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Universal Periodic Review

## Report of the Working Group on the Universal Periodic Review\*

### Mali

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifteenth session from 21 January to 1 February 2013. The review of Mali was held at the 4th meeting on 22 January. The delegation of Mali was headed by Malick Coulibaly, Minister of Justice and Garde des Sceaux. At its 10th meeting, held on 25 January 2013, the Working Group adopted the report on Mali.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mali: Angola, Montenegro and United Arab Emirates.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Mali:
  - (a) A national report submitted/written presentation given in accordance with paragraph 15 (a) (A/HRC/WG.6/15/MLI/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/15/MLI/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/15/MLI/3).
4. A list of questions prepared in advance by the Czech Republic, Mexico, the Netherlands, Norway, Slovenia and Spain was transmitted to Mali through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation of Mali explained that the national report had been prepared through an inclusive national dialogue in which State agencies and civil society, supported by experts from the International Organization of la Francophonie, had facilitated the gathering and processing of information on human rights. Thanks to this participatory approach, the comments and recommendations made by various groups in civil society such as the National Human Rights Commission, the Malian Human Rights Association and the Ombudsman have been included in the report.
6. The national report was being submitted under special circumstances, marred by social and political upheaval. The political situation in Mali had been changed by the overthrow of the constitutional order and the occupation of the northern portion of the territory. The political stability that the country had enjoyed had been shaken by a crisis with both institutional and security dimensions. Military operations were under way in order to restore Mali's territorial integrity and put an end to the population's suffering in the north of the country.
7. The delegation recalled that Mali's commitment to the universal values of human rights had been expressed in the legal sphere by the adoption of constitutional, legislative and regulatory instruments. At the international level, Mali had consistently ratified the regional and international instruments for the promotion and protection of human rights; it had submitted reports to certain treaty bodies and implemented the comments and

observations they had made. Against this background, the delegation mentioned the establishment of an interministerial committee to facilitate the drafting of initial and periodic reports on the implementation of the conventions ratified by Mali. Mali had also developed manuals and teaching materials on human rights, the culture of peace, democracy and citizenship.

8. The delegation noted that the competencies and powers of a number of institutions and agencies for the promotion and protection of human rights had been reinforced: for example, the National Human Rights Commission had gained legislative powers, and the Ombudsman had been given new responsibilities in respect of conflict resolution and improvements in the rule of law, governance and human rights.

9. With regard to the situation of women and children, the delegation recalled that the Government had a department specifically devoted to the promotion of the family, the child and women. Although Mali had been criticized for adopting a Personal and Family Code that was not favourable to women's rights, substantial efforts had been made to improve the situation of women and children, and the Code had filled a great number of legal gaps. On 24 November 2010, Mali had adopted a national policy and plan of action on gender for 2011–2013; a National Programme to Fight Excision, whose purpose is to coordinate, follow up on and evaluate policies and strategies to fight excision, is being carried out.

10. The delegation also referred to a draft constitutional law to allow for affirmative action for women that had been adopted by the National Assembly. A return to the normal constitutional order should facilitate progress in that domain. In order to give women more margin for their endeavours, 10 women's and children's centres had been set up in Bamako and in regional capitals.

11. With respect to the rights of the child, the delegation pointed out that Mali is on the verge of adopting a national policy for the promotion and protection of children's rights, together with an action plan for 2013–2017. Mali has likewise stepped up the struggle against child labour by creating a national institution for that purpose and setting up a national coordinating committee to combat trafficking in persons and related practices.

12. As regards social rights, the delegation noted that there are laws instituting a compulsory health-care scheme and a medical assistance regime. Mali had ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; the International Convention for the Protection of All Persons from Enforced Disappearance; and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

13. With regard to judicial reforms, the delegation said that a number of legislative texts had been developed to ameliorate the administration of justice and access to legal services. In addition, the strengthening of institutional and operational capacities for the administration of justice is addressed in the operating plan for the Ten-Year Justice Development Programme (PRODEJ).

14. The delegation also noted that a national policy for the promotion and protection of human rights was being developed and was expected to be adopted in the second half of 2013.

15. Concerning the death penalty, the delegation said that while no law on its abolition had been adopted, the relevant draft legislation had been before the National Assembly since 2008. A de facto moratorium had been observed since the 1980s, and death sentences were systematically commuted to life imprisonment. The Malian population, which is not very enthusiastic about the draft legislation, is currently being educated about it.

16. The delegation noted that the crisis through which Mali is now living has a pernicious effect on the maintenance and consolidation of progress made in human rights; hence the need for assistance from the international community.

17. Mali was asking for support from the international community in the following areas:

- Capacity-building for the interministerial committee to facilitate the drafting of initial and periodic reports;
- Capacity-building for the team on the strategy for communication and awareness-raising to foster new behaviour;
- Continued implementation of the strategy for encouraging women to apply to the civil service;
- Capacity-building for the prison administration in order to improve prison conditions;
- Training of prison guards and social workers;
- Continued implementation of the PRODEJ operating plan for 2010–2014;
- Continued implementation of the national action plan on the recommendations resulting from the national consultations on corruption and financial crime;
- Capacity-building on defence and security;
- Ample technical and financial assistance in the electoral process;
- Material, technical and financial assistance in addressing the humanitarian impact of the crisis.

## **B. Interactive dialogue and responses by the State under review**

18. During the interactive dialogue, 69 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

19. Cuba welcomed the commitment of Mali to the universal periodic review. It supported the focus on areas identified by Mali in which it requires international cooperation to address the current situation, in particular those that relate to technical capacity and assistance. Cuba made a recommendation.

20. The Czech Republic hoped that order would be restored soon and that measures would be undertaken to protect and promote human rights. It took note of some achievements. However, it remained concerned about the continuing violence that women face, including excision. It made recommendations.

21. Norway was concerned at reports of violations, abuses and acts of violence in the northern parts of Mali. It emphasized the need for complete humanitarian access to the northern regions of Mali and to the affected population. Norway made recommendations.

22. Djibouti commended Mali for the preparation of the report with the involvement of civil society organizations. It acknowledged the challenges and priorities faced by Mali. It called on the international community to support Mali in the effective implementation of UPR recommendations. Djibouti made recommendations.

23. Egypt supported the endeavours by Mali to implement its human rights obligations, taking into consideration the current political and security situation. It supported the calls made by Mali for the international community to provide its assistance, through increasing financial and material resources. Egypt made recommendations.

24. Ethiopia commended the efforts by Mali to put in place legal and policy frameworks to improve the human rights situation in the country. It called on the international community to extend the necessary support to re-establish rule of law in the country.
25. France was concerned about the human rights situation in Mali. It reaffirmed its engagement to support Mali in the re-establishment of the integrity of its territory and the fight against terrorist groups. France made recommendations.
26. The United States of America noted that Mali continued to grapple with interrelated security, political and humanitarian crises. It was concerned about abuses in the north. It made recommendations.
27. Ghana commended the establishment of a National Human Rights Commission, strengthening of the Office of the National Ombudsman and promotion of women's and children's rights. It urged the international community to provide Mali with the technical and financial support needed.
28. Guatemala encouraged Mali to promote a broad and inclusive national dialogue for restoring the rule of law, reconciliation and peace consolidation. It was concerned about the humanitarian situation and highlighted the need to observe international human rights and humanitarian law standards. Guatemala made recommendations.
29. The Holy See was concerned about the political, institutional and social crises in the country. It called on all parties to the conflict to respect human rights and to prevent attacks against the civilian population. It made recommendations.
30. Hungary commended Mali on its participation in the UPR. It was concerned that death sentences continued to be issued and that the adoption of the 2011 Personal and Family Code had not resulted in the elimination of discrimination against women. Hungary made recommendations.
31. Indonesia encouraged Mali to step up its efforts to upgrade the status of the National Commission in accordance with the Paris Principles. It commended various measures to advance the rights of women and children. Indonesia made recommendations.
32. Recognizing the challenges of the conflict, Ireland urged Mali to ensure the safety of all civilians and to facilitate the delivery of humanitarian assistance. Ireland acknowledged the importance of international assistance. It welcomed efforts to address other human rights issues. Ireland made recommendations.
33. Italy was concerned about the spread of violence. It regretted that the current situation frustrated efforts made in previous years. It encouraged Mali to collaborate effectively with the international community to face the current humanitarian crisis. Italy made recommendations.
34. Japan was deeply concerned by the attacks and human rights abuses in northern Mali. It appreciated continued efforts by Mali to ameliorate its human rights situation under such challenging circumstances. It welcomed the implementation of female genital mutilation (FGM)-related actions. Japan made recommendations.
35. Latvia commended Mali for its constructive engagement in the UPR process. It noted with satisfaction that Mali had invited several special procedures mandate holders to visit the country. Latvia made a recommendation.
36. Libya praised the adoption of a developmental strategy framework for the reduction of poverty and the adoption of national legislation in harmony with international mechanisms. It hoped that the circumstances would enable the implementation of such legislation. It made recommendations.

37. Lithuania was concerned about human rights violations, including torture and sexual violence against women and children. It encouraged the implementation of recommendations made in the recent OHCHR report (A/HRC/22/33). It encouraged national dialogue on the conclusions of the European Union Foreign Affairs Council. It made a recommendation.

38. Malaysia hoped that the Government of Mali would continue efforts to end the conflict. It applauded the measures taken to protect and promote human rights, especially in the areas of health and education and in that of women's rights. It made recommendations.

39. Mauritania welcomed measures taken to give effect to the recommendations made following the first review of Mali. It applauded efforts to improve women's rights, the creation of the National Human Rights Commission and the extension of the scope of powers of the Ombudsman.

40. Mexico was concerned particularly by extrajudicial executions and cruel treatment committed by Islamist groups in the north of Mali. It noted measures adopted to implement previous recommendations, including programmes to raise awareness of and to end the practice of FGM. It made recommendations.

41. Montenegro commended the adoption of a National Action Plan for the Elimination of Child Labour. It asked which measures the transitional Government would take to bring the Personal and Family Code further into conformity with international standards on women's rights. It made recommendations.

42. Turkey considered that Security Council resolution 2085 (2012) should be immediately implemented and condemned the serious human rights violations committed by armed groups in the north of Mali. It noted that Government action regarding internally displaced persons and refugees was laudable. It made recommendations.

43. The Netherlands stated that it was essential to take action in the context of the current political situation. It highlighted the signing of several international conventions, including the convention concerning discrimination against women. The Netherlands noted that FGM persisted throughout the country. It made recommendations.

44. Denmark expressed concern that abuses such as torture and enforced disappearances were not mentioned in the report and stated that it should be better balanced. It observed that the Family Code did not fully conform to the Convention on the Elimination of All Forms of Discrimination against Women and was not implemented uniformly throughout the country. It made recommendations.

45. The State of Palestine congratulated Mali on its efforts, welcomed progress made in the field of women's rights and encouraged Mali to continue efforts to improve women's access to property, secondary and higher education, employment and income-generating activities. It made recommendations.

46. Paraguay noted progress made in the fields of national legislation and international commitments. It highlighted the Personal and Family Code, the fight against trafficking in persons, the creation of the National Human Rights Commission and the ratification of the International Covenant on Economic, Social and Cultural Rights. Paraguay made a recommendation.

47. Poland expressed deep concern about the humanitarian situation in the north of Mali. It noted the Government's efforts to develop action plans to promote and protect human rights including in the areas of gender equality, forced marriage and child labour. It made recommendations.

48. The Malian delegation replied to the question about what steps might be taken by the transitional Government to bring the Personal and Family Code into conformity with

international standards on women's human rights by saying that the transitional authorities had two tasks: to reconquer the north of the country and to organize free and transparent elections. As the Government was the product of an inclusive dialogue, however, its purview was limited and it could not accomplish what democratic institutions had been unable to achieve. Moreover, it was not a propitious moment for such reforms, as they might undermine the social solidarity needed to restore the country to normalcy. In 2008, the State had committed itself to reforming the Personal and Family Code to eliminate the discrimination to which women and children were subjected. The unrest had intervened before that project could be realized, however, forcing the Government to temporarily set aside the reforms that would bring it fully into line with its international commitments. In addition, social reforms of that nature called for the State to be strong, and that was currently not the case. Once it was, however, the rights enshrined in the conventions would be incorporated into the domestic legal system.

49. As to what the transitional Government was going to do to eradicate female genital mutilation (FGM), the delegation replied that the Government would continue to carry out the National Programme to Fight Excision and the national policy and action plan for the elimination of the practice of excision.

50. In response to the question on what the transitional authorities had done to prevent the arbitrary arrests, attacks and unlawful killings of Tuaregs by soldiers and pro-Government militias in the southern part of Mali and to investigate, prosecute and punish the perpetrators of such acts, the delegation replied that the Government was educating the population in general and the security forces in particular to prevent them from equating terrorists with the entire population of that area. The delegation emphasized that Mali is not at war with any religion, race or ethnic group, but rather with its attackers.

51. As to what assistance had been given by the transitional authorities to the International Criminal Court and whether the authorities would undertake to investigate crimes committed both in the north and the south of the country, the delegation recalled that it was the transitional authorities themselves that had officially appealed to the Court and that the Government's willingness to investigate or have investigated the crimes committed both in the north and in the south is readily apparent. For example, the Government had set up a commission of inquiry into the events at Diabaly which was open to the participation of investigators from Mauritania, international organizations and civil society.

52. As to whether the National Programme to Fight Excision had been successful in raising public awareness of the harmful effects of FGM and whether there are further plans to curb that practice, the delegation replied in the affirmative.

53. In response to the question on what measures have been taken to improve the functioning of the educational system in Mali, the delegation explained that the gross rate of enrolment in the first educational cycle has risen from 82 per cent in 2009 to 83.4 per cent in 2010. Thanks to the assistance of development partners, resources have been invested in teacher training and pedagogical materials. The Ministry of Education has worked out a number of strategies that have helped to improve the enrolment rate.

54. Concerning legal protection of children from all corporal punishment, the delegation listed the law prohibiting torture, the provisions of the Criminal Code on combating trafficking in persons, the Child Protection Code and a number of decrees and texts.

55. Concerning juvenile courts and alternative forms of deprivation of liberty for children, the delegation stated that the Malian prison system made specific provision for children in conflict with the law. Juvenile courts had been created throughout the country and judges had been specially appointed to handle cases involving minors. In addition, there were apprenticeship centres in which children could be placed to facilitate their rehabilitation.

56. In response to the question about the chief obstacles to the implementation of the agreement to abandon the practice of excision in the communities that had signed it, the delegation said that the sole obstacles were cultural in nature and that many communities had abandoned the practice even without having signed the agreement.

57. Concerning the efficacy of the measures adopted to raise public awareness and educate the public on FGM, the measures that the Government would be taking in the future and its point of view on enacting legislation prohibiting all forms of FGM, the delegation stated that the implementation of programmes and policies needed to be pursued and strengthened. While the development of a legislative text might be indicative of political will, it would not in itself put an end to the practice.

58. As to the lack of concordance of the Personal and Family Code with Mali's international obligations, the delegation explained that the authorities intended to harmonize domestic legislation with the international legal instruments signed by Mali. The national policy for the promotion and protection of human rights that was soon to be adopted would certainly set out options in that regard.

59. To the question of whether the Government had taken any action against people involved in obstructing freedom of the press, the delegation replied that the Government was committed to fighting any obstacles to press freedom. There had been some unfortunate and damaging instances of excesses committed against journalists in the wake of the events, at a time of extreme weakness, even non-existence, of the State. Such instances had greatly diminished, and any aggression against journalists was now the subject of investigation.

60. Portugal condemned the attacks committed by terrorist groups and maintained that all those responsible for human rights violations must be held accountable. It hoped that further efforts would be made by the Malian authorities to address challenges regarding human rights. It made recommendations.

61. The Republic of Korea emphasized the importance of the international community's support for Mali. It expected Mali to make considerable efforts to ensure the fundamental principle of the rule of law, freedom of expression and the right to property for foreign nationals. It made recommendations.

62. Romania expressed gratitude that Mali was meeting with the Council, particularly given the situation in the country. It expressed its solidarity; the Ministry for Foreign Affairs had made a statement to that end, highlighting his country's support of the territorial integrity of the country. It made recommendations.

63. The Russian Federation noted that events in Mali threatened the stability of the entire region and strongly condemned the actions of extremists and separatists. It considered that the military operation to restore the territorial integrity of Mali would be carried out in strict compliance with Security Council resolution 2085 (2012). It made recommendations.

64. Rwanda noted with satisfaction that Mali had ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol. It also congratulated Mali on establishing its national programme against excision. It made a recommendation.

65. Senegal noted that, in the current situation prevailing in Mali, respect for human rights remained an imperative. It pleaded in favour of common concerted action to recover the territorial integrity of the country and a permanent return to peace and security.

66. Singapore expressed concern about the deteriorating situation in Mali. It noted the recent legislative changes, including the strengthening of the domestic legal framework. It

noted also the efforts of the Government to improve access to education and highlighted the need for education and training. It made recommendations.

67. Slovakia acknowledged the country's commitment to the follow-up of the recommendations received in its first review. It welcomed inter alia the signature of the third Optional Protocol to the Convention on the Rights of the Child and the ratification of CRPD and its Optional Protocol. It made recommendations.

68. Slovenia noted the establishment of ministries to address the issue of gender perspective in the universal periodic review. It called on the Government to ensure respect for the human rights of its people and to investigate all human rights violations and hold accountable those responsible. It made recommendations.

69. Spain hoped that the Government would be consistent in its efforts to respect human rights in accordance with resolution 21/25 of the Human Rights Council. It highlighted the risk of the breakdown of national cohesion if existing ethnic tensions were used for political ends, thus engendering further human rights violations. It made recommendations.

70. Sudan applauded the efforts by Mali to promote human rights, which included work undertaken to implement previously accepted recommendations. It welcomed the signing of several international and regional instruments, particularly regarding the promotion of development and the fight against poverty, and praised efforts to develop national plans in those areas.

71. Sri Lanka welcomed efforts in the areas of education, health, nutrition and housing, and the adoption of a strategic framework for the reduction of poverty in 2011. It commended the development of a national policy to protect children's rights and the adoption of the Family Code. It made recommendations.

72. Sweden noted that women in Mali faced domestic violence and that FGM was condoned. Men were favoured in divorce and gender equality concerns had been aggravated by the internal crisis. It was concerned about stoning and amputations in the north and excessive detentions. It made recommendations.

73. Switzerland noted that human rights violations had increased throughout Mali and called upon the transitional Government to ensure that alleged human rights and international humanitarian law violations were impartially investigated and did not remain unpunished. It made recommendations.

74. Thailand commended Mali for its legislative and institutional reforms promoting and protecting human rights. It was concerned that the conflict in the north had caused serious violations, given reports of rape, sexual violence and alleged inhumane punishment. It made recommendations.

75. Togo expressed its support for the Government and people of Mali in their commitment to safeguard the country's integrity, and restore political stability, social peace and democracy. It strongly condemned the attacks by armed groups of terrorists and criminals in northern Mali.

76. Tunisia noted the forward strides made by Mali since the 2008 review, specifically its ratification of five instruments and creation of two institutions for human rights. It also noted the country's initiatives in terms of sexual equality and protection of women and children. It made recommendations.

77. Morocco commended the Malian authorities' commitment to pursuing their cooperation with United Nations bodies, the accreditation of its national human rights commission, and its advances in constitutional revision and school attendance. It asked what progress had been achieved in setting up the judicial transparency programme (PREGOT).

78. The United Kingdom of Great Britain and Northern Ireland was extremely concerned at the current situation in Mali and its impact on human rights. It noted reports of abuses by the Malian army and called upon the authorities to uphold their obligations under international law. It made recommendations.

79. Germany noted that the human rights situation in Mali was alarming. It reminded the authorities of their duty to protect its population during a state of emergency. It asked what measures the Malian authorities had taken to support displaced populations. It made recommendations.

80. Uruguay highlighted progress, including establishment of the National Human Rights Commission, adoption of the Personal and Family Code and harmonization of national legislation with universal standards for the protection of women's rights. It referred to previously accepted recommendations on FGM and the death penalty. It made recommendations.

81. Viet Nam shared, with others, concern over serious human rights violations in Mali, but believed that, continuing endeavours to implement first-cycle recommendations of the universal periodic review, it would spare no efforts and resources to restore normalcy, stability and peace for a better guarantee of human rights.

82. Algeria recognized that its presence alone at the second cycle of the universal periodic review bore witness to the willingness of Mali to protect and promote human rights and to cooperate with the Council's mechanisms. It supported the country's efforts to overcome a dual institutional and security crisis. It made recommendations.

83. Angola was deeply concerned about the security and humanitarian issues with which Mali was confronted, including reports of human rights violations committed on its territory. It condemned all such violations and appealed to those implicated to comply with international principles. It made a recommendation.

84. Argentina welcomed the delegation of Mali and thanked it for presenting its report. It congratulated the country on its ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. It made recommendations.

85. Australia was concerned about reports of grave human rights violations and recruiting of child soldiers by terrorist, extremist and other armed groups in Mali. It was also concerned about reports of increased numbers of refugees and displaced persons. It made recommendations.

86. Austria asked what measures had been taken by the Government of Mali to ensure the security of the many persons displaced as a result of the insurrection in the north and imposition of a brutal interpretation of sharia law. It made recommendations.

87. Bangladesh recognized the challenges faced by Mali in the current situation but appreciated its efforts and commitments to improve enjoyment of human rights, despite being a least developing country. It encouraged Mali to seek technical assistance from the international community.

88. Belgium deeply regretted the deterioration in the humanitarian situation in Mali as a result of the growing flows of displaced persons and refugees. Lack of security and difficulty of access to the affected populations had hampered humanitarian efforts. It made recommendations.

89. Brazil noted the participation of Mali in a regional child-labour prevention project, contributing to implementation of a national action plan, its legislation on trafficking of persons and signing of bilateral agreements banning trafficking of children. It was deeply concerned about the current situation in Mali.

90. With regard to the question about the disappearances of journalists, the delegation said that Mali deplored and condemned the attacks on journalists but that no disappearances had occurred.
91. Concerning the training of the military in international humanitarian law, the delegation noted that all military contingents received such training and that when soldiers were deployed to the front, they were given refresher training on the subject.
92. Referring again to the Personal and Family Code, the delegation acknowledged that several of its provisions were at variance with the international commitments undertaken by Mali. According to the Constitution, international texts had precedence over domestic instruments, and the courts might alter provisions in the code in the process of legal review.
93. With regard to the danger of ethnic conflicts, the delegation stated that Mali would do everything possible to avoid the emergence of such conflicts in its territory. Mali was not at war with any religion, race or ethnic group.
94. The delegation emphasized that Mali had requested the assistance of the Office of the United Nations High Commissioner for Human Rights in working out a transitional justice system adapted to the situation in the country.
95. Regarding the early holding of elections, the delegation noted that Mali was in favour of that and was doing all it could to bring the elections about.
96. As to assistance to displaced persons, the delegation referred to the establishment of a ministry for humanitarian action and stressed the importance of national solidarity.
97. With reference to the fight against impunity, the delegation noted that before one could speak of a State based on the rule of law, the State had to exist, which had not been the case in Mali for many weeks. Nevertheless, the situation was evolving, and the fight against impunity would go on.
98. Concerning the road map, the delegation explained that it had been developed by the Government and that agreement had to be reached on the process of adopting it. The road map centred on two main themes: restoring Mali's territorial integrity, an effort now under way with the support of the international community, especially France; and moving towards an inclusive national political dialogue.
99. Lastly, the delegation recalled Mali's firm intention to cooperate with the mechanisms of the Human Rights Council and its determination to strengthen democracy.
100. Burkina Faso recognized the continued commitment of Mali to guaranteeing individual rights at all times, including during the current unprecedented crisis. It noted the efforts by Mali to promote sexual rights and its ongoing establishment of a national programme to fight FGM. It made recommendations.
101. Burundi noted with satisfaction that Mali had adopted a strategic framework to encourage growth, poverty reduction, universal access to health services and good governance. It welcomed the country's efforts in economic, social and cultural fields and its programme against FGM. It made a recommendation.
102. Canada asked Mali what measures and legislation had been taken to counter the practice of FGM since 2008. Canada expressed concerns about arbitrary detention and the arrest of Prime Minister Diarra. It encouraged prosecution of those responsible and intensifying efforts to ensure human rights. It made recommendations.
103. Cape Verde applauded the clear, frank analysis in the national report concerning the problems and challenges involved in improving the human rights situation in the country, and especially the quality of the specific information on steps to be taken in this regard.

104. Chad noted with satisfaction that Mali was a party to the main international and regional human rights instruments, demonstrating its commitment thereto. Unfortunately, the institutional and political crisis had hampered consolidation of achievements in promoting and protecting human rights. It made a recommendation.

105. Chile welcomed the willingness of Mali to implement recommendations following the presentation of its first report. It highlighted the complex situation presently confronted by the country and called for the transitional authorities to continue efforts to avoid human rights violations. It made recommendations.

106. China appreciated the active implementation by Mali of the first UPR recommendations and its efforts to promote the rights of women and children, gender equality and health development. China supported Mali in its efforts to maintain territorial integrity and sovereignty and encouraged it to pursue political transition.

107. Congo noted that Mali had adopted a new personal and family legal code and had undertaken construction of extensive social housing. It had strengthened its legal and institutional arsenal to protect persons with disabilities and living with HIV/AIDS, and against child labour. It made a recommendation.

108. Costa Rica expressed concern about the situation of women and children and about reports of religious violence. It considered that the destruction of cultural heritage of humanity in Mali could constitute war crimes. It called upon Mali to safeguard places of cultural wealth. It made recommendations.

109. Côte d'Ivoire noted with satisfaction the accession of Mali to several international instruments. It urged Mali to make human rights a priority for repairing the social divide and ensuring national reconciliation through, inter alia, the re-establishment, as soon as possible, of the constitutional order with the organization of general elections and full cooperation with the United Nations treaty bodies.

## II. Conclusions and/or recommendations\*\*

110. **The recommendations formulated during the interactive dialogue listed below enjoy the support of Mali:**

110.1 **Continue the process of ratifying the international human rights treaties to which is not yet a party. (Burkina Faso);**

110.2 **Take all measures to hold free and fair elections in 2013 (United Kingdom of Great Britain and Northern Ireland);**

110.3 **Ensure full alignment of its national legislation with all obligations under the Rome Statute of the International Criminal Court (Slovakia) / Step up its efforts to align the domestic legislation with the provisions of the Rome Statute (Tunisia);**

110.4 **Undertake a revision of the National Human Rights Commission's independence, including its economic independence, in order to bring the Commission's legal foundation de facto into compliance with the Paris Principles (Denmark);**

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\*\* Conclusions and recommendations have not been edited.

- 110.5 Allocate the necessary financial resources to the National Programme to Combat the Practice of Excision, so that it reaches the goals set for the period 2010–2014 (Uruguay);
- 110.6 Continue cooperating with the Office of the High Commissioner for Human Rights (OHCHR) to ensure the best possible solutions for the full protection of human rights by all the citizens of the country (Romania);
- 110.7 Continue the close cooperation with OHCHR and the international community in order to face the challenges in terms of transitional justice for human rights violations occurred during the current crisis (Spain);
- 110.8 Continue to work to improve the country's human rights situation, including in northern Mali, in cooperation with the international community (Japan);
- 110.9 Strengthen the technical assistance so as to allow Mali to overcome its difficulties and improve the human rights situation in the country (Angola);
- 110.10 Continue the efforts to mobilize all stakeholders who can support its initiatives to promote and protect human rights (Burkina Faso);
- 110.11 Take all measures needed to ensure that those operations being carried out to tackle terrorism and restore Mali's sovereignty over its whole territory are undertaken with a strict respect of the international humanitarian law while making sure that full protection is extended to the civilian population (Belgium);
- 110.12 Promote freedom of religion within its public bodies and also through public awareness programmes, particularly among the people of the North, once the situation has been stabilized (Canada).
111. The following recommendations enjoy the support of Mali, which considers that they are already implemented or in the process of implementation:
- 111.1 Make all efforts to accelerate an inclusive political process that returns Mali to a constitutional State (United States of America);
- 111.2 Organize, as a matter of urgency, inclusive national political consultations to reinstate democracy and rule of law (Australia);
- 112.3 Continue the efforts aimed at holding free, credible and transparent elections, by adopting an inclusive approach bringing together all sectors of Malian society (Algeria);
- 111.4 Continue measures to re-establish the unity of the State to bring about the Constitutional order and to organize universal democratic elections (Russian Federation);
- 111.5 Establish a roadmap for the holding of elections at the earliest possible time (Mexico);
- 111.6 Strengthen the solidarity of all parties in Mali, smoothly complete political transition and restore national unity and territorial integrity so that the Malian people could earnestly enjoy all human rights (China);
- 111.7 Strive to minimize human rights violation in its attempt to restore law and order in the country (Indonesia);
- 111.8 Undertake the necessary measures to bring its national legislation in conformity with international human rights conventions (Netherlands);

111.9 Reinforce all efforts to preserve the progress achieved in a large number of areas such as justice, promotion of freedom, education and health, the fight against inequality and against child trafficking, and public freedoms (Congo);

111.10 Harness the necessary international cooperation to implement a sustainable educational and cultural campaign, in time and space, to achieve the full eradication of the use of and practice of the so-called female genital mutilation as a contribution to the comprehensive development of women in Mali, and their right to health in particular (Paraguay);

111.11 Cooperate closely with the United Nations human rights mechanisms in Mali. (Austria) / Continue ongoing efforts to timely submit due national reports to the treaty monitoring bodies (Guatemala) / Pursue efforts, with the support of the international community, for the submission of the reports that were due to the treaty bodies, including the Human Rights Committee and the Committee against Torture (Montenegro) / Submit promptly all due reports to international treaty bodies (Slovenia) / Submit the expected reports to the Human Rights Committee and the Committee against Torture as soon as possible (Germany); / Continue making efforts to prioritize the reports to the treaty bodies (Chile);

111.12 Cooperate fully with all special procedures mandate holders of the Human Rights Council and give a favourable response to requests for visits made by the special procedures mandate holders (Chile);

111.13 Carry out more efforts to combat all kinds of discrimination and violence against women (Libya);

111.14 Take further steps to ensure equal treatment and non-discrimination against women as well as to expand representation of women in decision-making positions (Thailand);

111.15 Ensure full respect for women's rights (Slovenia);

111.16 Continue to implement measures to protect and promote women's rights (Australia);

111.17 Uphold the de facto moratorium on executions with a view to abolishing the death penalty as soon as possible (Italy);

111.18 Establish a death penalty moratorium and look for measures for its complete elimination (Costa Rica);

111.19 Provide the police and armed forces with clear instructions and the necessary training so that they act in accordance with international human rights norms, in particular with regard to extrajudicial executions, torture and ill-treatment, arbitrary detentions and acts of intimidation (Canada);

111.20 Provide police, gendarmerie and the armed forces with clear instructions and the necessary training to act in accordance with International Human Rights standards (Montenegro);

111.21 Give clear orders to the security forces regarding the need to constantly respect international human rights norms, especially the full prohibition of torture and other ill-treatments (Tunisia);

111.22 Seize this opportunity to do its utmost to safeguard the fundamental rights of all citizens, regardless of gender and ethnicity, in all of its territory, in line with the Universal Declaration of Human Rights, the International

**Covenants on Human Rights and other relevant human rights instruments (Norway);**

**111.23 Adopt and implement measures to ensure that international human rights standards are observed by the Malian Armed Forces, in particular the absolute ban on torture and ill-treatment and to ensure that all reports of torture and other ill-treatment are investigated effectively, with those responsible being brought to justice (Ireland);**

**111.24 Guarantee the respect for human rights and international humanitarian law by the defence and security forces, particularly as regards their treatment of prisoners (France);**

**112.25 Step up efforts to eradicate female genital mutilation (FGM), known as “excisions”, which is a most common practice rooted in the Malian tradition (Djibouti);**

**111.26 Eliminate the practice of FGM and promote the participation of women in society (Holy See);**

**111.27 Continue its efforts to eradicate the practice of female genital mutilation, encouraging the strengthening of its efforts for the total emancipation of women and their full participation in public affairs (Rwanda);**

**111.28 Adopt all necessary measures to eradicate the persistent practice of FGM, including, inter alia, new awareness-raising campaigns in cooperation with international and regional organizations and civil society (Uruguay);**

**111.29 Strengthen efforts to promote and protect the human rights of women in the North of Mali (Djibouti);**

**111.30 Protect women against all forms of sexual violence and ensure full respect of the Security Council resolutions on “Women, Peace and Security” in the management of the conflict, particularly by ensuring effective participation of women in the political dialogue (France);**

**111.31 Urgently act to protect women against any form of sexual violence (Italy);**

**111.32 Take all appropriate measures to prohibit and punish all forms of sexual violence against women and girls by the different armed groups (Belgium);**

**111.33 Continue to enhance its efforts to eradicate child labour (Japan);**

**111.34 Abide by the standards of the International Labour Organization (ILO) in the area of child employment and prohibit child prostitution and punish perpetrators of such acts (Libya);**

**111.35 Take measures to ensure that children under 18 are protected against sale and trafficking, and that investigations and prosecutions of offenders were carried out, and penalties imposed (Egypt);**

**111.36 Adopt all necessary measures to combat effectively the child labour and trafficking of children (Slovenia);**

**111.37 Undertake efforts to combat illegal trafficking of persons, in particular those indicated in the United Nations Convention against Transnational Organized Crime and the Protocols Thereto (Libya);**

- 111.38 **Implement a national programme to combat trafficking and sexual exploitation of women and children (Mexico);**
- 111.39 **Take all necessary measures for the protection of the rights of children, to prevent the recruitment of child soldiers by parties to the conflict and to establish mechanisms for the reintegration of demobilized children (France);**
- 111.40 **Take concrete measures to combat the recruitment and use of children in hostilities and ensure their return to their families (Italy);**
- 111.41 **Continue to respect its national and international obligations with regard to a ban on the recruitment of children by the armed forces, including by the holding of awareness-raising campaigns (Belgium);**
- 111.42 **Ensure that measures be taken during military operations aimed at mitigating the impact of the armed conflict on children, by guaranteeing the principles of distinction, proportionality and precaution (Belgium);**
- 111.43 **Take measures to combat drug trafficking and arms smuggling in northern Mali (Sri Lanka);**
- 111.44 **Take all necessary measures to prevent reprisals and inter-communal violence, and to disarm the militias (France);**
- 111.45 **Identify and hold accountable all perpetrators of human rights abuses in the north and in Bamako through a transparent judicial process (United States of America);**
- 111.46 **Prosecute, directly or through the international justice system, all the perpetrators of serious violations of human rights (Italy);**
- 111.47 **Investigate all crimes committed in relation to the crises in Mali, in all areas of the country (Norway);**
- 111.48 **Undertake effective and impartial investigations into all reports of extrajudicial executions, torture, other ill-treatment and violence, to bring to justice those suspected of criminal responsibility and to ensure that human rights of the whole population are being protected, especially those of most vulnerable groups, including women and children (Lithuania);**
- 111.49 **Ensure prompt and credible investigation of all alleged cases of sexual violence perpetrated by armed groups regardless their affiliation and provide appropriate redress to victims (Slovakia);**
- 111.50 **Ensure that all those responsible for violations of human rights, including the right to life, liberty and security, be brought to justice (Poland);**
- 111.51 **Guarantee the fight against impunity ensuring that all perpetrators of human rights violations are prosecuted, particularly by continuing to cooperate with the International Criminal Court (France);**
- 111.52 **Take strong measures to prevent human rights violations and abuses by its own security forces and conduct investigations on alleged human rights violations by the security forces since March of 2012 (Republic of Korea);**
- 111.53 **Continue to undertake efforts to enhance the rule of law to ensure that the rights of its people are better protected (Singapore);**
- 111.54 **Provide for the full independence of the judicial branch and the freedom of the press (Holy See);**

- 111.55 Establish a judicial commission of inquiry for cases of enforced disappearances and torture carried out against members of the armed and police forces who were opposed to the military junta after the attempted coup d'état in April 2012 (Spain);
- 111.56 Create a judicial commission to investigate violations and abuses of human rights committed in the North of the country (Spain);
- 111.57 Strengthen the controls to avoid acts of reprisals or acts contrary to the human rights and international humanitarian law following the changes in the situation in the North of the country (Spain);
- 111.58 Ensure an effective implementation of the criminal legislation and the respect of the principle of a 48 hour limit for any legal framework (Sweden);
- 111.59 Continue its efforts in the area of gender equality and protection of women and children as well as the human rights training activities for members of the armed and security forces, magistrates, judicial officials and prison authorities (Tunisia);
- 111.60 Continue providing human rights training to law enforcement officials and judges to reinforce a culture of human rights (Turkey);
- 111.61 Investigate and prosecute members of the security forces implicated in recent serious human rights violations, in accordance with international fair trial standards (United Kingdom of Great Britain and Northern Ireland);
- 111.62 Investigate all allegations of murder of civilians, torture, ill-treatment, sexual violence and arbitrary detentions carried out by the Malian army, police or other bodies under the control of the Government and ensure that perpetrators of crimes are brought to justice (Austria);
- 111.63 Continue the efforts already deployed to strengthen democratic institutions and to re-establish constitutional order delivered by the strengthening of the Rule of Law and of the judicial system as well as by providing for increased protection for women and children (Belgium);
- 111.64 Guarantee freedom of religion and worship to all persons in the country (Holy See);
- 111.65 Ensure that freedom of religion or belief be observed in all parts of the country and all religious sites be duly protected (Poland);
- 111.66 Take measures to provide for the effective protection of human rights and due process of law while guaranteeing freedom of religion and belief for all its population (Thailand);
- 111.67 Continue their efforts aiming at protecting freedom of expression and end practices that threaten the right to freedom of expression, including threats against journalists and media (State of Palestine);
- 111.68 Guarantee the free exercise of freedom of expression, particularly by investigating and prosecuting all attacks on journalists (Spain);
- 111.69 Ensure the safety of journalists and put an end to the impunity currently enjoyed by perpetrators of such attacks (Austria);
- 111.70 Continue to promote women's rights, and specifically, to promote women's access to national decision-making bodies (Burundi);

- 111.71 **Keep legal and procedural efforts to implement measures for women's access to a broader range of jobs and to address the causes of the concentration of women in the informal sector (Egypt);**
- 111.72 **Continue implementing ongoing socio-economic development projects and programmes, in particular those aimed at combating poverty (Cuba)/Continue the efforts aimed at implementing the Growth and Poverty Reduction Strategic Framework (2012–2017) (Algeria) / Improve the implementation of national programmes in development and poverty eradication (Sudan);**
- 111.73 **Strengthen poverty reduction and access to education and health services programmes (Mexico);**
- 111.74 **Continue efforts aimed at improving the national nutrition consumption including accelerating the process of adopting a national policy paper on this matter (Malaysia);**
- 111.75 **Improve and ensure adequate access to health care and education for children (Poland);**
- 111.76 **Carry on with projects to decrease the lack of access to safe drinking water and sanitation in order to combat the risk of cholera contamination (Egypt);**
- 111.77 **Redouble its efforts in designing a comprehensive health programme, including through providing access to safe drinking water and sanitation (Indonesia);**
- 111.78 **Maintain positive efforts to improve the functioning of its education system, particularly by increasing school attendance rates (Egypt);**
- 111.79 **Redouble its efforts in strengthening its educational system including accelerating the implementation of all the recommendations deriving from its National Forum on Education held in 2008 (Malaysia);**
- 111.80 **Continue to strengthen its education system, including vocational training, with support from the international community (Singapore);**
- 111.81 **Promote a programmatic approach which includes the protection of the rights of children, gender perspective and education (Chile);**
- 111.82 **Protect the human rights of the most vulnerable persons, including displaced persons, children and women (Romania);**
- 111.83 **Guarantee the protection of all internally displaced persons regardless of their ethnic origin (Austria);**
- 111.84 **Continue to work closely with regional bodies, the United Nations and donor partners to seek sustainable solutions to the refugee and humanitarian crisis in order to uphold human rights and protect civilians. (Australia);**
- 111.85 **Continue to combat terrorism in all its manifestations (Sri Lanka).**
112. **The following recommendations will be examined by Mali, which will provide responses in due time, but no later than the twenty-third session of the Human Rights Council in June 2013:**
- 112.1 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**

112.2 Look into ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2) (State of Palestine)/ Ratify ICCPR-OP2 without reservations aiming at the abolition of the death penalty (Slovenia)/ Ratify ICCPR-OP2 aiming at the abolition of the death penalty and take measures for its abolition (Switzerland);

112.3 Put an end to the institutional crisis so that Malian political actors can speak with a same voice for resolving the political crisis and re-establishing the territorial integrity of the country (Chad);

112.4 Come up with sustainable and comprehensive measures to ensure lasting peace among tribal groups (Republic of Korea);

112.5 That the National Assembly adopts the draft law to abolish the death penalty (Holy See) / Speed up internal procedures towards the approval of the draft bill to abolish the death penalty (Portugal) / Abolish the death penalty in the law (France) / Approve the draft bill leading to the complete abolition of the death penalty (Slovakia) / Evaluate the possibility of promulgating a draft bill on the abolishment of the death penalty, which is still pending before the National Assembly (Argentina);

112.6 Amend the Personal and Family Code to include explicit reference to its international obligations as regards women's rights (Hungary) / Revise the Personal and Family Code to fully align it with international human rights standards, including with women's rights as set out in CEDAW (Denmark) / Look into amending the Personal and Family Code in accordance with international standards on women's human rights (State of Palestine) / Take steps to review the Personal and Family Code by taking measures to eliminate all forms of gender discrimination and promote and protect women's and children's rights (Sweden) / Take the necessary measures to ensure gender equality and revise the provisions of the Personal and Family Code which are not in compliance with international human rights norms relating to the rights of women (Turkey);

112.7 Adopt a specific legislation aimed at prohibiting all forms of FGM (Switzerland);

112.8 Adopt criminal laws explicitly prohibiting FGM and excisions and provide appropriate penalties (Germany);

112.9 Issue and implement a standing invitation to the special procedures of the Human Rights Council (Czech Republic) / Extend a standing invitation to the special procedures of the Human Rights Council (Guatemala)/ Extend a standing invitation to all mandate holders (Hungary)/ Consider extending a standing invitation to all the special procedures mandate-holders of the Human Rights Council (Latvia)/ Issue a standing invitation to all special procedures of the Human Rights Council (Portugal) / Extend an open and standing invitation to all special procedures of the Human Rights Council (Spain);

112.10 Commute all existing death sentences to imprisonment and ensure the complete abolition of the death penalty, including through the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2) (Hungary);

112.11 Commute all death penalties, progressively reduce the number of offences punishable with death penalty and adopt subsequent measures to ensure its full abolition, including by acceding to ICCPR-OP2 (Uruguay);

- 112.12 **Take measures towards complete abolition of the death penalty (Montenegro);**
- 112.13 **Take all necessary measures to avoid collective and arbitrary punishments of presumed rebels' collaborators; put an end to the abuses committed by security forces and to the practice of enforced disappearances, particularly of minorities and journalists (Germany);**
- 112.14 **End grave human rights violations (arbitrary executions, torture, destruction of places of worship and deprivation of the freedom of religion) principally committed by fundamentalist armed groups operating in the north of the country (Holy See);**
- 112.15 **Intensify the public awareness campaign against FGM and adopt, and implement, legislation prohibiting and criminalizing FGM (Czech Republic);**
- 112.16 **Take legislative measures to prohibit all forms of FGM and ensure that perpetrators of this harmful practice are brought to justice (Hungary);**
- 112.17 **Adopt measures to ban FGM and enhance the awareness campaign, in accordance with the United Nations General Assembly's recent resolutions (Italy);**
- 112.18 **Enact legislation prohibiting all forms of traditional practice of FGM in line with recommendations made by CEDAW and the Committee on the Rights of the Child (Montenegro);**
- 112.19 **Take adequate measures to eradicate FGM (Netherlands);**
- 112.20 **Urgently adopt legislation to ban FGM (Portugal);**
- 112.21 **Take all feasible measures to protect children from recruitment by State-allied and non-State armed groups, including contributing information, analysis and recommendations to the United Nations and other stakeholders to support and strengthen their efforts to ensure that international standards are upheld (Ireland);**
- 112.22 **Address expeditiously the reported recruitment of child soldiers by the rebel groups in accordance with international human rights standards (Slovakia);**
- 112.23 **Take measures to hold accountable perpetrators of serious human rights violations by the armed groups and to offer redress to the victims in Northern Mali (Republic of Korea);<sup>1</sup>**
- 112.24 **Evaluate the possibility of adopting all necessary measures to guarantee the right to justice, truth and reparation for victims and their family members in cases of serious human rights violations (Argentina);**
- 112.25 **Conduct prompt, impartial and effective investigations into cases of extrajudicial executions and prosecute those responsible (Canada);**
- 112.26 **Investigate allegations of and bring to trial the perpetrators of extrajudicial executions taking place as part of the struggle with the Tuaregs, as well as the allegations of torture made in the cells of the State security services (Costa Rica);**

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<sup>1</sup> The recommendation as read during the interactive dialogue: "Take measures to hold accountable its perpetrators and to offer redress to the victims in this region (Republic of Korea)".

112.27 Carry out effective investigations with all sectors of the community and ethnic groups in order for all to enjoy their human rights (Libya).

113. The recommendations below did not enjoy the support of Mali:

113.1 Study the possibility of taking measures against religious discrimination and religious based violence (Argentina).

114. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

### **III. Voluntary pledges and commitments**

115. See the national report submitted as part of the universal periodic review for the commitments undertaken by Mali.

## Annex

*[English only]*

### **Composition of the delegation**

The Delegation of Mali was headed by H.E Mr Malick Coulibaly, Minister of Justice and Garde des Sceaux and composed of the following members:

- Mr Kanisson Coulibaly, Chargé d’Affaires, Permanent Mission of Mali;
  - Mr Sékou Traore, Technical Adviser, Ministry of Justice;
  - Mr Mamoudou Sow, Head of Department, Minister of Foreign Affairs and International Cooperation;
  - Mr Cheik Oumar Coulibaly, Second Adviser, Permanent Mission of Mali;
  - Mr Sidi Mohamed Youba Sidibe, Counsellor, Permanent Mission of Mali.
-