



# General Assembly

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## Human Rights Council

Twentieth session

Agenda item 10

### Technical assistance and capacity-building

**Australia\*, Somalia\*, Turkey\* : draft resolution**

#### **20/... 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,

*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 and 5/2 of 18 June 2007 and 19/28 of 23 March 2012,

*Acknowledging* the commitment of and efforts made by the African Union and the Intergovernmental Authority on Development, and especially those of the African Union Mission in Somalia, and recognizing those States contributing to the African Union Mission in Somalia, including countries in the region, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional stakeholders to help Somalia re-establish stability, peace and security on its national territory,

*Commending* the African Union Mission in Somalia for its efforts, as requested by the Peace and Security Council, to minimize civilian casualties during its operations, encouraging the Mission to intensify its efforts in this regard, and encouraging the African Union to support the Mission in increasing 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,

*Acknowledging* the constructive engagement of the Transitional Federal Government and Somali regional authorities in the universal periodic review,

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\* Non-Member State of the Human Rights Council.

*Welcoming* the signing of the Memorandum of Understanding among the Transitional Federal Government of Somalia, the Office of United Nations High Commissioner for Human Rights and the United Nations Political Office for Somalia on 11 May 2012,

*Deeply concerned* about the continuing violations and abuses perpetrated against children by parties to the conflict, in particular in the most unstable regions of Somalia, including the unlawful use and recruitment of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict,

*Noting* that the political process in Somalia is at a critical phase, with only two months left until the end of the transitional period on 20 August 2012, and looking towards the transition to an elected government,

*Warning* the would-be spoilers of the end of the ongoing transitional process against sanctions,

1. *Expresses its continued serious concern* at the human rights and humanitarian situation in Somalia;

2. *Strongly condemns* the grave and systematic human rights abuses perpetrated against the civilian population, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

3. *Calls on* Somalia to fulfil its obligations under international human rights law and international humanitarian law;

4. *Emphasizes* that protecting, respecting and fulfilling human rights will be essential for the legitimacy of any future Somali political leadership, and also emphasizes the importance of training in human rights and international humanitarian law for Somali security forces;

5. *Calls on* the Transitional Federal Government and any successor Government 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;

6. *Calls on* the Office of the United Nations High Commissioner for Human Rights to implement expeditiously the Memorandum of Understanding, and urges Member States to support the Office of the High Commissioner and the efforts of the Somali authorities at the national and subnational levels in this regard;

7. *Urges* all parties to facilitate rapid and unhindered humanitarian access, and urges Member States to support tangibly the Somali authorities at the national and subnational levels in delivering social services inter alia with the immediate deployment of military engineering corps by the African Union Mission in Somalia and willing Member States, recovery and development programmes in accordance with the peculiar needs of the different regions as peace dividend;

8. *Encourages* the Transitional Federal Government and the African Union Mission in Somalia to provide their security forces with training in international human rights law and international humanitarian law, with the support of the international community;

9. *Urges* all parties to take immediate steps to protect women and children and to end abuses and violations committed against them, and calls, in particular, for an immediate end to the unlawful recruitment and use of child soldiers; welcomes the efforts of the Transitional Federal Government towards finalizing an action plan with the United Nations to end the use of child soldiers and emphasizes the importance of signing and

implementing this plan immediately; and calls for the Transitional Federal Government, relevant United Nations entities and others to strengthen child protection efforts, including by ensuring that child protection efforts are appropriately resourced; concerned also about abuses perpetrated against women in Somalia, including sexual violence, and emphasizing accountability for all such abuses;

10. *Expresses deep concern* about continuing attacks against journalists in Somalia, and urges all parties to refrain from intentional violence against and harassment of journalists;

11. *Commends* Member States, such as Turkey, among others, that have extended generous education assistance, and invites Member States to follow this example, including through the provision of higher education programmes for Somali journalists to boost the prominence of their role in the promotion of human rights through public awareness campaigns in line with Human Rights Council resolution 10/32;

12. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Somalia for one year, from September 2012, 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 Transitional Federal Government and Somali subnational authorities to ensure respect for human rights and strengthen the human rights regime in preparation for the end of the transitional period on 20 August 2012, including in relation to the presidential and parliamentary speaker elections, as well as other key tasks that must be completed before this date, and to advise the Transitional Federal Government, the United Nations and the international community as to the steps that need to be taken to ensure that the environment is conducive to the free exchange of ideas and views and the conduct of elections; and requests the Independent Expert to report to the Human Rights Council at its twenty-fourth session on the situation of human rights and the implementation of technical cooperation in Somalia;

13. *Urges* the special procedure system and the thematic mandate holders to fully engage and coordinate with the Independent Expert on the situation of human rights in Somalia;

14. *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;

15. *Calls on* all parties to ensure that the progress made at the London Conference on Somalia, held on 23 February 2012, is consolidated through effective action, and to redouble their efforts to support the people of Somalia in their search for a better future for their country;

16. *Welcomes* the outcomes of the second Istanbul Conference on Somalia, held on 31 May and 1 June 2012, in particular those that reiterate that respect for human rights must be at the heart of the peace process and that call on the Somali authorities to follow through with their commitment to uphold human rights and the rule of law and to put an end to the culture of violence and impunity;

17. *Also welcomes* the efforts of the Government of Italy in holding the meeting of the International Contact Group on Somalia in Rome on 2 and 3 July 2012;

18. *Further welcomes* the statements made by the President of the Security Council on 5 March 2012 and 15 May 2012;

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