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resolution 16/21**

## **Mali**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1974)	CRPD (2008)	ICCPR-OP 2
	ICESCR (1974)	CPED (2009)	
	ICCPR (1974)		
	CEDAW (1985)		
	CAT (1999)		
	OP-CAT (2005)		
	CRC (1990)		
	OP-CRC-AC (2002)		
	OP-CRC-SC (2002)		
	ICRMW (2003)		
Reservations, declarations and/or understandings	CRC (reservation, art.16, 1990)		
Complaint procedures, inquiry and urgent action <sup>3</sup>	ICCPR-OP 1 (2001)	OP-ICESCR (signature only, 2009)	ICERD, art. 14
	OP-CEDAW, art. 8 (2000)	OP-CRC-IC (signature only, 2012)	ICCPR, art. 41
	CAT, art. 20 (1999)	OP-CRPD, art. 6 (2008)	CAT, arts. 21 and 22
		CPED, arts. 31 and 32 (2010)	ICRMW, arts. 76 and 77

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide (1974)		1954 Convention relating to the Status of Stateless Persons
	Rome Statute of the International Criminal Court (1998)		1961 Convention on the Reduction of Statelessness
	Palermo Protocol (2002) <sup>4</sup>		Additional Protocol III to the 1949 Geneva Conventions <sup>7</sup>
	1951 Convention relating to the Status of Refugees and its 1967 Protocol (1973)		ILO Conventions Nos. 169 and 189 <sup>8</sup>
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>5</sup>		
	ILO fundamental Conventions <sup>6</sup>		

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
UNESCO Convention against Discrimination in Education (2007)		

## B. Constitutional and legislative framework

1. In 2012, the Secretary-General of the United Nations noted that instability in the country had resulted from the outbreak of the armed rebellion in northern Mali in early January and the subsequent military coup d'état against the former President on 22 March. The coup d'état was carried out by a military junta calling itself the Comité national de redressement de la démocratie et de la restauration de l'Etat (CNRDRE).<sup>9</sup> The Security Council condemned the forcible seizure of power from the democratically elected Government by some members of the Armed Forces and urged them to respect constitutional order, civilian rule and human rights.<sup>10</sup> The Secretary-General stated that the 22 March coup d'état had led to human rights violations in Bamako<sup>11</sup> and the High Commissioner for Human Rights (High Commissioner) also noted that following the coup there had been allegations of serious human rights violations in other parts of the country.<sup>12</sup>

2. The Secretary-General reported that on 6 April 2012, under the aegis of the Economic Community of West African States (ECOWAS), CNRDRE signed a framework which established a 40-day transition period headed by a civilian Government. On 26 April, the Heads of State of ECOWAS decided to extend this transitional period by 12 months, during which presidential elections were expected to be held.<sup>13</sup>

3. In September 2012, the Security Council welcomed the appointment of a Government of National Unity and called on the transitional authorities to continue efforts towards the strengthening of democratic institutions and the restoration of constitutional order.<sup>14</sup>

4. The High Commissioner stated that northern Mali was occupied by various armed groups. These included Ansar Dine and the Movement for Unity and Jihad in West Africa (MUJAO), which were reportedly linked to Al-Qaida in the Islamic Maghreb (AQMI), as well as the National Movement for the Liberation of Azawad (MNLA) and other Tuareg groups.<sup>15</sup> In July 2012, the Security Council reiterated its categorical rejection of statements made by the MNLA regarding the so-called "independence" of northern Mali and that it considered such an announcement as null and void.<sup>16</sup>

5. From March 2012, the Secretary-General<sup>17</sup> and the High Commissioner<sup>18</sup> expressed concern about the human rights and the humanitarian situation in Mali, in particular in the north of the country. They noted alarming reports of serious human rights abuses, allegedly perpetrated by the various armed groups in control of northern Mali. In July 2012, the Security Council called upon all parties in northern Mali to cease all abuses of human rights and violations of international humanitarian law.<sup>19</sup> In July and September 2012, the Human Rights Council (HRC) condemned the excesses and abuses committed in Mali, particularly in the north of the country, by, among others, the rebels, terrorist groups and other organized transnational crime networks and called for an immediate halt to the abuses and all human rights violations and acts of violence and for strict respect for all human rights and fundamental freedoms.<sup>20</sup>

## C. Institutional and human rights infrastructure and policy measures

6. In 2009 and 2010, the United Nations System Country Team in Mali (SNU-Mali) noted that efforts had been made in the field of human rights: national policies and action

plans for the promotion and protection of human rights – on equality of the sexes, 2009–2018; early or forced marriage measures; discontinuation of the practice of excision, 2008–2012; and elimination of child labour had been drawn up and/or approved.<sup>21</sup>

7. SNU-Mali also observed that targeted training on various aspects of human rights had been provided for the armed and security forces, judges and court officials, prison staff and correctional education personnel. It noted that the armed and security forces had thus been made aware of the problem of violence against women. In addition, SNU-Mali emphasized that human rights training modules had been introduced into the curricula of the National Police Academy and the Gendarmerie Academy.<sup>22</sup>

#### Status of national human rights institutions<sup>23</sup>

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle</i>
Commission Nationale des Droits de l'Homme	No accreditation status	B (2012)

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>24</sup>

8. In July and September 2012, HRC invited the High Commissioner to report to the Council on the situation of human rights in Mali, particularly the northern part of the country.<sup>25</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2002	–	–	Combined fifteenth and sixteenth reports overdue since 2005
CESCR	November 1994	–	–	Initial report overdue since 1990
HR Committee	April 2003	–	–	Third report overdue since 2005
CEDAW	January 2006	–	–	Combined sixth and seventh reports overdue since 2010
CAT	–	–	–	Initial report overdue since 2000
CRC	February 2007	–	–	Combined third to fifth reports due in 2012 Initial reports to OP-CRC-AC and OP-CRC-SC overdue since 2004
CMW	April 2006	–	–	Second report overdue since 2009
CRPD	–	–	–	Initial report overdue since 2010
CED	–	–	–	Report due in 2013

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2004	Rights of spouses in the context of marriage and divorce; levirate abolition; female genital mutilation; and domestic violence. <sup>26</sup>	2007 <sup>27</sup>

### Country visits and/or inquiries by treaty bodies

<i>Treaty body</i>	<i>Date</i>	<i>Subject matter</i>
SPT	December 2011	Report confidential

## B. Cooperation with special procedures<sup>28</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
Standing invitation	No	No
Visits undertaken	–	–
Visits agreed to in principle	Human Rights Defenders	–
Visits requested	–	Extrajudicial, summary or arbitrary executions
Responses to letters of allegations and urgent appeals	During the period under review, no communication was sent	

## C. Cooperation with the Office of the High Commissioner for Human Rights

9. In August 2012, the Office of the High Commissioner for Human Rights deployed a Human Rights Officer to the United Nations country team to work on strengthening the human rights capacity of civil society organizations and the National Human Rights Commission as well as mainstreaming human rights concerns within United Nations programmes.<sup>29</sup>

### **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Equality and non-discrimination**

10. In October 2012, the Assistant Secretary-General for Human Rights (ASG) stated that women were the primary victims of the conflict in northern Mali and had been disproportionately affected by the situation. Their human rights, to employment, education and access to basic social services, had been seriously curtailed.<sup>30</sup>

11. In September 2012, the High Commissioner stated that the Islamic groups who controlled northern Mali were reportedly enforcing a policy of separating men and women in access to basic services.<sup>31</sup>

12. In 2011, the United Nations Resident Coordinator observed that the adoption of the Personal and Family Code containing provisions contrary to international conventions was a major concern in relation to the rights of women and girls.<sup>32</sup>

13. In 2011, the United Nations Resident Coordinator noted that, despite some progress, women continued to face real obstacles in access to property and microcredit, secondary and higher education, employment and income-generating activities.<sup>33</sup> Regarding the role of women in the agricultural sector, SNU-Mali reported that women were confined to market gardening and that their contribution to foreign exchange-earning crops remained unappreciated.<sup>34</sup>

#### **B. Right to life, liberty and security of the person**

14. In September 2012, the Office for Coordination of Humanitarian Affairs (OCHA) reported that the Malian army shot dead 16 unarmed Muslim preachers at a checkpoint near the town of Diabali during the night of 8 September. The shooting took place when a vehicle failed to stop, and soldiers apparently suspected its passengers of being Islamist militants. OCHA stated that the Government had ordered an immediate investigation the following day.<sup>35</sup>

15. In June 2012, the Secretary-General highlighted that security incidents targeting populations originating from northern Mali as well as several cases of arbitrary arrest and detention had occurred after the 22 March coup d'état in Bamako.<sup>36</sup>

16. In September 2012, the High Commissioner noted that in southern Mali, the lack of clarity regarding allegations of arbitrary arrest and detention, enforced disappearances and torture against soldiers accused of involvement in the counter-coup attempt of 30 April should be addressed.<sup>37</sup> The ASG added that at least 30 participants of the counter-coup had been held in detention, allegedly without any charges against many of them. There were reports of torture and inhuman prison conditions and the whereabouts of 20 soldiers involved in the counter-coup remained to be confirmed.<sup>38</sup>

17. In October 2012, the ASG noted that when the MNLA was advancing and assuming control of northern Mali, there were reports of summary executions of members of the military, rapes, looting, forced displacement and forced child recruitment.<sup>39</sup>

18. The ASG stated that since Islamic groups, including Ansar Dine, MUJAO and AQIM, had taken control of the north of the country, human rights abuses of a different character were perpetrated. He noted that systemic cruel and inhuman punishments had been implemented, including executions, mutilations and stoning. The ASG added that at

least three executions, eight amputations and two floggings had allegedly been carried out.<sup>40</sup>

19. The High Commissioner reported that more than 30 people were being held in detention and were awaiting punishment under Sharia law, possibly including amputations. She also reported the case of a young, unmarried couple who were buried up to the neck and stoned to death on 30 July 2012 in the Kidal region of Eastern Mali. She added that on 1 September 2012, MUJAO had announced the execution of an Algerian diplomat.<sup>41</sup>

20. In July 2012, the United Nations Children Fund (UNICEF) expressed grave concern over the situation in northern Mali, where evidence showed children were being killed or injured by explosive devices.<sup>42</sup>

21. UNICEF also reported that child protection issues in the north of Mali were a major problem with reports of unaccompanied children, association of children with armed groups and sexual violence.<sup>43</sup> UNICEF called on all parties to the conflict, leaders and community members to ensure that children were protected from the harmful impact of armed conflict and did not participate in hostilities.<sup>44</sup>

22. In September 2012, the High Commissioner indicated that 30 women aged from 12 to 45 had been subjected to sexual violence perpetrated by armed men in the region of Gao.<sup>45</sup>

23. In October 2012, the ASG noted that in northern Mali, forced marriages were reportedly common, and women were being sold and forced to remarry, which was akin to rape and commercial sexual exploitation. He added that there were lists being compiled by the extreme Islamist groups of women who had had children out of wedlock or were unmarried and pregnant. These lists could indicate that these women were at risk of being subjected to cruel and inhuman punishment.<sup>46</sup>

24. In September 2012, the Secretary-General stated that human trafficking was on the rise in northern Mali, along with drug trafficking and arms smuggling.<sup>47</sup>

25. In 2010, SNU-Mali noted that, apart from excision, other forms of gender-based violence had been given little attention by the Malian authorities.<sup>48</sup>

26. According to the United Nations Population Fund (UNFPA) the prevalence of FGM was, in 2009, 91 per cent in the north and 87 per cent in the south. Certain ethnic groups did not practise FGM.<sup>49</sup> UNICEF and UNFPA highlighted that while Mali did not yet have any law banning FGM, some progress had been registered such as the adoption of the Personal and Family Code.<sup>50</sup> However, UNICEF and UNFPA indicated that national policy had not officially recognized FGM as a public health problem and, until recently, Government health workers showed little interest in the issue.<sup>51</sup>

27. The International Labour Organization Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) stated that approximately two children out of three between the ages of 5 and 17 years were engaged in work.<sup>52</sup> In the report of the International Labour Office, UNICEF and the World Bank issued in 2009, it was noted that agriculture was the sector employing by far the highest number of children – 83 per cent of all children under the age of 15. Next in order were domestic service, with 10 per cent, and trade and industry accounting for the remaining 6 per cent. It was also emphasized that girls were relatively more numerous in domestic service, a sector which exposed them to a high risk of exploitation, including physical and psychological ill-treatment and sexual abuse.<sup>53</sup>

28. The ILO Committee of Experts took note of the technical validation of the National Plan of Action for the Elimination of Child Labour in Mali (PANETEM) and its adoption in 2011. In addition, it strongly encouraged Mali to intensify its effort to combat child

labour; to remove children from the worst forms of labour and to provide information on the results achieved in protecting girls engaged in domestic work against economic and sexual exploitation as well as on the implementation of PANETEM.<sup>54</sup>

29. The ILO Committee of Experts noted that, despite measures already taken, the trafficking of children still constituted a problem in practice. It urged Mali to ensure that children under 18 were protected against sale and trafficking, that investigations and prosecutions of offenders were carried out and that penalties were imposed. Furthermore, in view of the importance of trans-border trafficking, the ILO Committee of Experts urged Mali to take measures such as the establishment of a system for the exchange of information on child trafficking networks and the arrest of persons working in these networks.<sup>55</sup>

### **C. Administration of justice, including impunity and the rule of law**

30. The High Commissioner welcomed the visit of representatives of the International Criminal Court, which took place in September 2012, to carry out preliminary investigations on possible war crimes committed in Mali.<sup>56</sup>

31. In July 2012, the Security Council called for the perpetrators of the physical assault against the Interim President, which had occurred in May, to be brought to justice and supported in this regard the Government's announcement of the establishment of a Malian investigation commission.<sup>57</sup>

32. In September 2012, the High Commissioner stated that the Transitional Authorities should conduct investigations into allegations of arbitrary arrest and detention, enforced disappearances and torture against soldiers accused of involvement in the counter-coup attempt of 30 April 2012.<sup>58</sup>

33. In July 2012, HRC called for the perpetrators of the violations and acts of violence committed in northern Mali to be brought to justice.<sup>59</sup> The ASG also emphasized the need for investigations into the human rights violations in both the north and south of the country and the importance that perpetrators were held to account as a necessary precondition for reconciliation and social cohesion.<sup>60</sup>

### **D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

34. In September 2012, the High Commissioner stated that there were allegations that non-Muslims had been deliberately targeted and killed by armed groups in northern Mali.<sup>61</sup>

35. In July 2012, the United Nations Special Rapporteur on freedom of religion or belief and the United Nations Special Rapporteur in the field of cultural rights (Special Rapporteurs) condemned grave violations of the right to freedom of religion and belief in northern Mali, occurring through the destruction of sites of religious significance, including mausoleums in the World Heritage site of Timbuktu. The Special Rapporteur on freedom of religion and belief stated that destruction of the tombs was the deprivation of an immense wealth to local populations, all Malians and the global community. Both Special Rapporteurs urged the States to ensure that religious sites were fully respected and protected. Recalling the 2001 United Nations General Assembly resolution on protection of religious sites, they appealed to all relevant intergovernmental and non-governmental organizations to contribute to such efforts.<sup>62</sup>

36. The High Commissioner also reported that public health campaigns on cholera prevention, including radio messages and music, had been banned by MUJAO militants on



the grounds that music and messages from humanitarian agencies were contrary to the Sharia law.<sup>63</sup>

37. In 2012, the High Commissioner noted that unveiled women had received threats and intimidation in northern Mali.<sup>64</sup>

38. In July 2012, the Security Council called upon all the actors in the crisis in Mali to take measures to increase the number of women involved in mediation efforts and stressed the importance of creating enabling conditions for women's participation and empowerment during all stages of the mediation process.<sup>65</sup>

39. In October 2012, the ASG stated that, in order to advance rights of women and empower them, measures had to be taken to promote their participation in public life. He also proposed to introduce a 30 per cent quota for women in Parliament ahead of the next legislative elections.<sup>66</sup>

40. In 2010, SNU-Mali emphasized that nothing had been done to address the pressures exerted on defenders of women's rights, thus discouraging support for women's causes.<sup>67</sup>

41. In 2009, the United Nations Resident Coordinator observed that there had been some progress in the representation of women in decision-making positions, with the appointment of women to high-level administrative responsibilities, as well as an increase in their numbers in communal bodies and community management committees.<sup>68</sup> In 2011, however, the Resident Coordinator emphasized that, notwithstanding the progress made, and even though Mali had adopted a national gender policy, women were still poorly represented in political and public life, occupying 10 per cent of National Assembly seats and 14 per cent of appointive posts.<sup>69</sup>

## **E. Right to work and to just and favourable conditions of work**

42. The ILO Committee of Experts noted that women were concentrated in certain sectors of the economy, such as trade, but were under-represented in the textile industry and construction. It added that women were also under-represented in high ranking positions. The ILO Committee of Experts noted that 43 per cent of women's jobs were in the informal economy and that this percentage was increasing.<sup>70</sup> Furthermore, it underlined that women remained segregated in the informal economy and in agriculture, that their work was poorly paid as well as precarious and that it was often difficult for them to have access to credit and to means of production. The ILO Committee of Experts encouraged Mali to take measures to promote women's access to a broader range of jobs and requested it address the causes of this concentration of women in the informal economy.<sup>71</sup>

43. In 2010, SNU-Mali noted that job-creation initiatives seldom took account of gender relations and contributed to maintaining inequalities. It reported, however, that encouraging initiatives such as the establishment of cereal banks managed by women had been taken, while noting that efforts should be made to grant women greater responsibility for management and maintenance aspects.<sup>72</sup>

## **F. Right to social security and to an adequate standard of living**

44. In August 2012, the Secretary-General underscored the enormous suffering caused by an already dire food and nutrition emergency that was growing even worse.<sup>73</sup> UNICEF noted that the household incomes in northern Mali were lower than usual due to the impacts of food insecurity and conflict. Local cereal prices were higher than the five-year average, with market access particularly difficult for rural households.<sup>74</sup>

45. OCHA stated that in southern Mali, the effects of long-term drought had led to food insecurity and the loss of livelihoods of about 3.5 million people.<sup>75</sup> OCHA added that the food situation was especially precarious as a plague of locusts in northern Mali was spreading and threatening agricultural production in the rest of the country.<sup>76</sup> UNICEF reported the estimation that in July 2012, some 560,000 young children were at risk of acute malnutrition, including between 175,000 to 220,000 who required life-saving treatment. According to UNICEF, while the majority of malnourished children lived in the south of the country, conditions in the north had sharply reduced access for families to food, water and basic health care.<sup>77</sup>

46. According to OCHA, the lack of access to drinking water and sanitation remained acute across Mali, increasing the risk of cholera contamination.<sup>78</sup>

47. In 2011, SNU-Mali emphasized that more than 80 per cent of the population was concentrated in rural areas, which had a higher proportion of people living below the poverty line. It also noted that women and children were the most vulnerable population groups, a situation that was largely attributable to sociocultural constraints.<sup>79</sup>

48. Moreover, in 2010, SNU-Mali noted that climate changes could compound the risk of disasters, not only because extreme climatic events would increase in number and intensity, but also because of their impact on vulnerability factors, in particular food insecurity, loss of ecosystem services and new migration patterns.<sup>80</sup>

## **G. Right to health**

49. In August 2012, UNICEF reported cases of cholera in northern Mali and underscored that with the rainy season and population mobility related to the political instability a high risk of epidemic spread was feared.<sup>81</sup> It also highlighted that the lack of access to safe drinking water and sanitation facilities put children at risk of life-threatening diseases such as diarrhoea and dehydration.<sup>82</sup>

50. The High Commissioner underscored that 94 per cent of clinics and hospitals in northern Mali had been destroyed or looted by the armed groups, that key medical programmes had been suspended and that 90 per cent of health personnel had relocated to the south.<sup>83</sup> UNICEF also expressed concern about a lack of skilled care for women during pregnancy and childbirth increasing the risk of maternal and newborn deaths.<sup>84</sup>

51. In 2010, United Nations Programme on HIV and Aids (UNAIDS) estimated that 100,000 people were living with HIV/AIDS in Mali.<sup>85</sup> SNU-Mali noted that seroprevalence was significant among certain high-risk groups such as women, particularly women working in the informal economy and the domestic sector, young people, children and disabled persons.<sup>86</sup> In 2010, the United Nations Resident Coordinator reported the preparation of a national plan for HIV/AIDS prevention targeting young people and adolescents.<sup>87</sup> In 2010 SNU-Mali mentioned that information concerning the effective prevention of AIDS, the struggle against misconceptions concerning contamination and measures against isolation and discrimination affecting infected persons had been widely disseminated.<sup>88</sup>

52. The UNAIDS Executive Director reiterated his call for the elimination of mother-to-child transmission of HIV and encouraged Mali to build on its success by redoubling efforts to ensure an HIV-free generation. An estimated 12 per cent of pregnant women had received an HIV test in 2008 and that same year, only 18 per cent of infants born to HIV-positive women had been given anti-retroviral prophylaxis to prevent mother-to-child transmission.<sup>89</sup>

## H. Right to education

53. In August 2012, UNICEF noted that there had been over 300,000 children in schools in the northern regions of Mali (Timbuktu, Kidal and Gao) before the crisis, whose education had been affected.<sup>90</sup> It also highlighted that children out of school were at higher risk of recruitment, violence and exploitation.<sup>91</sup> The ASG noted that as a result of the closure of schools in the north of the country after many of the teachers had fled; children had been deprived of their right to education. He added that extreme poverty, lack of employment and education was making it easy for young people to fall prey to armed groups.<sup>92</sup>

54. In September 2012, OCHA reported that in the south of Mali, the education system was under pressure due to the influx of conflict-affected students from the north of the country. Moreover, some schools had been affected by flooding and some of them had been temporarily occupied as shelter for local residents.<sup>93</sup> In addition, OCHA noted that fourteen elementary schools in Mopti had been occupied by military groups.<sup>94</sup>

55. In regard to education, the ILO Committee of Experts noted that, although there had been substantial progress, Mali was still far from achieving the objective of universal primary education by 2015. It highlighted that the low rates of secondary school attendance reflected that a significant number of children were dropping out after primary school. Considering that compulsory schooling was one of the most effective means of combating child labour, the ILO Committee of Experts strongly encouraged Mali to pursue its efforts to improve the functioning of its education system, particularly by increasing school attendance rates.<sup>95</sup>

## I. Cultural rights

56. In July 2012, the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) condemned the destruction of World Heritage sites and established a Special Fund to support Malian efforts to safeguard the World Heritage properties affected by the armed conflict in the north of the country, notably the sites of Timbuktu and the Tomb of Askia in Gao.<sup>96</sup> The Security Council also condemned the desecration, damage and destruction of sites of holy, historic and cultural significance and urged all parties to take appropriate steps to ensure the protection of Malian World Heritage sites.<sup>97</sup> In July 2012, HRC also condemned the pillaging, theft and destruction of religious and cultural sites.<sup>98</sup>

57. The Special Rapporteur on freedom of religion or belief and the Special Rapporteur in the field of cultural rights echoed the Chief Prosecutor of the International Criminal Court in urging the perpetrators to stop the deliberate attacks against historical religious sites which may constitute a war crime. In addition, the Special Rapporteur in the field of cultural rights stated that it was important that all actors in Mali and the international community joined their efforts in ensuring respect and protection of the rights of the people in northern Mali, in particular their cultural rights and their right to freedom of religion and belief. She also called on neighbouring countries to combat the illicit trafficking of cultural property coming from the northern region of Mali.<sup>99</sup>

58. The Special Rapporteurs stated that a ban on music had been issued in Timbuktu, Gao and Kidal in April 2012. This amounted to a clear violation of cultural and artistic freedoms and further indicated the design of armed groups settled in Northern Mali to impose their world vision on the local populations.<sup>100</sup>

## J. Internally displaced persons

59. In June 2012, the High Commissioner highlighted that human rights abuses and disruption of basic services in northern Mali had led to massive population displacement towards the south. The insecurity and difficulties in accessing affected populations had severely hampered efforts to address the humanitarian and human rights situation.<sup>101</sup> In June 2012<sup>102</sup> and later in August 2012, the Secretary-General noted that the conflict had exacerbated a perilous humanitarian situation.<sup>103</sup> In July 2012, the Security Council expressed grave concern at the worsening humanitarian situation and the increasing number of displaced persons and refugees.<sup>104</sup> HRC also urged the international community, in conjunction with the Malian authorities, to continue to deliver appropriate humanitarian assistance to displaced persons.<sup>105</sup>

60. In September 2012, OCHA reported that nearly half a million people had been forced to flee from their homes due to the conflict in the north of the country.<sup>106</sup> According to the United Nations High Commissioner for Refugees (UNHCR), there were 185,889 internally displaced persons (IDPs).<sup>107</sup> UNICEF noted that in Bamako, 57 per cent of the IDPs were children and young teenagers (from 0 to 17 years old).<sup>108</sup>

61. Regarding general living conditions of IDPs, OCHA underscored that access to safe water remained a major concern.<sup>109</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Mali from the previous cycle (A/HRC/WG.6/2/MLI/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art.33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>7</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>8</sup> International Labour Organization Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries and International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>9</sup> Report of the Secretary-General on the Activities of the United Nations Office for West Africa (S/2012/510), para. 24.
- <sup>10</sup> Security Council resolution 2056 (2012), preambular paragraph 3 and para. 4.
- <sup>11</sup> S/2012/510, para. 15.
- <sup>12</sup> Oral report of the United Nations High Commissioner for Human Rights on the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>13</sup> S/2012/510, paras. 27 and 30.
- <sup>14</sup> Security Council press statement on Mali and Sahel, 21 September 2012 (SC/10772-AFR/2443).
- <sup>15</sup> Oral report of the High Commissioner for Human Rights on the Human Rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>16</sup> Security Council resolution 2056 (2012), preambular paragraph 9.
- <sup>17</sup> See verbatim report of the 6820th meeting of the Security Council, 8 August 2012, S/PV.6820, p. 2.
- <sup>18</sup> “Pillay Calls for major efforts to halt human rights abuses in Mali”, Press Release, 27 March 2012, available from [www.ohchr.org/EN/NewsEvents](http://www.ohchr.org/EN/NewsEvents); opening statement by Navi Pillay, High Commissioner for Human Rights to the Human Rights Council, twentieth special session, 18 June 2012, p. 3, available from [www.ohchr.org/EN/NewsEvents](http://www.ohchr.org/EN/NewsEvents); oral report of the High Commissioner for Human Rights on the Human Rights Situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012, available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12486&LangID=E>.
- <sup>19</sup> Security Council resolution 2056 (2012), para. 13.
- <sup>20</sup> Human Rights Council resolution 20/17, paras. 2 and 3, and Human Rights Council resolution 21/25, paras. 1 and 2.
- <sup>21</sup> *Revue à mi-parcours du Plan cadre des Nations Unies pour l'Aide au Développement du Mali (UNDAF 2008-2012)* (Bamako, décembre 2010), p. 10, et Groupe des Nations Unies pour le développement (GNUD), *2010 Resident Coordinator Annual Report – Mali*, p. 2.
- <sup>22</sup> *Ibid.*, p. 10. See also GNUD, *2009 Resident Coordinator Annual Report – Mali*, p. 4.
- <sup>23</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-

Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).

<sup>24</sup> The following abbreviations have been used for this document:

CERD                    Committee on the Elimination of Racial Discrimination  
 HR Committee        Human Rights Committee  
 CEDAW                Committee on the Elimination of Discrimination against Women  
 CAT                    Committee against Torture  
 SPT                    Subcommittee on Prevention of Torture

<sup>25</sup> Human Rights Council resolutions 20/17, p. 2, and 21/25, p. 2.

<sup>26</sup> Concluding observations of the HR Committee, CCPR/CO/77/MLI, para. 22.

<sup>27</sup> Response by State party to the concluding observations of the HR Committee, CCPR/CO/77/MLI/Add.1.

<sup>28</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).

<sup>29</sup> Oral report of the High Commissioner for Human Rights on the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.

<sup>30</sup> OHCHR, News Release, “Violence in Northern Mali Becoming Systematic Say Leading UN Human Rights Official”.

<sup>31</sup> Oral report of the High Commissioner for Human Rights on the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012, p. 2.

<sup>32</sup> GNUD, *2011 Resident Coordinator Annual Report – Mali*, p. 2.

<sup>33</sup> GNUD, *2011 Resident Coordinator Annual Report – Mali*, p. 2.

<sup>34</sup> *Revue à mi-parcours du Plan cadre des Nations Unies pour l’Aide au Développement du Mali (UNDAF 2008-2012)*, p. 24.

<sup>35</sup> OCHA, “Mali Complex Emergency, Situation Report No. 15”, 11 September 2012, pp. 1–2.

<sup>36</sup> S/2012/510, para. 15.

<sup>37</sup> Oral report of the High Commissioner for Human Rights on the Human Rights Situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.

<sup>38</sup> “Violence in Northern Mali Becoming Systematic Say Leading UN Human Rights Official”.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Oral report of the High Commissioner for Human Rights on the Human Rights Situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.

<sup>42</sup> UNICEF, press note, “Violence against children mounting in Mali”, Bamako/Geneva, 6 July 2012.

<sup>43</sup> “UNICEF Mali Situation Report”, 28 August 2012.

<sup>44</sup> “UNICEF Raises the Alarm in Mali over Recruitment of Children”, news note, Bamako/Geneva/Dakar, 17 August 2012. Available from [http://unicef.org/media/media\\_65568.html](http://unicef.org/media/media_65568.html).

<sup>45</sup> Oral report of the High Commissioner for Human Rights on the Human Rights Situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.

<sup>46</sup> “Violence in Northern Mali Becoming Systematic Say Leading UN Human Rights Official”.

<sup>47</sup> UN News Centre, “Ban warns of ‘perfect storm’ of crisis confronting Sahel Region of Africa”, New York, 26 September 2012.

<sup>48</sup> *Revue à mi-parcours du Plan cadre des Nations Unies pour l’Aide au Développement du Mali (UNDAF 2008-2012)*, Bamako, décembre 2010, p. 23.

<sup>49</sup> UNFPA, *Global Consultation on Female Genital Mutilations/Cutting* (New York, 2009), p. 50.

<sup>50</sup> UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting, *Accelerating Change, Annual Report 2011* (New York, 2012), p. 4.

<sup>51</sup> Ibid. p. 21.

<sup>52</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Minimum Age Convention, 1973 (No. 138), adopted 2011, published 101st ILC session (2012), first paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100\\_COMMENT\\_ID:2699963](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:2699963).

<sup>53</sup> Understanding Children’s Work: An Inter-Agency Research Cooperation Project, *Comprendre le travail des enfants au Mali* (ILO, UNICEF and World Bank, 2009), pp. 25–26.

- <sup>54</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Minimum Age Convention, 1973 (No. 138), adopted 2011, published 101st ILC session (2012), second paragraph. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699963](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699963).
- <sup>55</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted 2011, published 101st ILC session (2012), first and second paragraphs. Available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2700638](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700638).
- <sup>56</sup> Oral report of the High Commissioner for Human Rights of the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>57</sup> Security Council resolution 2056 (2012), para. 5.
- <sup>58</sup> Oral report of the High Commissioner for Human Rights of the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>59</sup> Human Rights Council resolution 20/17, para. 2.
- <sup>60</sup> “Violence in Northern Mali Becoming Systematic Say Leading UN Human Rights Official”.
- <sup>61</sup> Oral report of the High Commissioner for Human Rights of the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>62</sup> “‘A very dark future for the local populations in Northern Mali’ warn UN experts”, press release, Geneva, 10 July 2012. Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12337&LangID=E>. See also oral report of the High Commissioner for Human Rights of the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>63</sup> Oral report of the High Commissioner for Human Rights of the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012.
- <sup>64</sup> Ibid.
- <sup>65</sup> Security Council resolution 2056 (2012), para. 26. See also the oral report of the High Commissioner for Human Rights of the human rights situation in Mali, twenty-first session of the Human Rights Council, 17 September 2012, p. 3.
- <sup>66</sup> “Violence in Northern Mali Becoming Systematic Say Leading UN Human Rights Official”.
- <sup>67</sup> *Revue à mi-parcours du Plan cadre des Nations Unies pour l’Aide au Développement du Mali (UNDAF 2008-2012)*, p. 23.
- <sup>68</sup> GNUM, *2009 Resident Coordinator Annual Report – Mali*, p. 6.
- <sup>69</sup> GNUM, *2011 Resident Coordinator Annual Report – Mali*, p. 2.
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- <sup>103</sup> SG/SM/14450-SC/10738-AFR/2428. See also UNHCR website.
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