



EAST AFRICAN CIVIL SOCIETY ORGANISATIONS' FORUM

*Strengthening Civil Society in the Integration Processes*

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**ADVISORY STATEMENT ON THE FORMATION PROCESS OF THE NATIONAL  
HUMAN RIGHTS COMMISSION IN THE FEDERAL REPUBLIC OF SOMALIA**

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The East African Civil Society Organisations' Forum (EACSOFF), through its Somalia Chapter, offers this advisory communication on the ongoing process to establish the National Human Rights Commission (NHRC) of the Federal Republic of Somalia. As a regional civil society platform under the East African Community (EAC), EACSOFF supports the development of credible and accountable national institutions grounded in *legality, inclusivity, and the rule of law*. In this regard, the NHRC represents a vital mechanism for the promotion and protection of human rights, and its formation presents an opportunity for Somalia to reaffirm its commitment to constitutional governance, international standards, and regional obligations.

The Provisional Constitution of Somalia outlines clear principles for the creation and functioning of the NHRC. Article 41 provides that *"the Federal Parliament shall establish a Human Rights Commission that is independent of State control, and has adequate resources to carry out its functions effectively,"* thereby underscoring the importance of parliamentary leadership and insulation from executive influence. Article 111B further states that the Commission *"shall be independent, impartial, and inclusive, and shall have not more than nine members,"* reflecting the need for diversity and representativeness. These articles are rooted in the broader constitutional guarantees of Article 10, which declares that *"human dignity is inviolable and must be protected by all,"* and Article 11, which ensures that *"all citizens shall have equal rights and duties before the law"* without discrimination. Together, these provisions form the legal and moral foundation upon which the NHRC must be built.

EACSOFF encourages the Government of Somalia to fully uphold these constitutional commitments during the ongoing formation of the NHRC. Concerns raised by civil society and legal observers regarding executive dominance, lack of transparency, and exclusion of key constituencies merit serious consideration. The current approach offers an opportunity for reflection and recalibration, guided by both national values and international frameworks. The Paris Principles on the Status of National Human Rights Institutions, adopted by the United Nations in 1993, outline that such institutions must be formed through a process that ensures pluralism, functional independence, and broad-based participation. Specifically, they require that the appointment of members be transparent, consultative, and representative of the diverse forces in society involved in the promotion and protection of human rights. Aligning Somalia's NHRC formation process with these principles will enhance the Commission's credibility and enable future accreditation by international bodies such as the Global Alliance of National Human Rights Institutions (GANHRI).

Somalia's engagement within the East African Community further reinforces the imperative of a constitutionally grounded and participatory process. Article 6(d) of the EAC Treaty outlines the fundamental principles of the Community, including *"good governance, democracy, the rule of law, accountability, transparency, and respect for human rights."* Article 7 emphasizes *"people-centered and participatory development,"* while Article 27 commits Partner States to strengthening legal and judicial systems. Crucially, Article 127 highlights the role of civil society and encourages continuous dialogue and meaningful inclusion in public affairs. As a cooperating Partner State, Somalia is encouraged to align the NHRC formation process with these regional obligations by ensuring meaningful participation of civil society, gender equity, and the representation of marginalized groups.

**EACSOE respectfully offers the following five recommendations to guide the remaining phases of the NHRC formation process:**

1. **Reaffirm Constitutional Leadership of the Process** - The Federal Government and Federal Parliament are encouraged to reaffirm the constitutional legitimacy of the NHRC formation by ensuring that the process is led through lawful parliamentary procedures, as stipulated under **Article 41 of the Provisional Constitution**, which mandates the Commission's independence and institutional placement under parliamentary oversight.
2. **Guarantee Inclusivity in Membership and Process** - Inclusivity must be guaranteed in accordance with **Article 111B**, by ensuring the full participation of civil society organisations, women's groups, youth platforms, regional stakeholders, and minority representatives during all stages of the process, including nomination, vetting, and public validation. A pluralistic Commission reflects both constitutional obligations and regional best practice.
3. **Align the Process with International Standards** - The formation process should be fully aligned with the **UN Paris Principles**, which set out the globally recognised criteria for the legitimacy and credibility of national human rights institutions. These include independence, transparency, accountability, and representativeness.
4. **Foster National Dialogue and Institutional Trust** - The Government is advised to actively promote dialogue with civil society and development partners throughout the process. Constructive engagement and confidence-building measures will enhance public trust in the Commission's legitimacy and reaffirm Somalia's commitment to democratic values and participatory governance.
5. **Strengthen the Foundation for Other Oversight Bodies** - The structure and legitimacy of the NHRC will influence the integrity of future independent bodies. It is essential that the process reinforces the autonomy and credibility of Somalia's broader institutional framework, including the **Judicial Service Commission, Anti-Corruption Commission, and National Electoral Commission**, in accordance with Somalia's constitutional vision and its integration commitments under the **East African Community Treaty**.

In conclusion, EACSOF remains committed to supporting Somalia in building a rights-based governance framework that reflects both national aspirations and regional values. The formation of the NHRC is not merely a procedural matter; it is a reflection of the state's commitment to justice, accountability, and the dignity of its citizens. A transparent, participatory, and constitutionally compliant process will yield a Commission that commands both public trust and regional recognition. EACSOF stands ready to provide technical support, civil society coordination, and policy dialogue platforms to facilitate the realisation of this objective in close partnership with Somali institutions. We are confident that, with leadership and collective resolve, Somalia will seize this opportunity to establish a credible National Human Rights Commission that upholds the rule of law, protects fundamental freedoms, and advances the principles of the East African Community.

**Issued by:**

EACSOF Secretariat