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## TEXTS ADOPTED

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### **P8\_TA(2018)0304**

#### **Somalia**

#### **European Parliament resolution of 5 July 2018 on Somalia (2018/2784(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Somalia, in particular that of 15 September 2016<sup>1</sup>,
- having regard to its resolution of 18 May 2017 on the Dadaab refugee camp<sup>2</sup>,
- having regard to the statement of 30 October 2017 by the Spokesperson of the European External Action Service on the attack in Somalia, as well as to all previous statements by the Spokesperson,
- having regard to the Council conclusions of 3 April 2017 on Somalia,
- having regard to the joint EU-Africa Strategy,
- having regard to the Cotonou Agreement,
- having regard to the Universal Declaration of Human Rights,
- having regard to the UN Human Rights Office Report ‘Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia’ of December 2017,
- having regard to the EU-Somalia National Indicative Programme for Federal Republic Somalia 2014-2020,
- having regard to UN Security Council Resolution of 15 May 2018 extending the mandate of the African Union Mission in Somalia (AMISOM),
- having regard to UN Security Council Resolution of 27 March 2018 on Somalia, as well as to all its previous resolutions,
- having regard to the briefing of 15 May 2018 by the UN Special Representative for Somalia to the UN Security Council,

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<sup>1</sup> OJ C 204, 13.6.2018, p. 127.

<sup>2</sup> Texts adopted, P8\_TA(2017)0229.

- having regard to the UN Security Council press statements of 25 January 2018, 25 February 2018 and 4 April 2018 on Somalia,
  - having regard to the Council conclusions of 25 June 2018 on the Horn of Africa, of 17 July 2017 on addressing the risks of famine and of 3 April 2017 on Somalia,
  - having regard to the UN Secretary General reports of 26 December 2017 and 2 May 2018 on Somalia,
  - having regard to the communiqué of the UN-Somalia Security Conference of 4 December 2017,
  - having regard to UN Human Rights Council Resolution of 29 September 2017 on Assistance to Somalia in the field of human rights,
  - having regard to the AMISOM statement of 8 November 2017 announcing its intention to initiate a phased withdrawal of troops from Somalia starting in December 2017, with the intention of a full withdrawal by 2020,
  - having regard to the joint statement by four UN human rights experts on 4 May 2016, in which they expressed alarm at the growing persecution of trade unionists in Somalia,
  - having regard to the conclusions and recommendations specified in the 380th Report of the ILO Committee on Freedom of Association of November 2016, as approved by the ILO governing body for Case No 3113,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas al-Shabaab have perpetrated numerous terrorist attacks on Somali soil; whereas on 14 October 2017 Somalia experienced its worst ever terrorist attack, in which at least 512 people are officially recorded to have died and 357 to have been injured; whereas al-Shabaab and other terrorist groups affiliated with Islamic State have continued to perpetrate terrorist attacks against the internationally recognised Somali Government and against civilians;
  - B. whereas, on 1 April 2018, al-Shabaab led a car-bomb attack on an African Union peacekeeper base in Bulamarer and nearby villages; whereas, on 25 February 2018, two terrorist attacks occurred in Mogadishu, killing at least 32 people;
  - C. whereas Somali Government security forces unlawfully killed and wounded civilians as a result of internal fighting between government forces at an aid distribution site in Baidoa in June 2017; whereas civilian populations have also been targeted during clashes by regional forces and clan militia, especially in the Lower Shabelle, Galguduud and Hiran regions;
  - D. whereas, according to the report of the UN Human Rights Office and the UN Assistance Mission to Somalia (UNSOM), covering the period from 1 January 2016 to 14 October 2017, 2 078 civilian deaths and 2 507 injuries have occurred in Somalia; whereas the majority thereof are attributed to al-Shabaab militants; whereas a significant proportion of those deaths have been caused by clan militias, state actors, including the army and the police, and even the African Union Mission to Somalia;

- E. whereas Somalia has experienced two decades of civil war; whereas since 2012, when a new internationally backed government was installed, the country has made significant progress towards peace and stability; whereas, while al-Shabaab has suffered heavy losses from counter-terrorism operations in recent years, UN reports indicate that the ISIS/Daesh faction in Somalia has grown significantly;
- F. whereas, on 8 February 2017, Somalia held its first free elections since the internationally backed government was installed; whereas the electoral system represented progress in terms of participation but displayed only limited electoral features; whereas the government committed to switching to a unweighted electoral system based on universal suffrage for the elections in 2020/2021;
- G. whereas the mandate of the African Union Mission to Somalia was extended until 31 July 2018; whereas, according to UN Security Council Resolution 2372/17, numbers of uniformed AMISOM personnel should be reduced to 20 626 by 30 October 2018; whereas AMISOM personnel have been accused of human rights abuses, sexual violence and misconduct during their service;
- H. whereas freedom of expression, which is a fundamental pillar of any functioning democracy, continues to be severely limited in Somalia; whereas journalists, human rights defenders, civil society activists and political leaders continue to face threats on a daily basis; whereas al-Shabaab continues to intimidate, arrest, detain without due process and even kill; whereas the authorities rarely investigate such cases; whereas Somalia has, according to the International Federation of Journalists (IFJ), emerged in eight consecutive years as the most deadly country in Africa for journalists and other media practitioners to operate and exercise their fundamental right to freedom of expression;
- I. whereas the rights to free association and unionisation are vital for the development of any functioning democracy; whereas the Federal Government of Somalia effectively does not allow the formation and existence of independent unions; whereas trade union and workers' rights activists in Somalia face intimidation, reprisals and harassment on a daily basis; whereas stigmatisation and smear campaigns against unionists are commonplace in Somalia;
- J. whereas the International Labour Organisation (ILO) has adjudicated a freedom of association violation complaint against the Somali Government; whereas the ILO directed the government to 'recognise the leadership of the National Union of Somali Journalists (NUSOJ) and the Federation of Somali Trade Unions (FESTU) under Mr Omar Faruk Osman without delay';
- K. whereas UN human rights experts publicly stated that 'Somalia is not fulfilling its international human rights obligations and the situation for trade unions keeps on worsening despite specific recommendations made by the International Labour Organisation's Governing Body, urging the Somali Government to refrain from any further interference in the unions registered in Somalia, with particular reference to the NUSOJ and FESTU';
- L. whereas human rights abuses are widespread in Somalia; whereas those responsible for them are mostly non-state actors – al-Shabaab militants and clan militias – but also state actors; whereas there have been extrajudicial executions, sexual and gender-based

violence, arbitrary arrests and detentions and abductions; whereas according to the UN Human Rights Office, the National Intelligence and Security Agency (NISA) of Somalia routinely violates international human rights law; whereas it often operates in an extrajudicial manner and its powers are too broad;

- M. whereas, however, the political situation is unstable and governance remains weak, thereby impeding progress on justice and security-sector reform; whereas, according to Transparency International, Somalia is the most corrupt country in the world;
- N. whereas military courts continue to try a broad range of cases, including for terrorism-related offences, in proceedings falling far short of international fair trial standards; whereas, by the third quarter of 2017, at least 23 individuals had been executed following military court convictions, the majority of whom on terrorism-related charges; whereas, on 13 February 2017, seven defendants, including a child, were sentenced to death in Puntland for murder, based largely on confessions obtained under coercion by the Puntland Intelligence Services; five were executed in April the same year;
- O. whereas foreign interests further complicate the political landscape; whereas, in terms of the wider confrontation between the United Arab Emirates (UAE) and Saudi Arabia, on the one hand, and Qatar, on the other, the Federal Government of Somalia has sought to remain neutral; whereas, in retaliation, Saudi Arabia and the UAE have ceased their regular budgetary support payments to Somalia, which further weakens the government's ability to pay the security forces;
- P. whereas children are among the greatest victims of the conflict in Somalia; whereas there have been numerous cases of child abductions and recruitment by terrorist groups; whereas they have been treated as enemies by the Somali security forces and there have been frequent killings, maiming, arrests and detentions;
- Q. whereas a Human Rights Watch report of 21 February 2018 points to the violations and abuses – including beating, torture, confinement and sexual violence – suffered since 2015 by hundreds of children held in government custody due to their terrorism-related activities; whereas, in Puntland, children have been sentenced to death for terrorism offences;
- R. whereas after years of drought, flooding caused by the recent record rainfalls has displaced 230 000 people, over half of whom are estimated to be children; whereas they join the roughly 2,6 million people across the country who have already been affected by drought and conflict;
- S. whereas a significant number of the civilian casualties recorded were caused by clan militia; whereas the main trigger of clan conflicts are disputes over land and resources, compounded by an ongoing cycle of retaliation; whereas such conflicts have been exacerbated by the scarcity of resources and by droughts; whereas such conflicts are exploited by anti-government elements to further destabilise areas;
- T. whereas food insecurity continues to represent a grave problem for the Somali state and population; whereas, according to the Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, about half of Somalia's 12 million inhabitants are food insecure and in need of humanitarian assistance; whereas an

estimated 1,2 million children are estimated to be acutely malnourished, of whom 232 000 will suffer life-threatening severe acute malnutrition; whereas many parts of the country have not fully recovered from the 2011-2012 famine; whereas droughts exacerbate food insecurity problems in Somalia;

- U. whereas several Somali refugee camps exist in Kenya, including the Dadaab camp, which alone holds around 350 000 refugees; whereas, in light of the failure of the international community to provide adequate support, the Kenyan authorities intend to reduce these camps by pushing for returns to Somalia;
  - V. whereas international humanitarian actors are key to combating food insecurity and to providing humanitarian assistance; whereas they have made a major contribution to averting a humanitarian disaster in Somalia; whereas there have been attempts to divert humanitarian aid towards funding warfare;
  - W. whereas since 2016 the EU has progressively increased its annual humanitarian support to Somalia, in particular in response to the severe drought affecting the country, allocating EUR 120 million to humanitarian partners in 2017; whereas the international humanitarian response plan is only funded up to 24 %;
  - X. whereas the EU has provided EUR 486 million through the European Development Fund (2014-2020), focusing on state- and peace-building, food security, resilience and education; whereas the EU is also supporting AMISOM through the African Peace Facility; whereas the 22 000-strong African Union peacekeeping force troop, AMISOM, has brought a certain degree of stability to parts of Somalia; whereas parts of the country remain under the control of, or threat from, the radical al-Shabaab Islamist movement, or are controlled by separate authorities, as is the case in Somaliland and Puntland;
1. Condemns all terrorist attacks against the Somali population, perpetrated by both by al-Shabaab and other extremist terrorist groups; asserts that there can be no legitimate reason for engaging in terrorist activity; calls for those responsible for terrorist attacks and for violations of human rights to be brought to justice in accordance with international human rights law; expresses its deepest sympathies with the victims of terrorist attacks in Somalia and with their families and deeply regrets the loss of lives; reminds the Somali authorities of their obligation to guarantee human rights and protect the civilian population in all circumstances;
  2. Underlines that the elimination of the root causes of terrorism such as insecurity, poverty, human rights violations, environmental degradation, impunity, a lack of justice and oppression would contribute immensely to the eradication of terrorist organisations and activity in Somalia; asserts that underdevelopment and insecurity form a vicious cycle; calls, therefore, on international actors, including EU development programmes, to engage in security-sector reform and capacity-building initiatives to ensure coherence between their development and security policies in Somalia; calls for the EU to continue to support the peace and reconciliation process in Somalia through the Mutual Accountability Framework and the Security Pact;
  3. Encourages the Federal Government of Somalia to continue its peace- and state-building efforts towards the development of strong institutions which are governed by the rule of law and able to provide basic public services, and towards ensuring

security, freedom of expression and freedom of association; welcomes the fact that al-Shabaab was unable to impede the 2016-2017 electoral process; calls on the Federal Government of Somalia to ensure that an electoral system based on unweighted universal suffrage is in place ahead of the elections in 2020-2021; recalls that lasting stability and peace can only be achieved through social inclusion, sustainable development and good governance based on the principles of democracy and the rule of law;

4. Calls on the Federal Government of Somalia to step up its efforts towards cementing the rule of law in the whole of the country; argues that impunity is a major cause of the self-perpetuating cycle of violence and the worsening human rights situation; requests that the Somali authorities transfer future civilian cases under military court jurisdiction to the civilian courts for prosecution; calls on the Somali President to immediately commute pending death penalty sentences as a first step towards placing a moratorium on all death sentences; believes that only the rule of law can eradicate impunity; calls on the government and international actors to continue working towards the establishment of an independent judiciary, the institution of independent and credible investigations of crimes committed against Somali journalists, the eradication of corruption, and the building of accountable institutions, especially in the security sector; welcomes, in this context, the launching last year by the government, in cooperation with the UN and the EU, of a nationwide judicial training curriculum;
5. Deplores state and non-state actors' violations of the freedom of expression in Somalia; is concerned by the autocratic approach of the present administration and some of the regional state administrations, resulting in the arrest of political opponents and peaceful critics; considers any intimidation, harassment, detention or killing of journalists and civil society activists as absolutely unacceptable; requests that the Somali authorities stop using NISA to intimidate independent journalists and political opponents; 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; asserts that freedom of expression and thought is indispensable for the development of a strong and democratic society; calls on the Federal Government of Somalia to ensure that the right to freedom of expression is fully respected; calls on the Somali Government to review the penal code, the new media law and other legislation in order to bring them into line with Somalia's international obligations regarding the right to freedom of expression and the media;
6. Expresses concern about certain foreign interests that further complicate the political landscape; notes, in terms of the wider confrontation between the UAE and Saudi Arabia, on the one hand, and Qatar, on the other, that the Federal Government of Somalia has, in its attempt to remain neutral, been deprived of regular budgetary support payments by Saudi Arabia and the UAE, which further weakens the government's ability to pay the security forces; urges the UAE to cease forthwith all acts of destabilisation in Somalia and respect Somalia's sovereignty and territorial integrity;
7. Strongly condemns the grave violations of freedom of association and freedom of expression against Somalia's free and independent trade unions and in particular, the longstanding repression against the NUSOJ and the FESTU, and insists on the end of ongoing investigations and closure of the case taken by the Office of the Attorney General against Mr Omar Faruk Osman, Secretary-General of the NUSOJ for

organising, without the approval of the Ministry of Information, of a celebration of World Press Freedom Day;

8. Denounces the Somali state's repression of trade unionists; calls on the Somali state to put an end to all forms of repression against unionists; insists that the government allow the formation of independent trade unions; firmly believes that trade unions are indispensable for guaranteeing workers' rights in Somalia; asserts that independent trade unions could significantly contribute to the improvement of the security situation in Somalia;
9. Urges the Federal Government of Somalia to respect and uphold the international rule of law, and to accept and implement fully the decisions of the ILO on case 3113;
10. Commends the work of UNSOM in all aspects and on monitoring human rights in Somalia, in particular, as well as the UN Security Council's decision to extend its mandate until 31 March 2019; commends the efforts made by the African Union to bring back a certain degree of stability to Somalia and to organise the transitional political process; calls for better EU monitoring and capacity-building to ensure accountability for abuses by AMISOM, especially given the fact that the EU is responsible for the bulk of its funding; urges AMISOM to fully implement its mandate to protect the civilian population;
11. Deplores the recruitment of child soldiers in Somalia as an abhorrent war crime; believes that children are one of the most vulnerable groups in the conflict; calls on all armed groups to put an end immediately to this practice and release all children currently enrolled; calls on the state to treat them as victims of terrorism and war rather than perpetrators, and calls for the EU to assist the Somali Government in its rehabilitation and reintegration efforts; urges the Somali authorities to end the arbitrary detention of children suspected of being unlawfully associated with al-Shabaab; urges all actors in Somalia to abide by the objectives of the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict, and encourages the Federal Government of Somalia to ratify it without delay;
12. Welcomes the selection of the commissioners to the newly established Independent National Human Rights Commission of Somalia, and calls on the Somali Government to appoint the Commission without any further delay; is deeply alarmed at the reports of human rights abuses committed by Somali security forces, including killings, arbitrary arrests and detention, torture, rape and abductions; calls on the authorities to ensure that all violations are fully investigated and that perpetrators are brought to justice; calls on the government and for the EU to enhance the technical expertise of Somalia's Criminal Investigation Department (CID) to carry out thorough and effective investigations that respect rights; calls on domestic and foreign troops which intervene in the fight against al-Shabaab to act in accordance with international law; calls on the Somali Government to follow through with commitments to end forced evictions of internally displaced people, including in the country's capital, Mogadishu;
13. Praises the Somali Government for launching the review process of the Somali provisional constitution, following a three-day national constitutional convention in May 2018 which will lead to the permanent constitution of Somalia; urges the Somali Government to finalise the Somalia National Action Plan on Preventing and Countering Violent Extremism (PCVE) as part of the country's Comprehensive Approach to

Security (CAS), supported by AMISOM;

14. Condemns as a horrific war crime gender-based and sexual violence against women, men, boys and girls, with women and girls particularly affected; calls on the state to step up its efforts to protect vulnerable groups in society; welcomes, in this context, the launching last year by the government, in cooperation with the UN and the EU, of a nationwide judicial training curriculum; reiterates its paramount concern over women's rights; calls on the relevant authorities to promote gender equality and women's empowerment; condemns the illegalisation of homosexuality in Somalia and the criminalisation of LGBTI people;
15. Deplores the dire humanitarian situation that is threatening the lives of millions of Somalis; recalls that the death toll in the 2011 famine was exacerbated by insecurity and the actions of extremist militants from al-Shabaab to hinder food aid deliveries to areas of south-central Somalia that, at the time, were under its control; urges the EU, its Member States and the international community to step up their assistance to the Somali population, to improve the living conditions of the most vulnerable and to tackle the consequences of displacement, food insecurity, epidemics and natural disasters; condemns all attacks against humanitarian actors and peacekeepers in Somalia; calls for EU aid to be aligned with internationally agreed development effectiveness principles in order to achieve the recently approved Sustainable Development Goals (SDGs);
16. 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 Somalia, the Secretary-General of the United Nations, the United Nations Security Council, the United Nations Human Rights Council, and the ACP-EU Joint Parliamentary Assembly.