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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,

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 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 former Prime Minister Abdiweli Mohamed Ali and his “national salvation government”, marking 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,

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,

¹ S/2012/643.

Welcoming also the increased representation of women in Parliament, 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 inside the country, culminating in the election of Hassan Sheikh Mohamud on 10 September 2012 as the country's new president, 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 the Intergovernmental Authority on Development, 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,

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

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 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,

² A/HRC/21/61.

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

2. *Strongly condemns* the heinous terrorist attack targeting the new President and the visiting Minister for Foreign Affairs of Kenya on 12 September 2012, for which responsibility was claimed by Al-Shabaab;

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

6. *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-Shabaab, 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 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 those 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 those 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.