



7 August 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Mali and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Mali was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and statements made by 78 countries, Mali's presentation and responses, and the action taken by Mali to implement the 112 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I am particularly encouraged by Mali's action to implement recommendations despite the challenges posed by the security situation, in particular: the Act establishing the National Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles); its continued cooperation with the Independent Expert on the human rights situation in Mali; the establishment of the Ministry for Human Rights and State Reform; the creation of the International Commission of Inquiry; the Strategic Framework for Economic Recovery and Sustainable Development; and the National Action Plan to Combat Trafficking in Persons.

I encourage Mali to continue developing a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Mali's preparations for the fourth cycle of the UPR. The development of such a national human rights action plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the Special Representative of the Secretary General.

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H. E. Mr. Tiéman Hubert Coulibaly
Minister of Foreign Affairs
Mali



I also encourage Mali to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I note with satisfaction that Mali committed to submit a mid-term report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Mali to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty;
- Strengthen efforts to improve Mali's reporting records to treaty bodies;
- Consider extending cooperation to all special procedures mandate holders through the issuance of a Standing Invitation.

National human rights framework

- Develop a strategic plan and allocate the necessary resources in order to ensure full compliance of the National Human Rights Commission with the Paris Principles and therefore its accreditation by the Global Alliance of National Human Rights Institutions;
- Complete the process of revising the Military Code in conformity with international human rights standards.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Complete the legislative process to repeal all discriminatory provisions in the Personal and Family Code, including those relating to inheritance and the obligation to obey the husband; enact comprehensive anti-discrimination law; conduct related public debates and raise the awareness of parliamentarians, traditional leaders, and among the population of the importance of a legal reform to achieve substantive equality of women and men.

B. Civil and political rights

Right to life, liberty and security of person

- Increase efforts towards abolition of the death penalty for all crimes and conduct related awareness raising campaigns among human rights actors, including traditional leaders and the population;
- Continue efforts to promote the peace and reconciliation process to achieve security and stability; continue developing a comprehensive strategy for security sector reform to allow for the disarmament, demobilization and reintegration of combatants;

- Establish an effective national preventive mechanism, in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Authorize the National Human Rights Commission, the Human Rights and Protection Division of MINUSMA, other monitoring mechanisms and NGOs access to all places of detention, including the unofficial detention centre known as the “Sécurité d’Etat”;
- Improve prison conditions in accordance with the UN Standards Minimum Rules for the Treatment of Prisoners;
- Strengthen, in collaboration with OHCHR, the legal framework to ensure enhanced protection of victims of attacks against cultural heritage and expressions; and establish a national committee on culture, to promote a transversal approach when elaborating development policies and strategies.

Administration of justice, including impunity and the rule of law

- Take all necessary measures to ensure prompt, impartial and effective investigations by civilian authorities into allegations of war crimes, crimes against humanity, and serious violations of international human rights law and international humanitarian law, in order to identify and prosecute the responsible, including those committed by security and defence forces while guaranteeing the right to a fair trial; and ensure victims’ access to truth, justice and reparations;
- Accelerate the work of the Truth, Justice and Reconciliation Commission;
- Build on the momentum for institutional reform, especially with regard to the justice system, including by establishing mobile counselling centres to expedite judicial proceedings for crimes committed in the centre and north of the country;
- Accelerate efforts to re-establish State authority and the rule of law in all the territory of the country;
- Establish an anti-corruption body empowered to investigate and recommend prosecution of public officials implicated in corrupt practices; publish the national budget and inform on government revenues and expenditures.

Prohibition of all forms of slavery

- Continue efforts to combat human trafficking and protect women and children from sexual exploitation, and provide adequate assistance to the victims;
- Take measures to combat discrimination against certain ethnic and social groups, in particular the “Bella” people, and create related awareness among the population.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Take the necessary measures to fight poverty and continue its efforts to implement its development plans.

Right to health

- Increase the budgetary allocation to basic health care and sexual and reproductive health-care service; and improve health care infrastructure.

Education

- Implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict; and take measures, including in collaboration with MINUSMA, to prevent the occupation of schools by armed groups and reopen the occupied schools as soon as possible;
- Take all necessary measures to guarantee the right to education in emergency and conflict situations and ensure that education is accessible to all, with particular attention to the children in the North of the territory who have not been able to attend the school due to the insecurity situation.

D. Rights of specific persons or groups

Women

- Criminalize any form of female genital mutilation; strengthen related awareness raising campaigns, in particular in partnership with religious leaders, ensure that this practice is punished, and implement actions to provide for economic and social reconversion for women who practice female genital mutilation;
- Adopt legislative and policy measures to combat sexual violence, including forced and early marriage, sexual slavery, rape and torture committed against women by extremist groups and members of the armed forces, as well as the impunity of the perpetrators;
- Enact adequate measures to ensure medical, psychosocial and judicial support for the victims of serious human rights violations, in particular former child soldiers and victims of sexual crimes, including conflict-related sexual violence;
- Undertake awareness campaigns in order to end the social stigmatization affecting women who have been victims of rape or sexual abuse and provide effective access to justice for all women and girls;
- Ensure the effective participation of women in all stages of the peace, stabilization and reconstruction process in Mali.

Children

- Take adequate measures to end the practice of forced and compulsory recruitment of children by armed groups and ensure long-term rehabilitation and reintegration programmes for those demobilized;
- Take steps to review and strengthen the legislative framework to ensure that the worst forms of child labour are criminalized and effectively prosecuted;
- Amend existing legislation to raise the minimum age of consent for marriage to 18 years for women, and adopt legislative measures and conduct awareness campaigns aimed at eliminating child and early marriage.



Refugees and IDPs

- Promote the return of refugees who left the country during the conflict, ensuring their security and protecting their rights, through measures aimed at their effective reintegration into the economic, social and cultural context; and take measures to support internally displaced persons, in particular women and children, and ensure their basic rights.

Stateless persons

- Adopt the national strategy to modernize civil registration procedures, which was validated in 2016.