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Situation of human rights in Mali

Report of the Independent Expert on the situation of human rights in Mali, Alioune Tine*

Summary

The present report has been submitted in accordance with Human Rights Council resolution 52/42, adopted on 4 April 2023, and covers the period from 4 April to 30 November 2023. The report is based on information made available to the Independent Expert on the situation of human rights in Mali, Alioune Tine, by several actors working in Mali, including United Nations bodies and civil society organizations. Unfortunately, the Independent Expert was not able to visit Mali during the period covered by this report. In a note verbale of 21 July 2023 addressed to the Permanent Mission of the Republic of Mali to the United Nations Office and other international organizations in Geneva, the Independent Expert expressed his wish to visit Mali from 25 September to 6 October 2023. In a note verbale of 15 September 2023, the Permanent Mission acknowledged receipt of the aforementioned note verbale and replied that it was still waiting for the Government to agree to the visit. In a note verbale of 12 October 2023 addressed to the Permanent Mission, the Independent Expert transmitted a call for input to the Malian Government, requesting that it submit inputs as soon as possible and no later than 31 October 2023, so that he could finalize and submit his annual report on time. However, the Independent Expert did not receive any submissions by the deadline. In a note verbale of 13 December 2023, the Independent Expert transmitted the present report to the Government of Mali and requested that it submit comments by 10 January 2024. As at 2 February 2024, the date on which the report was finalized, the Independent Expert had not received comments from the Government.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 52/42, adopted on 4 April 2023, by which the Council extended the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to assist the Malian authorities in their efforts to promote and protect human rights. In that resolution, the Council also requested the Independent Expert to submit a report at its fifty-fifth session. This report covers the period from 4 April to 30 November 2023.

2. The present report is based on information made available to the Independent Expert on the situation of human rights in Mali, Alioune Tine, by several actors working in Mali, including United Nations bodies and civil society organizations. Unfortunately, the Independent Expert was not able to visit Mali during the period covered by this report. In a note verbale of 21 July 2023 addressed to the Permanent Mission of the Republic of Mali to the United Nations Office and other international organizations in Geneva, the Independent Expert expressed his wish to visit Mali from 25 September to 6 October 2023. In a note verbale of 15 September 2023, the Permanent Mission acknowledged receipt of the aforementioned note verbale and replied that it was still waiting for the Government to agree to the visit. In a note verbale of 12 October 2023 addressed to the Permanent Mission, the Independent Expert transmitted a call for input to the Malian Government, requesting that it submit inputs as soon as possible and no later than 31 October 2023, so that he could finalize and submit his annual report on time. However, the Independent Expert did not receive any submissions by the deadline. In a note verbale dated 13 December 2023, the Independent Expert transmitted this report to the Government of Mali and requested that it submit comments by 10 January 2024. As at 2 February 2024, the date on which the report was finalized, the Independent Expert had not received comments from the Government.

3. The Independent Expert wishes to thank the Special Representative of the Secretary-General for Mali and Head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the staff of the Human Rights and Protection Division of the Mission. The technical and logistical support provided by the United Nations system in Mali played an essential role in facilitating and ensuring the success of his previous visits.

II. General situation in the country

A. The political situation

4. Major political developments during the reporting period included the constitutional referendum held on 18 June 2023, the promulgation of the new Constitution on 22 July 2023 and the Government's announcement on 25 September 2023 that general elections, including the presidential election originally scheduled for February 2024, would be postponed.

5. Another major development was the adoption on 30 June 2023 by the Security Council of resolution 2690 (2023) terminating the mandate of MINUSMA. The Independent Expert is extremely concerned about the resumption of hostilities between the Malian defence and security forces (hereinafter "Malian forces") and armed movements signatory to the Agreement on Peace and Reconciliation in Mali, particularly in relation to the handover of facilities vacated by MINUSMA, given the stalled implementation of the Agreement. In this regard, the Independent Expert notes the capture of Kidal by Malian forces and foreign military partners on 14 November 2023. He also notes that several Malian actors, including political actors and groups, have expressed satisfaction at the capture of Kidal. The political, geopolitical, geostrategic and security challenges resulting from the town's capture will undoubtedly have repercussions for the Agreement on Peace and Reconciliation in Mali, for neighbouring countries in the Alliance of Sahel States and for the unity of the Economic Community of West African States. There is an urgent need to ensure the peaceful coexistence of the different communities living in Kidal Region through dialogue and a peace process that could provide an alternative to the Agreement on Peace and Reconciliation in Mali.

6. The Independent Expert shares the concerns expressed by many stakeholders about the negative impact of the withdrawal of MINUSMA. In a letter to the Security Council dated 18 August 2023, the Secretary-General stressed that this withdrawal would create significant gaps regarding the ceasefire monitoring mechanisms and human rights monitoring and reporting and could also create potential opportunities for violent extremist groups to expand their activities, with risks of spillover into neighbouring countries.¹ The Secretary-General added that the withdrawal was occurring in a context characterized by ongoing armed conflict and a worrisome human rights situation and was likely to create a significant gap in the protection and promotion of human rights in Mali.²

7. Humanitarian actors and actors in the field of protection have expressed similar concerns about the potential impact of the withdrawal in several areas, including: (a) humanitarian access and the ability to carry out humanitarian operations and activities in certain regions, including those of Gao, Mopti, Ménaka, Timbuktu and Kayes, due to the likely deterioration of the situation resulting from the creation of a security vacuum; (b) humanitarian mine action; (c) the protection environment for children at risk and the ability to implement Security Council resolution 1612 (2005) on the monitoring and reporting mechanism on grave violations committed against children in situations of conflict; (d) the ability to implement mechanisms related to conflict-related sexual violence, including monitoring, analysis and reporting arrangements; (e) refugee protection; and (f) the economic situation in areas where many service providers, businesses and members of the local community made a living from the MINUSMA presence.³

B. The security situation

8. The situation has remained very worrying, with attacks on civilians, MINUSMA and Malian forces by violent extremist groups such as the Jama'a Nusrat ul-Islam wa al-Muslimin (Group for the Support of Islam and Muslims) and Islamic State in the Greater Sahara and unidentified armed individuals whose modus operandi is similar to that of violent extremist groups. This situation is likely to be exacerbated by the withdrawal of MINUSMA, combined with the absence or sporadic presence of Malian forces in several areas of the country. According to a recent report, in less than a year Islamic State in the Greater Sahara has almost doubled its areas of control in Mali.⁴

9. More specifically, in the north of the country, Gao Region has seen several cases of murder, bodily harm or abduction committed against civilians, humanitarian workers, medical personnel and journalists; armed robberies; armed attacks on sites for displaced persons and aggression and intimidation against such persons; and attacks followed by looting, particularly of livestock, by elements of violent extremist groups – in particular, Islamic State in the Greater Sahara – or unidentified armed individuals. Such incidents have occurred, for example, in the *cercles* of Ansongo (communes of Bara, Bourra, Ouattagouna and Talataye) and Gao (town of Gao, communes of Gabero, Gounzoureye and N'Tillit) and on the road linking Gao and Ansongo.

10. The neighbouring Ménaka Region, meanwhile, has seen cases of killing and injury of civilians, including by improvised explosive devices, armed attacks on sites for displaced persons and gang rapes of women by elements of armed movements signatory to the Agreement on Peace and Reconciliation in Mali, in particular the Mouvement pour le salut de l'Azawad (Daoussak branch), notably in the *cercle* of Ménaka, including the town of Ménaka and its outskirts; murders and abductions (or attempted abductions) of civilians by elements of Islamic State in the Greater Sahara and occasionally by unidentified armed individuals, notably in the *cercle* of Ménaka (on the outskirts of Ménaka and in the communes

¹ S/2023/611, p. 4.

² Ibid., para. 10.

³ <https://reliefweb.int/report/mali/mali-suivi-de-la-reponse-humanitaire-janvier-juin-2023>; <https://reliefweb.int/report/mali/note-de-protection-avril-mai-juin-juillet-2023>; and <https://reliefweb.int/report/mali/unicef-mali-humanitarian-situation-report-no6-reporting-period-1-january-30-june-2023>.

⁴ S/2023/578, para. 63.

of Inékar and Intadeyni); and cases of civilians being killed by explosive devices on the outskirts of Ménaka and on roads such as the one linking Ménaka to Tabagout.

11. The situation in the Timbuktu Region was marked by the siege of the city of Timbuktu and surrounding villages by Jama'a Nusrat ul-Islam wa al-Muslimin, from 8 August 2023. The region has also seen abductions of civilians by Jama'a Nusrat ul-Islam wa al-Muslimin or Katiba Macina, notably in the *cercles* of Diré (communes of Diré and Sarayamou), Gourma-Rharous (commune of Gossi) and Niafunké (commune of Soumpi); and shell attacks on the MINUSMA camp, for example on 14 and 21 September 2023.

12. In Kidal Region, the situation was marked by tensions and clashes between Malian forces and those of the Cadre stratégique permanent pour la paix, la sécurité et le développement (Permanent Strategic Framework for Peace, Security and Development) concerning the handover of MINUSMA facilities in the town, clashes which caused, inter alia, forced displacements of the population. In this region, the number of displaced people rose from 22,280 in April 2023 to 32,394 in September 2023, an increase of 45.39 per cent.⁵

13. In Mopti Region, major incidents included an attack on Sévaré on 22 April 2023 which left at least 10 civilians dead and 66 wounded. The region also saw a number of other killings and injuries, some caused improvised explosive devices, and abductions of civilians, mainly by Jama'a Nusrat ul-Islam wa al-Muslimin, including in the *cercles* of Djenné (commune of Fakala), Mopti (communes of Dialloubé, Konna and Sio) and Ténenkou (communes of Diafarabé, Diondiori and Sougoulbé). The region has also seen cases in which violent extremist groups, in particular Jama'a Nusrat ul-Islam wa al-Muslimin and Katiba Macina, have imposed sieges (movement restrictions), notably in the localities of Tomona, Ténenkou *cercle*, since May 2023; Sofara, Djenné *cercle*, since 23 May 2023; and Diondiori, Ténenkou *cercle*, between 5 and 7 June 2023.

14. Bandiagara Region has seen the killing and injury of civilians and attacks followed by looting, particularly of livestock, by elements of Jama'a Nusrat ul-Islam wa al-Muslimin or unidentified armed individuals, especially in the *cercles* of Bandiagara (communes of Bara Sara, Doucoumbo and Timniri) and Bankass (communes of Bankass, Diallassagou, Ségué and Soubala).

15. In Douentza Region, violent extremist groups imposed a siege (movement restrictions) on the village of Boni on 27 July 2023, and several households were displaced from Boni to Douentza and Hombori. On a more positive note, the siege that these groups had imposed for several years on the commune of Mondoro, Douentza *cercle*, was lifted on 28 June 2023, following negotiations led by the local community. The region has also seen the killing and injury of civilians and threats against them by violent extremist groups, particularly Jama'a Nusrat ul-Islam wa al-Muslimin (communes of Débééré and Haïré).

16. In Ségou Region, the situation was marked by improvised explosive device attacks which claimed the lives of several civilians and constituted a major obstacle to humanitarian access, notably in the *cercle* of Niono, where incidents were reported on the outskirts of the town of Niono and in the communes of Dogofry and Siribala. The region has also seen the killing or injury of civilians by Jama'a Nusrat ul-Islam wa al-Muslimin, including in the *cercle* of Niono (commune of Dogofry), and of traditional hunters (*dozos*), including in the *cercle* of Macina (commune of Monimpebougou), as well as the abduction of civilians by suspected members of Katiba Macina, including in the *cercle* of Macina (commune of Kolongo).

17. In the southern regions, the presence of violent extremist groups such as Jama'a Nusrat ul-Islam wa al-Muslimin and Katiba Macina, and attacks by such groups or by unidentified armed individuals, have been reported in Koulikoro Region, in the *cercles* of Banamba (localities of Dandougou and Sebete), Kati (locality of Dio-Gare) and Koulikoro (localities of Monzombala and Sirakorola); in Koutiala Region (town of Koutiala), in Nara Region (outskirts of the town of Nara); in San Region, in the *cercles* of San and Tominian

⁵ <https://reliefweb.int/attachments/626519ef-f5f5-4ddd-a378-27f842317a35/Mali%20-%20Note%20d%E2%80%99informations%20humanitaires%20sur%20la%20R%C3%A9gion%20de%20Kidal%20-%20Rapport%20de%20situation%20231%20-%2008%20novembre%202023.pdf>.

(commune of Lanfiala) and along the border with Burkina Faso; and in Sikasso Region, in the *cercles* of Sikasso (locality of Heremakono) and Yorosso (commune of Boura) and on the road between Sikasso and Koutiala.

C. The ongoing challenge of the fight against impunity

18. The Independent Expert notes the appointment, by two decrees signed on 28 August 2023, of the president and members of the Steering Committee of the Authority for the Management of Reparations for Victims of Crises. However, he regrets that no significant progress has been made in prosecuting the alleged perpetrators of multiple violations and abuses of human rights and violations of international humanitarian law attributed to violent extremist groups, militias and community self-defence groups and Malian forces, mentioned in his previous reports.⁶

19. The Independent Expert recalls the statement issued by the Prosecutor of the International Criminal Court on 23 March 2019, in which she underscored that the situation in Mali had been referred to her Office by the Malian authorities in 2012 and noted that her Office would continue to closely follow the events in central Mali and in other parts of the country.⁷ He would like to point out that crimes that may fall within the jurisdiction of the International Criminal Court continue to be committed with complete impunity in Mali. He regrets that, at the time of writing, only two cases relating to Mali have been dealt with by the International Criminal Court, both relating to acts committed in northern Mali in 2012 and 2013.⁸

III. Situation of human rights

20. The human rights situation remained a matter of concern during the reporting period. On a positive note, the Independent Expert observes that, at the end of the fourth cycle of the universal periodic review, Mali received 275 recommendations, of which 219 were accepted, 52 noted and 4 both accepted and noted.⁹ The overall proportion of recommendations accepted by Mali fell by 17 percentage points compared with the third cycle, when the country accepted 96.39 per cent of recommendations (187 out of 194). The accepted recommendations included those to the effect that the State should take appropriate measures to: (a) end impunity for perpetrators of violations and abuses of human rights and violations of international humanitarian law;¹⁰ (b) ensure that Malian forces respect human rights and international humanitarian law;¹¹ (c) combat descent-based slavery;¹² and (d) ensure respect for and the protection of the rights of women and girls.¹³

⁶ A/HRC/46/68, paras. 21 and 22; A/HRC/49/94, para 22; and A/HRC/52/81, para. 23.

⁷ <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-reported-upsurge-violence-and-mass-killings-mopti>.

⁸ <https://www.icc-cpi.int/mali/al-mahdi> and <https://www.icc-cpi.int/mali/al-hassan>.

⁹ See A/HRC/54/8 and A/HRC/54/8/Add.1.

¹⁰ A/HRC/54/8, paras. 135.60, 135.61, 135.67, 135.69 to 135.72, 135.75, 135.79 to 135.86 and 135.89; and A/HRC/54/8/Add.1, para. 7.

¹¹ A/HRC/54/8, paras. 135.59, 135.60, 135.66, 135.68, 135.70, 135.75, 135.79, 135.80 and 135.200; and A/HRC/54/8/Add.1, para. 7.

¹² A/HRC/54/8, paras. 135.113, 135.115, 135.116, 135.119, 135.121, 135.123, 135.124, 135.126 and 135.127; and A/HRC/54/8/Add.1, para. 7.

¹³ A/HRC/54/8, paras. 135.161, 135.162, 135.164, 135.167 to 135.171, 135.173 to 135.175, 135.177, 135.179, 135.180, 135.182 to 135.184, 135.186, 135.187, 135.189 to 135.196, 135.199, 135.200, 135.202, 135.203, 135.205, 135.206, 135.208 to 135.211, 135.214, 135.216, 135.217, 135.221, 135.224, 135.227, 135.233 to 135.235, 135.237, 135.239, 135.240, 135.252, 135.254, 135.258, 135.259, 135.266 and 135.268; and A/HRC/54/8/Add.1, para. 7.

A. Civil and political rights

1. Human rights violations attributed to national authorities, including Malian defence and security forces

21. Although violent extremist groups have continued to be the main alleged perpetrators of most human rights violations and abuses in Mali, the high number and severity of the violations attributed to Malian forces and above all their impunity remain a matter of concern.¹⁴

22. For example, according to Human Rights Watch, between April and November 2023, Malian armed forces killed up to 40 civilians, including at least 16 children, during counter-insurgency operations. On 22 April 2023, in the village of Trabakoro, Nara Region, dozens of Malian soldiers carried out an operation in search of Jama'a Nusrat ul-Islam wa al-Muslimin fighters. According to three witnesses, the soldiers killed 18 people: 14 children and 4 women. On 27 July 2023, Malian soldiers killed four men and a child in Gadougou, Nara Region, where Jama'a Nusrat ul-Islam wa al-Muslimin is reputed to operate. On 6 August 2023, dozens of Malian soldiers accompanied by several "white" combatants in military uniform conducted an operation in the village of Sambani, Timbuktu Region, where Jama'a Nusrat ul-Islam wa al-Muslimin is reputed to operate. During this operation, the soldiers and accompanying combatants searched houses and arrested 16 men and a boy. The next day, villagers found the bodies of these 17 people.¹⁵

23. According to other corroborating sources, on 16 May 2023, a man was killed and a child wounded during a military operation carried out by Malian forces in the village of Tchaloguel (commune of Dougouténé 1, *cercle* of Koro, Bandiagara Region). The incident led to the displacement of the population to the village of Birga-Peul and neighbouring localities in Burkina Faso. On 21 May 2023, two men were killed and two wounded during a military operation conducted by Malian forces accompanied by foreign military and security personnel in the village of Mamba (commune of Diafarabé, *cercle* of Ténenkou, Mopti Region). In addition, about 20 people were arrested and transported by helicopter to an unknown destination. On 29 May 2023, at around 1.30 a.m., a 90-year-old man was reportedly killed in his home during a patrol by Malian forces accompanied by foreign military and security personnel in the town of Ménaka. The soldiers allegedly tied up the victim, and one of them struck him in the head with the butt of a rifle. The victim reportedly died of his injuries. On 11 June 2023, during a military operation in the village of Keibane (commune, *cercle* and Region of Nara), several people, including the village chief and an imam, were arrested by Malian forces accompanied by foreign military and security personnel and taken to an unknown destination. On 13 June 2023, the lifeless body of the village chief was taken to the Nara referral health centre by elements of the Malian forces.

24. The Independent Expert is also very concerned about the disproportionate reaction of the Malian authorities following the publication, on 12 May 2023, by the Office of the United Nations High Commissioner for Human Rights, of the report on the events in Moura from 27 to 31 March 2022.¹⁶

25. In a communiqué of 13 May 2023, the Government announced that it had decided to "immediately open a judicial inquiry against the fact-finding mission and its accomplices for espionage, undermining the external security of the State ... and military conspiracy".¹⁷ On 19 May 2023, the Ministry of Foreign Affairs wrote to MINUSMA asking for a list of the

¹⁴ In particular, see <https://www.hrw.org/fr/news/2023/07/24/mali-de-nouvelles-atrocites-commises-par-larmee-malienne-et-par-des-combattants>; <https://acleddata.com/2023/09/21/fact-sheet-attacks-on-civilians-spike-in-mali-as-security-deteriorates-across-the-sahel/#1695314048339-35efa2ac-9273>; and <https://www.hrw.org/fr/news/2023/11/01/mali-les-groupes-islamistes-armes-et-larmee-prennent-les-civils-pour-cible>.

¹⁵ <https://www.hrw.org/fr/news/2023/11/01/mali-les-groupes-islamistes-armes-et-larmee-prennent-les-civils-pour-cible>.

¹⁶ <https://www.ohchr.org/sites/default/files/documents/countries/mali/20230512-Moura-Report.pdf>.

¹⁷ S/2023/353, annex, "Communiqué No. 052 of the transitional Government".

personnel who had taken part in the fact-finding mission.¹⁸ Also on 19 May 2023, the Office of the Public Prosecutor at Bamako Court of Appeal issued a communiqué stating that:

The Public Prosecutor at the Specialized Judicial Unit to Combat Terrorism and Transnational Organized Crime has received a complaint from the Directorate General of State Litigation against the members of the [Moura] special fact-finding mission, all of whom are alleged to be co-perpetrators or accomplices in crimes including espionage, undermining the morale of the army or air force, forgery and use of forged documents and undermining the external security of the State.¹⁹

26. These legal proceedings appear to contravene the human rights obligations of Mali, notably those arising from the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,²⁰ in particular articles 2 (2) and 12 (2); and Act No. 2018-003 of 12 January 2018 on Human Rights Defenders, in particular article 5, read in conjunction with article 2.²¹

27. These reprisals against human rights defenders and persons who cooperate with them are part of a general context marked by the worrying and continued shrinkage of the civic space, to which the Independent Expert has been drawing attention for over a year.²² In this regard, in 2023, Mali ranked 113th out of 180 countries in the Reporters Without Borders World Press Freedom Index, having fallen 12 places in 2021 and 2 places in 2022.²³ Several other actors, including the National Human Rights Commission²⁴ and civil society organizations,²⁵ have expressed concern about threats to the freedoms of opinion, expression and the press in Mali, including from non-State actors.

28. Indeed, several people have been arrested, detained, tried or convicted simply for making comments that seem to fall within the legitimate exercise of the right to freedom of expression, as protected by several international instruments to which Mali is a party, including the International Covenant on Civil and Political Rights (art. 19) and the African Charter on Human and Peoples' Rights (art. 9).

29. For example, at the time of writing, a Malian radio and television presenter remained in detention following comments he had made in March 2023 to the effect that the former Prime Minister Soumeylou Boubèye Maïga, who died in detention on 21 March 2022, had been "assassinated". The presenter was arrested and detained on 13 March 2023 for simulation of an offence, criminal conspiracy, damage to the credibility of the State and crime of a racist and religious nature. On 11 July 2023, he was acquitted of the charge of simulation of an offence, but was remanded in custody to stand trial on the other charges.

30. Similarly, on 2 August 2023, a Malian activist and influencer arrested on 13 March 2023 was sentenced by a Bamako court to 1 year's imprisonment and a fine of 1 million CFA francs (approximately US\$ 1,650) for incitement to rebellion and disturbance of public order through the use of information and communications technology, after posting comments on social networks in which she complained about the insecurity and inflation affecting the country.

¹⁸ S/2023/402, para. 20.

¹⁹ Communiqué of the Office of the Public Prosecutor at Bamako Court of Appeal, 19 June 2023.

²⁰ General Assembly resolution 53/144, annex.

²¹ <https://sgg-mali.ml/JO/2017/mali-jo-2017-03-2.pdf>.

²² In particular, see https://www.ohchr.org/sites/default/files/documents/countries/ml/2022-08-15/EOM_Statement_IE_Mali_August2022.pdf.

²³ <https://rsf.org/en/country/mali>.

²⁴ <https://cndhmali.com/index.php/2023/11/09/communique-n0020-2023-cndh-p-relatif-a-lallegation-denlevement-et-de-disparition-force-de-deux-professionnels-de-medias-sur-laxe-gao-ansongo/>.

²⁵ See <https://rsf.org/fr/rsf-et-29-m%C3%A9dias-et-organisations-demandent-la-fin-des-atteintes-%C3%A0-la-libert%C3%A9-de-la-presse-au-mali>; <https://www.studiotamani.org/133753-les-acteurs-de-la-presse-interpellent-les-autorites-face-aux-atteintes-a-la-liberte-de-la-presse>; <https://www.studiotamani.org/133700-journalisme-au-nord-et-au-centre-un-metier-a-ses-risques-et-perils>; and <https://ifex.org/free-expression-under-threat-in-mali/>.

31. On 6 April 2023, a journalist was abducted by hooded gunmen in Bamako, before being released on 10 April 2023. Several actors, including the National Human Rights Commission²⁶ and the Press House of Mali have expressed concerns about acts committed against media professionals, including “extrajudicial” abductions, blackmail, threats, intimidation and arrests.²⁷

32. Political actors and groups have also been targeted. On 15 June 2023, a court in Bamako convicted the Parti Social Démocrate Africain (African Social Democratic Party) of disturbing public order and undermining national sovereignty and ordered its dissolution, following proceedings brought in connection with remarks critical of the Prime Minister that the party’s president had made on Radio France Internationale in October 2022.

33. On 14 September 2023, a member of the Yerewolo-Debout sur les remparts (Standing on the Ramparts) movement, who is also a member of the National Transition Council, was sentenced by a Bamako court to 2 years’ imprisonment, one of them unsuspended, for damaging the credibility of the State, after making comments in the media (notably in August 2023) in which he called for the transitional authorities to respect the transition timetable.

34. As he did in a communication sent to the Malian authorities on 31 March 2021²⁸ and in his 2022 report,²⁹ the Independent Expert draws attention to the Human Rights Committee’s general comment no. 34 (2011) on the freedoms of opinion and expression.³⁰

35. The Independent Expert is also concerned by the information he has received regarding conditions of detention in the country. For example, according to the most recent figures available, the central short-stay prison in Bamako, built to accommodate 400 people, has 3,590 inmates, almost nine times its capacity. Over 81 per cent of these inmates (2,910 individuals) are reportedly in pretrial detention. The Independent Expert wishes to point out that, under article 9 (3) of the International Covenant on Civil and Political Rights, the detention of persons awaiting trial must not be the general rule.

2. Human rights abuses attributed to armed groups

36. The Independent Expert is concerned about the human rights abuses that continue to be committed with complete impunity by violent extremist groups, including Jama’a Nusrat ul-Islam wa al-Muslimin and Islamic State in the Greater Sahara.³¹

37. These groups have killed, injured (including by improvised explosive device) and abducted civilians, including humanitarian workers, journalists, health workers and school staff, issued threats against civilian communities, destroyed or pillaged civilian property such as livestock and fields, and laid siege to villages. In some communities under their control or influence, these groups have imposed rigorous social rules that restrict human rights,

²⁶ <https://cndhmali.com/index.php/2023/11/09/communiquen0020-2023-cndh-p-relatif-a-lallegation-denlevement-et-de-disparition-force-de-deux-professionnels-de-medias-sur-laxe-gao-ansongo/>.

²⁷ See <https://www.studiotamani.org/133753-les-acteurs-de-la-presse-interpellent-les-autorites-face-aux-atteintes-a-la-liberte-de-la-presse>; <https://www.studiotamani.org/133700-journalisme-au-nord-et-au-centre-un-metier-a-ses-risques-et-perils>; <http://news.abamako.com/h/282943.html>; <https://bamada.net/liberte-de-la-presse-au-mali-bandiougou-dante-interpelle-les-plus-hautes-autorites>; <https://www.maliweb.net/pressejournalisme/journee-mondiale-de-la-liberte-de-la-presse-les-autorites-interpellees-face-aux-cas-denlevements-de-journalistes-3020743.html>; <https://maliactu.net/282853-html/>; and <http://www.depechesdumali.com/politique/39479-journee-mondiale-de-la-liberte-de-la-presse-la-securite-des-journalistes-au-centre-des-preoccupations.html>.

²⁸ See communication MLI 1/2021, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26333>.

²⁹ A/HRC/49/94, para. 32.

³⁰ Human Rights Committee, general comment No. 34 (2011), paras. 2, 3, 11, 13, 35, 38 and 42.

³¹ See, in particular, <https://www.hrw.org/news/2023/07/13/mali-mounting-islamist-armed-group-killings-rape>; <https://www.amnesty.org/fr/latest/news/2023/09/mali-amnesty-international-condamne-lattaque-contre-le-bateau-tombouctou-et-appelle-a-la-protection-des-civils/>; <https://www.fidh.org/fr/regions/afrique/mali/mali-l-attaque-contre-les-civil-es-du-bateau-tombouctou-constitue-un> ; <https://acleddata.com/2023/09/21/fact-sheet-attacks-on-civilians-spike-in-mali-as-security-deteriorates-across-the-sahel/#1695314048339-35efa2ac-9273> ; and <https://www.hrw.org/news/2023/11/01/mali-islamist-armed-groups-army-target-civilians>.

particularly those of women and girls. Failure to comply with these rules leads to public floggings.

38. For example, in the north of the country, on 26 April 2023, suspected members of Islamic State in the Greater Sahara attacked the locality of Ilamawane (*cercle* of Inékar, Ménaka Region) and killed eight civilians, all men. The assailants abducted an unknown number of people and stole several head of cattle. On 13 May 2023, suspected members of Islamic State in the Greater Sahara killed four men and wounded another on the outskirts of Kaïnam (*cercle* of Ansongo, Gao Region). On 14 May 2023, suspected members of Islamic State in the Greater Sahara killed at least five civilians and wounded two others (all men) at the Tinaïkarane gold mining site (Gao *cercle* and Region). On 27 June 2023, suspected members of Islamic State in the Greater Sahara killed 15 men and abducted 6 others, including a 14-year-old boy, in the villages of Boya and Gaena (Gao *cercle* and Region). The assailants also looted shops and stole cattle. As a result of this attack, several households were displaced to the neighbouring localities of Gao, Haoussa Foulane, Nonia and Boya Haoussa. On 7 September 2023, at least 49 civilians were killed and others wounded in a rocket attack on a civilian passenger boat near the village of Zarho (Timbuktu *cercle* and Region) – an attack which, according to the Malian authorities, was claimed by Jama’a Nusrat ul-Islam wa al-Muslimin.

39. Several deadly attacks have been reported on roads in the north of the country. On 6 November 2023, a humanitarian worker from the non-governmental organization Action against Hunger was killed by unidentified armed individuals on the road between Ansongo and Gao, where elements of Islamic State in the Greater Sahara operate. Two of the victim’s colleagues who were in the same vehicle survived the attack. The following day, one journalist was killed, another wounded and two others abducted in an attack by unidentified armed individuals on the same road. The kidnappers reportedly demanded a ransom of 6 million CFA francs (about US\$ 9,980) for the release of the two abductees.

40. In the centre of the country, on 9 April 2023 at around 10 a.m., a public transport vehicle carrying eight passengers struck an improvised explosive device in the village of Kombona (*cercle* of Djenné, Mopti Region), killing six passengers (one man and five women). The two other passengers (a woman and a man) were seriously injured. The attack was attributed to Jama’a Nusrat ul-Islam wa al-Muslimin, which was operating in the area. On 2 and 3 May 2023, about 100 armed members of Katiba Macina attacked the village of Toumana (*cercle* of Ténenkou, Mopti Region), killing seven people. The assailants stole at least 267 head of cattle and six motorcycles and set fire to nine houses. Eight people were reported missing following the incident. The attack also caused the displacement of the population to neighbouring localities. On 6 August 2023, hundreds of Jama’a Nusrat ul-Islam wa al-Muslimin fighters attacked the village of Bodio (Bandiagara *cercle* and Region) and killed 15 men, including an 18-year-old and three older men.

41. In the south of the country, on 23 June 2023, suspected members of Jama’a Nusrat ul-Islam wa al-Muslimin killed 12 men, wounded another and a 3-year-old girl, and stole livestock (at least 15 horses and 50 guinea fowl) in the village of Tiouga (*cercle* of Tominian, San Region).

42. The Independent Expert was also informed of human rights abuses committed by movements that have signed the Agreement on Peace and Reconciliation in Mali and others that have not. In addition to the recruitment and use of children in armed conflict, reported cases include the killing of civilians (on 12 April 2023 on the outskirts of Ménaka and on 12 May 2023 in the town itself), the gang rape of women (including on 7 May 2023 in a village in the *cercle* of Ménaka) and attacks on sites for displaced persons (on 14 April 2023 on the outskirts of Ménaka). All of these incidents were attributed to the Mouvement pour le salut de l’Azawad (Daoussak branch).

3. Contemporary forms of slavery

43. The Independent Expert notes that the new Constitution promulgated on 22 July 2023 prohibits slavery (art. 4).³² According to the Government, the Criminal Code bill adopted by

³² <https://sgg-mali.ml/JO/2023/mali-jo-2023-13-sp-2.pdf>.

the Council of Ministers on 11 October 2023 “takes care” of new offences such as slavery.³³ The Independent Expert has also been informed that the National Directorate of Judicial Affairs transmitted a preliminary bill on the fight against slavery and slavery-like practices to the Minister of Justice and Human Rights in March 2023.

44. In terms of policies, the Independent Expert notes with satisfaction the launch on 19 October 2023 of a national action plan to combat trafficking in persons for the period from 2023 to 2027, replacing the expired five-year plan for 2018 to 2022. He has also been informed that, with the support and participation of numerous partners and stakeholders, the Ministry of Justice has prepared a draft national strategy to combat slavery and that civil society organizations have drawn up and approved a national strategic plan to combat slavery and slavery-like practices in Mali for the period from 2023 to 2025.

45. These measures are welcome. However, much remains to be done to prevent human rights violations and abuses linked to descent-based slavery and to respond to them effectively. As the Independent Expert pointed out in a joint press release published in May 2023, slavery by descent, and the resulting violence perpetrated by so-called nobles or masters against people born into slavery, persist in Mali.³⁴ Descent-based slavery is widespread in Kayes, Timbuktu, Gao and Kidal Regions. Some organizations estimate that at least 800,000 people are considered to have been born into slavery, of whom about 200,000 live under the direct control of their “masters”.

46. Human rights violations and abuses related to slavery by descent include acts of violence, assault, torture and other cruel, inhuman or degrading treatment, public humiliation, insults, intimidation, kidnapping, rape and other forms of gender-based violence committed against women and girls who are considered slaves, denial of access to basic social services (including water facilities such as pumps or wells, schools and sports and health facilities), denial of access to businesses or farmland, multiple discrimination such as forbidding marriages between “slaves” and persons from another caste, particularly “nobles”, and discrimination and other obstacles intended to prevent persons considered slaves from gaining access to positions of responsibility or elected or appointed offices (for example, village chief, councillor, mayor, imam or deputy) or from participating in village assemblies. Individuals or communities that resist slavery are often subjected by their “masters” to physical, psychological or social isolation and to restrictions on their movement, which can last for several days.³⁵

47. According to figures shared with the Independent Expert, in January 2019, 85 per cent of displaced victims of descent-based slavery who found refuge in the locality of Mambiri, Kayes Region, had suffered violence and deprivation in their home village, including assault and battery, rape, forced marriage, various forms of trafficking, torture, insults and threats, confiscation of property and deprivation of civil status, health care, education and food.³⁶

48. In addition to the violations and abuses suffered by their communities as a whole, women and girl victims of descent-based slavery suffer specific forms of violence, such as forced domestic labour and gender-based violence, including rape and other forms of sexual violence.³⁷ For example, 4 per cent of the displaced women in Mambiri had been victims of

³³ <https://koulouba.ml/communique-du-conseil-des-ministres-du-mercredi-11-octobre-2023-cm-n2023-42-sgg/>.

³⁴ <https://www.ohchr.org/en/press-releases/2023/05/mali-slavery-descent-must-be-criminalised-un-experts-say>.

³⁵ National Human Rights Commission, *Étude sur les besoins et attentes des victimes de l’esclavage par ascendance à Kayes : Rapport final*, May 2022, pp. 5, 15, 29 and 34; and Marie Rodet, “Contributions sur l’esclavage par ascendance : Rapport annuel de l’Expert indépendant sur le Mali”, Slavery and Forced Migration programme, October 2023.

³⁶ Marie Rodet, “Contributions sur l’esclavage par ascendance” (see footnote 35).

³⁷ National Human Rights Commission, *Étude sur les besoins et attentes des victimes de l’esclavage* (see footnote 35 above), pp. 20, 21 and 26; and Marie Rodet, “Contributions sur l’esclavage par ascendance” (see footnote 35 above).

forced marriage and 11 per cent victims of rape in their home village.³⁸ The children of victims of descent-based slavery are sometimes barred from schools and sports facilities.³⁹

49. Descent-based slavery also has a strong negative impact on the enjoyment of economic, social and cultural rights, including land rights. People considered slaves rarely have title to the land they farm, which sometimes has been farmed by their families for generations. This is extremely worrying, given that agriculture is the main activity in rural Mali, where they live. They can be forced to work for so-called nobles, and restrictions on access to land are regularly used to put pressure on victims. Even where victims of descent-based slavery have access to land, this access is highly precarious. In most cases, they only have a traditional right of use, but not ownership, of the land that they farm. Consequently, their land rights can be taken away overnight if they refuse to submit to village discipline based on the assignment of slave status.⁴⁰

50. Human rights violations and abuses are causing the forced displacement of hundreds of people and entire communities, who have no hope of returning to their places of origin, where they fear they would be attacked. According to the most recent figures, over 3,000 people, mostly women and children, have been displaced in this way since 2018. This displacement is generally long term; at the time of writing, the victims of violence related to descent-based slavery who in May 2021 had fled their home villages and taken refuge in Bamako were still unable to return. In Mambiri, 91 per cent of displaced persons had no intention of returning to their home village; 97 per cent planned to remain in Mambiri in the short term. Only two displaced families (23 people) have left Mambiri since June 2022, but they went to live in Bamako.⁴¹

B. Intercommunal and intracommunal conflict

51. The Independent Expert notes that several initiatives that could strengthen the peaceful coexistence of communities took place during the reporting period, including the organization from 15 to 21 September 2023, under the aegis of the Ministry of Reconciliation, Peace and National Cohesion, of the second edition of National Reconciliation Week, with the theme of “meeting the challenges of an inclusive and lasting peace”; the organization by the National Human Rights Commission of interreligious dialogues (for example, in Kita and Koulikoro Regions); and the organization by MINUSMA of inter- or intracommunal dialogues (for example, in Ménaka and Ségou Regions).

52. The Independent Expert has been informed that, during the reporting period, intercommunal tensions and violence have abated in the centre of the country, despite a few incidents. On 26 April 2023, traditional hunters (*dozos*) killed a man and a woman, wounded a man and set fire to houses in the hamlet of Nieniebougou (*cercle* of Macina, Ségou Region). On 28 April 2023, *dozos* killed a man, a girl and a boy and wounded a young man in an attack on the village of Woula (*cercle* of Macina, Ségou Region).

53. In the north, intercommunal tensions have reportedly been instrumentalized or exacerbated by violent extremist groups and groups that have signed the Agreement on Peace and Reconciliation in Mali and others that have not. Between 15 and 20 July 2023, communal tensions were reported in the town of Ménaka following a call by young people from “black” communities to hold a three-day general strike. The demonstrators wished to protest against the discrimination they allegedly experienced at the hands of mostly Daoussak armed groups. These tensions seem to have been exacerbated by the spread of hate messages denigrating black people and calling them slaves. One of the catalysts for the protests is said to have been the rape by members of armed groups of two young black women who had gone to collect firewood.

³⁸ Marie Rodet, “Contributions sur l’esclavage par ascendance” (see footnote 35 above).

³⁹ National Human Rights Commission, *Étude sur les besoins et attentes des victimes de l’esclavage* (see footnote 35 above), pp. 21, 29 and 36;

⁴⁰ Ibid., pp. 25, 26, 55, 56 and 65; and Marie Rodet, “Contributions sur l’esclavage par ascendance” (see footnote 35 above).

⁴¹ Marie Rodet, “Contributions sur l’esclavage par ascendance” (see footnote 35 above).

C. Situation of women

54. The Independent Expert is extremely concerned about the situation of women and girls in Mali and the significant impact that the worrying deterioration of the security situation continues to have on their human rights, including the disturbing recurrence of cases of gender-based violence.

55. Between April and June 2023, stakeholders involved in the Gender-based Violence Information Management System documented 2,809 incidents of gender-based violence, a 53 per cent increase on the previous quarter. Of these cases, 34 per cent related to sexual violence, including rape (21 per cent of cases). Eight pregnancies and three births resulting from rape were documented during this period.⁴² Between July and September 2023, the same stakeholders documented 4,062 cases of gender-based violence, a 44 per cent increase on the previous quarter, with a peak of 1,535 cases in September. Sexual violence accounted for 36 per cent of cases – 25 per cent rapes and 11 per cent other forms of sexual assault (including female genital mutilation, 6 per cent of cases).⁴³

56. However, these figures may not fully reflect the real situation of gender-based violence for a number of reasons, including cultural taboos, stigmatization, fear of reprisals, insecurity and barriers to humanitarian access, inadequate care services – particularly in localities with a large number of displaced persons – and the scarce presence of decentralized State services and judicial personnel. Access to comprehensive care services for survivors of gender-based violence is a major problem. Between July and September 2023, 87 per cent of survivors had no access to socioeconomic reintegration or justice services.⁴⁴

57. In addition, women and girls continued to be particularly affected by the rules laid down by violent extremist groups. For example, on the morning of 29 April 2023, 20 women travelling in a passenger vehicle were abducted by members of such a group, who accused them of being accompanied by a foreign man (the driver of the vehicle) who was not a close relative, in violation of their interpretation of sharia precepts. The women were freed after lengthy negotiations between the driver and the kidnappers, but only on the condition that the families paid ransoms. After failing to meet the payment deadline, the driver was abducted in the town of Ménaka by armed individuals and later found dead.

58. In view of the troubling situation in which women and girls find themselves in Mali, the Independent Expert is concerned that, during the fourth cycle of the universal periodic review, Mali did not accept and only noted certain recommendations aimed at protecting the rights of women and girls.⁴⁵ These included, first of all, recommendations calling on Mali to criminalize female genital mutilation.⁴⁶ In its comments, the Government replied that the State was “not in the best position to criminalize female genital mutilation at the moment”.⁴⁷

59. The Independent Expert recalls that, since 13 January 2005, Mali has been a party to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), article 5 (b) of which obliges States parties to prohibit, through legislative measures backed by sanctions, all forms of female genital mutilation.⁴⁸ The Independent Expert also recalls, as he did in his 2021 report, the concerns expressed by the Committee on the Elimination of Discrimination against Women in its report of June 2020 relating to a confidential survey on female genital mutilation that had been conducted

⁴² <https://reliefweb.int/report/mali/rapport-statistique-gbvims-trimestriel-ii-avril-juin-2023>.

⁴³ <https://reliefweb.int/report/mali/rapport-statistique-gbvims-trimestriel-iil-juillet-septembre-2023>.

⁴⁴ <https://reliefweb.int/report/mali/rapport-statistique-gbvims-trimestriel-ii-avril-juin-2023>; and <https://reliefweb.int/report/mali/rapport-statistique-gbvims-trimestriel-iil-juillet-septembre-2023>.

⁴⁵ A/HRC/54/8, paras. 135.118, 135.163, 135.165, 135.166, 135.172, 135.176, 135.178, 135.181, 135.185, 135.188, 135.197, 135.198, 135.201, 135.204, 135.207, 135.212, 135.213, 135.215, 135.247 to 135.249, 135.257 and 135.263; and A/HRC/54/8/Add.1, para. 7.

⁴⁶ A/HRC/54/8, paras. 135.118, 135.163, 135.165, 135.172, 135.176, 135.181, 135.185, 135.188, 135.197, 135.198, 135.204, 135.207, 135.212 and 135.248.

⁴⁷ A/HRC/54/8/Add.1, para. 7.

⁴⁸ https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf.

in Mali.⁴⁹ This refusal to criminalize female genital mutilation is all the more worrying in the light of the most recent data on the scale and persistence of the practice in Mali.

60. According to a recent report by the United Nations Children's Fund (UNICEF), 89 per cent of girls and women aged between 15 and 49 years (almost 8 million people) have been subjected to female genital mutilation in Mali. At the subnational level, this proportion rises to 96 per cent in Sikasso Region. In addition, female genital mutilation tends to be carried out at a slightly younger age than in the past. In Mali, mutilations are mostly performed before the age of 5 years, and almost always before adolescence, affecting almost three quarters of girls under the age of 15. The proportion of women who underwent female genital mutilation before the age of 5 years is higher among girls and women aged 15 to 19 years (82 per cent) than among women aged 45 to 49 years (70 per cent). Moreover, the prevalence of female genital mutilation has remained stable at about 90 per cent for at least five decades. The percentage of Malians who consider that female genital mutilation should be eradicated has remained low for two decades. The regions where female genital mutilation is most widespread have not seen any decline in the practice. Among ethnic groups in which the practice is commonplace, it has declined very little. In conclusion, according to UNICEF, if current trends continue, female genital mutilation will still affect almost 9 out of 10 girls in 2030; as a result, the Sustainable Development Goal (target 5.3) of eliminating female genital mutilation by 2030 does not seem achievable in Mali.⁵⁰

61. In addition to the recommendations on female genital mutilation, Mali did not accept and merely noted the recommendations calling for it to prohibit child marriage and in particular to raise the minimum legal age for marriage for girls to 18 years.⁵¹ In its comments, the Government responded that marriage in Mali is regulated by the Personal and Family Code, which takes the country's specific sociological situation into account.⁵² Article 281 of Act No. 2011-087 of 30 December 2011, the Personal and Family Code, stipulates that "[t]he minimum age for marriage is set at 18 years for men and 16 years for women", and even provides that civil courts can grant "an exemption from the age requirement on serious grounds" to "intending spouses aged at least 15 years".⁵³

62. By authorizing child marriage in its law, Mali is violating its human rights obligations, in particular those arising from the African Charter on the Rights and Welfare of the Child, to which Mali has been a party since 3 June 1998 (art. 21, read in conjunction with art. 2)⁵⁴ and the Maputo Protocol (art. 6 (b)). Child marriage also violates several rights protected by the Convention on the Rights of the Child, to which Mali has been a party since 20 September 1990, notably the right to protection from violence (art. 19), the right to health (art. 24), the right to education (art. 28) and the right to protection from sexual exploitation and abuse (art. 34). It also contravenes the Convention on the Elimination of All Forms of Discrimination against Women (art. 16), to which Mali has been a party since 10 September 1985.⁵⁵

63. The Independent Expert also points out that, according to the most recent UNICEF figures, 54 per cent of women in Mali are married before the age of 18 years and 16 per cent before the age of 15 years. Therefore, Mali, where of half of young women were married during childhood, is home to almost 3 million child brides. It is one of the 10 countries in the world most affected by this practice.⁵⁶ Finally, the Independent Expert wishes to emphasize

⁴⁹ A/HRC/46/68, paras. 52 and 53.

⁵⁰ https://www.unicef.org/mali/media/3536/file/FGM%20Mali_EN_HR.pdf.

⁵¹ A/HRC/54/8, paras. 135.118, 135.178, 135.189, 135.197, 135.204, 135.212, 135.247 to 135.249, 135.257 and 135.263; and A/HRC/54/8/Add.1, para. 7.

⁵² A/HRC/54/8/Add.1, para. 7.

⁵³ <https://sgg-mali.ml/codes/mali-code-2011-personnes-famille-2.pdf>.

⁵⁴ https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf.

⁵⁵ See also Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992), paras. 11, 12 and 24 (e); general recommendation No. 35 (2017), para. 29 (c) (i); and general recommendation No. 36 (2017), paras. 9, 24 (f) and 51–55.

⁵⁶ <https://data.unicef.org/wp-content/uploads/2022/08/Child-Marriage-in-West-and-Central-Africa-UNICEF-English.pdf>.

that, in addition to being a flagrant violation of human rights, the marriage of girls compromises the achievement of at least 9 of the 17 Sustainable Development Goals.⁵⁷

D. Situation of children

64. The Malian crisis and persistent insecurity have continued to have a devastating impact on children and have led to serious violations of their fundamental rights, including cases of recruitment and use of children, killing and maiming, sexual violence, abductions, attacks on schools and hospitals and denial of access to humanitarian aid. According to the latest data, at least 1.6 million children are in urgent need of protection in Mali.⁵⁸ As at 28 August 2023, Mali had 1,722 non-functional schools,⁵⁹ in particular owing to insecurity, depriving more than 500,000 students of their right to education.⁶⁰ At least 3.9 million children were in need of education support.⁶¹ In September 2023, UNICEF and the World Food Programme warned that a combination of protracted armed conflict, internal displacement and restricted humanitarian access in Mali risked pushing nearly 1 million Malian children under the age of 5 years into acute malnutrition by December 2023; worse, at least 200,000 were at risk of dying of hunger if life-saving aid did not reach them.⁶²

E. Refugees and internally displaced persons

65. The Independent Expert notes that, between April and September 2023, the number of refugees and asylum-seekers in Mali increased by about 3.29 per cent, from 64,864 to 67,000.⁶³ The number of Malian refugees in neighbouring countries rose by about 1.76 per cent, from 204,387 to 208,000.⁶⁴ Over the same period, the number of internally displaced persons rose by about 4 per cent, from 375,539 to 391,961.⁶⁵ However, according to humanitarian actors, these figures may not fully reflect the real situation of displaced persons given the many challenges in obtaining exact numbers in certain localities, including access constraints and the pendular movements of certain displaced groups, who take advantage of periods of calm to return to their place of origin, even if only temporarily.⁶⁶

F. Economic, social and cultural rights

66. Crises and armed conflict have exacerbated the precarity in which people live and are preventing the full enjoyment of economic, social and cultural rights. By way of illustration, according to the most recent data, about 8.8 million people (almost 40 per cent of the population) were in need of humanitarian assistance, including 4.4 million women,

⁵⁷ https://www.fillespasepouses.org/documents/2047/Les_ODD_et_le_mariage_des_enfants.pdf.

⁵⁸ <https://www.unicef.org/press-releases/nearly-one-million-children-mali-risk-acute-malnutrition-end-2023-unicef-wfp>; and <https://www.unicef.org/media/142701/file/2023-HAC-Mali-revised-June.pdf.pdf>.

⁵⁹ <https://reliefweb.int/report/burkina-faso/burkina-faso-mali-western-niger-humanitarian-snapshot-28-august-2023>.

⁶⁰ <https://www.unicef.org/media/142701/file/2023-HAC-Mali-revised-June.pdf.pdf>.

⁶¹ Ibid.

⁶² <https://www.unicef.org/press-releases/nearly-one-million-children-mali-risk-acute-malnutrition-end-2023-unicef-wfp>.

⁶³ See https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/DTM_Avril_2023.pdf; <https://reliefweb.int/report/mali/mali-apercu-sur-les-mouvements-de-population-septembre-2023>; <https://reliefweb.int/map/mali/mali-situation-refugees-internally-displaced-persons-and-returnees-31-october-2023>; and <https://data.unhcr.org/en/documents/download/104603>.

⁶⁴ Idem.

⁶⁵ <https://reliefweb.int/report/mali/mali-apercu-sur-les-mouvements-de-population-septembre-2023>; <https://reliefweb.int/map/mali/mali-situation-refugees-internally-displaced-persons-and-returnees-31-october-2023>; and <https://data.unhcr.org/en/documents/download/104603>.

⁶⁶ <https://reliefweb.int/report/mali/note-de-protection-avril-mai-juin-juillet-2023>.

4.7 million children and 1.3 million persons with disabilities;⁶⁷ 3.2 million people were in need of emergency water, sanitation and hygiene assistance;⁶⁸ and 5.1 million people needed emergency health assistance.⁶⁹

IV. Conclusions and recommendations

A. Conclusions

67. The wide-ranging, multifaceted, cumulative and interconnected crisis facing Mali continues to be a cause of serious concern in the subregion and internationally. It is taking place in a highly complex context marked by the vulnerability of the State and its institutions. The strategic and security challenge is particularly complex, with implications for society, the economy, politics and governance. Its impact on the protection of civilians and their fundamental rights and freedoms, and the significant humanitarian consequences, represent urgent challenges for Mali to address as a matter of priority with the support of international partners.

68. The Independent Expert reiterates his serious concerns about the rapid and ongoing deterioration of the security situation in almost all regions of Mali (the north, the centre and the south), where the Malian authorities seem not to have control and which are increasingly becoming arenas for power struggles among violent extremist groups, much to the detriment of civilians, who are the main victims and find themselves caught between a rock and a hard place.

69. Lastly, neither the African Union nor the States of West Africa and the Sahel seem to have taken stock of the threat and the need to take action to improve the protection of civilians.

B. Recommendations

70. The Independent Expert reiterates the recommendations outlined in his previous reports and makes the recommendations set out below.

71. The Independent Expert recommends that the Malian authorities develop and execute, with the support of the international community, an action plan for the implementation of the recommendations made during the fourth cycle of the universal periodic review, held in 2023.⁷⁰

72. He also recommends that the Malian authorities take all appropriate and specific measures to:

(a) Strengthen the protection of civilians against attacks by armed actors, including by deploying State authorities and Malian forces throughout the country, particularly in areas where they are absent and where civilians are most vulnerable to attacks by non-State armed actors;

(b) Fight against impunity for violations and abuses of human rights and violations of international humanitarian law, including by bringing to justice all alleged perpetrators of such acts, holding the corresponding trials, ensuring that alleged perpetrators are held accountable and communicating progress to the people of Mali, including the families of victims;

⁶⁷ <https://www.unicef.org/media/142701/file/2023-HAC-Mali-revised-June.pdf.pdf>; and <https://reliefweb.int/report/mali/53-millions-de-dollars-alloues-par-le-fonds-humanitaire-regional-pour-lafrique-de-louest-et-du-centre-en-appui-la-reponse-durgence-dans-les-regions-de-gao-menaka-et-bandagara>.

⁶⁸ <https://www.unicef.org/media/142701/file/2023-HAC-Mali-revised-June.pdf.pdf>.

⁶⁹ Ibid.

⁷⁰ See [A/HRC/54/8](#).

(c) Ensure respect for and the protection and implementation of the freedoms of opinion, expression, peaceful assembly and association for all, in particular civil society, journalists and political parties or groups, including opposition parties or groups;

(d) Ensure respect for and the protection and implementation of the freedoms and rights of human rights defenders and persons who cooperate with them, including by discontinuing the proceedings brought following the publication, on 12 May 2023, by the Office of the United Nations High Commissioner for Human Rights, of the report on the events in Moura from 27 to 31 March 2022;

(e) Eliminate all forms of discrimination against women in law and in practice, including by urgently adopting the bill on gender-based violence, criminalizing female genital mutilation and raising the minimum age of marriage for girls to 18 years;

(f) Try the cases of conflict-related sexual violence committed in northern Mali in 2012 and 2013, which have been pending for several years;

(g) Expedite the implementation of the action plan adopted on 28 October 2021 on the application of the joint communiqué on responding to conflict-related sexual violence, signed by Mali and the United Nations in March 2019;

(h) Find a solution to prison overcrowding, including through the use of alternatives to pretrial detention;

(i) Ensure the implementation of the recommendations made by the International Commission of Inquiry on Mali.

73. The Independent Expert also recommends that the Malian authorities:

(a) Adopt without delay a specific law criminalizing descent-based slavery and advocacy thereof;

(b) Protect victims by providing them with spaces to speak out and with specific support in taking legal action;

(c) Sensitize judicial, political, administrative and customary authorities to the issue of descent-based slavery in order to improve the interpretation of administrative, land and criminal laws, and combat discrimination against victims of descent-based slavery more effectively in these areas;

(d) Take all appropriate and specific measures to combat more effectively the gender-based violence experienced by women victims of descent-based slavery;

(e) Take all appropriate and specific measures to strengthen the social and economic autonomy of victims of descent-based slavery, including by improving their access to land and income-generating activities, especially for women;

(f) Continue to raise public awareness of descent-based slavery in Mali, including by embedding these issues in the school curriculum.

74. The Independent Expert urges armed groups, armed movements that have signed the Agreement on Peace and Reconciliation in Mali and those that have not, and militias and community self-defence groups, to:

(a) Immediately cease all hostilities and attacks against civilians and civilian property and respect the human rights of civilians;

(b) Respect personnel who are protected by international law, such as peacekeepers and humanitarian personnel, and the property of humanitarian organizations and refrain from obstructing the delivery of humanitarian assistance.

75. The Independent Expert recommends that the international community:

(a) Maintain a constructive dialogue with the Malian authorities in order to find ways and means of ensuring stability and security in Mali and strengthen the protection of the fundamental rights of civilians;

(b) Rethink, with Mali and all relevant actors, including the United Nations, the African Union and the Economic Community of West African States, the responses to the multidimensional crisis facing Mali, with an emphasis on integrated strategies that guarantee as a matter of priority security and the basic human rights of civilians;

(c) Provide Mali with the logistical and financial resources and assistance that it needs to be able to gradually re-establish the presence and authority of the State, and basic social services, throughout the country, and to implement the recommendations made during the fourth cycle of the universal periodic review, held in 2023;

(d) Ensure that the humanitarian response plan is adequately funded.

76. The Independent Expert recommends that the Office of the United Nations High Commissioner for Human Rights, the African Commission on Human and Peoples' Rights, the National Human Rights Commission of Mali and international and national human rights organizations continue documenting violations and abuses of human rights and violations of international humanitarian law and step up their efforts to identify the main perpetrators in order to be able to notify the relevant national and international courts.

77. The Independent Expert recommends that the International Criminal Court extend the scope of its current investigation (beyond the crimes committed in northern Mali in 2012 and 2013) or open a new investigation into crimes under international law committed in the rest of Mali, including in the centre, in order to establish criminal liability for the crimes under the Rome Statute of the International Criminal Court that have been and continue to be committed in Mali.

78. Finally, the Independent Expert recommends that the Human Rights Council remain seized of the situation of human rights in Mali.
