



General Assembly

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Human Rights Council

Twenty-first session

Agenda item 10

Technical assistance and capacity-building

Resolution adopted by the Human Rights Council*

21/31.

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,

Reaffirming all previous resolutions of the Human Rights Council on Somalia, in particular resolutions 7/35 of 28 March 2008, 10/32 of 27 March 2009, 12/26 of 2 October 2009, 15/28 of 1 October 2010, 17/25 of 17 June 2011, 19/28 of 23 March 2012 and 20/21 of 6 July 2012,

Reaffirming also its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Welcoming the report of the Secretary-General on Somalia,¹

Welcoming also the end of the transition as envisaged by 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 the outgoing Prime Minister Abdiweli Mohamed Ali and his “national salvation Government”, and by all the signatories of the road map, which marks 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 increased representation of women in Parliament, commending the Somali authorities and underlining the need to continue to increase their representation and their role in decision-making with regard to conflict prevention and resolution,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-first session (A/HRC/21/2), chap. I.

¹ S/2012/643.

Welcoming the historic political development inside the country that, after forty-five years, culminated in the election of Hassan Sheikh Mohamud on 10 September 2012 as the new President of Somalia, thus marking the end of a twelve-year transition process,

Acknowledging the commitment and efforts made by the African Union and those States contributing to its mission to achieve security in Somalia, and supporting the efforts of the Intergovernmental Authority on Development to reconcile parts of central and south Somalia, and those of 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,

Welcoming the work of the Independent Expert on the situation of human rights in Somalia and his report submitted to the Human Rights Council,²

Recalling 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 Government of the Federal Republic of Somalia to continue its efforts to implement the accepted recommendations included in the outcome of the country's first universal periodic review, and encourages the United Nations system, regional bodies and all States to support the Government in these efforts, including through bilateral assistance,

Strongly concerned about the continuing violations and abuses perpetrated against children, including sexual violence, in particular in areas of conflict or transition in Somalia, by State and non-State actors, including the recruitment and use of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict, while welcoming the signing of a plan of action on 3 July 2012 to end the recruitment and use of children by the Somalia National Armed Forces, and of the plan of action of 6 August 2012 on ending the killing and maiming of children in armed conflict,

Expressing grave concern at the abuses and violations perpetrated against women in Somalia, including sexual violence, and emphasizing the need for accountability for all such abuses and violations,

Reiterating the importance of taking measures against both internal and external actors engaged in actions aimed at undermining the peace and reconciliation process in Somalia,

1. *Strongly condemns* the grave and systematic human rights abuses and violations 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;

2. *Also strongly condemns* all attacks against civilians, including the heinous terrorist attack targeting the new President, Hassan Sheikh Mohamud, and the visiting Minister for Foreign Affairs of Kenya, Sam Ogeri, and his delegation on 12 September 2012, for which responsibility was claimed by Al-Shabaab;

3. *Further strongly condemns* all attacks on journalists, including the deadly terror attack on 20 September and the assassination on 21 September 2012 of a prominent journalist in Mogadishu, calls upon the Government of the Federal Republic of Somalia to protect the safety of the journalist, calls on all States to provide necessary technical assistance to the Government, subnational authorities, the national union of Somali

² A/HRC/21/61.

journalists and individual journalist in this regard, and urges State and non-State actors to refrain from intentional violence against and harassment of journalists and to respect freedom of expression; ;

4. *Emphasizes the need* to hold perpetrators of human rights violations and abuses accountable and to bring them to justice;

5. *Urges* the Government of the Federal Republic of Somalia to allow and facilitate rapid and unhindered humanitarian access to the population in need throughout the country, calls on the African Union and all States to support this essential effort, and strongly encourages the Government and the African Union to increase awareness and training among the troops of the African Union Mission in Somalia and Somali security forces at the national and subnational levels on human rights and on international humanitarian law, including the protection of civilians, with the support of the international community, while noting that humanitarian access and security and the fulfilment of human rights are linked, and that assistance efforts should take these linkages into account;

6. *Condemns* the abuses and violations committed against children, urges the Government of the Federal Republic of Somalia to take immediate steps to protect them, urges non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of the children and to refrain from hindering the essential efforts of the Government in this regard, and calls on the Government, relevant United Nations entities and others to strengthen child protection efforts, including by setting up the structures and committees agreed upon in the plan of action and ensuring that child protection efforts receive adequate support, including resources from Member States;

7. *Calls on* the Government of the Federal Republic of Somalia to take immediate steps to protect women, and to end abuses and violations of their human rights, in particular sexual violence, emphasizes the need for accountability for all such abuses and violations, urges non-State actors, in particular Al-Shabaab, to immediately refrain from abusing the rights of women, including forced and underage marriage, and calls on all States to support these essential efforts;

8. *Urges* the Government of the Federal Republic of Somalia and subnational authorities to seek the tangible and timely assistance from, inter alia, regional bodies to reform the Somali judiciary system, to select and enhance the capacity of the Somali judges inside the country, with a particular focus on the promotion and protection of human rights and, in this regard, calls upon all States to provide assistance;

9. *Requests* the Independent Expert on the situation of human rights in Somalia, in close cooperation with the Government of the Federal Republic of Somalia, subnational authorities and the Special Representative of the Secretary-General for Somalia and the United Nations Political Office for Somalia to provide advisory services to the new Government and Parliament for the establishment of a national human rights commission, in compliance with the Paris Principles, as well as for a truth and reconciliation commission, as provided for by the provisions of articles 111 B and 111 I of the new provisional Constitution of the Federal Republic of Somalia, and calls upon Member States to support this crucial task;

10. *Encourages* the Government of the Federal Republic of Somalia to develop, with the assistance of the Independent Expert, a human rights post-transition road map with benchmarks and timelines to promote and protect all human rights, including, inter alia, the right to water and sanitation, the right to health care and the right to education and other basic needs of vulnerable people, such as internally displaced persons, women, returnees, children, minorities and journalists;

11. *Emphasizes the need* to enhance and rationalize international assistance to Somalia, and encourages the Independent Expert to identify and make recommendations on technical assistance needs, while underlining the full Somali ownership of the process;
12. *Invites* the special procedures system and thematic mandate holders to engage fully and coordinate with the Independent Expert on the situation of human rights in Somalia;
13. *Decides* to remain actively seized of the matter.

*39th meeting
28 September 2012*

[Adopted without a vote.]
