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**Human Rights Council****Fifty-fourth session**

11 September–13 October 2023

Agenda item 10

**Technical assistance and capacity-building****Resolution adopted by the Human Rights Council  
on 12 October 2023****54/32. Assistance to Somalia in the field of human rights***The Human Rights Council,**Guided by the Charter of the United Nations,**Reaffirming the Universal Declaration of Human Rights,**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,**Reaffirming also its previous resolutions on Somalia,**Recalling its resolutions 5/1 and 5/2 of 18 June 2007,**Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia, and that enhancing the legal framework, human rights protection systems and the capacity, transparency and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and abuses and to encourage reconciliation,**Recognizing also the need for the Federal Government of Somalia and its security institutions to uphold their international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,**Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal member state levels, and acknowledging the Mutual Accountability Framework, which is aimed at accelerating reforms regarding human rights, as well as reforms regarding security, economic and political institutions and elections,**Underscoring the importance of cooperation and consensus for making further progress on key national priorities, including the implementation of the national security architecture, the constitutional review, power- and resource-sharing in the federal order, including fiscal federalism, and reaching an agreement on a federated justice system, all of which require political agreements that can form the basis for legislation in the federal Parliament,*

*Recognizing* the sustained and vital commitment of the African Union Mission in Somalia, followed by the African Union Transition Mission in Somalia, and the loss and sacrifice of personnel killed in action since these operations began, in maintaining support for peace and security in Somalia,

*Recognizing also* the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to end sexual and gender-based violence, including conflict-related sexual violence, female genital mutilation, child, early and force marriage, and all other forms of unlawful violence in situations of armed conflict, to end impunity and, consistent with international law, to prosecute those responsible for sexual and gender-based violence against women and girls, and the importance of promoting their economic empowerment and full, equal and meaningful participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security,

*Recognizing further* the increased commitment of the Federal Government of Somalia and federal member states to strengthening the promotion and protection of human rights through their respective ministries, while urging increased advocacy for and implementation of human rights commitments in Somalia and engagement with the international human rights system,

1. *Welcomes* the commitment of the Federal Government of Somalia to improving the situation of human rights in Somalia, and in that regard also welcomes:

(a) The revisions to the Somalia Transition Plan, which should support the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Transition Mission in Somalia to increased Somali ownership, and appreciating, in particular, that this approach is underpinned by a focus on the rule of law, reconciliation, justice, respect for human rights and the protection of women and children, and girls in particular;

(b) The establishment by the Federal Government of a national disability agency in August 2020, its ratification of the Convention on the Rights of Persons with Disabilities in August 2019 and its commitment to entrenching the rights of persons with disabilities in social, educational, political and economic life through the first-ever national disability bill for Somalia and other legislative mechanisms, by improving the collection of data on persons with disabilities;

(c) The launch by the Federal Government in September 2022 of a national action plan for the implementation of the Somali Women's Charter and Security Council resolution 1325 (2000) of 31 October 2000 and subsequent Council resolutions on the women and peace and security agenda, which entrenches an unconditional commitment to gender equality, human rights and the empowerment of women, zero tolerance for gender-based violence, justice for all, women's economic empowerment, reconciliation and peace for women at the centre of transitional justice, and the establishment of the Somalia chapter of the African Women Leaders Network, which supports the implementation of the above-mentioned national action plan;

(d) The progress made towards a review of the provisional Constitution of 2012 by the National Consultative Council, including an agreement on a Somali justice model, an amendment to the national security architecture and the proposed "one person, one vote" electoral model for Somalia, and encourages the Federal Government of Somalia to ensure that the agreements made by the National Consultative Council are subject to broad consultations with technical experts, members of civil society, including women, persons with disabilities and members of minority clans, to ensure they are genuinely representative, that they follow due process through Parliament to enshrine these agreements, and that full consideration is given to the long-term affordability of the model proposed;

(e) The efforts of the Ministry of Women and Human Rights to draft key human rights legislation, including sexual offences legislation, the child rights bill and the National Disability Act, and encourages the Government to ensure that said legislation is subject to broad consultation with civil society, including women, persons with disabilities and

members of minority clans, to ensure that it is genuinely representative and compliant with international human rights law as applicable, and follows due process through Parliament;

(f) The progress made in the federal member State of Puntland on holding local, one person, one vote elections in all but three districts, including the participation of women, who comprised 28.2 per cent of political association candidates;

(g) The genuine commitment and cooperation of Somalia with the treaty bodies, in particular the submission of the initial report of Somalia under article 44 of the Convention on the Rights of the Child to the Committee on the Rights of the Child<sup>1</sup> in 2019, and the spirit of transparency and cooperation in which the delegation of Somalia engaged with the Committee in the consideration of that report during its ninetieth session;

2. *Also welcomes* the active engagement of the Federal Government with the universal periodic review mechanism in May 2021, and in this regard recalls its acceptance of many recommendations made during the review,<sup>2</sup> encourages the Government to implement them as a matter of priority, and also welcomes its commitment to completing a midterm review on the implementation of recommendations;

3. *Expresses concern* at the reports of violations and abuses of international human rights law and violations of international humanitarian law in Somalia, emphasizes that all armed actors should uphold respect for international humanitarian law and human rights for all and hold accountable all those responsible for such violations and abuses and related crimes, including those committed against women and children, and girls in particular, such as the unlawful recruitment and use of child soldiers and children in armed conflict, killing, maiming and rape, and other forms of sexual and gender-based violence, including child, early and forced marriage and all forms of female genital mutilation and harmful practices, and emphasizes the importance of children formerly associated with armed groups being recognized as victims and the need to establish and implement rehabilitation and reintegration programmes and to strengthen existing ones;

4. *Also expresses concern* that internally displaced persons, including those who may be in vulnerable situations, who may include women, children, young persons, persons with disabilities and persons belonging to minority and marginalized groups, are the most at risk of violence, abuse and violations;

5. *Expresses deep concern* at the increasing risk of civilian protection issues resulting from continued counter-al-Shabaab operations, noting that all actors engaged in conflict have a responsibility to uphold their respective obligations under international human rights law and international humanitarian law, as applicable;

6. *Expresses concern* at any attack against, illegal restrictions imposed on or harassment of human rights defenders, civil society actors, opposition political actors, including journalists and media workers, especially in the form of harassment, arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for the right to freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes, and stresses the importance of the political neutrality of the police, and in addition encourages the Somaliland authorities to respect the right to freedom of expression and of peaceful assembly in line with international human rights law, and to reconsider implementing the draft media law and 2018 sexual offences bill;

7. *Also expresses concern* at the ongoing conflict in Laascaanood and the surrounding areas, and recalls the Security Council press statement of 7 June 2023, which, inter alia, condemned the violent clashes between “Somaliland” security forces and clan militia and all acts of violence against civilians, calls upon all parties to exercise restraint and to refrain from provocative actions in order to de-escalate the situation on the ground and create the conditions for peace, and calls upon all parties to the conflict to uphold their respective obligations under international human rights law and humanitarian law, as

<sup>1</sup> CRC/C/SOM/1.

<sup>2</sup> See A/HRC/48/11.

applicable, including those relating to the treatment of detainees, the protection of civilians and civilian infrastructure, and humanitarian access;

8. *Further expresses concern* that those belonging to minority clans and marginalized groups, including women and girls, continue to be at the periphery of economic and political opportunities and decision-making in Somalia, and encourages the Federal Government of Somalia and its institutions to increase efforts to widen opportunities for their participation in public affairs, recognizing that women and girls belonging to minority groups continue to be more vulnerable to sexual and gender-based violence owing to poverty, marginalization and discriminatory attitudes;

9. *Expresses concern* at the signing into law in August 2020 of the amended 2016 media law and provisions of the 1964 Penal Code that do not comply with international human rights law, such as those providing for imprisonment as a punishment for media-related offences, and encourages the Federal Government of Somalia to consider repealing such provisions;

10. *Also expresses concern* at the arrest and imprisonment of several individuals for practicing their religious beliefs, and calls for freedom of religion or belief to be respected;

11. *Further expresses concern* about the large number of instances of the six types of grave violations committed against children in armed conflict as identified by the Secretary-General and documented in his annual report,<sup>3</sup> in addition to further alleged violations against children in Puntland, and demands that all parties to the conflict take appropriate measures to comply with applicable international humanitarian law and international human rights laws;

12. *Expresses concern* that the exposure and sensitivity of Somalia to ongoing global crises, including those relating to climate change and environmental degradation, are vast and structural, and that this vulnerability is a driver of fragility, conflict and humanitarian need, including hunger, which is reflected in the grave humanitarian crisis in Somalia and the wider region;

13. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable and to support internally displaced persons in Somalia;

14. *Also recognizes* the efforts of Somalia, despite its own struggles, to accept and not turn its back on refugees from other countries in the region;

15. *Calls upon* the Federal Government of Somalia, federal member states and key political stakeholders, with the support of the international community:

(a) To make urgent progress towards finalizing a new constitution through inclusive and regular high-level dialogue at all levels, including the full, equal and meaningful participation of women and members of minorities, with a view to reaching political agreement among the Federal Government, all federal member states and the federal Parliament;

(b) To expedite the establishment of a national human rights commission consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), providing it with adequate resources to monitor and ensure accountability for violations and abuses, including a recruitment process that provides equal opportunities for the representation of women, persons belonging to marginalized groups and persons with disabilities;

(c) To hold free, fair, inclusive and transparent one person, one vote elections at the federal member state and district levels at a time when such elections can feasibly be held;

<sup>3</sup> A/76/871-S/2022/493.

- (d) To continue its cooperation with the Special Representative of the Secretary-General for Somalia;
- (e) To engage closely with the Independent Expert on the situation of human rights in Somalia and to facilitate her visits to Somalia so that she may conduct her mandated work;
- (f) To encourage an inclusive and accessible approach to political participation at the Federal Government and federal member state levels by ensuring full, equal and meaningful opportunities for women, internally displaced persons, persons with disabilities and persons belonging to minority and marginalized groups, and agreement on a future electoral model that encourages inclusivity at all stages;
- (g) To realize its commitments to security sector reform, including by ensuring the active and meaningful participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and to the strengthening of internal and external accountability of all relevant security forces and institutions;
- (h) To strengthen the legal and operational framework for the protection of children in Somalia, including by swiftly implementing the Child Rights Act, to consider becoming a party to the optional protocols to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, to prevent the unlawful recruitment and use of children in armed forces of all types, including forces operating at the national, federal member state and local levels and groups such as Al-Shabaab, to work with specialized organizations, such as the United Nations Children's Fund, to ensure that former child soldiers and children unlawfully used in armed conflict are treated as victims and rehabilitated, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have been endorsed by the Federal Government of Somalia, and to identify those responsible for such violations and abuses and hold them accountable;
- (i) To implement the Safe Schools Declaration, which the Federal Government of Somalia endorsed in October 2015, to ensure that education facilities, students and education personnel are protected;
- (j) To implement the recommendations and activities envisaged under the national action plan on women and peace and security in an incremental and consultative process, to thereby strengthen women's participation in peacebuilding and socioeconomic progress in stabilization and rebuilding efforts for Somalia;
- (k) To accelerate the adoption and full implementation of the national action plan on women and peace and security, in close cooperation with civil society, in line with Security Council resolution 1325 (2000) and subsequent Council resolutions on that issue, noting that the Cabinet endorsed the Somali Women's Charter to strengthen women's participation in peacebuilding and socioeconomic progress in stabilization and rebuilding efforts for Somalia;
- (l) To ensure that all legislation is compatible with international legal obligations, noting Security Council resolution 2664 (2022) of 9 December 2022, according to which the provision, processing or payment of funds, other financial assets or economic resources or the provision of goods and services necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs by the United Nations and certain organizations are permitted and are not a violation of the asset freezes imposed by the Council or its sanctions committees, as a model of best practices for relevant domestic legislation, including in Somalia, and to amend where appropriate existing legislation in the spirit of resolution 2664 (2022);
- (m) To review the amended media law signed in August 2020 in order to enable the media to report independently without fear of retribution in Somalia, and to ensure its compliance with international human rights law, and to accelerate the work of the special prosecutor for investigating crimes against journalists;

(n) To realize its commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses by ensuring prompt, thorough and effective investigations and by committing resources to reforming and developing the justice sector in a manner consistent with international human rights law, to increase the representation of women in the judiciary and to improve access to justice for women and children;

(o) To support the Ministry of Women and Human Rights Development in facilitating the smooth passage of the sexual offences bill through Cabinet and Parliament, and to ensure that any bill passed into law reflects applicable international obligations and commitments on the protection of all women and children, and girls in particular, and to implement it and other laws as necessary to combat sexual and gender-based violence, including child, early and forced marriage and all forms of female genital mutilation, while ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(p) To continue to acknowledge the importance of inclusive dialogue and local reconciliation processes for stability in Somalia, including in the context of the national reconciliation framework and process, and calls upon the Federal Government and federal member states to increase leadership and engagement in de-escalating tensions and engage in constructive dialogue;

(q) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, in particular the Ministry of Women and Human Rights Development at the federal and state levels;

(r) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Prevention and Punishment of the Crime of Genocide;

(s) To realize the commitment it made at the Global Disability Summit held on 16 and 17 February 2022, in particular by supporting the national disability agency in its work, in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of persons with disabilities;

(t) To harmonize national and federal member state-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(u) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(v) To implement the Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted on 25 March 2017;

(w) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practices for relocations, and to provide sites that afford safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(x) To ensure safe, timely, sustained and unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate safe, timely, sustained and unhindered humanitarian access to people in need, wherever they are located in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minority groups requiring humanitarian assistance;

(y) To regard primarily as victims those children who have been released or otherwise separated from armed forces and armed groups, in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, which have

been endorsed by the Federal Government of Somalia, to cease detaining children on national security charges whenever doing so would be in violation of applicable international law, and to pass the juvenile justice bill in order to codify a minimum age of criminal responsibility in Somalia;

16. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

17. *Underlines* the importance of the realization by the African Union Transition Mission in Somalia of its mandate throughout Somalia and the need to strengthen synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

18. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

19. *Decides* to renew the mandate of Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year, to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

20. *Acknowledges* the call by the Federal Government of Somalia for increased technical assistance and capacity-building efforts to support the priorities of the Government in implementing its benchmarks and the recommendations accepted by Somalia in the context of the third cycle of the universal periodic review;

21. *Also acknowledges* the progress that Somalia has made and its cooperation with United Nations bodies, including the Office of the High Commissioner and the mandate of the Independent Expert since its creation in 1993, also acknowledges that the situation of human rights in Somalia determines the action most appropriate for the Human Rights Council to take, and in this regard welcomes the transition plan towards deeper thematic engagement with the special procedures of the Council and other experts, as well as the Office of the High Commissioner, as proposed by the Independent Expert, in cooperation with the Federal Government of Somalia, in her most recent report,<sup>4</sup> in which she included clear steps and benchmarks to inform appropriate follow-up actions by the Council, considering the recommendations of the Independent Expert and the human rights commitments of Somalia;

22. *Requests* the Independent Expert to continue to work closely with the Federal Government and other relevant authorities at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the African Union Transition Mission in Somalia, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

- (a) Its national and international human rights obligations;
- (b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;
- (c) Recommendations accepted in the context of the universal periodic review;
- (d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and persons belonging to marginalized groups, such as minority clans, freedom of expression and assembly, the protection of the media and civil society, including women peacebuilders, access for women and members of minority groups to justice and accountability for violations of their human rights, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

23. *Also requests* the Independent Expert, bearing in mind the long-standing nature of the mandate, to include in her report options on possible adjustments to the scope of the mandate in order to better respond to the technical assistance needs of the Federal

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<sup>4</sup> A/HRC/54/78.

Government of Somalia, based on an assessment conducted in collaboration with the Government and all stakeholders, including relevant United Nations actors, with a view to revising the focus and scope of the mandate and improving its ability to support the country in its efforts to improve the situation of human rights;

24. *Further requests* the Independent Expert to report to the Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session;

25. *Requests* the Independent Expert to provide an update to the Human Rights Council in her report on progress on the implementation of the benchmarks and indicators in the transition plan to inform future action by the Council;

26. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out the mandate fully;

27. *Decides* to remain actively seized of the matter.

*48th meeting  
12 October 2023*

[Adopted without a vote.]

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