



ORAL REVISIONS

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Human Rights Council

Twenty-first session

Agenda item 10

Technical assistance and capacity-building

Senegal (on behalf of the African Group): draft resolution

21/... Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006,

Reaffirming all its previous resolutions on Somalia, in particular resolutions 7/35, 10/32, 12/26, 15/28, 17/25, 19/28 and 20/21,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Recalling Human Rights Council resolutions 5/1, on institution building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Welcoming the report of the Secretary-General on Somalia,¹

Welcoming also the end of the transition successful completion of the road map endorsed at the high-level consultative meeting, held on 6 September 2011 in Mogadishu, and the consequent Garoowe I and II and Galkayo principals, including the crucial role played by the outgoing former Prime Minister H.E. Dr Abdiweli Mohamed Ali and his "national salvation government", and by all the signatories of the Road Map, that marks a milestone in the path of Somalia towards a more stable system of governance, with a special focus on the promotion and protection of human rights,

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¹ S/2012/643.

~~Welcoming further the significant progress made over the past year, with the convening of the National Constituent Assembly and its subsequent adoption of the Provisional Constitution of Somalia;~~

~~Welcoming the important work of the traditional elders and the technical selection committee in approving the Members of Parliament, and also the establishment of the new Federal Parliament of Somalia, while expressing concern at reports of intimidation and corruption during the selection process;~~

~~Welcoming also the increased representation of women in Parliament, commending the Somali authorities and underlining the need to continue to increase their representation and their role in decision-making with regard to conflict prevention and resolution, while regretting that they do not constitute at least 30 per cent of its members, and underlining the need to increase their role in decision-making in particular with regard to, but not limited to, conflict prevention and resolution;~~

~~Welcoming further the role of regional bodies in the transition process, including the African Union and the Intergovernmental Authority on Development;~~

~~Welcoming the historic political development which took place inside the country, after 44 years and culminating with in the election of H.E. Dr Hassan Sheikh Mohamud on 10 September 2012 as the country's new president marks, thus marking the end of a twelve-year transition process,~~

~~Acknowledging the efforts made by Somali stakeholders to achieve stability and reconciliation, including the protection of civilians and human rights, by way of laying the foundation for a constitutional order and a representative, inclusive and accountable system of governance;~~

~~Acknowledging also the commitment and efforts made by the African Union and those states contributing to its mission to achieve security in Somalia and supporting the efforts of the the Intergovernmental Authority on Development to reconcile parts of central and south Somalia and the efforts, and in particular those of the African Union Mission in Somalia, and acknowledging further the work of those States contributing to the Mission, including regional countries, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional stakeholders to help Somalia to re-establish stability, peace and security on its national territory, as well as the rule of law,~~

~~Commending the African Union Mission in Somalia for its efforts, as requested by the African Union Peace and Security Council, to minimize civilian casualties during its operations, including the endorsement in 2011 by the Mission of an indirect fire policy, encouraging the Mission to intensify its efforts in this regard, and encouraging also the African Union to support the Mission in efforts to increase awareness and training among its troops on human rights and international humanitarian law;~~

~~Welcoming the work of the Independent Expert on the situation of human rights in Somalia and his latest report submitted to the Human Rights Council,²~~

~~Welcoming also the constructive engagement of the former Transitional Federal Government and Somali regional authorities in the universal periodic review, and encouraging the Government of Somalia to continue efforts in that regard;~~

~~Recalling ~~Welcoming further~~ the signing, on 11 May 2012, of the Memorandum of Understanding on "technical assistance to the Transitional Federal Government in the field~~

² A/HRC/21/61.

of human rights by the Office of the United Nations High Commissioner for Human Rights and the United Nations Political Office for Somalia, and encouraging the Government of the Federal Republic of Somalia to continue its efforts to implement the accepted recommendations included in the outcome of Somalia's first universal periodic review, and encourages the UN system, regional bodies and all States to support the Government in these efforts, including through bilateral assistance. Office of the High Commissioner, regional bodies and Member States to support the implementation of the human rights road map included in the outcome of the first universal period review of Somalia;

Acknowledging the need for long-term international support in the field of human rights in Somalia;

Strongly Deeply concerned about the continuing violations and abuses perpetrated against children, including sexual violence, in particular in areas of conflict or transition in Somalia by State and non-State actors, including their use and recruitment of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict and welcoming the 3 July 2012 signing of an action plan to end the recruitment and use of children by the Somalia National Armed Forces and the 6 August 2012 action plan on ending the killing and maiming of children in armed conflict,

parties to the conflict, including their unlawful use and recruitment of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict,

Expressing grave concern at the abuses and violations perpetrated against women in Somalia, including sexual violence, and emphasizes the need for accountability for all such abuses and violations

Noting that the political process in Somalia has culminated in the end of the long transitional period, and urging the swift appointment of a representative Government, the implementation of the transition road map elements that had been postponed, the development of a programme to define post-transition priorities, the restructuring of Somali security forces and the expansion of the rule of law and public services;

Reiterating the importance of taking measures against both internal and external actors engaged in actions aimed at undermining the peace and reconciliation process in Somalia;

determination of the international community, as expressed by the Security Council in its resolution 2036 (2012) of 22 February 2012, to take measures against both internal and external actors engaged in actions aimed at undermining the peace and reconciliation process in Somalia, including the road map;

1. *Strongly condemns* the grave and systematic human rights abuses and violations perpetrated against the civilian population, including women, children, journalists and human rights defenders, in particular by Al-Shabab and its affiliates, and calls for their immediate cessation. *Expresses its continued serious concern* at the human rights and humanitarian situation in Somalia;

2. *Strongly condemns* all attacks against civilians, including the heinous terrorist attack targeting the new President H.E. Dr. Hassan Sheikh Mohamud and the visiting Minister for Foreign Affairs of Kenya H.E. Dr. Sam Ongeri and his delegation on 12 September 2012, for which responsibility was claimed by Al-Shabaab;

3. *Also strongly condemns* all attacks on journalists, including the deadly terror attack on 20 September and the assassination on 21 September of a prominent journalist in Mogadishu; calls upon the Government of the Federal Republic of Somalia to protect the

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safety of the journalist and calls on all states to provide the necessary technical assistance to the Government of the Federal Republic of Somalia, the sub-national authorities, the national union of Somali journalists and individual journalist in this regard, and urges the State actors and non-State actors to refrain from intentional violence against and harassment of journalists and to respect freedom of expression, the grave and systematic human rights abuses perpetrated against the civilian population, including women, children, journalists and human rights defenders, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

4. ^A *Emphasizes* the need to hold perpetrators of human rights violations and abuses accountable, and to bring them to justice. *Expresses deep concern at the continuing attacks against journalists in Somalia and urges all parties to refrain from intentional violence against and harassment of journalists and to respect freedom of expression;*

5. *Urges* the Government of the Federal Republic of Somalia to allow and facilitate rapid and unhindered humanitarian access to the population in need throughout the country; and calls on the African Union and all states to support this essential effort, and also strongly *encourages* the Government of the Federal Republic of Somalia and African Union to increase awareness and training among AMISOM troops and Somali security forces at national and sub-national levels on human rights and on international humanitarian law, including the protection of civilians, with the support of the international community, while noting that humanitarian access and security and the fulfilment of human rights are linked, and that assistance efforts should take these linkages into account. *Calls on Somalia to fulfil its obligations under international human rights law and international humanitarian law;*

6. *Condemns* the abuses and violations committed against children and *urges* the Government of the Federal Republic of Somalia to take immediate steps to protect them; *urges* the non-state actors, in particular Al Shabab, to immediately refrain from abusing the rights of the children and to refrain from hindering the essential efforts of the Government of the Federal Republic of Somalia in this regard; *calls on* the Government of the Federal Republic of Somalia, relevant United Nations entities and others to strengthen child protection efforts, including by setting up the structures and committees agreed upon in the action plan and ensuring that child protection efforts receive adequate support, including resources from member states;

7. *Calls on* the Government of the Federal Republic of Somalia to take immediate steps to protect women and to end abuses and violations of their human rights, in particular sexual violence, and emphasizes the need for accountability for all such abuses and violations; *urges* non-state actors, in particular Al Shabab, to immediately refrain from abusing the rights of women including forced and under-age marriage, and calls on all states to support these essential efforts;

8. *Urges* the Government of the Federal Republic of Somalia and the sub-national authorities to seek the tangible and timely assistance inter alia from the regional bodies to reform the Somali judiciary system, to select and enhance the capacity of the Somali judges inside the country with a particular focus on the promotion and protection of human rights and in this regard *calls upon* all states to provide assistance;

9. *Requests* the Independent Expert on the situation of human rights in Somalia, in close cooperation with the Government of the Federal Republic of Somalia, the sub-national authorities and the Special Representative of the United Nations Secretary-General (SRSG) for Somalia (UNPOS) to provide advisory services to the new Government and Parliament for the establishment of a National Human Rights Commission, in compliance with the Paris Principles as well as as for a Truth and Reconciliation Commission as provided for by the

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provisions of articles 111 B and 111 I of the new Provisional Constitution of the Federal Republic of Somalia; and calls upon member states to support this crucial task.

10. Further encourages the Government of the Federal Republic of Somalia to develop, with the assistance of the IE, a Human Rights Post-Transition Roadmap with benchmarks and timelines to promote and protect all human rights, including inter alia the rights to water and sanitation, the rights to healthcare, right to education and other basic human rights needs of vulnerable people such as IDPs, Women, Returnees, Children, minorities and journalists.

11. Emphasises the need to enhance and rationalise international assistance to Somalia, and encourages the Independent Expert to identify and make recommendations on technical assistance needs, while underlining the full Somali ownership of the process.

12. Invites the special procedures system and the thematic mandate holders to engage fully and coordinate with the Independent Expert on the situation of human rights in Somalia.

13. Decides to remain actively seized of the matter.

~~Emphasizes that protecting, respecting and fulfilling human rights, investigating breaches of international humanitarian law and bringing those responsible for such breaches to account will be essential for the legitimacy of the political leadership of Somalia.~~

~~7. Calls on the Government of Somalia to ensure the inclusion of human rights compliance mechanisms in instruments and institutions at both the national and subnational levels, and to recognize the importance of promoting and protecting human rights.~~

~~8. Calls on the Office of the United Nations High Commissioner for Human Rights to implement expeditiously the Memorandum of Understanding on technical assistance to the Transitional Federal Government in the field of human rights, and to address the recommendations contained in the report of the Independent Expert on the situation of human rights in Somalia,² and urges Member States to support the Office of the High Commissioner and, more importantly, the efforts of the Somali authorities at the national and subnational levels in this regard.~~

~~9. Urges the Government of Somalia to facilitate rapid and unhindered humanitarian access to people in need.~~

~~10. Encourages the African Union and the African Union Mission in Somalia to intensify their efforts to facilitate rapid and unhindered humanitarian access, and calls on Member States to support this essential effort, and also encourages the African Union to support the Mission in increasing awareness and training among its troops on human rights and on international humanitarian law, as well as in the protection of civilians, with the support of the international community, while noting that peace, security, development and human rights are interlinked, and that assistance efforts should take these linkages into account.~~

~~11. Condemns the abuses against children and urges all parties to end such abuses and violations committed against them and, in particular, calls for an immediate end to the unlawful recruitment and use of child soldiers; urges the Government of Somalia to take immediate steps to protect children; urges the non-State actors, in particular Al-Shabab, to immediately refrain from abusing the rights of children and from hindering the essential efforts of the Government in this regard; welcomes the efforts of the former~~

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Transitional Federal Government to finalize a plan of action with the United Nations to end the use of child soldiers, and emphasizes the importance of signing and implementing that plan immediately; and calls on the Government, relevant United Nations entities and others to strengthen child protection efforts, including by ensuring that such efforts are appropriately resourced by Member States to support these essential efforts;

12. — *Expresses concern* at the abuses and violations perpetrated against women in Somalia, including sexual violence, and emphasizes the need for accountability for all such abuses and violations;

13. — *Calls on* the Government of Somalia to take immediate steps to protect women and to end abuses and violations of their human rights, in particular sexual violence, and emphasizes the need for accountability for all such abuses; urges the non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of women, including forced and early-age marriage with “foreign jihadists”; calls on the Government and subnational authorities to take all the steps necessary to enable the full and equal participation of women in conflict prevention, management and resolution and in peacebuilding and political processes; and calls on Member States to support these essential efforts;

14. — *Commends* Member States that have extended generous education assistance, including through the provision of training programmes for Somali journalists to boost their prominent role in the promotion of human rights through public awareness campaigns in accordance with Human Rights Council resolution 10/32 of 27 March 2009;

15. — *Urges* the Government of the Federal Republic of Somalia and subnational authorities to seek tangible and timely assistance from, inter alia, regional bodies to reform the Somali judiciary system, to select and enhance the capacity of Somali judges inside the country, with a particular focus on the promotion and protection of human rights and, in this regard, calls upon Member States to provide assistance;

16. — *Decides* to reinforce the mandate of the Independent Expert on the situation of human rights in Somalia with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights in order to support the efforts of the Government of Somalia and subnational authorities to ensure respect for human rights and to strengthen the human rights regime, including in relation to the post-transition period, as well as other key transitional tasks that must be completed, and to advise the Government on the implementation of technical cooperation inside Somalia;

17. — *Urges* the special procedures and thematic mandate holders to engage fully and coordinate with the Independent Expert;

18. — *Requests* the Office of the High Commissioner to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

19. — *Decides* to remain actively seized of the matter.