

**ACT N°2018-003/ON 12 JAN 2018**

**RELATING TO HUMAN RIGHTS DEFENDERS**

The National Assembly deliberated and adopted in its session of 13 December 2017

The President of the Republic promulgates the Act whose content follows:

**CHAPTER I: PURPOSE AND DEFINITIONS**

**Article 1:** The purpose of this Act is to establish the rules relating to Human Rights Defenders.

**Article 2:** For the purposes of this Act, the following terms are understood to mean:

**Human Rights:** all the faculties and prerogatives considered as naturally belonging to every human being, for which Public Law seeks to impose on the State the respect and protection in accordance with some texts of universal scope;

**Public/fundamental freedoms:** human rights defined, recognised and protected by the constitution and treaties and conventions duly ratified by Mali; they include civil and political rights, economic, social and cultural rights, the rights to peace, development, a healthy environment, and the common heritage of humanity;

**Human Rights Defender:** any person who, individually or in a group, acts or seeks to act to promote, protect and realise human rights and fundamental freedoms at the local, national, regional and international levels;

- legally constituted persons or groups of persons who, on a non-profit basis, promote, protect and defend human rights and fundamental freedoms;
- institutions and bodies which, as part of their mission, work for the promotion, protection and realisation of human rights.

**CHAPTER II: RIGHTS AND RESPONSIBILITIES OF HUMAN RIGHTS DEFENDERS**

**SECTION I: RIGHTS OF HUMAN RIGHTS DEFENDERS**

**Article 3:** Human Rights Defenders have the right to freely exercise any activity of promotion, defense and protection of Human Rights and fundamental freedoms throughout the national territory and in compliance with the law and regulations.

As such, they have the right, in the context of the exercise of their activities:

- to meet and peacefully assemble;
- to form, join and participate in non-governmental organisations, associations or groups;
- to communicate with like-minded individuals or associations, whether governmental, non-governmental or intergovernmental;
- to seek, obtain and preserve information on human rights and fundamental freedoms;
- to publish, communicate and disseminate freely their ideas and information on human rights and fundamental freedoms;
- to evaluate the effectiveness of human rights and fundamental freedoms and to draw public attention to the matter by all appropriate means.

**Article 4:** Human Rights Defenders have the right to submit to State bodies and institutions as well as to organisations dealing with public affairs criticisms and proposals concerning the improvement of their functioning and to report any aspect of their work that risks hindering the promotion, protection and realisation of Human Rights and fundamental freedoms.

**Article 5:** Human Rights Defenders shall not be prosecuted, investigated, arrested, detained or judged for the opinions expressed and reports published in the context of their activities.

**Article 6:** The headquarters and home of Human Rights Defenders shall be inviolable. Except in the case of flagrante delicto, no search or arrest may be carried out without the express authorisation of the Public Prosecutor and this, after informing the Minister responsible for Human Rights.

**Article 7:** In accordance with applicable international procedures and instruments, Human Rights Defenders have the right to address without restriction the competent international bodies to submit, receive and consider communications relating to Human Rights.

**Article 8:** Human Rights Defenders, individually or in groups, have the right to solicit, receive and use resources, from lawful national and international sources, in order to carry out their activities for the promotion and protection of Human Rights and fundamental freedoms.

## **SECTION II: RESPONSIBILITIES OF HUMAN RIGHTS DEFENDERS**

**Article 9:** In carrying out their activities, Human Rights Defenders, individually or in groups, are required to respect the Constitution, international commitments, laws and regulations in force.

They are bound by a duty of impartiality, respect for the rights of others, and safeguarding public safety and the general interest.

**Article 10:** Human Rights Defenders have the duty to contribute to safeguarding democracy, promoting and defending Human Rights and fundamental freedoms.

They shall refrain from participating in violations of Human Rights and fundamental freedoms.

## **CHAPTER III: OBLIGATIONS OF THE STATE**

**Article 11:** The State has the obligation, within the limits of available means, to promote and protect all human rights and fundamental freedoms, including those of Human Rights

Defenders.

**Article 12:** The State is required to adopt all legislative and regulatory measures to ensure the effective realisation of the rights announced in the previous article.

**Article 13:** The State has the obligation to facilitate the exercise of Human Rights Defenders' activities, in particular by:

- the access to places of detention and deprivation of liberty in compliance with the laws and regulations in force; they must have access to detainees under the same conditions;
- the access to information and documents necessary for the exercise of their activities, at their request and within a reasonable time;
- informing the public on any case of violation of Human Rights;
- the development and implementation of policies and measures to promote, support and strengthen the capacity of Human Rights Defenders to promote and protect Human Rights and fundamental freedoms.

**Article 14:** The State shall guarantee the confidentiality of the sources of information of Human Rights Defenders.

**Article 15:** The State shall protect Human Rights Defenders, their family members and their collaborators when they are confronted with a situation of risk or danger in the exercise of their activities.

**Article 16:** The State ensures the protection of any Human Rights Defender found on its territory. In this respect, it refrains from extraditing a Human Rights Defender to a country where he risks being persecuted or subjected to torture or cruel, inhuman and degrading treatment.

**Article 17:** The State shall ensure that violations committed against a Human Rights Defender are punished in accordance with the laws and regulations in force.

#### **CHAPTER IV: SPECIFIC PROVISIONS**

**Article 18:** The woman human rights defender benefits from protection against all kinds of violence, threats and discrimination related to her status as a woman human rights defender, in accordance with national, regional and international legal instruments relating to the protection of women.

**Article 19:** The disabled person who is a human rights defender benefits from special protection adapted to their situation.

#### **CHAPTER V: FINAL PROVISIONS**

**Article 20:** A decree taken in the Council of Ministers shall set the terms of application of this law.

**Bamako, on 12 Jan. 2018**

**The President of the Republic,**

**Ibrahim Boubacar KEITA**