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COMMISSION ON HUMAN RIGHTS  
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**ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE  
FIELD OF HUMAN RIGHTS**

**Australia, Austria\*, Belgium\*, Bulgaria\*, Canada, Congo, Cyprus\*, Czech Republic\*, Denmark\*, Estonia\*, Finland, France, Germany, Greece\*, Hungary, Ireland, Italy, Latvia\*, Lithuania\*, Luxembourg\*, Malta\*, Netherlands, Poland\*, Portugal\*, Slovakia\*, Slovenia\*, Spain\*, Switzerland\*, United Kingdom of Great Britain and Northern Ireland\* and United States of America: draft resolution**

**2005/... Assistance to Somalia in the field of human rights**

*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 previous resolutions, including resolution 2004/80 of 21 April 2004, the relevant statements by the President of the Security Council, in particular the statements of 26 October 2004 (S/PRST/2004/38), of 19 November 2004 (S/PRST/2004/43), and of 7 March 2005 (S/PRST/2005/11), all the relevant Security Council resolutions, in particular

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

\*\* Reissued for technical reasons.

Council resolutions 1587 (2005) of 15 March 2005 and 1558 (2004) of 17 August 2004, including resolution 1265 (1999) of 17 September 1999 on the protection of civilians in armed conflict, 1539 (2004) on the use of children in armed conflicts and 1325 (2000) of 31 October 2000, on women, peace and security, the reports of the Secretary-General on the situation in Somalia, particularly his latest report (S/2005/89), on children and armed conflict (S/2005/72), on the protection of civilians in armed conflict (S/2004/431), on women, peace and security (S/2004/814), on small arms (S/2005/69) and on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), the relevant General Assembly resolutions, particularly its resolutions 59/218 of 22 December 2004 and 59/211 of 20 December 2004, and the Guiding Principles on Internal Displacement,

*Recalling also* the statement made by the President of the Security Council on the situation in Somalia on 7 March 2005, in which the Council reiterated 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,

*Reaffirming its serious concern* at the continued flow of weapons and ammunition to and through Somalia and taking note of the ongoing work of the re-established Monitoring Group referred to in Security Council resolutions 1519 (2003), 1558 (2004) and 1587 (2005), as well as its recommendations to continue monitoring the ongoing arms embargo violations on Somalia, the trend of which is reportedly rising,

*Emphasizing* that the efforts to combat terrorism in Somalia must respect all human rights and fundamental freedoms and the rule of law and are inseparable from the establishment of peace and governance in the country,

*Underlining* that the peace and the national reconciliation processes in Somalia must be completed through dialogue, involving all the Somali people, who are the ones to decide freely on their political, economic and social systems, and not by resorting to the use of force,

*Noting with grave concern* that the security situation remains fragile throughout the country, and that attacks continue to be committed against humanitarian workers in Somalia and human rights defenders, the impact of which hinder a full response by aid agencies,

*Noting also with grave concern* that the worsening of the humanitarian situation is due to, inter alia, the prevailing drought and natural disasters, including the tsunami, and recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

*Calling upon* the Somali parties to continue working towards a comprehensive security arrangement for Somalia by expeditiously implementing the engagements undertaken by the Somali parties, the Intergovernmental Authority on Development facilitators, the Prime Minister and the Representative of the Secretary-General and the signing of the Declaration of Principles for the Coordination and Monitoring Committee for Somalia on 9 February 2005, which refers in particular to the adherence to and respect for an effective and internationally verifiable comprehensive ceasefire arrangement,

*Welcoming* the newly established Transitional Federal Institutions and the establishment of the joint Coordination and Monitoring Committee with the international community as important steps towards a durable and inclusive solution to the conflict in Somalia and as a result of the Somali National Reconciliation Conference, as well as through the continued commitment of 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 Partners' Forum,

*Considering* that human rights are an integral part of the Declaration of Principles,

*Welcoming* the commitment of the African Union to support Somali-led efforts towards reconciliation and stability,

*Commending* the increasing efforts of the United Nations in improving the living conditions of the Somali people and in supporting the Transitional Federal Government to

improve effectively the administration of justice by developing the rule of law, building its capacity to enforce the law and improving the application of human rights standards, as well as the meaningful work done by Somali civil society,

*Reiterating* that humanitarian, human rights and development assistance is of paramount importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

1. *Welcomes:*

(a) The progress made over the last two years in the Somali National Reconciliation Process, in particular the election of the Transitional Federal Parliament, the Speaker of the Parliament and the President, the appointment of the Prime Minister and the formation of the Cabinet, as important steps towards lasting peace and reconciliation in Somalia;

(b) The establishment of the Coordination and Monitoring Committee with the international committee as a joint structure of the Transitional Federal Institutions, co-chaired by the United Nations, as encouraged by the Security Council;

(c) The signing of the Declaration of Principles within the Committee and the efforts at launching a rapid assistance programme within the framework of peace-building activities, focused, inter alia, on disarmament, demobilization, rehabilitation and reintegration;

(d) The initial efforts made by Transitional Federal Institutions towards their effective relocation in Somalia, whilst regretting the lack of general progress in this regard;

2. *Encourages* an incremental and prioritized approach of the United Nations system to addressing the continuing crisis and needs in Somalia, while maintaining long-term commitments to rehabilitation, recovery and development activities with a view to integrating human rights and a gender perspective into all peace-building, reconstruction and reconciliation processes;

3. *Invites:*

(a) All Somali parties, the Intergovernmental Authority on Development and African Union member States to support fully the new Transitional Federal Government to move the peace and reconciliation processes forward;

(b) The Transitional Federal Institutions to rehabilitate basic social and economic services throughout the country and to support the extension of child protection coordination networks throughout the country;

4. *Expresses serious concern* that, as a result of poor crop production, the high mortality rate of livestock in the worst-affected areas of Somalia, economic stress, chronic food insecurity and poor health conditions, the Somali people, particularly internally displaced persons, continue to suffer from a high rate of malnutrition, which is associated with high mortality rates and, more generally, from a long-running humanitarian crisis;

5. *Expresses deep concern at:*

(a) The reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, including domestic 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;

(b) The prevalence of sexual violence and abuse, in particular among displaced children, children engaged in exploitative and hazardous labour, including those working and living on the streets, and imprisoned children, who should be separated from adult prisoners, and at discrimination against children belonging to minority clans, who are vulnerable to violence, including murder, poverty and lack of access to education;

(c) The practice of *asiwalid*, whereby parents send their disobedient children to be kept in prison until they order them to be released, which continues to prevail with all the negative human rights implications this entails;

(d) The continued and protracted flow of refugees and the displacement of an estimated 400,000 internally displaced persons in Somalia as a result, inter alia, of drought and intermittent clan conflicts;

6. *Calls upon* the Transitional Federal Government:

(a) To establish an independent national commission on human rights, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) To support appropriate investigations throughout Somalia in order to combat impunity, to bring perpetrators to justice, and to establish an effective, efficient and non-gender-biased justice system, including the juvenile justice system;

(c) To integrate human rights standards into the institutions, when reconstructing the Somali executive, legislative and judicial branches, including by establishing a human rights ombudsman;

(d) To consider signing and ratifying promptly the Convention on the Elimination of All Forms of Discrimination against Women, and to enhance the activities of the newly established Ministry devoted to women's affairs;

(e) To ensure the effective participation of women in the political process, particularly their access to public office, as stipulated by the Transitional Federal Charter;

(f) To ensure girls' enrolment in schools;

(g) To ratify the Convention on the Rights of the Child and to enhance the activities of the Government in the field of the protection of the rights of children, in particular children involved in armed conflict;

7. *Firmly condemns*:

(a) The serious violations of the commitment undertaken by the parties on 27 October 2002, which are still occurring, and those who obstruct the peace process and

persist on the path of confrontation and conflict by committing, inter alia, acts of violence such as hostage-taking, abduction and murder, including of humanitarian relief workers and United Nations agency personnel;

(b) The ongoing widespread violations and abuse of human rights and humanitarian law against internally displaced persons, refugees, minorities, vulnerable groups, women and children, including the nearly universal practice of female genital mutilation, particularly the practice of infibulation, which remains a matter of serious concern;

(c) The forced or compulsory recruitment of children for use in armed conflict, the use of these children in armed conflict by militias, the practice of child labour, particularly domestic labour, and the involvement of children in exploitative and hazardous labour, and a juvenile justice system not in accordance with international standards;

8. *Also calls upon:*

(a) All parties throughout Somalia to strengthen their commitment to the establishment and functioning of Transitional Federal Institutions, aware of the fact that the peaceful coexistence of all parties and groups is also an important foundation for the respect of human rights, and to abide by and implement expeditiously the decisions adopted throughout the National Reconciliation Process;

(b) All States to commit themselves to the long-term objective of regional stability, inter alia by providing immediate political and diplomatic support to the Transitional Federal Government of Somalia and the work of the Coordination and Monitoring Committee;

(c) All relevant stakeholders to support the establishment of a stronger field presence of the Office of the United Nations High Commissioner for Human Rights in Somalia, particularly its activities of human rights advocacy and investigations of human rights violations, in order to develop a culture of human rights, as well as its effective participation in the United Nations Country Team by appointing a senior human rights adviser;

(d) The United Nations, non-governmental organizations and the Bretton Woods institutions to speed up the implementation of their projects, in particular in the fields of human rights, including rights of the child, women's rights and gender equality, health, with specific attention to the mentally disabled and to combating HIV/AIDS and other sexually transmitted diseases, demobilization, disarmament and rehabilitation of militia, the struggle against the proliferation of small arms, mine clearance and rehabilitation of basic infrastructures, and to specifically provide support for the voluntary return and reintegration of Somali refugees and the provision of urgent and extensive humanitarian assistance to, and protection for, those who have been internally displaced;

(e) The United Nations and its Member States to support Somali-led efforts, as well as those of the African Union, to improve the security situation in Somalia;

9. *Further calls upon:*

(a) All parties to stop all acts of violence, to abstain from engaging in hostilities and to prevent any act likely to increase tension and insecurity, particularly the forced or compulsory recruitment of children for use in armed conflict, and to pay serious attention to their protection, as set out in human rights and international humanitarian standards, in particular those pertaining to internal armed conflict, and to guarantee also to all persons involved in humanitarian action, including international media, their complete freedom of movement and safe and unhindered access to civilians in need of protection and humanitarian assistance throughout the country;

(b) All States and other actors to comply scrupulously with the arms embargo established by Security Council resolution 733 (1992) of 23 January 1992, and to continue to work closely with the mechanisms established to enforce the arms embargo pursuant to Security Council resolution 733 (1992);

(c) 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;

(d) All Member States to provide political support to the Somali National Reconciliation Process within the framework and under the aegis of the Coordination and Monitoring Committee;

(e) Individual donor countries, international organizations and non-governmental organizations to cooperate fully with the independent expert on the situation of human rights in Somalia and to incorporate human rights principles and objectives in their humanitarian and development work in Somalia;

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:*

(a) The United Nations High Commissioner for Human Rights to provide for the translation of international human rights treaties and this resolution, accompanied by an appropriate background explanatory note, into the Somali language and for their dissemination to the greatest extent possible within the country;

(b) The Transitional Federal Institutions to cooperate fully with all the mechanisms of the Commission, including by extending invitations to all special procedures, in particular to the Special Rapporteur on violence against women, its causes and consequences, and the Special Representative of the Secretary-General on Children and Armed Conflict;

12. *Commends* the work carried out by the independent expert on the situation of human rights in Somalia and welcomes his report (E/CN.4/2005/117);

13. *Decides:*

(a) To extend the mandate of the independent expert for a further year and requests him to report to the Commission at its sixty-second 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 as a matter of high priority at its sixty-second session under the same agenda item;

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

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/... of ... April 2005, endorses the decision of the Commission 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 sixty-second session. The Council also approves the request 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 High Commissioner in providing advisory services and technical assistance.”

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