



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Assistance to Somalia in the field of human rights

Commission on Human Rights resolution 2003/78

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 2002/88 of 26 April 2002,

Bearing in mind the statements by the President of the Security Council on the situation in Somalia of 28 March 2002 (S/PRST/2002/8), 12 December 2002 (S/PRST/2002/35) and 12 March 2003 (S/PRST/2003/2), the report of the Secretary-General on the situation in Somalia of 28 February 2003 (S/2003/231), Council resolutions 1407 (2002), 1425 (2002) and 1474 (2003), respectively of 3 May 2002, 22 July 2002 and 8 April 2003, 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict and 1460 (2003) of 30 January 2003 on the use of children in armed conflicts, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), General Assembly resolution 54/192 of 17 December 1999, entitled "Safety and security of humanitarian personnel and protection of United Nations personnel", and the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Recalling the statement made by the President of the Security Council on the situation in Somalia of 12 March 2003 (S/PRST/2003/2), in which the Council reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia and its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and the principles of the Charter of the United Nations,

Welcoming the establishment of a panel of experts, pursuant to Security Council resolutions 1425 (2002) and 1474 (2003), and its mandate to generate independent information on violations of the arms embargo as a step towards giving effect to and strengthening the embargo established by paragraph 5 of Council resolution 733 (1992),

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the conclusion of the first phase of the Somali national reconciliation process with the signing of the Eldoret Declaration on 27 October 2002 and the launching, in November 2002, of the second phase of the reconciliation process,

Noting with appreciation also the efforts made in favour of peace by the United Nations, the African Union, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries and the Intergovernmental Authority on Development (IGAD) Partners' Forum,

Expressing satisfaction that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Emphasizing that the efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country,

Highlighting the progress and the increasing efforts of the United Nations specialized agencies and programmes in improving the living conditions of the Somali people,

Highlighting also the meaningful work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

Recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

Noting with concern that insecurity still remains in several parts of Somalia, and noting with disquiet that conflicts have erupted in areas of the country, lately in Mogadishu and Baidoa,

Noting also with concern that the humanitarian situation remains fragile throughout Somalia,

Noting further with concern that the deterioration in the political and security situation produces significant negative consequences for the promotion and protection of human rights,

Welcoming the latest statement by the President of the Security Council, of 12 March 2003 (S/PRST/2003/2), including the request to the Secretary-General to continue putting in place, in a coherent manner, preparatory activities on the ground for a comprehensive post-conflict peace-building mission in Somalia once security conditions permit, as stipulated in the statement of the President of the Security Council of 28 March 2002 (S/PRST/2002/8), which should take into account combating poverty and strengthening public institutions,

Considering that humanitarian, human rights and development assistance is of paramount importance in contributing to the alleviation of poverty, promoting a more peaceful, equitable and democratic society in Somalia and supporting sustainable improvement of the livelihood of the Somali people and their improved access to basic public and social services, as well as the establishment of good governance,

Reaffirming its full support to the IGAD-sponsored peace process and its commitment to moving the peace process forward,

Commending the Government of Kenya for its crucial role in facilitating the Somali national reconciliation process,

Underlining that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

1. *Welcomes:*

(a) The conclusion of the first phase of the Somali national reconciliation process which ended with the signing of the Eldoret Declaration on 27 October 2002 by which the participants pledged to cease hostilities and guarantee the security of all humanitarian and development personnel and installations;

(b) The efforts of the Intergovernmental Authority on Development (IGAD) Technical Committee and particularly the positive effects of the consultations of the frontline States (Kenya, Djibouti and Ethiopia) on the reconciliation process held in Addis Ababa on 2 February 2003;

(c) The decision of the IGAD Technical Committee, comprised of the three frontline States, to establish a committee with immediate effect, composed of IGAD representatives and international partners, responsible for monitoring both violations of the Declaration on Cessation of Hostilities and compliance with the Eldoret Declaration;

(d) The integration by a number of United Nations agencies of human rights issues into their programmes;

(e) The establishment of a contact group for Somalia both in Nairobi and in New York;

(f) The decision to revitalize the arms embargo established by the Security Council in resolution 733 (1992) of 23 January 1992 through the establishment of a concrete mechanism for its enforcement by 30 April 2002;

2. *Emphasizes* the necessity of undertaking efforts against international terrorism in accordance with Security Council resolution 1373 (2001) of 28 September 2001 and urges all States and relevant international agencies to provide assistance to Somalia for the implementation of that resolution;

3. *Expresses* the belief that the national reconciliation process will contribute to ending the suffering of the Somali people;

4. *Encourages:*

(a) The Intergovernmental Authority on Development and the IGAD Technical Committee to move the peace process forward and to continue their active and positive role in support of the reconciliation process;

(b) All parties throughout Somalia to participate in the process, which offers a unique opportunity for all Somalis to end the suffering of their people and to restore peace and stability to their country;

(c) All States through the IGAD Partners' Forum to play an active and positive role in support of the reconciliation process;

5. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

6. *Condemns:*

(a) The serious violations of the commitment undertaken by the parties on 27 October 2002 which are still occurring;

(b) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against internally displaced persons, minorities, vulnerable groups, women and children, including domestic violence, the continuing practice of female genital mutilation, which remains a matter of serious concern, as well as the forced displacement of civilians;

(c) All violations of international humanitarian law and human rights law, including the forced or compulsory recruitment of children for use in armed conflict, the use of these children in armed conflict by the militias, the practice of child labour, particularly domestic labour, and a juvenile justice system not in accordance with international standards;

(d) All acts of violence such as hostage-taking, abduction and murder, including of humanitarian relief workers and of United Nations agency personnel;

7. *Underlines:*

(a) The support given by the Office of the United Nations High Commissioner for Human Rights through the secondment of a senior human rights adviser responsible for mainstreaming human rights in the work of the United Nations agencies in Somalia and providing technical advice on the implementation of the United Nations Development Programme Somali Civil Protection Programme based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia, and encourages the human rights officer to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(b) The need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

(c) The need to integrate a gender perspective into all peace-building, reconstruction and reconciliation processes;

8. *Calls upon:*

(a) All parties throughout Somalia to strengthen their commitment to dialogue with the objective of widening and deepening the process of national reconciliation and to abide by and implement expeditiously the decision adopted throughout the process, including the Declaration on the Cessation of Hostilities and the

agreements regarding the restoration of security and the reopening of the international airport and seaport in Mogadishu;

(b) All signatories of the Declaration on the Cessation of Hostilities to continue to participate fully in the peace negotiation with a view to achieving concrete results at an early date;

(c) All parties to stop all acts of violence, to abstain from engaging in hostilities and to prevent any act likely to increase tension during the peace negotiation;

(d) All States and other actors to comply scrupulously with the arms embargo established by Security Council resolution 733 (1992) and to continue to work closely with the mechanisms established to enforce the embargo pursuant to Security Council resolution 733 (1992);

(e) All Member States and other actors contacted outside the region to cooperate fully with the Panel of Experts in its quest for information relating to the embargo, in accordance with Council resolution 1425 (2002) and article 2.5 of the Eldoret Declaration;

(f) All States, in particular those of the region, not to interfere in the internal affairs of Somalia; such interference only further destabilizes Somalia, contributes to a climate of fear, impacts adversely on human rights, and could jeopardize the sovereignty, territorial integrity, political independence and unity of Somalia; the territory of Somalia should not be used to undermine stability in the subregion;

(g) All States to prevent persons and entities from taking advantage of the situation in Somalia to finance, plan, facilitate, support or commit terrorist acts from the country, emphasizing that efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country;

(h) All States to provide assistance to Somalia for the further and comprehensive implementation of Council resolution 1373 (2001);

(i) All States to commit themselves to the long-term objective of regional stability, inter alia by playing a positive role in the process of rebuilding national institutions in Somalia;

(j) Regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(k) All parties throughout Somalia to respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(l) All parties throughout Somalia to protect and facilitate the work of United Nations personnel, humanitarian relief workers, human rights defenders and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

(m) All States, regional and international organizations and other actors to support a stronger field presence of the Office of the United Nations High Commissioner for Human Rights in Somalia and greater independence while maintaining close collaboration with other agencies working in the area of human rights;

(n) All relevant authorities and Member States to provide support for the voluntary return and reintegration of Somali refugees and the provision of urgent humanitarian assistance to, and protection for, those who have been internally displaced;

(o) All Member States to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions, including those aimed at the strengthening of civil society, encouraging good governance and the re-establishment of the rule of law, and to support the development of a culture of human rights and other activities of the Office of the High Commissioner concerning Somalia;

(p) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to intensify their assistance, in particular in the fields of human rights, women's rights and gender equality, health (with special attention to combating human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases), demobilization of militia, disarmament, the struggle against the proliferation of small arms, mine clearing and rehabilitation of basic infrastructure;

(q) The United Nations, its Member States and specialized agencies fully to support and assist the Intergovernmental Authority on Development in the implementation of its decisions on Somalia, which are an important development for the peace process in the country;

(r) The United Nations and its Member States to double their efforts towards strengthening the IGAD peace initiative, taking concrete measures, inter alia smart sanctions targeting individuals blocking the reconciliation process and positive incentives, including targeted financial support;

(s) The United Nations and its Member States to support the efforts that the African Union will deploy towards the effective establishment of a mechanism for monitoring the Declaration on the Cessation of Hostilities;

(t) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert of the Commission;

9. *Commends* the work carried out by the independent expert and welcomes his report (E/CN.4/2003/115);

10. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

11. *Requests* the United Nations High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the

Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

12. *Decides:*

(a) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the independent expert to report to the Commission at its sixtieth session;

(b) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(c) To continue its consideration of this question at its sixtieth session under the same agenda item;

13. *Recommends* to the Economic and Social Council the following draft decision for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2003/78 of 25 April 2003, endorses the Commission’s decision to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and its request to the independent expert to report to the Commission at its sixtieth session. It also endorses the Commission’s requests to the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the United Nations High Commissioner for Human Rights in providing advisory services and technical assistance.”

*62nd meeting
25 April 2003*

[Adopted without a vote.
See chap. XIX. - E/CN.4/2003/L.11/Add.7]