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HUMAN RIGHTS COUNCIL
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Agenda item 10

TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

Nigeria (on behalf of the African Group), Norway: draft resolution

12/... 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,

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

Reaffirming the sovereignty and territorial integrity of Somalia,

Recalling its previous resolutions on the human rights situations in Somalia, in particular resolution 10/32 of 27 March 2009,

Recalling also its resolutions 5/1 and 5/2 of 18 June 2007,

Emphasizing that the Peace and Security Council of the African Union, in the communiqué of its 190th meeting, of 22 May 2009, condemned the repeated attacks against the Government and the civilian population in Mogadishu and other parts of Somalia by armed groups, including foreign elements bent on undermining the peace and reconciliation process,

Welcoming the outcome of the pledging conference held in Brussels, on 22 and 23 April 2009, as it constitutes a sign of renewed commitment by the international community to support the long-term stabilization and post-conflict reconstruction of Somalia, as reflected in, inter alia, the declaration of the Council of the European Union on 27 July 2009,

Welcoming also the role played by the International Contact Group on Somalia and stressing the need for more coordination by the international community in order to ensure the timely and concrete socio-economic and political stabilization of Somalia,

Reiterating that humanitarian, human rights and development assistance is of paramount importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

Convinced that the dire human rights and humanitarian situation in Somalia demands an urgent and tangible international response that is commensurate with its gravity, and expressing support for the commitment of the Transitional Federal Government to improve the respect of human rights and international humanitarian law by legal provisions, law enforcement and activities to protect the civilian population,

Welcoming the commitment made by the Transitional Federal Government to ensure inclusiveness in the political process, as clearly shown by its constant endeavours to reach out to those who have hitherto remained outside the peace process and to work towards a broad-based political process on the premise of respect for human rights and international humanitarian law,

Welcoming also the comprehensive institutional cooperation agreement signed on 23 August 2009 by the Transitional Federal Government and the Puntland Government of Somalia,

Welcoming further the decision taken by Prime Minister Abdirashid Ali Sharmarke to nominate a human rights focal point with the objective of constituting a national human rights commission focusing on the safeguarding of all human rights in Somalia, human rights provisions in the Constitution of Somaliland, as well as the existing Human Rights Commission, and welcoming subnational constitutions, such as those in Somaliland and Puntland, which enhance human rights protection in the areas,

Noting with concern that the security situation remains extremely fragile, in particular in the central and southern regions of Somalia,

Expressing its strongest condemnation against the brutal terrorist attack against the peacekeepers of the African Union Mission to Somalia and the security forces of the Transitional Federal Government on 17 September 2009, and conveying its deepest condolences to the families of the victims and to the Governments of Uganda, Burundi and Somalia as well as to the African Union,

Noting with concern the continuing threat of piracy, which adversely affects the delivery of humanitarian supplies, the safe passage of international maritime traffic and stressing the need to tackle the root causes of piracy on the ground through a comprehensive approach to the timely and lasting socio-economic and political stabilization of Somalia,

Seriously alarmed at the deteriorating situation of refugees and internally displaced persons, as well as human trafficking,

1. *Welcomes* the continued commitment and efforts made by the African Union to support Somali-led efforts towards reconciliation, peace and security in its national territory, as reaffirmed by the Peace and Security Council in the communiqué of its 190th meeting, of 22 May 2009, as well as Assembly resolution of 3 July 2009 (AU/Dec.252/XIII, para. 16), and invites other regional organizations of which Somalia is a Member State and the international community at large to further and concretely engage in order to support the ongoing stabilization efforts;

2. *Expresses* its deep concern at the human rights and humanitarian situation in Somalia and calls for an immediate end to all abuses;

3. *Also expresses* its deep concern at the repeated attacks against journalists, civil society activists and humanitarian workers, and calls on all parties to allow unhindered access of civilians and non-combatants in need to humanitarian assistance;

4. *Further expresses* its deep concern at the deteriorating human rights and humanitarian conditions, and in particular at reports of indiscriminate attacks against civilians, and other criminal activities by armed groups, such as intimidation, abduction, targeted killings and summary executions, particularly in certain parts of the country;

5. *Expresses* its deep concern at the plight of internally displaced people and refugees and at the vast scale of displacement as a direct consequence of the conflict and of violations of human rights and humanitarian law;

6. *Urges* all parties to cooperate with the Transitional Federal Government so that it may fulfil its obligations under international human rights and humanitarian law, to refrain from all forms of violence against the civilian population and to actively prevent abuses of human rights, including the rights of all social groups and persons belonging to minorities living in Somalia;

7. *Stresses* the need to implement technical assistance and institutional capacity-building programmes inside the country, in cooperation with the Transitional Federal Government at the national and regional levels, including those noted in resolution 10/32 of 27 March 2009, in order to, inter alia, support Somali-led efforts to identify the most appropriate mechanism for prevention and accountability;

8. *Calls on* all parties, including those at the regional level, to take further steps to cooperate with the Transitional Federal Government so that Somalia may fulfil its obligations under international human rights and humanitarian law and for the implementation of the relevant provisions of the Transitional Federal Charter relating to human rights;

9. *Takes note* of the work undertaken by the independent expert on the situation of human rights in Somalia and of his report;

10. *Decides* to renew the mandate of the independent expert on the situation of human rights in Somalia for a period of one year, 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 Transitional Federal Government and regional authorities to ensure the respect of human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests the independent expert to submit a report on the status of implementation of technical cooperation inside Somalia to the Council at its thirteenth and fifteenth sessions;

11. *Encourages* the independent expert to devote, in the fulfilment of his mandate, specific attention to building the effective capacity of the rule of law, the harmonization of laws, appropriate mechanisms to address impunity and the training of Somali security personnel on international human rights standards, also paying close attention to all human rights, including economic, social and cultural rights, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to education;

12. *Requests* mandate holders of relevant thematic special procedures of the Council to cooperate with the independent expert with a view to gather and update reliable information on the human rights situation in Somalia;

13. *Requests* the Secretary-General to provide the independent expert with all the human, technical and financial assistance necessary to carry out his mandate;

14. *Decides* to remain seized of the matter.
