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 144 of the Rules of Procedure

on the Situation in Somalia
(2021/2981(RSP))

Emmanuel Maurel
on behalf of The Left Group
European Parliament resolution on the Situation in Somalia
(2021/2981(RSP))

The European Parliament,

- having regard to the Charter of the United Nations,
- having regard to the UN Covenants on Civil and Political Rights and on Economic Social and Cultural Rights of 1966,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women (1979),
- having regard to the Convention on the Rights of the Child (1989),
- having regard to the 1951 UN Refugee Convention,
- having regard to the African Charter on Human Rights and Peoples of 1981,
- having regard to the Joint Communication on the Situation of Somalia by the African Union (AU), the EU, the Inter-Governmental Authority on Development (IGAD) and the UN of 09/04/2021;
- having regard to the Nairobi Declaration of the Intergovernmental Authority on Development (IGAD) of 25 March 2017 on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia,
- having regard to Statement by the High Representative of the Union for Foreign Affairs and Policy Josep Borrell on the political situation in Somalia of September 2021,
- having regard to the EU’s emergency Africa Trust Fund,
- having regard to its previous resolutions on Somalia,
- having regard to Rule 144 of its Rules of Procedure,

A. whereas the human rights situation in Somalia remains critical and marked by political instability, armed conflict, patriarchal structures and environmental hazards;

B. whereas all parties to the conflict in Somalia have committed violations of international humanitarian law, some amounting to war crimes, including Al-Shabaab, clan violence, Somali government forces and African Union Mission in Somalia troops (AMISOM); whereas civilians are executed, sexually assaulted, wounded and forcibly displaced; whereas, although al-Shabaab militants and clan militias are responsible for the majority
of human right abuses, government forces have also perpetrated unlawful and arbitrary killings, including extrajudicial killings, torture and cruel, inhuman, or degrading treatment and arbitrary arrest or detention;

C. whereas the situation is exacerbated by the humanitarian crisis; whereas currently there are over 5.9 million people in need of humanitarian assistance and protection, and figures are expected to increase to 7.7 million in 2022; whereas there is a particularly urgent need to address food insecurity because more than a third of the country is at risk of starvation;

D. whereas, on top of the conflict, several other factors have increased the number of internally displaced persons (IDPs), including severe weather, locust infestations and Covid-19, amounting to 2.6 million IDPs in 2020, and 643,512 refugees in countries of the Horn of Africa region (2021); whereas displaced communities face cycles of forced evictions, dire living conditions, limited access to basic services as well as sexual violence from government soldiers, civilians and militia men;

E. whereas child mortality in Somalia is currently the highest in the world, and 1.8 million children are at risk of violence, abuse and neglect; whereas all parties to the Somali conflict have committed serious abuses against children, including killings, maiming, recruitment and use of child soldiers, as well as attacks on schools; whereas Somali federal and regional security forces unlawfully detained children for alleged ties with armed groups, undermining their commitment to treat children primarily as victims; whereas, in parallel, the Federal Ministry of Women and Human Rights Development, in partnership with UNICEF, has launched an online Child Protection Information Management System (CPIMS+) to enhance the protection of the most vulnerable children;

F. whereas Somalia is one of the most unequal countries in the world, where religion and the clan-based culture promote strict male authority; whereas Somalia has extremely high rates of maternal mortality and violence against women and girls; whereas 98% of girls are subjected to female genital mutilation, and child, early and forced marriages are prevalent, with 45% of girls married before 18; whereas, according to the UN, there has been an almost 80% increase in cases of violence against women and girls in 2020 compared to 2019; whereas women’s access to justice is highly restricted; whereas a new Sexual Intercourse Related Crimes Bill (2020) was tabled in Parliament, which would allow for child marriage, reduce penalties for forced marriage, reclassify rape as a misdemeanour, remove penalties for other sexual offences, and include weak procedural protections for survivors;

G. whereas the Somali criminal code criminalises homosexuality, and Islamic courts impose severe sentences from flogging to death penalty;

H. whereas Somalia remains one of the most dangerous African countries for trade unionists, who are systematically subjected to violence and intimidation; whereas the Federal Government has led a campaign of anti-union repression with total impunity, and crackdowns against strikes and protests have escalated;

I. whereas journalists face an increasingly repressive working environment, where they are harassed, threatened, intimidated, attacked and subjected to arbitrary arrests,
incommunicado detention and trumped prosecutions; whereas 58 journalists have been killed since 2010, and only 4 perpetrators have been prosecuted; whereas, on the contrary, the courts of the Federal Member States convicted 99% of journalists who faced baseless charges; whereas, in this regard, the Somali government has committed to reforming the criminal code to repeal restrictions on media freedoms and end the use of criminal law against journalists; whereas a new media law has been put forward which, despite providing for relevant rights related to freedom of expression, also contains overly broad content restrictions; whereas a Special Prosecutor for journalists’ crimes was appointed in 2020, but this appointment has not achieved substantial change for their situation yet;

J. whereas Somalia has completed its indirect elections for the composition of the Senate, where women account for 26% of elected delegates, even though the 17 September 2020 electoral agreement of the Somali government stipulated a 30% women’s quota; whereas clashes between the President Mohamed Abdullahi Mohamed and Prime Minister Mohamed Hussein Roble have significantly delayed Somalia’s presidential and House of the People elections, and the two have recently reached an agreement to accelerate the process;

K. whereas the Covid-19 pandemic has exposed the pre-existing weaknesses of Somalia’s healthcare system; whereas access to health facilities for Covid-19 has been severely limited, and only 15% of people have access to medical care in rural areas; whereas the country faces a shortage of vaccines, due to which only 3.6% of the population is fully vaccinated;

L. whereas between 2017 and 2021, the average government budget allocation for health was only of 2%; whereas, however, Somalia has made progress to strengthen the health system, including the adoption of a roadmap towards Universal Healthcare Coverage (UHC); whereas Somalia has recently declared eligible for relief under the Heavily Indebted Poor Countries Initiative (HIPC); whereas debt relief can transform and strengthen the healthcare system and accelerate the process to materialise the UHC;

M. whereas the United States of America under Biden administration has conducted two airstrikes targeting al-Shabaab bases so far, without authorisation of the US Congress; whereas the US military in Africa (AFRICOM) has stated that they have not paid any compensation in Somalia for civilian casualties acknowledged since 2017; whereas AFRICOM has established an online reporting portal, but many people in Somalia lack access to the Internet and are thus unable to make use of it;

N. Whereas the EU committed €312 million to Somalia to strengthen resilience and improve governance, conflict prevention, migration management as well as economic and employment opportunities; whereas additional support to Somalia is channelled through other EU initiatives, such is the Instrument contributing to Stability and Peace and the Africa Peace Facility; whereas the EU is conducting a number of civil and military operations in the region, such as the European Union Maritime Capacity Building Mission to Somalia (EUCAP Nestor), the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (EU NAVFOR) and the European Union Training Mission Somalia (EUTM Somalia);
1. Strongly condemns the armed conflict in Somalia and deplores the human rights violations perpetrated, notably against civilians; condemns terrorist attacks, committed by al-Shabaab and other terrorist groups, against Somali population; calls, on the other hand, the Somali government forces and AMISOM to respect international humanitarian law, investigate the accusations of human rights violations and ensure accountability of perpetrators; in this regard, urges the Somali government to combat impunity by conducting independent and transparent investigations and to strengthen the enforcement of the right to a fair trial;

2. Recalls that it is the responsibility of the Somali authorities at both Federal and state levels to respect, protect and fulfil human rights in Somalia, and ensure full compliance with international human rights norms and standards; in this regard, calls on the Somali government to sign and ratify all human rights instruments and UN Conventions, including but not limited to the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, CEDAW, the Optional Protocol to the CRC on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court; calls on the Somali government to finalise the establishment of the National Human Rights Commission and make it operational, independent and effective;

3. Calls on the Somali government to ratify the Second Optional Protocol to the ICCPR aiming to the abolition of the death penalty and abolish the death penalty without delay;

4. Expresses grave concern at the humanitarian crisis in Somalia, and calls on the European Commission to release the necessary emergency humanitarian aid, most urgently to ensure food security; calls on the EU to develop a humanitarian aid plan and provide Somalia with the tools to adequately face the expected deterioration of the humanitarian crisis; calls for aid from the EU and its Member States to be provided in the form of grants rather than loans;

5. Reiterates its deep concern by the situation of IDPs and refugees, and urges the Somali government to strengthen cooperation with OHCHR and UNHCR to achieve a comprehensive approach to their human rights situation; calls on the Somali authorities to facilitate the safe displacement and resettlement of IDPs and to ensure that they have access to basic services; calls on the Somali authorities to investigate all accusations of sexual violence perpetrated against IDPs and to ensure the accountability of perpetrators;

6. Is deeply concerned by the situation of children in Somalia; welcomes the CPIMS+ put forward by the Federal Ministry of Women and Human Rights Development and UNICEF; urges the Somali government to continue taking steps towards the fulfilment of children’s rights, including by treating them primarily as victims within the context of the armed conflict and by putting in place child rights complaint justice measures; calls on the Somali authorities to continue efforts to end and prevent the recruitment and use of children in the army and to stop their killing and maiming;

7. Reiterates its paramount concern on women's rights; calls on Somali authorities to prioritise addressing the serious misogyny issues of its country and to combat all forms of violence against women and girls, including by criminalising FGM and child, early
and forced marriage, as well as by ensuring the necessary procedural protections for survivors; in this regard, calls on the Somali authorities to reject the new Sexual Intercourse Related Crimes Bill (2020);

8. Condemns the illegalisation of homosexuality; calls on Somalia to swiftly decriminalise homosexuality and eliminate all laws and policies that are discriminatory in this regard;

9. Deplores the abuses and violence faced by labour rights workers in Somalia; urges the relevant authorities to ensure the effective promotion and respect of labour rights and ILO core conventions;

10. Deplores the continuous attacks on freedom of expression and the violence that journalists are subjected to; welcomes the steps taken by the Somali authorities to protect media freedom and the work of journalists; urges the relevant authorities to review the 1964 Penal Code and the 2020 amended Media Law so that they to comply with international law and standards, and to ensure their efficient implementation;

11. Welcomes the fact that Somalia was declared eligible for debt relief under the Heavily Indebted Poor Countries Initiative; calls on the Federal Government of Somalia to allocate the necessary portion of any debt relief proceeds and new grants to improve the right to health, in line with its UHC roadmap and its international human rights obligations, to ensure public, quality and accessible healthcare for all;

12. Welcomes the completion of the elections for the composition of the Senate, as well as the agreement reached by the President and the Prime Minister to accelerate the process for the following elections; urges political leaders to continue their constructive engagement and efforts on the implementation of the 17 September 2020 agreement; urges the swift completion of the electoral process for the House of the People, the subsequent Presidential elections, and the peaceful transfer of power; urges the Somali authorities to ensure free, fair, inclusive, secure and direct one-person-one-vote elections for 2024/2025, as well as the minimum of 30% quota for women at all levels;

13. Considers that human rights violations cannot be justified as a means to combat the threat posed by terrorist and armed groups; calls on AFRICOM to pay its due compensation in Somalia for civilian casualties, and to develop more efficient channels so that Somalis can report abuses and human rights violations perpetrated by its troops;

14. Recalls that fighting armed groups and violent extremism and achieving lasting stability and peace, can only be accomplished through social inclusion and good governance based on the democratic principles and rule of law in which human rights are fully respected; calls on the EU and the international community to cooperate with African countries and regional and international actors to resolve the conflicts by peaceful means, based on respect for their sovereignty;

15. Urges the European Commission and its Member States to reinforce their non-military humanitarian support to fulfil the needs of Somali people; calls for EU aid to be aligned with internationally agreed development effectiveness principles, be human-rights-centred, environmentally sustainable, promote women’s rights and focus on tackling the root problems of inequality and poverty in order to achieve Sustainable Development Goals (SDGs); stresses that development aid must not be made conditional on
cooperation in migration matters such as border management or readmission agreements;

16. Calls on the international community to put in place mass Covid-19 vaccination programmes, and to fairly share responsibility concerning refugees and asylum seekers by expanding adequate opportunities for third-country resettlement;

17. Calls on the African Union, the European Union, the and the United Nations to continue to closely monitor the situation in Somalia;

18. 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 ACP-EU Council, the Somali Government and Federal States, the East African Community and the government of its member states, the institutions of the African Union and the Secretary-General of the United Nations.