



Plenary sitting

B8-1003/2016

13.9.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Somalia
(2016/2881(RSP))

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Zorrinho
on behalf of the S&D Group

B8-1003/2016

**European Parliament resolution on Somalia
(2016/2881(RSP))**

The European Parliament,

- having regards to its previous resolutions on Somalia,
- having regard to the statements by the Spokesperson of the European Union External Actions Services (EEAS) on the attacks in Somalia of 21 August 2016, , 26 July 2016, 26 June 2016 and 2 June 2016
- having regard to European Council conclusions on Somalia of 18 July, 2016 calling for a credible and accountable electoral process;
- having regard the statement by High Representative/Vice-President Federica Mogherini on the decision on an electoral model for Somalia in 2016, 28 January 2016
- having regard the New Deal Compact adopted on 16 September 2013 in Brussels
- having regard to the September 4, 2016, report by UNSOM on Freedom of Expression in Somalia;
- having regard to the UN Security Council Resolution 2297 (2016) of 7 July 2016
- having regard to the UN Security Council Secretary General’s report of 9 May 2016 ;
- having regard to the latest Universal Periodic Review on Somalia before the UN Human Rights Council, January 2016
- having regard to the statement of the AU Commission Chairperson (SRCC) for Somalia, Ambassador Francisco Caetano Madeira of 30.08.2016 on the attack on a hotel in Mogadishu;
- having regard to Articles 4 and 5 of the African Charter on Human Rights which entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;
- having regard to the Universal Declaration of Human Rights of 1948;
- having regard to Rule 135 of its Rules of Procedure,

- A. whereas Somalia, after two decades of civil war absence of state control and terrorism, is in a crucial transition period , whereas the mandate of the Federal Government of Somalia (FGS) is due to end through an electoral process and the final ratification of a permanent constitution thus enhancing the legitimacy of the state.
- B. Whereas the revision of the provisional Federal Constitution of 2012 by the Somali Government represents a positive attempt towards rebuilding the State institutions in the adoption of important new laws, specifically, on political parties and on the creation of an independent National Human Rights Commission;
- C. whereas voting for the members of the Upper House of the Federal Parliament of Somalia will take place on 25 September 2016 while for the members of the House of the People of the Federal Parliament of Somalia will take place between 24 September and 10 October 2016; whereas the President will be elected by both houses on the 30th October 2016;
- D. whereas the electoral process will be key to a democratic universal suffrage in 2020 to be organized by the National Independent Electoral Commission.
- E. whereas Somalia is home to several self-governing regions—Puntland, Galmudug, South West State and Jubaland—and one that views itself as totally independent—Somaliland in the northwest; whereas despite a lack of international recognition, Somaliland maintains its independence and is planning to hold its own general elections in 2017;
- F. whereas the Islamic extremist group , Al-Shabaab remains one of the biggest threats and challenges for the security, state building and development of the country ;
- G. whereas on the 30 August at least 10 people, including soldiers and civilians, were killed in Mogadishu outside the Presidential Palace ; on the 26 July in Mogadishu El Shabab targeted African Union base and killed at least 13 people including UN personnel; more mortar attacks were reported in the previous months during which more than 100 people were killed ; whereas Al-Shabaab remains also active in neighbouring Kenya by committing regular terrorist attacks;
- H. whereas there is 22,000-strong the African Union peacekeeping force (AMISOM) protecting the country which faces funding cuts and troop shortages, which could further destabilize the country; whereas Uganda, the largest contributor of troops, announced it would pull its more than 6,000 troops from Somalia by the end of 2017;

- I. whereas the African Union announced its plans to withdraw the force completely by the end of 2020, saying security responsibilities will be transferred to Somalia's military gradually, starting in 2018;
- J. Whereas according to the UN, recruitment of children primarily by Al-Shabab but also by Somalia National Army and clan militia has increased significantly in 2015; concerning reports of ongoing use of children by the security forces, including as informants;
- K. whereas the EU provided through the European Development Fund €286 million (2014-2020) focusing on the implementation of the "Compact" and namely on state and peace building, food security, resilience and education; whereas the EU is also committed to support the AMISOM through the Africa Peace Facility;
- L. whereas more than 1.3 million Somalis were internally displaced in 2015, the SNAF and AMISOM offensive disrupted trade routes; whereas similarly, al-Shabaab blocked supply routes after being pushed out of towns by the AMISOM thereby disrupting humanitarian access;
- M. whereas the Somali government continues to rely on the country's military court to try a broad range of offences and defendants, including civilians; whereas the military courts continue to subject defendants to death following unfair trials despite its support for the UN General Assembly resolution on a moratorium on the death penalty;
- N. whereas freedom of expression continues to be severely restricted, media workers are victims of abusive practices; journalists are threatened, arbitrary detained, and denied due process and fair trial guarantees, and media outlets closed down by regional and federal level authorities; According to the UN, since January 2015, only ten of the 48 journalists and media workers who have been arrested have been brought before a court, it states;
1. Expresses its deepest sympathy with the victims and their families and regrets deeply the loss of civilian lives in Al-Shabaab attacks; calls for strengthening the national security architecture and the protection of civilians as well as additional support to AMISOM from the international community at large;
 2. expresses concern over the continuing humanitarian crisis in Somalia and its impact on the Somali people;
 3. calls for stronger measures to protect children affected by armed conflict and from recruitment and use by armed forces and groups; urges authorities to treat children suspected of association with Al-Shabaab primarily as victims and to consider the best interest of the child and international protection standards as guiding principles.

4. Recognises the positive contributions of the UN Support Office in Somalia(UNSOS) has made in supporting the gains made by AMISOM and the UN Assistance Mission in Somalia (UNSOM) by contributing troops, financial and material resources in order to guarantee the protection of the civilian population in Somalia;
5. Welcomes the EU commitment to cooperate in the building of legitimate institutions and a Somali owned security sector to combat terrorism as key for Somalia's constructive development and the security of the region;
6. welcomes the AU's investigation of allegations of sexual violence against AMISOM troops, calls for full implementation of the recommendations of the report, and in line with resolution 2272 (2016), urges the AU and troop-contributing countries to ensure that allegations are properly and thoroughly investigated and those responsible brought to justice ,
7. Calls for a better EU monitoring and capacity building to ensure accountability for abuses by AMISOM especially given the fact the EU is responsible for the bulk of its funding
8. calls to the Federal Government of Somalia to start implementing the National Action Plan against sexual violence to end impunity, guarantee due process and safeguard the rights of victims and persons at risk.
9. Commends the Government of Somalia in its effort at an attempt towards rebuilding the State institutions in the adoption of important new laws, specifically, on political parties and on the creation of an independent National Human Rights Commission
10. calls on the Somali government and authorities to ensure a peaceful, legitimate, inclusive and transparent electoral process for the Somali people,
11. Deplores all violations and abuses of human rights, arbitrary detentions and arrest of journalists ; calls for stronger efforts in Improving human rights through appropriate legal frameworks and addressing sexual violence and violence against women which will also demonstrate an end to impunity and encourage post-conflict reconciliation
12. Recalls that freedom of expression plays a central role in the building of democratic States; calls on the Somalia government to review the penal code, the new media law and other legislation, to put them in line with Somalia's international obligations regarding the right to freedom of expression and the media;
13. Commends the UN Assistance Mission in Somalia (UNSOM) and the Office of the UN High Commissioner for Human Rights for publishing the report on the 4 th September on the right of the freedom of expression in Somalia being the first ever public human rights report by the UN on Somalia; calls on the UN to do more public reporting;

14. Calls on the Government of Somalia to fully investigate all violations of the right to freedom of expression, including the various serious attacks perpetrated against media workers, irrespective of the identity of the perpetrators;
15. Calls on the government and the EU, as part of its rule of law activities in Somalia, to ensure that NISA is regulated with effective oversight mechanisms; calls on the same to build the technical expertise of Somalia's Criminal Investigation Department (CID) to carry out thorough, effective and rights-respecting investigations
16. Stresses that judicial reform is critical to respond to people's need for justice and protection and independent justice institutions, which are both accessible to all and legitimate, will be essential
17. Calls on the Somali president to immediately commute pending death penalty sentences as a first step towards placing a moratorium on all death sentences; and requests that the Somali authorities transfer future cases of civilians under military court jurisdiction to the civilian courts for prosecution;
18. Urges the Government of Somalia to ratify the African Charter on Democracy, Elections and Governance upholding human rights dignity in all policies to ensure peaceful coexistence amongst citizens irrespective of their race, believe or political affiliations;
19. Calls on the Somali authorities and political actors to ensure that the commitments for a 30 per cent quota for women by leaders of the Federal Government and the regional state administrations is respected and enforced;
20. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the President, the Prime Minister and the Parliament of the Gambia, the Secretary General of the United Nations, the special representative of the United Nations responsible for the issue of sexual violence in times of conflict, the United Nations security Council and the Council of human rights of the United Nations and to the ACP-EU Joint Parliamentary Assembly.