



General Assembly

Distr.: General
6 November 2015

Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-fourth session
18-29 January 2016

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Somalia*

The present report is a summary of 16 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. Human Rights Watch (HRW) recommended that Somalia ratify core human rights conventions, including CEDAW, and the three optional protocols of CRC.³
2. Terre des Femmes-Berlin (TDF-Berlin) recommended that Somalia make it a priority to sign and ratify international treaties and conventions protecting human rights, including CEDAW.⁴ Muslims for Progressive Values (MPV) also recommended that Somalia ratify CEDAW as well as its Optional Protocol.⁵
3. Joint Submission 5 (JS5) recommended that Somalia ratify CRPD.⁶
4. Amnesty International (AI) recommended that Somalia ratify OP-CRC-AC without making any reservation or declaration amounting to a reservation and implement it into national law.⁷
5. AI recommended that Somalia promptly adhere to the Rome Statute of the International Criminal Court (ICC), the Agreement on the Privileges and Immunities of ICC and the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity and implement them in national law.⁸ HRW made a similar recommendation.⁹
6. HRW recommended that Somalia ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ("Maputo Protocol"); and deposit the ratification instruments of the African Union's Kampala Convention on the Protection and Assistance of Internally Displaced Persons with the African Union.¹⁰

2. Constitutional and legislative framework

7. JS5 stated that, while the Provisional Constitution contained good human rights guarantees, the Constitutional-review process, which should be widely consultative, offered an opportunity to address remaining gaps including, violence against women and participation of internally displaced persons (IDPs) and persons with disabilities in decision making and public life. JS5 also indicated that the Penal Code contravened international criminal and human rights standards and needed to be amended.¹¹
8. Joint Submission 1 (JS1) recommended that Somalia ensure that minority community leaders and members, including women, are fully involved in and participate in ongoing discussions about changes to the Constitution and governance processes.¹²

3. Institutional and human rights infrastructure and policy measures

9. JS5 stated that, while Puntland had established the Office of the Human Rights Defender, there was no federal human rights institution. The bill to establish a Human Rights Commission was in parliament. JS5 recommended that Somalia ensure that the Commission would be established in line with Paris principles.¹³
10. AI reported the establishment of the Ministry of Women's Affairs and Human Rights by the Federal Government of Somalia (FGS). In February 2013, a Human Rights Task Force had also been established to investigate allegations of human rights abuses. The Task Force had been seen as a precursor to the creation of a national human rights commission.¹⁴

11. Joint Submission 4 (JS4) indicated that, in “Somaliland”, the Act establishing National Human Rights Commission had not been properly observed in the process of selecting the commissioners. Civil society organizations had no role in the process of the establishment of the Commission.¹⁵

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

12. JS1 noted that Somalia had not submitted a report to CERD since 1984 and recommended that Somalia submit a report to CERD no later than 2019 to enable deeper review of its progress and improvements still needed in this area.¹⁶

2. Cooperation with special procedures

13. Joint Submission 3 (JS3) recommended that Somalia extend a standing invitation to all UN Special Procedures.¹⁷

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

14. MPV stated that the Somali Government perpetuated gender inequality by failing to develop, implement, and enforce policies that prevented violence against women, forced marriages, and female genital mutilation/cutting (FGM/C).¹⁸

15. JS5 noted land grabbing by male relatives following the death of a husband/father was a problem. Widows rarely inherited land under customary norms and were often deprived of access to their husband’s land if they had no children - land was therefore vested in trusteeship with uncles and other male relatives and inherited by children when they become of age.¹⁹

16. JS5 recommended that Somalia undertake specific legal reforms to promote non-discrimination and gender equality in marriage, the rights of women during marriage dissolution (including equal share of property, remarriage and custody of children); and rights of widows. Family law should be reformed to address concerns over women’s rights, in law and practice, within the family, including inheritance; share of responsibilities within the household; and decision-making.²⁰

17. JS5 stated that, in areas outside of Mogadishu, members of minority or marginalized clans faced discrimination, which, in some circumstances, might amount to persecution. The risks faced by marginalized clans/groups depended on which group they belonged to, and whether the person was able to access the protection of a majority clan.²¹

18. MPV indicated that LGBTI citizens faced social, political and legal discrimination and reported a 2013 incident where an 18-year-old man had been stoned to death outside Mogadishu for allegations of homosexuality.²²

19. JS4 stated that there were no laws and policies protecting the rights of the people living with HIV/AIDS in “Somaliland”. Stigma and discrimination impeded their access to services, including education, health and security.²³

2. Right to life, liberty and security of the person

20. JS5 stated that Somalia had committed to implement a moratorium on the application of the death penalty during the 2011 UPR process²⁴ but had not yet implemented it.²⁵ HRW made a similar observation and stated that the Government had executed at least 28 people in 2013 and 2014.²⁶

21. AI noted that Somalia retained the death penalty, despite its consistent support for the UN General Assembly resolution on the moratorium of the death penalty.²⁷ Most death sentences were passed and executed by military courts, often following proceedings that fell short of international fair trial standards. Executions were often carried out rapidly, such as in Kismayo in April 2014 when a man had been executed nine days after he had allegedly murdered an elder. It was unclear which court, if any, had found him guilty.²⁸

22. JS4 stated that “Somaliland”: rejected establishing a moratorium or abolishing death penalty.²⁹ AI added that, on 12 April 2015, “Somaliland” had lifted a 9-year moratorium on the death penalty and executed six death row inmates held at Mandheera prison.³⁰

23. Concerning violations of human rights and international humanitarian law, HRW indicated that recommendations 98.103³¹ and 98.105³² had not been implemented.³³

24. JS3 indicated that armed conflict between pro-government forces, the African Union Mission in Somalia (AMISOM) and the Islamist armed group Al-Shabaab in southern and central Somalia continued to create a detrimental environment for civil society operations, as thousands of citizens had been arbitrarily killed and displaced since Somalia’s initial UPR review.³⁴

25. AI stated that all parties to the ongoing non-international armed conflict, including AMISOM, had violated international human rights and humanitarian law. AI indicated that, in 2014, there had been an increase in the number of civilians killed indiscriminately. There had also been a number of attacks aimed at high profile targets such as Villa Somalia, the presidential palace.³⁵ Despite Al-Shabaab’s withdrawal of fighters and equipment from Mogadishu in August 2011, the group had increasingly resorted to directly targeting civilians.³⁶ HRW expressed similar concern.³⁷

26. Concerning recommendation 98.73³⁸, HRW stated that warring parties had targeted civilians, who had also ended up trapped between government forces and Al-Shabaab, skirmishes between government forces over control of checkpoints, and in clashes with clan militia over land and resources in the controversial drive to establish federal states.³⁹

27. JS4 noted occasional armed conflict that had happened in Sool region and Buuhoodle district of Togdheer region in “Somaliland”.⁴⁰

28. JS5 noted that arbitrary arrests, enforced disappearance, torture in detention centres continued to be reported and yet no investigations had been opened into some of these allegations.⁴¹ HRW noted that Somalia’s national intelligence agency, NISA, routinely conducted mass security sweeps, despite having no legal mandate to arrest and detain suspects. NISA had occasionally held detainees for prolonged periods without judicial review and mistreated suspects during interrogations.⁴² Reporters Without Borders International (RSF-RWB) expressed similar concern.⁴³

29. According to JS5, none of the existing legal systems in Somalia addressed gender-based violence (GBV). Different legal systems operated alongside each other, with none of the systems (common law and customary law) providing sufficient legal redress for GBV survivors.⁴⁴

30. Concerning recommendation 98.80⁴⁵ and 98.111⁴⁶, HRW noted that, in 2014, the Government had pledged to tackle the alarming levels of sexual violence by endorsing an

action plan, the implementation of which had been slow and the protection of the most vulnerable communities non-existent.⁴⁷

31. HRW indicated that some soldiers deployed as part of AMISOM had sexually exploited and assaulted women and girls in their bases in Mogadishu. In some cases, women and girls had been offered humanitarian assistance, medicine and food in exchange for sex. Few women had filed complaints due to the fear of reprisals and the absence of effective and safe complaints mechanisms.⁴⁸ AI noted that sexual and gender-based violence had also continued to be carried out by members of the Somali National Armed Forces (SNAF), armed opposition and militia groups.⁴⁹

32. “Somaliland” National Human Rights Commission (SLNHRC) stated that rape was the most predominant form of sexual gender based violence in “Somaliland”. Victims of rape and domestic violence were reluctant to report any incident because they had low confidence in the justice system and they feared retaliation. The majority of these cases ended up in mediation and resulted in compensation rather than in court proceedings. Many parents made backdoor deals for compensation. Rape victims rarely obtained justice because mediations took place outside of the courts.⁵⁰

33. JS5 stated that early marriage still constituted a severe problem with severe consequences for girls’ health and education.⁵¹

34. TDF-Berlin indicated that Somalia had not come up with an explicit law addressing FGM due to a lack of political will to address it. As a result, the practice was still very widespread and enforced by both cultural and religious leaders as part of customary and religious laws.⁵²

35. AI indicated that, in 2012, the Government had signed two action plans to prevent and halt the recruitment of children as soldiers, as well as to prevent the killing and maiming of children by parties to the conflict. However, the action plans were yet to be implemented. AI stated that children continued to be recruited by Al-Shabaab and targeted by the group for forced marriage. Government-affiliated militias were also accused of recruiting and using child soldiers.⁵³ HRW expressed similar concern.⁵⁴

36. Joint Submission 6 (JS6) stated that children of 13 years old and over continued to be forcefully trained to be militants by Al-Shabaab in Jubaland area. There was also a lot of child recruitment in parts of Lower Juba, Middle Juba and Gedo and parts of Middle and Lower Shebelle where Al-Shabaab was targeting the Somali Bantus youth and children as young as 10.⁵⁵

37. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was unlawful under the “Somaliland” constitution in some settings, but that it was not prohibited elsewhere in Somalia. Children might lawfully be hit and hurt for “discipline” in the home, alternative care settings, day care, schools and the penal system.⁵⁶

38. JS4 stated that the age of child was not defined in “Somaliland”. Hence, many children were exposed to risks because of lack of legal clarification about how old they were. “Somaliland” children suffered trafficking, school drop outs, corporal punishment and use of harmful substances. Furthermore, children were victims of FGM, forced/early marriage, rape and other sexual offences.⁵⁷

39. Joint Submission 2 (JS2) stated that children in main cities were usually street vendors, car-washers, and domestic servants. Many girls involved in domestic servitude were not properly paid, if paid at all. Children domestic servants also worked for long hours and were particularly vulnerable to extreme forms of exploitation. Many of orphaned children led their own household and based their livelihoods on an informal enterprise,

usually in street vending. Other orphaned children were reported to fall victims of organised crime and were coerced into armed activities.⁵⁸

3. Administration of justice, including impunity, and the rule of law

40. HRW stated that FGS had failed to provide civilian courts with basic security and continued to rely on the military court system to administer justice for a broad range of crimes. Crimes tried before the military courts were often not legally within its jurisdiction, and proceedings fell short of international fair trial standards.⁵⁹

41. JS4 indicated that courts were not extended to all parts of “Somaliland”. Rural and pastoral people generally relied on traditional ways of conflict resolution and did not have access to courts. The numbers of judges were limited. Women, poor people, IDPs, and vulnerable people faced obstacles in accessing to justice, such as personal favouritism, political influence and lack of transparency.⁶⁰

42. JS4 raised a concern about the due process of law, the capacity of judges, prosecutors and police investigators, the effectiveness of the judiciary, and customary law interventions in the cases in “Somaliland”. The military courts conducted summary trials which would not allow defendants to bring enough evidence and sufficient time to defend themselves.⁶¹

43. SLNHRC indicated that women’s human rights were constrained by inadequate legal awareness amongst women, as the existing legal system did not reach the majority of women who lived in rural areas in “Somaliland”.⁶²

44. RSF-RWB a indiqué que depuis que les recommandations de l’EPU pour la protection des journalistes avaient été faites en mai 2011, au moins 33 journalistes avaient été tués. Selon RSF, le gouvernement somalien s’est montré incapable de protéger les journalistes et les démarches entreprises pour retrouver les assassins de ces journalistes n’ont apporté aucun progrès. Dans la plupart des cas, les enquêtes n’ont pas abouti à l’identification et encore moins à la condamnation des responsables de ces assassinats.⁶³

45. Article 19 stated that journalists were routinely harassed in the course of their work, arbitrarily arrested and detained by Somali security forces and third parties. The high number of murdered journalists, complete lack of convictions for most of these murders, and continued harassment had led to many media workers and journalists fleeing the country. Self-censorship was rife due to the high levels of impunity.⁶⁴

46. National Union of Somali Journalists (NUSOJ) stressed that the targeting of journalists and the related impunity of the perpetrators were motivated by the fact that journalists and media houses were revealing the truth, encouraged the tackling of the rampant culture of impunity, and promoted accountability, the rule of law, and the judicial protection of those who fought for accountability and justice.⁶⁵

47. JS5 stated that Al-Shabaab remained the prime suspect of the targeted killings of journalists while FGS was directly or indirectly responsible for the arrest of journalists and closure of media houses. Although acts of violence against journalists were widespread, a culture of impunity had been allowed to develop, due to institutional inability or unwillingness to prosecute those responsible for such acts.⁶⁶

48. Child Rights International Network (CRIN) stated that Islamic law had been applicable in Somalia, alongside secular law, since 2009 and that, under Islamic law, persons were becoming criminally liable once they reached puberty.⁶⁷

49. CRIN noted that there was no legal prohibition of the death penalty, life imprisonment or corporal punishment as judicial sentences in relation to offences committed by children.⁶⁸

50. CRIN stated that, under the Somali Penal Code, which was applicable in South/Central Somalia and Puntland, the minimum age of criminal responsibility was 14, however, children under that age might be sent to reformatories.⁶⁹

51. CRIN continued that, in “Somaliland”, the minimum age of criminal responsibility was set at 15 by the Juvenile Justice Act 2007.⁷⁰ However, JS4 indicated that the latter law was not applied. Children were prosecuted and tried as adults and jailed with adults.⁷¹ SLNHRC raised similar concern and indicated that, in some detention centres, juveniles did not have separate cells from adults. Few prosecutors were able to effectively handle cases of children in conflict with the law. Police Officers were not well trained and had limited knowledge about juvenile justice law.⁷²

4. Right to marriage and family life

52. MPV recommended that Somalia implement legislation to prevent and criminalize the marriage of minors, setting 18 as the minimum age for marriage for men and women.⁷³

5. Freedom of movement

53. JS2 indicated that the Somali authorities restricted the freedom of movement of legally and democratically-elected representatives of Somali trade unions who wanted to carry out their independent and legitimate trade union work.⁷⁴

54. JS6 stated that, in Middle Juba and parts of Gedo and Lower Juba, people were prevented from leaving or moving freely within the areas of Al-Shabaab control. If they tried to leave and were found, they were tried in local Al-Shabaab-convened Sharia Courts and sentenced to death either by mutilating and cutting off limbs or cutting off their heads.⁷⁵

6. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

55. NUSOJ stated that the situation of freedom of expression continued to be of grave concern. Somalia had failed to implement several of the key recommendations it had accepted during its first UPR.⁷⁶

56. Article 19 noted that, during the first UPR, Austria⁷⁷, Canada⁷⁸, Denmark⁷⁹, Indonesia⁸⁰, Switzerland⁸¹, and the Netherlands⁸² all had made recommendations in direct relation to the protection of journalists and media workers. However, since 2011, at least 35 media professionals had been killed and only three cases had been held to account so far at the Federal and regional levels.⁸³

57. NUSOJ indicated that 2012 was the deadliest year for Somali media in history with 18 media workers murdered. Five journalists had been wounded, and more than 30 others were imprisoned for carrying out their work. “Somaliland” surfaced as worst jailer of journalists with 28 of them arrested in Hargeisa, Borame and Las Anod by “Somaliland” police.⁸⁴

58. JS4 stated that the vast majority of “Somaliland” journalists were arrested as a result of reporting corruption by government officials.⁸⁵ Article 19 indicated that defamation was a criminal offence in “Somaliland” and was routinely used as the basis to harass, arbitrarily detain, and convict journalists. Also in Puntland, journalists faced arbitrary arrest, convictions, closures of media outlets and blocking of online news portals.⁸⁶ HRW expressed similar concern.⁸⁷

59. Referring to recommendations 98.124⁸⁸, 126⁸⁹, and 128⁹⁰, Article 19 stated the draft media law reinforced state control over the media.⁹¹ NUSOJ noted that the draft media law imposed heavy fines on journalists and media houses and also sought to punish journalists and curtail independent media.⁹²

60. RSF-RWB a déploré la définition beaucoup trop large des "médias" (qui a inclus les "discours" et les "livres" ainsi que tous les sites Internet...) dans la loi sur la presse. Selon RSF, cette loi a obligé les médias à s'enregistrer auprès du ministère de l'Information et non d'une autorité indépendante, fait à plusieurs reprises allusion au retrait de licence, et n'a mentionné à aucun moment la proportionnalité des sanctions. En outre, une série de restrictions extrêmement floues et parfois illégitimes a limité la liberté d'expression. Par exemple, la diffamation, la sécurité nationale ou le concept de fausse information n'étaient pas définies.⁹³ NUSOJ expressed similar concern.⁹⁴

61. According to NUSOJ, a National Media Council to be established by the draft media law was dominated by the Ministry of Information, with most of its members being appointed by that ministry and lacking independence and credibility.⁹⁵

62. RSF-RWB a indiqué que Radio Shabelle et ses journalistes étaient ceux qui avaient payé le plus lourd tribut au cours des 8 dernières années, avec au moins sept d'entre eux tués. RSF a considéré que les autorités somaliennes avaient activement contribué à la mise en danger des membres de la radio à travers un harcèlement systématique, car elles étaient incapables de les protéger contre les attaques des Shebabs.⁹⁶

63. Article 19 stated that there was an urgent need to reform the Somali Penal Code, in particular to: repeal article 220, which criminalised offense against the honour and prestige of the Head of State; and article 328, which criminalised the publication or dissemination of false, exaggerated or misleading information likely to disturb public order.⁹⁷

64. JS2 indicated that, after the formation of FGS in 2013, several public meetings, including some meant to criticise government actions, had been disbanded by security forces. Holding a public meeting was subjected to a political decision. Any public gathering must get approval from district commissioner where the event would be held.⁹⁸

65. According to JS2, the labour law imposed serious obstacles on trade unions. For example, the Labour Code of 1972 imposed limitations on the freedom of choice of trade union structures; on the right to draw up their constitutions and rules, elect representatives in full freedom, freely organize activities and formulate programmes; and on the subjects covered by collective bargaining.⁹⁹

66. AI stated that "Somaliland" had repeatedly cracked down on members of the political opposition, media and civil society groups. In May 2011, a new NGO Act had been signed into law to regulate civil society organizations. This had raised concerns about restrictions on the work of NGOs.¹⁰⁰

67. JS3 added that human rights defenders involved in legitimate human rights advocacy continued to be subjected to reprisals by state officials and violence by non-state actors such as Al-Shabaab.¹⁰¹ The authorities continued to invoke provisions of the Penal Code of 1962 to judicially harass human rights defenders working on contentious issues.¹⁰²

68. SLNHRC stated that the political participation of women was still minimal in "Somaliland", with only one woman in the parliament and only four women among cabinet ministers.¹⁰³

69. JS1 recommended that Somalia ensure that minority communities are represented in parliamentary, federal and local structures and decision making processes and that their numbers are broadly in line with their proportion of the population.¹⁰⁴

7. Right to work and to just and favourable conditions of work

70. JS2 expressed concern about the absence of an appropriate minimum wage, which impeded the attainment of a decent standard of living for workers. Health and safety conditions in many workplaces were also an on-going challenge. Respect for rights to rest,

leisure and reasonable limitations of working hours and the entitlement to maternity leave also remained challenges in the workplaces. Discrimination on the grounds of clan, gender and disability in all aspects of employment was common. Women and several groups faced discrimination due to societal stigma and poor law enforcement.¹⁰⁵

8. Right to social security and to an adequate standard of living

71. JS5 indicated that Somalia's economic recovery continued to be hampered by the challenging security situations, poor infrastructure and limited financial resources. The Somali economy remained heavily dependent on high levels of foreign aid and remittances. Lack of affordable housing had led to a proliferation of informal housing, while development plans often violated the rights of residents in informal areas.¹⁰⁶ Access to safe drinking water and sanitation was still out of reach for many people.¹⁰⁷ JS5 recommended that Somalia combat hunger and malnutrition; improve food security, particularly for those living in extreme poverty; and ensure that adequate housing is accessible for all.¹⁰⁸

72. JS4 noted that recurrent droughts and poverty aggravated accessibility to food in "Somaliland" for the poor, IDPs, nomads, and refugees. Most of food items were imported and expensive. Absence of available local food production and lack of budget in supporting food for the poor hardened the lives of many people in "Somaliland". Water was critical and very scarce, particularly for rural people and nomads. In some urban areas, water distribution by the authorities was not equally available.¹⁰⁹

9. Right to health

73. JS5 indicated that the child and maternal mortality rates were very high. Access to health care for women was a challenge, and women suffered from lack of services and access.¹¹⁰

74. JS4 stated that the health services were not extended beyond the main towns in "Somaliland". Rural and remote areas in particular did have very limited health services. The health professionals were inadequate and majority of them worked privately. Poor and vulnerable people could not access to the private health system because of the high costs of the health services.¹¹¹

10. Right to education

75. JS5 stressed that the education system was facing serious problems, such as lack of facilities and trained teachers. Additionally, there were serious problems of access for girls and children with disabilities. Other challenges included lack of public schools, as most of the schools were private, and people could not afford to pay tuition fees.¹¹²

76. TDF-Berlin stated that the education sector must be thoroughly invested into and that any gender imbalance measures hindering girls' participation in education programmes should be examined.¹¹³

77. TDF-Berlin continued that not only political conflicts but also early marriages affecting girls, health problems triggered by FGM, and other gender discriminative practices that strongly hindered girls from attaining education could be traced as the cause of the dis-functioning education programmes.¹¹⁴

78. SLNHRC stated that the overall illiteracy rate was still high amongst women and girls in "Somaliland". This was due to lack of equal access to education, with boys being prioritized over girls to receive formal education, but also lack of educational access to those living in rural areas.¹¹⁵

79. JS4 indicated that education was not structured in a method that allowed nomads to attend and continue education in “Somaliland”. Children from marginalized groups faced challenge in accessing to education while protective policies were not in place.¹¹⁶

11. Persons with disabilities

80. JS5 indicated that persons with disabilities continued to face barriers in their participation as equal members of society. They were subject to multiple or aggravated forms of discrimination on the basis of sex, ethnic, or social origin, property, age or other status. There were no policies or plans to put into place a mechanism for engagement towards the improvement of the status of persons with disabilities.¹¹⁷

81. JS4 stated that persons with disabilities faced many challenges in “Somaliland”. They were overrepresented among the poor, were more likely than non-disabled persons to be excluded from education, productive employment and decent work, health services, economic and financial resources, infrastructure and participation in all aspects of society such as political participation.¹¹⁸

12. Minorities and indigenous peoples

82. JS1 stated that the situation of ethnic minorities had been largely overlooked. In the first UPR of Somalia, only one recommendation¹¹⁹ addressed their situation.¹²⁰

83. JS1 indicated that women from ethnic minorities, in particular, had been vulnerable to rape and sexual violence. When attacked, members of minority communities had almost no recourse to justice, whether through traditional customary (Xeer) mechanisms or through the police and security forces.¹²¹

84. JS6 stated that there had been systematic, widespread, and long term brutality against the Bantu-Nilot people. Bantu-Nilot women were forced to wear heavy full hijabs that covered their faces. If they did not, they were beaten, flogged, and even tortured.¹²²

85. JS1 indicated that minorities faced additional barriers in accessing justice, as customary law processes were dominated by (male) elders from majority clans. Minority women who reported violence were unable to access justice as their clan elders were not seen as equals of majority clan elders nor did they have any locus to exact compensation (as they did not bear arms). Minority women who preferred to use the formal justice system often found that the alleged perpetrator succeeded in getting the case moved to the customary law system where the minority women’s relatives had very low negotiating power, which resulted in the case being dropped and/or no compensation paid.¹²³

86. JS1 also noted that over half of minority adult women had never attended school. Of those who had attended formal schooling, most had attended only primary school.¹²⁴

13. Migrants, refugees and asylum seekers

87. AI noted that a number of countries had deported or attempted to deport Somalis to southern and central Somalia. Such forced returns to south and central Somalia, where Al-Shabaab still controlled vast swathes of territory, amounted to a violation of States’ non-refoulement obligations under international law.¹²⁵

88. AI also indicated that “Somaliland” hosted tens of thousands of refugees. In September 2011, however, “Somaliland” government, through its Interior Ministry, ordered an estimated 80,000 “illegal immigrants” to leave within a month. While the order was not implemented, thousands left “Somaliland” as a result. On 24 May 2015, the Interior Minister of “Somaliland” stated that “Somaliland” would no longer accept refugees fleeing the ongoing fighting in a third country.¹²⁶

14. Internally displaced persons

89. HRW stated that internally displaced women and girls were particularly vulnerable to rape by armed men, including Somali government soldiers and militia members.¹²⁷

90. Concerning recommendation 98.141¹²⁸, HRW stated that, since the last UPR, Somalia had faced a devastating famine that had claimed at least 260 000 lives, half of whom were children, and caused massive displacement within the Somali borders and into neighbouring countries. Somalia continued to face a serious humanitarian situation. Over 700,000 people were in urgent need of humanitarian assistance, and over two million people faced threats to their food security. Humanitarian agencies faced challenges accessing populations in need due to ongoing attacks and restrictions imposed by parties to the conflict.¹²⁹

91. HRW continued that, during the course of the 2011 famine, tens of thousands of people had fled to Mogadishu. Many remained in dire conditions and were subjected to forced evictions, sexual violence and clan-based discrimination at the hands of government forces, allied militia, and private individuals including camp managers known as “gatekeepers.” In January 2013, the Government had announced plans to relocate within Mogadishu tens of thousands of IDPs. However, these plans had stalled due to the Government’s inability to provide basic protection in the planned relocation sites.¹³⁰

92. According to HRW, in December 2014 the Government had passed a displacement policy that required the authorities to protect affected communities during evictions; yet large-scale forced evictions, including by government forces in Mogadishu and other government controlled towns, had increased.¹³¹

93. JS4 stated that, in “Somaliland”, IDPs lived in overcrowded centres in the main towns. They consisted of those from “Somaliland”, who had been forced to flee by recurrent droughts and the wars in the 1990s, etc. The definition of IDPs was a controversial due to the status of “Somaliland”. People who had fled Somalia (south-central Somalia) were recognized by “Somaliland” as refugees, but the international organizations dealt with them as IDPs.¹³²

15. Human rights and counter-terrorism

94. JS5 stated that an anti-terrorism draft law was before parliament and that there were concerns that it was not compliant with international standards. Somalia needed to revise the Anti-Terrorism draft bill so that civilians were not tried by the military courts and due process rights were enjoyed by those who faced the death penalty.¹³³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
ARTICLE 19	ARTICLE 19, London (United Kingdom of Great Britain and Northern Ireland);
CRIN	The Child Rights International Network, London (United Kingdom of Great Britain and Northern Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, Geneva, Switzerland;
MPV	Muslims for Progressive Values, Los Angeles United States of America;
NUSOJ	National Union of Somali Journalists, Mogadishu, Somalia;
RSF-RWB	Reporters Without Borders International, Paris, France;
TDF-Berlin	TERRE DES FEMMES - Menschenrechte für die Frau e.V., Berlin, Germany.

Joint submissions:

JS1	Joint submission 1 submitted by: Minority Rights Group International and IIDA Women's Development Organisation;
JS2	Joint submission 2 submitted by: Federation of Somali Trade Unions (FESTU) and African Regional Organisation of International Trade Union Confederation (ITUC-Africa);
JS3	Joint submission 3 submitted by: World Alliance for Citizen Participation (CIVICUS) and National Union of Somali Journalists (NUSOJ);
JS4	Joint submission 4 submitted by: "Somaliland" Civil Society Organizations: "Somaliland" Non State Actors Forum (SONSAF); Human rights centre (HRC); "Somaliland" National Youth Umbrella (SONYO); Nagaad Womens Network; "Somaliland" Journalists Associations (SOLJA); Community Development and Human rights Organization (COMPAD); Deegaan Network; "Somaliland" Youth Development Association (SOYDA); "Somaliland" Women Lawyers Association (SWLA); Candlelight; Talowadaag Coalition (Network for the people living with HIV/AIDS); Horn of Africa Voluntary Youth Committee (HAVOYOCO); University of Hargeisa – Legal Aid Clinic; "Somaliland" National Disability Forum (SNDF); "Somaliland" Child Rights Forum (SOCRIF); Comprehensive Community based Rehabilitation in "Somaliland" (CCBR); Committee Concerned of Somalis (CCS); Network Against FGM in "Somaliland" (NAFIS); Sool Community Development Organization (SCODO); Stead Fast Voluntary Organization; Link Youth Voluntary Organization (LYVO); African Youth Voluntary Organization (AYVO); Kalabadh Youth Link Organization (KAYLO); Orientation Community Civilian Development Organization (OCCDO); Sanaag Charity Organization; Dal-kaab Community Development Organization; "Somaliland" Horseed Organization of Humanitarian Development and Environmental Protection; African Youth Development Association (AYODA); "Somaliland" Association Youth Salvation (SAYS); "Somaliland" Humanitarian Relief Association (SOHURA); "Somaliland" Skills Training Association (SOSTA); Development Youth and Moral Support Organization

(DYMON); General Assistance and Volunteer Organization (GAVO); Youth Volunteers for Development and Environment Conservation (YOVENCO); Community development Association (CDA); “Somaliland” Education Development Organization (SOMEDO); HANAN Women Organization; “Somaliland” Youth Development and Voluntary Organization (SOYDAVO); “Somaliland” Youth Society (SYS); and Solidarity Youth Voluntary Organization (SYVO);

JS5 Joint submission 5 submitted by: African Development Trust – South Central; Allamagan Human Rights – Middle Shabelle Region; Ali Kar Centre for Peace and Human Rights and democracy (APHAD) – south Central; Banadir Women disability organization (BAWDO) – Banadir Region; Centre for Peace Initiative and Development (CEPID) – South Central; Coalition for Grass Roots and Women organization (COGWO) – South Central; Community Concern organization (COCO) – Banadir region; Dr. Ismail Jimale Human Rights organization (DIJHRO) – South Central; Elman Human Rights and Peace –South Central Somalia; Galgaduud Youth Union (GYU) – Central Region; Hidig Disabled Women organization (HIDWO) – South Central; Hiran Youth development organization – Hiran Region, Horn Africa Disability forum (HADDF) – South Central; IIDA Women's Development organization - South Central (Regional Representative); Iiman Human Rights organization – Beledwein and Banadir Regions; ILEYS Empowerment and Development organization – Banadir Region; Iniskoy for Peace and Development Organization (IPDO) – Banadir, Bay and Bakool Regions; Institute of Education for Disabled People (IEDP) – South Central; Intersom Relief and Development organization – South Central; Is-Faham Human Rights organization – Hiraan, Lower Shabelle Regions; Kalsan organization –South Central; Khalif Hudow Human Rights organization (KAHRO) – Lower Shabelle Region; Maternal Mercy Development (MMD) – South Central; Mercy Students Union (MSU) – Banadir Region; Mogadishu Paralegal Action – Banadir Region; National Union of Somali Journalists (NUSOJ) – Somalia; Women Pioneers for Peace and Life (HINNA) – South Central; Peace and Human Rights Network (PHRN) – Southwest, Puntland and South Central; Peace Youth Club (PYC) – Middle Shabelle region and Banadir; Rajo Disability Organization (RADO) – South Central; Save Somali Women and Children (SSWC) – South Central; SHAYMAN Women Development organization – Banadir Region; Somali Association for Blind (SAB) – South Central; Somali Coalition Ban Landmine (SOCBAL) – South Central; Somali Hope Line for Civil Society forum – South Central; Somali Human Rights Association (SOHRA) –South Central; Somali Human Rights Defenders Network – South Central; Somali National Association for the Deaf (SONAD); Somali National Disability Council (SNDC) – South Central, Somali National Women organization – South Central; Somali Organization Disability Advocacy (SODO) – South Central; Somali Program Development organization – (SOPDO) South Central; Somali Sports Youth Development organization (SSYDO) – Banadir Region; Somali Union for Blind (SUB) – South Central; Somali Women Journalists – South Central; Somali Women Development Network – South Central; Somali Women Lawyers Association- South Central; Somali Youth Concern (SYC) – South Central; Somali Youth Diaspora – Banadir Region; Somali Youth Professionals – Banadir Region; Somali Youth Leadership Forum

(SYLF) – Banadir Region; Somali Youth AIDS Prevention – Banadir Region; Somali Youth Rights in Action – Banadir Region; TAQWA Women organization – South Central; Tawakal Women organization – South Central; Umu-ruman Human Rights organization - South Central; Ururka Haweenka Qaranka Soomaaliyeed (UHQS) – South Central; Wenla Wayn Human Rights and Development organization(WWHRDO) – South Central; Women Education & Voicing Entrepreneurship (WEAVE) – South Central; Women Pioneer Peace and Life – South Central; Youth Advocacy – Banadir Region; Youth Empowerment Service (YES) – Banadir Region; Youth Unemployment – Banadir Region; and Somali Human Rights Defenders’ Network (SOHRIDEN);

JS6 Joint submission 6 submitted by: 100% Coverage Coalition consisting of Living With Peace; Green Hope Somalia Great Hope Foundation; Coastal Development Organization; Banadiri Community Development Association; Sun Relief and Development; Mutual Relief and Liberty Organization; Sustainable Livelihoods and Relief Organization; Bajun Community Development Organization; US Kenya Somalia Cross Border Trader's Association; and Middle Juba Relief and Sustainability Organization.

National human rights institution(s):

SLNHRC “Somaliland” National Human Rights Commission, Hargeisa, Somalia.

² The following abbreviations are used in UPR documents:

CERD	Committee on the Elimination of Racial Discrimination
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
CRPD	Convention on the Rights of Persons with Disabilities

³ HRW, p. 5.

⁴ TDF-Berlin, para. 11.

⁵ MPV, para. III.I.

⁶ JS5, p. 7.

⁷ AI, p. 6.

⁸ AI, p. 6.

⁹ HRW, p. 5.

¹⁰ HRW, p. 5.

¹¹ JS5, p. 1.

¹² JS1, p. 2.

¹³ JS5, para. 2.

¹⁴ HRW, p. 1.

¹⁵ JS4, para. 12.

¹⁶ JS1, 5.

¹⁷ JS3, para. 5.4.

¹⁸ MPV, para. III.I.

¹⁹ JS5, p. 4.

²⁰ JS5, p. 4.

²¹ JS5, p. 8.

²² MPV, paras. IV.I. and IV.IV.

²³ JS4, para. 42.

²⁴ See paras. 98.64 – 69, A/HRC/18/6.

²⁵ JS5, para. 1.

²⁶ HRW, p. 2.

²⁷ A/RES/67/176.

- ²⁸ AI, p. 4.
- ²⁹ JS4, para. 17.
- ³⁰ AI, p. 5.
- ³¹ *Establish, in close collaboration with the international community, an independent international commission of inquiry or any other similar mechanism enabled to deal with human rights violations and international humanitarian law violations committed by all parties* (Switzerland), para. 98.103, A/HRC/18/6.
- ³² *Investigate all allegations of violation of human rights and humanitarian law in a prompt, transparent and impartial manner* (Thailand), para. 98.105, A/HRC/18/6.
- ³³ HRW, p. 2.
- ³⁴ JS3, para. 2.2.
- ³⁵ AI, p. 2.
- ³⁶ AI, p. 2.
- ³⁷ HRW, p. 1.
- ³⁸ *Issue clear, public orders and take clear steps to ensure that its security forces (and militias under its purview) comply with international human rights law and with international humanitarian law, including the principles of distinction and proportionality* (Canada), para. 98.73, A/HRC/18/6.
- ³⁹ HRW, p. 1.
- ⁴⁰ JS4, para. 21.
- ⁴¹ JS5, p. 2.
- ⁴² HRW, p. 1.
- ⁴³ RSF-RWB, p. 4-5.
- ⁴⁴ JS5, p. 4.
- ⁴⁵ *Adopt measures to prevent, penalize and eliminate all forms of violence against women, including stoning, rape, marital rape, sexual violence of all kinds in the framework of armed conflict, domestic violence, forced marriage and FGM* (Argentina), para. 98.80, A/HRC/18/6.
- ⁴⁶ *That no amnesty should be granted for violence against women that qualifies as crimes against humanity, in line with Security Council resolutions 1325 (2000) and 1820 (2008)* (Portugal), para. 98.111, A/HRC/18/6.
- ⁴⁷ HRW, p. 2.
- ⁴⁸ HRW, p. 3.
- ⁴⁹ AI, p. 3.
- ⁵⁰ SLNHRC, para. 2.
- ⁵¹ JS5, p. 4.
- ⁵² TDF-Berlin, para. 8.
- ⁵³ AI, p. 2.
- ⁵⁴ HRW, p. 2.
- ⁵⁵ JS6, p. 1.
- ⁵⁶ GIEACPC, p. 2.
- ⁵⁷ JS4, para. 23.
- ⁵⁸ JS2, para. 16.
- ⁵⁹ HRW, p. 2.
- ⁶⁰ JS4, para. 14.
- ⁶¹ JS4, para. 18.
- ⁶² SLNHRC, para. 2.
- ⁶³ RSF, pp.2 and 4.
- ⁶⁴ JS4, p. 3.
- ⁶⁵ NUSOJ, para. 28.
- ⁶⁶ JS5, p. 8.
- ⁶⁷ CRIN, para. 2.
- ⁶⁸ CRIN, para. 1.
- ⁶⁹ CRIN, para. 3.
- ⁷⁰ CRIN, para. 4.
- ⁷¹ JS4, para. 24.
- ⁷² SLNHRC, para. 3.
- ⁷³ MPV, para. III.II.

- ⁷⁴ JS2, para. 11.
- ⁷⁵ JS6, p. 2.
- ⁷⁶ NUSOJ, para. 4.
- ⁷⁷ *Undertake prompt, effective and impartial investigations in the killings of all journalists in the territory under control of the Transitional Federal Government, and investigate threats of violence against them* (Austria), para. 98.72, A/HRC/18/6.
- ⁷⁸ *Conduct timely and impartial investigations into the killings of Somali civil society actors and journalists and ensures that threats of violence against these individuals are investigated, and, where there is credible evidence of threats, take the necessary measures to ensure their personal security* (Canada), para. 98.70, A/HRC/18/6.
- ⁷⁹ *Take steps to ensure that prompt, effective and impartial investigations are carried out into the killings of all Somali civil-society actors and journalists* (Denmark), para. 98.109 / *Put an end to all practices that threaten the right to freedom of expression, including threats against journalists and media outlets* (Denmark), para. 98.120, A/HRC/18/6.
- ⁸⁰ *Step up its efforts to guarantee freedom of expression as well as the safety of journalists in the country* (Indonesia), para. 98.122, A/HRC/18/6.
- ⁸¹ *Respect, in close cooperation with “Somaliland” and “Puntland”, freedom of expression and protect journalists and human rights defenders from abuses aimed at preventing them from exercising their legitimate activity* (Switzerland), para. 98.121, A/HRC/18/6.
- ⁸² *Eradicate the continued impunity for perpetrators of crimes against freedom of expression* (Netherlands), para. 98.110 / *Undertake an independent investigation into allegations of journalists in all parts of Somalia facing severe threats and intimidations by authorities and armed opposition groups alike* (Netherlands), para. 98.123, A/HRC/18/6.
- ⁸³ Article 19, p. 2.
- ⁸⁴ NUSOJ, para. 14.
- ⁸⁵ JS4, paras. 39-40.
- ⁸⁶ Article 19, p. 4.
- ⁸⁷ HRW, p. 3.
- ⁸⁸ *Uphold freedom of expression in all cases* (United States of America), para. 98.124, A/HRC/18/6.
- ⁸⁹ *Guarantee the practice of freedom of expression and of the press* (Spain), para. 98.126, A/HRC/18/6.
- ⁹⁰ *Put an end to all forms of media censorship* (Belgium), para. 98, 128, A/HRC/18/6.
- ⁹¹ Article 19, pp. 1-2.
- ⁹² NUSOJ, para. 6.
- ⁹³ RSF-RWB, pp. 5-6.
- ⁹⁴ NUSOJ, para. 19.
- ⁹⁵ NUSOJ, para. 18.
- ⁹⁶ RSF-RWB, p. 5.
- ⁹⁷ Article 19, p. 2.
- ⁹⁸ JS2, para. 14.
- ⁹⁹ JS2, para. 17.
- ¹⁰⁰ AI, p. 5.
- ¹⁰¹ JS3, para. 3.1.
- ¹⁰² JS3, para. 3.2.
- ¹⁰³ SLNHRC, para. 2.
- ¹⁰⁴ JS1, p. 2.
- ¹⁰⁵ JS2, para. 15.
- ¹⁰⁶ JS5, p. 6.
- ¹⁰⁷ JS5, p. 5.
- ¹⁰⁸ JS5, p. 6.
- ¹⁰⁹ JS4, para. 10.
- ¹¹⁰ JS5, p. 5.
- ¹¹¹ JS4, para. 7.
- ¹¹² JS5, p. 5.
- ¹¹³ TDF-Berlin, para. 14.
- ¹¹⁴ TDF-Berlin, para. 9.
- ¹¹⁵ SLNHRC, para. 2.

¹¹⁶ JS4, para. 9.

¹¹⁷ JS5, p.7.

¹¹⁸ JS4, para. 46.

¹¹⁹ *Take concrete measures to ensure governing authorities are representative of all Somalis including women and minority groups* (United Kingdom of Great Britain and Northern Ireland), para. 98.62, A/HRC/18/6.

¹²⁰ JS1, p. 1.

¹²¹ JS1, p. 1.

¹²² JS6, p. 1.

¹²³ JS1, p. 3.

¹²⁴ JS1, p. 4.

¹²⁵ AI, p. 3.

¹²⁶ AI, p. 3.

¹²⁷ HRW, p. 2.

¹²⁸ *Improve the living conditions and safety situation of IDPs in settlements, to strengthen their protection, particularly of women and girls from sexual violence, including granting IDPs unhindered access to humanitarian assistance* (Slovakia), para. 98.141, A/HRC/18/6.

¹²⁹ HRW, p. 3.

¹³⁰ HRW, p. 3.

¹³¹ HRW, p. 3.

¹³² JS4, para. 50.

¹³³ JS5, para. 2.
