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PEACE & HUMAN  
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(PHRN)

**Submission to Universal Periodic Review (UPR) of Somalia**  
**Mogadishu, Somalia**

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The people in southern and central parts of Somalia have been experiencing multiple problems as a result of seemingly ceaseless armed confrontations, escalating insecurity and near-unsolvable political mayhem. This grim reality has caused deaths, injuries and mass displacements as warring sides used all kinds of weapons.

However, when the dust of one confrontation settles another one appears to go up from the spot.

As the nation is engulfed by a circle of hell, several are the factors that have either contributed to the worsening situation or have become the direct products of the tit-for-tat between violently opposing sides. The most notable aspects that have given disappointing results include weak federal institutions, hindered freedom of expression and assembly, pertinent child soldiering, lack of access to humanitarian assistances and ever increasing armed conflicts. Others include endangered Human Rights Defenders, un-stoppable piracy, perennial human trafficking, ongoing war-caused displacements and violations against women.

Unfortunately, there has not been an effective government in Somalia for the last five years to deal with the abovementioned anomaly.

**1.0 Weak Federal Institutions:**

1.1 The Transitional Federal Parliament that houses 550 lawmakers appears to lack full legitimacy as its members have been selected by clan elders and not through universally accepted one-man-one-vote democratic votes. Besides, poor parliamentary skills and chronic corruption have reduced the members' ability to either pass laws or scrutinize the executive, effectively.

1.2 The cabinet of ministers and their departments are not fully functional. They exist only as skeleton with the portfolio simply subsisting normally. All the government departments have been instituted with clear structures and in most cases filled with manpower. However, the services delivered by over thirty ministries and various national commissions are very trivial.

1.3 Knowing that the role of the justice system is pivotal in any society, in Somalia, the judiciary has been lacking the required dynamicity to fill such role. Those appointed to positions in the

judiciary have been complaining of lack of adequate security, improper facilities and intervention from other institutions in order to perform reasonably well. The personnel in the system do not get the right remunerations for the services they are supposed to render, making the institution vulnerable to corruption and malfunction.

## **2.0 Hindered Freedom of Expression and Assembly**

2.1 The media and other information outlets are known to play crucial roles in the freedom of expression and assembly. However, the sector has been affected by a number of factors that caused setbacks. The closure and hostile takeovers of a number of independent media houses by Islamist groups have taken reliable popular mouthpieces off the airwaves.

2.2 Media workers have been subjects of killings, intimidations, abductions and arrests. The unfavorable treatments of professionals have deprived the sector of many talents as many journalists and media managers have either perished, went into hiding or fled the country.

2.3 Restrictions and other draconian measures towards freedom of expression and assembly deprived the public important means and ways of carrying out advocacy, awareness raising, rallies, sports, deliberations/celebrations and other deeds that could forge public unity and enhance peacemaking.

## **3.0 Pertinent Child Soldiering**

3.1 The underage are known to be fragile and vulnerable to adverse pressure from the community. In Somalia, both the Transitional Federal Government and the opposition groups engage children as soldiers. They take advantage of the soaring unemployment, lack of schooling and draw youngsters from orphaned families.

The groups use manipulations, remunerations, and rewards in the forms of cash payments, offer of mobile phones and allowance to exercise power within the communities. The underage are used for such dangerous jobs as planting landmines, detonate mines, fighting and assassinations.

## **4.0 Lack of Access to Humanitarian Assistance**

4.1 The southern and central regions of Somalia, especially Mogadishu, the capital, have been the epicenter of the armed conflicts. As a result, the area has been quite vulnerable to adverse conditions and the inhabitants have endured diverse crises, both natural and man-made ones.

4.2 As conflicts, violent confrontations and political antagonism escalated so is humanitarian crises. In many cases, lack of access to humanitarian assistances aggravated the situation of the needy.

4.3 It is lamentable that pressure and ban on the institutional aid agencies has causes suspension of badly needed deliveries and distributions of aid items. Besides, the killings, kidnapping, and threats to humanitarian workers have added insult to injury.

4.4 Restrictions in local non-governmental organizations, uneven aid distributions, poor logistics, misappropriation of aid items and diversion of items meant for the needy to the markets renders the plight of would-be beneficiaries more desperate.

## **5.0 Ever Increasing Armed Conflicts**

5.1 In Somalia particularly in southern and central regions, disputes raising from squabble over power and resources control very often lead to armed conflicts. The situation often reaches an acute stage when fighting take place within civilian populated areas. It is worsened by indiscriminate shelling of civilian areas in the urban centres by all warring sides, including the peacekeepers serving the African Union Mission in Somalia, Amisom.

5.2 Other violent actions such as suicide missions, landmine explosions, grenade hurling, assassinations and stray bullets, cause significant damages. Lack of political reconciliation fuels the warring sides' tendencies to turn more guns on each other.

## **6.0 Endangered Human Rights Defenders**

6.1 In this modern age, liberties and freedoms come at a cost, especially when individuals and/ or groups tend to defend these values. The human rights defenders often attract enemies with the aim of blocking the benefits to the public of the positive action of the defenders.

6.2 In Somalia, human rights defenders often receive threats, anonymous calls, intimidations, SMS messages and other forms of terrorizations. They also perish through assassinations, murders or suffer from abductions, arrests, locking of offices, confiscation of properties, and suspension of operations, all because of their advocacy work. Many activists, especially media professionals fled the country, often blaming the groups opposing the government.

## **7.0 Un-Stoppable Piracy**

7.1 Piracy is known to be a lucrative business for criminal elements. It is the source of huge income in the form of ransom payments to the Somali pirates upon release of vessels and crews.

7.2 However, the practice is a burden to the society, especially to the costal communities that suffer from insecurity as the pirates woo enemies who could attack at anytime. The communities also complain that wealthy pirates conduct flamboyant lifestyles, tending to spoil the society through anti-social behaviors.

7.3 The piracy negatively affects the national image as foreigners perceive Somalis being associated with the ugly business.

7.4 As a result of piracy activities, price of almost every commodity imported into Somalia or across the Eastern Africa region has increased because of extra-freight charges and heightened cost of insurance coverage. Vessels' owners are often forced to provide extra- security, increasing the cost of transportation around the waters along Somalia.

7.5 Pirates are hostile to everybody, especially to the vessel crews.

## **8.0 Perennial Human trafficking**

8.1 As globalization is shrinking the world into a global village with all kinds of communication and transport facilities, human greediness is there to take advantage on every need. Therefore, massive movement of peoples due to adverse conditions such as the wars in southern and central regions of Somalia has given criminal elements opportunities to take advantage of the situation to engage in human trafficking.

8.2 Attempts to migrate to safer places by sea, land and air often lands many people into trouble as unscrupulous individuals or groups arrange trips by dangerous means, especially by voyages through seas and deserts. The un-safe means often cause deaths, rape, arrests, sex slavery, forced labor and other hardships.

8.3 Although families try to escape the damages of the civil war, other reasons that force them to embark on the dangerous journeys are to prevent the children from being used as child soldiers.

## **9.0 Violations against Women**

9.1 In a typically male dominated society, women in Somalia suffer from a number of abuses against their rights. Some of the easily notable infringements include Gender Based Violence (GBV), Domestic Violence and Female Genital Mutilation (FGM). Women also suffer from lack of equal access to education, income and resources.

9.2 The Charter was violated immediately it was inaugurated, thus setting a totally avoidable and unacceptable precedent. The composition of Parliament described in Article 29 states that a quota if at least 12% of the 550 member Parliament shall be reserved for women. This quota was violated and the TFP has only 35 (6%) women members. The disregard of the quota was clearly motivated by clan substitutions of women representatives with men so that the later could be appointed to cabinet positions. This way, the process of setting up the TFP declared itself abusive of women's political rights and ability as leaders by stamping a ban on their appointment to cabinet positions. Women's political space was invaded and taken away to satisfy men's quest for power. This may have set a precedent that will see even human rights guarantees in the Charter disregarded to suit whims.

**ANNEX I****PEACE AND HUMAN RIGHTS NETWORK (PHRN)****RECOMMENDATIONS**

- i. That the TFG ceases the internal bickering and fighting for power within Cabinet and move with speed to address priority issues relevant to the reconstruction of Somalia;
- ii. That the TFG and its individual members commit themselves to the observance of international human rights and humanitarian law as pledged in the Transitional Federal Charter and the 'old' Somalia constitution;
- iii. That the TFG commit itself to the observance and implementation of regional and international human rights instruments that Somalia is a party to by accession or ratification now and before state collapse, ratify those that Somalia has not such as CRC and incorporate them in the process of reconstruction and state building;
- iv. That the TFG commit itself to a process of drawing up a new constitution for Somalia. This should be a popular and inclusive process. The constitution must protect and promote the human rights of all Somalis and must lay the foundation of a new Somalia based democracy and social justice for all including the minority;
- v. Past gross human rights violations must be openly and sincerely addressed with individual cases tried. There can be no hope for lasting peace in Somalia without justice and reconciliation.
- vi. The TFG must recognise its limitations and must seek the assistance of independent state and non-state institutions nationally, regionally and internationally.
- vii. The TFG must open dialogue with Islamist groups in Somalia, whose issues and concerns the international community and the state-building negotiation processes have largely ignored. Blanket condemnation of these groups as terrorist groups will only open new fronts for conflict and instability if their concerns are further marginalized.