



# General Assembly

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## Human Rights Council

### Twentieth session

Agenda item 10

### Technical assistance and capacity-building

**Australia<sup>\*</sup>, Somalia<sup>\*</sup>, Turkey<sup>\*</sup>, United States of America: draft resolution**

### **20/... 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 statement of the President of the Security Council of 5 March 2012 and the press statement issued by the Security Council on 15 May 2012,

*Acknowledging* the efforts made by Somali stakeholders towards 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,

*Welcoming* efforts to ensure that women participate meaningfully in the political process and constitute at least 30 per cent of the members of the new parliament, and that the role of women is enshrined in the new Constitution,

*Acknowledging* 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 also 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

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<sup>\*</sup> Non-Member State of the Human Rights Council.

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 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,

*Acknowledging* the constructive engagement of the Transitional Federal Government and Somali regional authorities in the universal periodic review, and encouraging continued efforts in this regard,

*Welcoming* the signing, on 11 May 2012, of the Memorandum of Understanding on “Technical Assistance to the TFG in the Field of Human Rights” by the Office of United Nations High Commissioner for Human Rights and the United Nations Political Office for 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,

*Noting* that the political process in Somalia is at a critical phase, with only two months before the end of the transitional period, which will end on 20 August 2012, and looking towards the selection of a successor Government,

*Emphasizing* 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 Roadmap,

1. *Expresses its continued serious concern* at the human rights and humanitarian situation in Somalia;
2. *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;
3. *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;
4. *Calls on* Somalia to fulfil its obligations under international human rights law;
5. *Emphasizes* that protecting, respecting and fulfilling human rights will be essential for the legitimacy of any future Somali political leadership;
6. *Calls on* the Transitional Federal Government and any successor Government 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;

7. *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 TFG in the Field of Human Rights”, and urges Member States to support the Office of the High Commissioner and the efforts of the Somali authorities at national and subnational levels in this regard;

8. *Urges* all parties to facilitate rapid and unhindered humanitarian access;

9. *Encourages* the Transitional Federal Government, the successor Government, the African Union, and the Mission to intensify their efforts to facilitate rapid and unhindered humanitarian access, 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 humanitarian access and security and the fulfilment of human rights are linked, and that assistance efforts should take these linkages into account;

10. *Urges* all parties to take immediate steps to protect children and to end abuses and violations committed against them and, in particular, calls for an immediate end to the unlawful recruitment and use of child soldiers; welcomes the efforts of the Transitional Federal Government towards finalizing 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 for the Transitional Federal Government, relevant United Nations entities and others to strengthen child protection efforts, including by ensuring that such efforts are appropriately resourced;

11. *Expressing 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;

12. *Urges* all parties 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 and violations, and calls on the Transitional Federal Government, the successor Government and Somali regional authorities to take all the steps necessary to enable the full and equal participation of women in conflict prevention, management and resolution, as well as in peacebuilding and political processes;

13. *Commends* Member States that have extended generous education assistance inter alia, Turkey, and invites Member States to follow that example, including in 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;

14. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Somalia for one year, from September 2012, 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 Transitional Federal Government, the successor Government, and Somali subnational authorities to ensure respect for human rights and to strengthen the human rights regime, including in relation to the presidential and parliamentary speaker elections, as well as other key transitional tasks that must be completed, and to advise the Transitional Federal Government and the successor Government, as well as the United Nations and the international community, on the steps that need to be taken to ensure that the environment is conducive to the free exchange of ideas and views and the conduct of elections; and requests the Independent Expert to report to the Human Rights Council at its

twenty-fourth session on the situation of human rights and the implementation of technical cooperation in Somalia;

15. *Urges* the special procedures system and the thematic mandate holders to engage fully and coordinate with the Independent Expert on Somalia;

16. *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;

17. *Calls on* all parties to ensure that the progress made at the London Conference on Somalia, held on 23 February 2012, is consolidated through effective action, and to redouble their efforts to support the people of Somalia in their search for a better future for their country;

18. *Welcomes* the outcomes of the second Istanbul Conference on Somalia, held on 1 and 2 June 2012, which, in particular, reiterated that respect for human rights must be at the heart of the peace process, and called on the Somali authorities to follow through with their commitment to uphold human rights and the rule of law and to put an end to the culture of violence and impunity;

19. *Also welcomes* the outcome of the meeting of the International Contact Group on Somalia organized by the Government of Italy in Rome on 2 and 3 July 2012;

20. *Decides* to remain seized of the matter.

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