Dissolution of political parties in Mali

Legal briefing

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AVOCATS SANS FRONTIERES MALI

Institut Panos Afrique de L'Ouest

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Executive summary

In this legal briefing, ARTICLE 19 addresses the blanket dissolution of all political parties in Mali. This extreme measure, implemented by an executive decree of the government, is a flagrant attack on the right to freedom of expression, freedom of association, and the right to public participation.

Political pluralism is essential to democracy. Political parties are the primary enablers of the right to public participation. Any restriction against their activities must be subject to the utmost scrutiny and strict adherence to the three-tier test of legality, legitimacy, and necessity and proportionality.

CRITERIA FOR DISSOLVING POLITICAL PARTIES

Regional and international standards underline that only a **serious violation of national law** can lead to the dissolution of a political party. Dissolution is an exceptional measure warranted only in the most limited circumstances and must follow strict criteria:

- The **violation of national law must be examined through a comprehensive, independent, and impartial judicial procedure** based on clear legal criteria.
- Dissolution should be **used only as a last resort** when other measures cannot effectively address the threat posed by the political party.
- There must be **concrete evidence that a party is engaged in activities threatening democracy and fundamental freedoms**.
- All decisions on dissolution must be made on an **individual, case-by-case basis** and specific to a given political association.

BAN ON DEMOCRATIC FREEDOMS AND RIGHTS

In defiance of these regional and international standards, the Malian Government banned all activities of political parties and other political associations. The blanket nature of this ban, the absence of judicial scrutiny and any purported justification, and the disproportionate character render the decision clearly incompatible with the freedoms of expression and association and the right to participate in public affairs.

PROTECTING POLITICAL FREEDOMS

ARTICLE 19 calls on the Malian Government to uphold its human rights obligations and democratic norms by:

- **Immediately reversing this extreme and dangerous measure**.
- **Restoring the free and independent functioning of all political parties and associations** in the country.

We hope that this briefing will support those contesting the dissolution and advocating for the immediate restoration of political party freedoms in Mali.

Introduction

On 13 May 2025, General Assimi Goïta, the military leader who came to power following coups in 2020 and 2021, issued a presidential decree that **dissolved all political parties** in Mali.

The decree also **banned all gatherings and activities related to political parties** and organisations of a political nature. The stated justification was to curb the 'proliferation' of political parties, citing 'public order reasons' to suspend political activities indefinitely.

This drastic measure followed a series of events, one of which was a national political conference in April 2025. The conference, which leading opposition parties boycotted, recommended that Goïta remain in office as president for a renewable 5-year term. It also called for the dissolution of political parties. Shortly after this conference, Mali experienced its first major anti-government protests since 2021, which led to arrests and the disappearances of opposition figures.

On 12 May, the government repealed the legal framework that previously protected political parties, including the 2005 Charter of Political Parties. The following day, the dissolution decree was introduced, thereby removing legal guarantees for party formation and political engagement. There has been at least one reported court case challenging the presidential decree of dissolution, but hearings have been postponed to a later date, indicating ongoing but stalled judicial scrutiny of the decree.

ARTICLE 19 considers the collective dissolution of all political parties as an **unprecedented and sweeping restriction** on the right to freedom of expression, freedom of association, and the right to political participation enshrined under regional and international human rights standards.

We provide an analysis that challenges the legitimacy of dissolution in the regional and international human rights mechanisms. We also outline applicable legal frameworks governing restrictions on political parties, including the strict criteria of legality, legitimacy, necessity, and proportionality, as articulated by regional and international human rights standards.

We hope this document will be useful to those contesting the decision and advocating for the immediate reinstatement of the free operation of political parties in Mali, in accordance with human rights obligations and democratic norms.

Applicable international human rights standards

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The International Covenant on Civil and Political Rights (ICCPR) was ratified by Mali in 1974. It guarantees:

- The right to freedom of association, including the right to form and join political parties (Article 22).
- The right of citizens to take part in the conduct of public affairs, directly or through freely chosen representatives (Article 25).
- The right to freedom of expression, which includes protection of political speech (Article 19).

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

Article 10 of the African Charter on Human and Peoples' Rights (African Charter) guarantees every individual the right to freely associate with others, including forming or joining political parties. This right is fundamental to the exercise of other political rights.

Article 13 of the African Charter further ensures the right to participate freely in the government of one's country, directly or through freely chosen representatives.

Article 9 guarantees the right to express and disseminate opinions, which is inextricably linked to the free functioning of political organisations.

CONSTITUTION OF MALI

In its Preamble, the Constitution of Mali refers to the 'ideal of pluralist democracy'.

Articles 14 and 17 of the Constitution recognise the rights to freedom of opinion, expression, and association.

Article 39 expressly states that political parties 'are formed and operate freely under the conditions laid down by law'. They must respect the principles of national sovereignty, democracy, territorial integrity, national unity, and a secular state.

GENERAL COMMENT NO. 25

General Comment No. 25 of the UN Human Rights Committee, adopted in 1996, sets out the authoritative view of the Committee on the right to public participation1 in conjunction with other relevant rights:

Para 25: *'It requires full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or* ***through political parties*** *and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.'* (emphasis added)

Para 26: *'The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected*

by Article 25. ***Political parties and membership in parties play a significant role in the conduct of public affairs and the election process****.'* (emphasis added)

The right to freedom of expression and freedom of association may be restricted only in limited circumstances, namely:

- The restrictions must be **provided by law**. This requirement will be fulfilled only where the law is foreseeable, accessible, and formulated with sufficient precision to enable the citizen to regulate their conduct.
- The interferences must pursue a **legitimate** aim. They may only be imposed for one of the grounds set out in Article 19(3)(a) or (b) of the ICCPR. There must be an individualised and demonstrable link between the threat to a legitimate aim and the restrictive measure in question.
- They must conform to the strict tests of **necessity and proportionality**. The principle of proportionality requires that any restriction must be the least intrusive measure to achieve the intended legitimate objective.

Regional standards and comparative law on protecting political parties

The African Union developed the African Charter on Democracy, Elections and Governance, a key regional treaty that sets out obligations of the member states in relation to the right to participate in public affairs. Mali ratified the Charter in 2013. In this instrument, state parties, among others, made the following commitments to:

- **Article 3(7):** Implement 'effective participation of citizens in democratic and development processes and in governance of public affairs.'
- **Article 3(11):** 'Strengthen[ing] political pluralism and recogniz[ing] the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.'
- **Article 13:** 'Take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.'
- **Article 32(6):** 'Institutional[ize] good political governance through… consolidating sustainable multiparty political systems.'

The Guidelines on Freedom of Association and Assembly in Africa, adopted by the African Commission on Human and Peoples' Rights in 2017, further develop the commitments. The guidelines underline avoiding interference with associations, including political parties, and the strict adherence to the three-tier test in case of justified restrictions:

- **Fundamental Principle vii:** *'State decisions shall be clearly and transparently laid out, with any adverse decisions defended by* ***written argumentation on the basis of law*** *and challengeable in independent courts of law.'* (emphasis added)

- **Fundamental Principle viii:** *'Sanctions imposed by states in the context of associations and assemblies shall be* ***strictly proportionate to the gravity of the harm*** *in question and applied only as a matter of last resort and to the least extent necessary.'* (emphasis added)

The guidelines further recognise that all associations shall be free in determining their purposes and activities. Engagement in political life and involvement in all matters concerning public policy and public affairs are noted as such examples.

The guidelines specifically caution against arbitrary dissolution of associations:

- **Para 58:** *'Suspension or dissolution of an association by the state may only be applied where there has been a* ***serious violation of national law****, in compliance with regional and international human rights law and* ***as a matter of last resort****. Suspension may only be taken* ***following court order****, and dissolution only following a full judicial procedure and the* ***exhaustion of all available appeal mechanisms****. Such judgments shall be made publicly available and shall be determined on the basis of clear legal criteria in accordance with regional and international human rights law.'* (emphasis added)

- **Footnote 44:** *'The requisite level of gravity is only reached in cases involving the* ***pursuit of illegitimate purposes****, such as for example where the association in question aims at large-scale, coordinated intimidation of members of the general population, for instance on the basis of a racially-motivated position.'* (emphasis added)

A key judicial precedent can be found in *Tanganyika Law Society & Others v. Tanzania* by the African Court on Human and Peoples' Rights. In that judgment, the African Court found that the measure adopted to deny all non-party affiliated candidates to stand in an election in Tanzania was a violation of the right to freedom of association and the right to freely participate in the government. The Court underlined the blanket nature of the measure and its clear disproportionality concerning any possible justification.

In a different case, the African Commission for Human and Peoples' Rights dealt with the dissolution of

political parties. In *Interights and Others v. Mauritania*, the Commission examined the dissolution of a political party whose leaders were 'advocating violence', 'carrying out subversive activities which were prejudicial to national unity', and 'training dangerous hooligans who were likely to jeopardise the lives and property of peaceful citizens'. It agreed that the conduct of the political leaders in question threatened the rights of others and collective security, but disagreed that, even in this case, the dissolution measure was 'not strictly proportionate'. Instead, the government could have resorted to 'a large number of measures' that would better address the threat to public order that emanated from specific members of the party.[2]

COMPARATIVE LAW INSIGHTS

Comparative law from other jurisdictions, such as the European human rights system, can provide a useful reference, particularly the Venice Commission's Guidelines on Prohibition and Dissolution of Political Parties and Analogous Measures. These summarise the exceptional nature of the justification for a dissolution of a political party:

Para 10: *'Prohibition or dissolution of political parties can be envisaged only if it is **necessary** in a democratic society and if there is **concrete evidence** that a party is engaged in activities threatening democracy and fundamental freedoms. This could include any party that advocates violence in all forms as part of its political programme or any party **aiming to overthrow the existing constitutional order** through armed struggle, terrorism or the organisation of any subversive activity.'* (emphasis added)

Similarly, the guidelines analyse the restriction based on the principle of **proportionality**:

Para 15: *'State authorities should also evaluate the level of threat to the democratic order in the country and whether **other measures, such as fines, other administrative measures** or bringing individual members of the political party involved in such activities to justice, **could remedy the situation**.'* (emphasis added)

The European Court of Human Rights (ECtHR) has developed robust jurisprudence on bans of political parties.[3] In a sequence of cases in Turkey, the ECtHR underlined that a **ban is a measure of utmost exceptional nature** that can only be permissible with the strict adherence to a range of safeguards.

Notably, in *United Communist Party of Turkey v. Turkey*, ECtHR found the immediate dissolution of the political party to be a drastic measure that was, on the whole, **disproportionate to the purported legitimate aim**. In response to the government's submissions that the party's programme threatened the territorial integrity of Turkey, the ECtHR noted that there is:

'No justification for hindering a political group solely because it sought to debate in public situation of part of State's population and to take part in nation's political life in order to find, according to democratic

rules, solutions capable of satisfying everyone concerned.'[4]

In further case-law, the ECtHR underlined that the government **must provide concrete evidence** confirming that an individual political party poses a threat to national sovereignty, territorial integrity, or that it advocates violence.[5]

Analysis of the executive decree

On 13 May 2025, all political parties and organisations of a political nature were immediately dissolved in Mali by an executive decree (Decree No. 2025-0339), alongside the repeal of the Charter of Political Parties (Law 05-047 of 18 August 2005) and associated legislation that previously regulated and protected political parties. The Charter had established the legal framework for party formation, operations, and obligations.

The executive decree specifically prohibits the following actions:

- All meetings of the members of political parties and other organisations of a political nature.
- Facilitating the work of political parties by providing premises for their meetings or other means of support.
- All fundraising, management, and administrative activities of political parties.
- More broadly, the conduct of 'any political activities' by political parties and organisations of a political nature.

The executive decree also refers to sanctions that authorities will apply against violations of these prohibitions. However, it does not contain an explanation of the reasons or justification for this drastic ban. Instead, it makes a general reference to the law that repealed the previous Malian legislation on political parties.

ARTICLE 19 reiterates that any restriction or ban imposed on a political measure must conform to the requirements of legality, legitimacy, as well as necessity and proportionality.

It should be based on previously specified and narrowly defined criteria applicable to the extreme cases in which dissolution of a political party may be warranted.

Our analysis found that the restrictions imposed in the executive decree **do not withstand scrutiny** against the three-tier test of legality, legitimacy, and necessity and proportionality, or regional and international standards for the following reasons.

RESTRICTIONS ARE NOT 'PROVIDED BY LAW'

Under regional and international human rights standards, the restrictions on the right to freedom of expression and freedom of association must be **'provided by the law'**.

This condition requires more than just a written piece of legislation. The legislation must also meet certain standards of clarity and precision, enabling citizens to foresee the consequences of their conduct on the basis of the law.

Vaguely worded edicts, whose scope of application is unclear, such as the executive decree, will not meet this 'provided by law' standard and are thus illegitimate restrictions on freedom of expression and freedom of association.

DECREE IS A SECONDARY LEGISLATION

The executive decree, which also repealed the existing legislation on political parties, is a **secondary legislation** issued by the president (who is part of the executive branch of the government).

International human rights laws require that **parliament, not the executive government, should establish restrictions** of the nature contained in the decree. Only parliaments can legitimately regulate human rights issues, as human rights laws are designed to protect individuals from the government itself. It is the role of the executive government to regulate matters concerning public administration, yet the subject matter regulated by the measures in the executive decree relates not to public administration but to human rights. Domestic law must afford a high level of protection against arbitrary interferences by public authorities with political parties.

COURT DID NOT ISSUE DISSOLUTION

The dissolution of all political parties was also **not issued by a court**, in defiance of the rule of law and the requirement of a thorough, independent, and impartial judicial procedure capable of assessing any purported justification for the dissolution.

From a comparison law perspective, some European countries (e.g. Romania, Croatia, Hungary, Albania, the Czech Republic, Slovakia, Portugal, Turkey, Azerbaijan, Moldova) have legal provisions allowing courts or constitutional courts to dissolve parties that threaten constitutional order, democracy, public morality, or commit criminal offences. However, dissolution is almost always a judicial decision, usually by constitutional or specialised courts, ensuring due process and legal safeguards. Grounds for dissolution typically require clear evidence that a party actively pursues unconstitutional aims, engages in violence, or undermines democracy.[6]

Blanket or arbitrary bans are widely seen as contrary to democratic standards.

BLANKET BAN IS TOO BROAD

The dissolution is also **broad in scope**. The executive order issued a blanket ban that not only banned all political parties and 'organisations of political nature', but also effectively denied Malian citizens their right to participate in public affairs. Any decision to ban or dissolve a political party must be on an **individual, case-by-case basis and be specific** to that party or association.

DOES NOT MEET LEGITIMATE AIM

Any restrictions on freedom of expression and freedom of association must pursue a **legitimate aim**, explicitly enumerated in Article 19(3) of the ICCPR and in the African Charter (such as protecting public order or national security).

The executive decree **contains no written explanation** or purported reliance on any legitimate aims to impose restrictions on political parties. The Malian Government cited 'public order reasons' and the need to curb the 'proliferation' of political parties as justification. However, there was **no evidence** presented that showed the political parties' activities would pose a concrete threat to democracy or fundamental freedoms in Mali. Such claims appear to serve political consolidation by a military junta rather than genuine democratic safeguarding.

The indiscriminate banning and dissolution of all parties and suppression of political expression raise serious doubts about the stated aim's legitimacy.

> **The decree is simply a measure to silence dissent and entrench authoritarian control, rather than address specific threats to democracy.**

DOES NOT MEET THE CRITERIA OF NECESSITY OR PROPORTIONALITY

Under the requirement of **necessity**, the restrictions must minimise the impairment of the right to freedom of expression and freedom of association; in particular, they must not restrict these rights in a broad or untargeted way.

The impact of restrictions must also be **proportionate**, meaning that the harm caused to freedom of expression and freedom of association should not outweigh the benefits to the legitimate interest pursued. Restrictions must also be the least intrusive means necessary.

Mali's blanket ban is **clearly disproportionate** as it targets all political parties without distinction or on an individual, case-by-case evaluation, and suspends all political activity indefinitely.

International standards require that dissolution is only **used as a last resort** after exhausting other, less restrictive measures and there is evidence of a party's direct threat to democracy or fundamental rights. Mali's decree **disregards these principles**, lacking judicial review, proportionality, or concrete evidence linking each party to actions harmful to the democratic order.

Recommendations

ARTICLE 19 submits that the executive decree fails every point of the three-tier test.

- It was not 'provided by law'
- It did not pursue a recognised legitimate aim.
- It was not 'necessary in a democratic society'.
- It defied the principle of proportionality.

The decree and the act of the government constitute a **flagrant violation of the right to freedom of expression, freedom of association, and the right to public participation**. It is a grave attack on political pluralism and democracy in Mali.

ARTICLE 19 urges the Malian Government to:

- **Immediately reverse the decision to dissolve all political parties.**

The decision will not survive scrutiny regarding its compliance with regional and international standards. All political organisations should be able to operate freely in the country.

Citizens must be able to fully exercise their right to public participation through political parties and other organisations. The rights of every Malian citizen to take part in the conduct of public affairs, and the right to vote and to be elected, are meaningless and impossible to execute in practice without a fully functional and pluralistic political party system.

- **Reinstate the previously existing legislation on political parties.**

The government should take the opportunity to reform the previous legislation through a structured process that involves consulting political parties and other relevant associations and transposing international standards and best practices in political party regulation.

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Endnotes

[1] The African Court for Human and Peoples' Rights confirmed the direct relevance of General Comment No. 25 for the interpretation of Article 13 of the African Charter, which ensures the right to participate freely in the government of one's country; see African Court on Human and Peoples' Rights, *Tanganyika Law Society & Others v. Tanzania* [2013] AfCHPR 8, para 107.3.

[2] *Interights and Others v. Mauritania* (Communication 242 of 2001) [2004] ACHPR 56 (4 June 2004), paras 82–85.

[3] For a more comprehensive overview of this jurisprudence and European standards, see ARTICLE 19 and others, Intervention in the *Chief Public Prosecutor of the Court of Cassation v. The Peoples' Democratic Party*, 9 January 2023.

[4] ECtHR, *United Communist Party of Turkey and Others v. Turkey*, 19392/92, 30 January 1998, paras 55–61.

[5] *Freedom and Democracy Party (OZDEP) v. Turkey*, application no. 23885/94, 8 December 1999; ECtHR, *Yazar, Karatas, Aksoy and the People's Labour Party (HEP) v. Turkey*, applications nos. 22723/93, 22724/93 and 22725/93), 9 April 2002.

[6] For example, in Germany, the declaration of an unconstitutionality (ban) of a political party (not a blanket dissolution of all parties) is exclusively a judicial decision by the Federal Constitutional Court (Bundesverfassungsgericht), as mandated by Article 21(2) of the Basic Law (German Constitution). The executive branch or parliament cannot unilaterally dissolve a party; instead, they must file an application with the court, which then conducts a rigorous legal process (see, for example, Federal Constitutional Court of Germany, Proceedings for the prohibition of a political party). The process also includes preliminary proceedings to assess admissibility, a full trial with evidence and witness hearings, and requires at least a two-thirds majority of the Federal Constitutional Court justices to declare a party unconstitutional.