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Technical assistance and capacity-building

Australia*, Austria, Belgium*, Denmark*, Djibouti*, Ethiopia, Finland*, Gabon (on behalf of the Group of African States), Germany, Greece*, Hungary*, Ireland, Italy, Luxembourg*, Netherlands*, Norway*, Portugal*, Qatar, Senegal*, Slovenia*, Somalia*, Spain, Sweden*, Thailand, Turkey*, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland*, United States of America, Yemen*: draft resolution

24/... 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 its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also previous Human Rights Council resolutions on Somalia,

Recognizing the urgent need for a step-up in the scale, coherence and quality of all capacity development of and technical assistance to Somalia in the field of human rights,

Recognizing the role women have played and will continue to play in community mobilization and peace building in Somali society and the importance of promoting their economic empowerment and participation in political and public decision making processes, including within parliament,

1. *Expresses concern* at the reports of violations of human rights in Somalia, and underscores the need to end impunity, uphold human rights and hold accountable those who commit any such related crimes;

2. *Also expresses concern* at the abuses and violations perpetrated against women, including sexual violence, and emphasizes the need for accountability for all such abuses and violations;

* Non-member State of the Human Rights Council.

3. *Expresses deep concern* at the continuing violations and abuses committed against children, including the recruitment and use of child soldiers, killing and maiming, rape and other sexual violence, abductions, attacks on schools and/or hospitals and concerned about the continued displacement of children as a result of armed conflict;

4. *Also expresses deep concern* at the continuing attacks and abuses against journalists in Somalia, urges all parties to refrain from violence against and harassment of journalists and to respect freedom of expression, and underscores the need to end impunity, uphold human rights and hold accountable those who commit any such related crimes;

5. *Strongly condemns* the grave and systematic human rights abuses perpetrated against the civilian population, including women, children, journalists and human rights defenders, by Al-Shabaab and its affiliates, and calls for their immediate cessation;

6. *Welcomes* the commitment of the Federal Government of Somalia to improving human rights in Somalia and, in this respect, also welcomes:

(a) The adoption of the Post-Transition Human Rights Road Map for Somalia on 27 August 2013, its continuing development and realization;

(b) The justice, police and armed forces reform plans presented at the Somalia Conference on 7 May 2013;

(c) The continuing institutionalization of the promotion and protection of human rights in Somalia, including efforts to incorporate civilian protection and to promote human rights in security and justice sector reform plans;

(d) The commitment of the Federal Government of Somalia to establish a national human rights commission in due course;

(e) The joint communiqué, signed by the United Nations and the Federal Government of Somalia on 7 May 2013, on tackling the root causes of sexual violence in a sustainable manner;

(f) The continued commitment of the Federal Government of Somalia to the universal periodic review process;

(g) The accession of Somalia to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and its commitment to the implementation of the Convention with the technical support of the Organization for the Prohibition of Chemical Weapons and bilateral assistance provided by Member States;

7. *Underscores* the importance of coordinated international assistance to Somalia in the field of human rights and, in this respect, welcomes:

(a) The endorsement of the Somali Compact on 16 September 2013;

(b) The establishment of a high-level task force in March 2013 consisting of the Federal Government of Somalia and representatives of the Somali Federal Parliament, Somali civil society, United Nations and the lead donor representative, to guide and support the implementation of the Compact on the basis of mutual accountability;

(c) The holding of the Somalia Conference on 7 May 2013 in London, and the communiqué thereof, noting especially the commitments to create sustainable and accountable security forces that respect human rights, to ensure the protection of women and children in conflict, to ensure equal access for all to a robust, impartial and effective justice system, and to ensure press and media safety and freedom;

(d) The sustained and vital commitment of the African Union Mission in Somalia and the Intergovernmental Authority on Development;

8. *Recognizes* the importance of international assistance to Somalia and stresses that the primary responsibility to promote and protect human rights in Somalia rests with the Federal Government of Somalia at the national and subnational levels;

9. *Encourages* States to provide timely and tangible bilateral assistance and to enhance cooperation with the Federal Government of Somalia at the national and subnational levels;

10. *Calls upon* the Federal Government of Somalia, with support from the international community:

(a) To promote reconciliation and dialogue at both the local and national levels, recognizing the importance of assistance provided by the Intergovernmental Authority on Development;

(b) To finalize and adopt a federal Constitution by December 2015;

(c) To prepare for and hold credible elections in 2016;

(d) To ensure the equitable participation of women, youth, minority groups and other marginalized groups in national political processes;

(e) To hold public hearings on the draft law on the establishment of a national human rights commission, with the guiding intention of ensuring an independent institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) with a broad mandate and enforcement capability at the national and subnational levels;

(f) 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;

(g) To harmonize national and subnational political policies and legal frameworks with applicable human rights obligations and their other commitments, including those referenced in the provisional Constitution and the migration and human rights agenda at the national and subnational levels in order to achieve effective and consistent application of human rights for all, and in this regard calls upon States Members of the United Nations to ensure timely and tangible assistance, taking into consideration the potential benefits of a political dividend;

(h) To establish independent, accountable and efficient judicial institutions;

(i) 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 timely and tangible assistance;

(j) To ensure accountability of State institutions and security forces, and those serving within them;

(k) To increase awareness and training among the Somali security forces at the national and subnational levels on human rights, including the protection of civilians, with the timely and tangible support of the international community;

(l) To ensure that comprehensive vetting procedures are put in place for personnel in the security forces and security institutions;

(m) To issue clear and public orders that the Somali National Armed Forces, Somali National Police Force and allied militias should comply with applicable human rights obligations;

(n) To guarantee a minimum level of protection for children, and to implement the action plan to end the recruitment and use of children in the Somalia National Armed Forces;

(o) To implement, in a clear and accessible manner, a zero-tolerance policy on gender-based violence, particularly sexual violence, and to include prevention of sexual exploitation and other forms of abuse;

(p) To ensure that individuals found to be responsible for and complicit in sexual violence, regardless of their status or rank, are held to account;

(q) To initiate effective and impartial investigations into the killings of journalists, to prosecute all those responsible in a manner consistent with applicable domestic and international legal obligations, and to create security and space for a free press to operate;

(r) To treat disengaged combatants in accordance with applicable obligations under domestic and international law, in particular international human rights law;

(s) To ensure the protection and well-being of all internally displaced persons, including from sexual violence and exploitation, paying particular attention to ensuring that the human rights of internally displaced persons in Mogadishu are respected in relation to relocations, and to ensure a fully consultative process, providing prior notice and ensuring safe, sanitary new sites that have basic services, as well as unfettered access for humanitarian organizations;

(t) To facilitate full humanitarian access to people in need wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while paying particular attention to the rights, freedoms and needs of ethnic and religious minorities who require humanitarian assistance;

11. *Strongly commends* the engagement of the Independent Expert on the situation of human rights in Somalia and his latest report submitted to the Human Rights Council;

12. *Stresses* the importance of technical assistance in building credible and impartial domestic capacity to undertake monitoring, investigations and public reporting to identify human rights concerns, inform appropriate remedies by duty-bearers and ascertain technical assistance needs;

13. *Also stresses* the important role of joint monitoring and reporting of the situation of human rights in Somalia by domestic and international experts, and the 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;

14. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner of Human Rights;

15. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of two years;

16. *Requests* the Independent Expert to continue his engagement with the Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia with a view to assist Somalia in the implementation of:

(a) Its domestic and international human rights obligations;

- (b) Human Rights Council resolutions;
- (c) Accepted universal periodic review recommendations;
- (d) Other human rights commitments, including the Post- Transition Human Rights Road Map and the process to establish the independent human rights commission in due course;

17. *Also requests* the Independent Expert to report to the Human Rights Council at its twenty-seventh session;

18. *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 his mandate;

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