and notes its commitment to continue its cooperation with the International Criminal Court;

16. *Welcomes* the investigations initiated by the Government of Mali into allegations of human rights violations committed against civilians, and urges the Government to bring the proceedings to conclusion to ensure that the perpetrators face justice for such acts;

17. *Strongly condemns* the summary executions of several civilians, including in Kobaka, Nantaka and Boulkessy in May and June 2018, and commends the United Nations Multidimensional Integrated Stabilization Mission in Mali for its investigation into the incidents in Boulkessy on 19 May 2018 and the Malian authorities for initiating a judicial investigation in order to bring to justice those responsible for these serious human rights violations;

18. *Encourages* the Government of Mali to ensure that measures taken to promote national harmony are developed in an inclusive manner and meet the expectations of civil society by ensuring the prosecution of the most serious crimes and the provision of adequate compensation for the victims;

19. *Welcomes* the launch of the work of the International Commission of Inquiry provided for in the Agreement for Peace and Reconciliation in Mali set up by the Secretary-General to investigate serious human rights violations and abuses and violations of international humanitarian law committed in Mali since January 2012, and encourages the Commission to coordinate its work with the Malian judiciary and the justice and reconciliation mechanisms established under the Agreement;

20. *Also welcomes* the commitment of the Government of Mali to ensure that women participate more fully in the national reconciliation process and in all decision-making structures relating to the peace process, including through the appointment in September 2019 of a Government that will ensure greater involvement of women, in conformity with the relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the Government in December 2015, and to heighten the political empowerment of women at all levels;

21. *Welcomes* the establishment by the Malian authorities of the first ministerial department responsible for social cohesion, dedicated to coordinating the Government's

action to implement the Agreement on Peace and Reconciliation in Mali, commends the progress achieved by the Truth, Justice and Reconciliation Commission, which has made it possible to collect more than 10,000 statements from victims in several regions of Mali, and encourages the Malian authorities to ensure that the Commission has the independence and means needed to fulfil its mandate to support the victims of the crises in Mali;

22. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards the establishment of peace and security in Mali;

23. *Commends* the work of the United Nations Multidimensional Integrated Stabilization Mission in Mali in supporting the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life suffered by it, including in the attack on 20 January 2019 that cost the lives of 10 peacekeepers;

24. *Emphasizes* that the efforts of the G5 Sahel joint force to counter the cross-border activities of terrorist groups and other organized criminal groups will help to create a more secure environment and establish the conditions required to improve the human rights situation in Mali, emphasizes the need to operationalize the human rights protection and accountability mechanisms and commends the efforts already made to develop and implement the human rights compliance framework of the joint force;

25. *Calls on* the G5 Sahel joint force to continue those efforts, including by ensuring the effectiveness of its own accountability mechanisms, which are essential to ensuring that each incident involving civilian victims or alleged human rights violations or abuses or violations of international humanitarian law is subject to a prompt, impartial, independent and thorough investigation, and that immediate steps are taken against the units and individuals alleged to be responsible;

26. *Requests* all parties to respect human rights and to ensure the strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations;

27. *Reiterates its appreciation* for the humanitarian assistance already provided to civilians and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate humanitarian assistance, in conditions of security, to refugees and displaced persons, particularly in the centre and north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

28. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali, urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme, and also urges the Government to accelerate the return of the administration and basic services in the centre and north of the country and to work towards establishing an acceptable level of security;

29. *Requests* friendly countries and partner organizations that have pledged contributions at successive conferences on the development of Mali to honour those pledges in order to assist the Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

30. *Welcomes* the successful holding of the presidential election in 2018 and reiterates the need for a continued just, free, transparent and inclusive electoral process for the holding of the constitutional referendum and legislative, senatorial and local elections in 2019, guaranteeing freedom of expression and the will of the people;

31. *Welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

32. *Notes with satisfaction* the undertaking by the Government of Mali to take into consideration the recommendations made by the Independent Expert following his visits to Mali;

33. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

34. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

35. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

36. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its forty-third session;

37. *Decides* to hold a dialogue at its forty-third session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the human rights situation in the country, with a particular focus on the participation of civil society, including women and young people, in the peace and reconciliation process;

38. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

39. *Requests* the High Commissioner to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, commends the Malian authorities for having brought the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and for having provided it with the necessary means to carry out its work independently, and encourages the Government to take the necessary steps to enable the Commission to attain A status;

40. *Urges* the international community to continue to provide the necessary assistance to Mali to ensure its stability with a view to promoting respect for all human rights and resolutely combating impunity, which will pave the way for national reconciliation, peace and social cohesion;

41. *Decides* to remain seized of this matter.

*55th meeting
22 March 2019*

[Adopted without a vote.]
