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East and Horn of Africa Human Rights Defenders Project

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H.E. Mr. Mohamed Abdullahi Mohamed "Farmaajo"
President of the Federal Republic of Somalia

Cc.:

H.E. Mr. Hassan Ali Khayre,
Prime Minister

H.E. Mr. Ambassador Ahmed Isse Awad,
Minister of Foreign Affairs and International
Cooperation

H.E. Ms. Deqa Yasin,
Minister of Women and Human Rights Development

H.E. Ms. Ebyan Mahamed Salah
Ambassador, Permanent Representative of Somalia to
the United Nations Office and other international
organizations in Geneva

Re: Concerns over Somalia's voting record at the UN Human Rights Council

Mr. President,

In the last decade, Somalia played an important role within the UN (United Nations) Human Rights Council (HRC). Its constructive engagement and willingness to tackle domestic human rights issues boosted its standing and contributed to reintegrating it fully in the international community of nations.

A member of the African Group, Somalia demonstrated leadership by taking initiatives on both thematic issues and country situations of concern. On the one hand, Somalia led efforts (together with Algeria on behalf of the African Group) to shed light on, and improve, the situation of persons with albinism. In 2015, HRC resolution 28/6 established the mandate of the UN Independent Expert on the enjoyment of human rights by persons with albinism. On the other hand, together with Djibouti and Nigeria, Somalia triggered HRC efforts to address the human rights situation in Eritrea – HRC resolution 20/20 of 2012 established the mandate of the UN Special Rapporteur (SR) on Eritrea, which has been instrumental in formulating recommendations to improve human rights in the country.

As Somalia regained control over large parts of its territory and improved security, it also registered progress with regard to respect for human rights. The last report of the UN Independent Expert (IE) on Somalia, Mr. Bahame Nyanduga, summarises progress achieved since he assumed office, in 2013, and provides a positive outlook on the situation.ⁱ Elsewhere, Somalia was cited as a good example of co-operation with the UN human rights system.ⁱⁱ

In October 2018, for the first time, Somalia was elected for a three-year term (2019-2021) as a member of the HRC. While the NGO community raised concern over a number of other newly elected members, Somalia's election was primarily regarded as a positive development, which may be leveraged to further both domestic progress and Somalia's international cooperation.



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However, at the end of Somalia's first year of membership in the HRC, observers point to Somalia's disappointing voting record. Too often, throughout 2019, Somalia aligned its vote with some of the world's worst human rights abusers, who have attempted to weaken human rights protections and rejected scrutiny of grave human rights situations.

During the HRC's 41st session (June-July 2019), Somalia supported ten **amendments to resolutions on women's rights and gender equality**. These amendments were all **rejected** by the Council, and the resolutions were ultimately **adopted**. On a resolution on the "consequences of child, early and forced marriage" (which constitutes a grave human rights violation affecting girls), Somalia supported amendments that sought to delete the expression "the right to [sexual and reproductive health];"ⁱⁱⁱ reduce the autonomy of girls regarding their health and rights;^{iv} and delete references to "girls" from the expression "women and girls."^v

Regarding a resolution on the "elimination of all forms of discrimination against women and girls," Somalia supported amendments that aimed to remove mentions of the right of "access to sexual and reproductive health."^{vi}

With regard to a widely-acclaimed resolution on "accelerating efforts to eliminate all forms of violence against women and girls," Somalia supported amendments that sought to delete references to "intimate partner violence"^{vii} and to "girls."^{viii}

Regarding **country-specific resolutions**, Somalia voted against resolutions establishing or extending investigative mechanisms (fact-finding missions or commissions of inquiry) into several of the world's most serious human rights crises. The Somali delegation to the HRC voted against resolutions on the Philippines,^{ix} Burundi,^x and Yemen.^{xi}

Perhaps most shockingly, in July 2019, Somalia voted against a resolution extending the mandate of the SR on Eritrea.^{xii} The resolution was short and technical: it simply sought to extend the SR's mandate to allow her to continue monitoring and reporting on the situation. The resolution did not say anything on the situation itself. The Council adopted it with a comfortable margin. What shocked observers was the fact that Somalia, which had previously led efforts (together with Djibouti) to address Eritrea's grave human rights situation, operated a U-Turn and voted against the resolution.

This complete reversal of position (from actively promoting to actively opposing Eritrea resolutions) was based on *political*, not human rights, motives. As has been documented by independent human rights actors, including the Office of the UN High Commissioner for Human Rights (OHCHR), the human rights situation in Eritrea remains abysmal, and 2018 diplomatic breakthroughs in the Horn of Africa – which everyone, including human rights organisations, has welcomed – have not translated into domestic human rights progress.

This reversal of position weakens Somalia's standing as a member of the HRC. Many African States abstained on the resolution, recognising that Eritrea's human rights situation deserved continuing scrutiny. Djibouti remained silent, which amounted to tacit approval. Somalia could, and should, have done the same. Switching from a leading role on Eritrea resolutions to opposing them means that Somalia sent the signal to all HRC Members and Observers that it is not a fully reliable diplomatic actor and that its position was not guided by human rights concerns.



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As 2019 is drawing to a close, I am voicing my concern and expressing the hope that in 2020, Somalia's delegation to the HRC will treat human rights considerations as paramount in voting on amendments and resolutions presented to the Council, rather than privileging political considerations.

We and civil society colleagues will remain engaged at all levels, including in Geneva where Somalia has signaled its interest in the UN Human Rights Council, notably through the participation of His Excellency Mr. Hassan Ali Khayre and that of Her Excellency Ms. Deqa Yasin, in 2019.

Sincerely,

Hassan Shire
Executive Director, DefendDefenders
Chairman, Pan-African Human Rights Defenders Network (AfricanDefenders)

ⁱ See the IE's reports at: <https://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/SO/Pages/IESomalia.aspx>

ⁱⁱ See DefendDefenders, "No Advice without Knowledge: Scrutiny elements in the UN Human Rights Council's item 10 resolutions," 21 June 2019, <https://defenddefenders.org/no-advice-without-knowledge-scrutiny-elements-in-the-un-human-rights-councils-item-10-resolutions/>

ⁱⁱⁱ Replacing it with simply "sexual and reproductive health" (amendment 41/L.39 to HRC resolution 41/L.8/Rev.1, rejected with 13 Yes, 26 No, and 7 abstentions (hereafter 13Y, 26N, 7A)).

^{iv} Amendment 41/L.40 to HRC resolution 41/L.8/Rev.1 (rejected with 18Y, 23N, 5A).

^v Amendment 41/L.45 to HRC resolution 41/L.8/Rev.1 (rejected with 10Y, 26N, 10A).

^{vi} Amendment 41/L.41 to HRC resolution 41/L.6/Rev.1 (rejected with 13Y, 27N, 6A).

^{vii} Amendment 41/L.38 to HRC resolution 41/L.5/Rev.1 (rejected with 14Y, 27N, 5A).

^{viii} Replacing "women and girls" and "participation of women and girls" with only "women" and "participation of women" (amendment 41/L.43 to HRC resolution 41/L.5/Rev.1 (rejected with 10Y, 28N, 8A)).

^{ix} HRC resolution 41/L.20 of July 2019 (adopted with 18Y, 14N, 15A).

^x HRC resolution 42/L.10/Rev.1 of September 2019 (adopted with 23Y, 11N, 13A).

^{xi} HRC resolution 42/L.16 of September 2019 (adopted with 22Y, 12N, 11A).

^{xii} HRC resolution 41/L.15 of July 2019 (adopted with 21Y, 13N, 13A).