



Somalia Civil Society Organizations

Universal Periodic Review Report

May 2015

The report is a collective effort and contribution of 63 civil society organizations (CSOs) representing south central Somalia including Mogadishu, Kismayo, Baidoa, Bay, Bakool, Dobley, Mudug, Galgaduud, and Hiiraan. The report contains opinions, views and recommendations of the civil society organizations. The CSOs conducted four consultative meetings and agreed to work in six clusters based on the following themes; 1) women and children; 2) freedom of expression and media; 3) civil and political rights; 4) economic, social and cultural rights; 5) persons with disabilities, IDPs, and marginalized groups; and 6) Youth groups. Each cluster conducted its own meetings, then held coordination meetings with the other clusters. The CSOs then compiled the reports produced by six clusters into this single report. While they were not able to be present in the meetings, Puntland CSO representatives have provided inputs to the clusters.

List of civil society organizations participated in the UPR report:

1. African Development Trust – South Central
2. Allamagan Human Rights – Middle Shabelle Region
3. Ali Kar Centre for Peace and Human Rights and democracy (APHAD) – south Central
4. Banadir Women disability organization (BAWDO) – Banadir Region
5. Centre for Peace Initiative and Development (CEPID) – South Central
6. Coalition for Grass Roots and Women organization (COGWO) – South Central
7. Community Concern organization (COCO) – Banadir region
8. Dr. Ismail Jimale Human Rights organization (DIJHRO) – South Central
9. Elman Human Rights and Peace –South Central Somalia
10. Galgaduud Youth Union (GYU) – Central Region
11. Hidig Disabled Women organization (HIDWO) – South Central
12. Hiran Youth development organization – Hiran Region
13. Horn Africa Disability forum (HADDF) – South Central
14. IIDA Women's Development organization - South Central (Regional Representative)
15. Iiman Human Rights organization – Beledwein and Banadir Regions
16. ILEYS Empowerment and Development organization – Banadir Region
17. Iniskoy for Peace and Development Organization (IPDO) – Banadir, Bay and Bakool Regions
18. Institute of Education for Disabled People (IEDP) – South Central
19. Intersom Relief and Development organization – South Central.
20. Is-Faham Human Rights organization – Hiraan, Lower Shabelle Regions
21. Kalsan organization –South Central
22. Khalif Hudow Human Rights organization (KAHRO) – Lower Shabelle Region
23. Maternal Mercy Development (MMD) – South Central
24. Mercy Students Union (MSU) – Banadir Region
25. Mogadishu Paralegal Action – Banadir Region
26. National Union of Somali Journalists (NUSOJ) – Somalia
27. Women Pioneers for Peace and Life (HINNA) – South Central
28. Peace and Human Rights Network (PHRN) – Southwest, Puntland and South Central

29. Peace Youth Club (PYC) –Middle Shabelle region and Banadir
30. Rajo Disability Organization (RADO) – South Central
31. Save Somali Women and Children (SSWC) – South Central.
32. SHAYMAN Women Development organization – Banadir Region
33. Somali Association for Blind (SAB) – South Central
34. Somali Coalition Ban Landmine (SOCBAL) – South Central
35. Somali Hope Line for Civil Society forum – South Central
36. Somali Human Rights Association (SOHRA) –South Central
37. Somali Human Rights Defenders Network – South Central
38. Somali National Association for the Deaf (SONAD)
39. Somali National Disability Council (SNDC) – South Central
40. Somali National Women organization – South Central
41. Somali Organization Disability Advocacy (SODO) – South Central
42. Somali Program Development organization – (SOPDO) South Central
43. Somali Sports Youth Development organization (SSYDO) – Banadir Region
44. Somali Union for Blind (SUB) – South Central
45. Somali Women Journalists – South Central
46. Somali Women Development Network – South Central
47. Somali Women Lawyers Association- South Central
48. Somali Youth Concern (SYC) – South Central
49. Somali Youth Diaspora – Banadir Region
50. Somali Youth Professionals – Banadir Region
51. Somali Youth Leadership Forum (SYLF) – Banadir Region
52. Somali Youth AIDS Prevention – Banadir Region
53. Somali Youth Rights in Action – Banadir Region
54. TAQWA Women organization – South Central
55. Tawakal Women organization – South Central
56. Umu-ruman Human Rights organization - South Central
57. Ururka Haweenka Qaranka Soomaaliyeed (UHQS) – South Central
58. Wenla Wayn Human Rights and Development organization(WWHRDO) – South Central
59. Women Education & Voicing Entrepreneurship (WEAVE) – South Central
60. Women Pioneer Peace and Life – South Central
61. Youth Advocacy – Banadir Region
62. Youth Empowerment Service (YES) – Banadir Region
63. Youth Unemployment – Banadir Region
64. Somali Human Rights Defenders' Network (SOHRIDEN)

A. Background and framework

1. Scope of international obligations

Somalia is party to the International Covenant on Civil and Political Rights, but has not yet acceded to the Second Optional Protocol. Somalia is in the process of becoming party to the Convention on the Rights of the Child but has not yet agreed to the three optional protocols of CRC. Somalia still needs to accede to the following international human rights treaties: Convention on the Rights of Persons with Disabilities (CRPD); the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the Rome Statute, and implement them in national law. Somalia has ratified the Kampala Convention on the Assistance and Protection of Internally Displaced Persons in Africa, but has not yet deposited the ratification notification. Somalia Committed to implement a moratorium on the application of the death penalty during the 2011 UPR process but has not yet implemented it.

2. Constitutional and legislative framework

While the Somalia Provisional Constitution contains good human rights guarantees, the Constitutional-review process, which should be widely consultative, offers an opportunity to address gaps including; violence against women, participation of IDPs and Persons with Disabilities in decision making and public life. Somalia's Penal Code, which is still being extensively used throughout Somalia goes against international criminal and human rights standards and needs to be amended, particularly areas regarding rape as well as provisions preventing abuse and exploitation of IDPs; minorities; and persons with disabilities. Somalia has to amend the constitution to strengthen its judicial system in order to fight impunity; enhance accountability and ensure due process and fair administration of justice. While Puntland established the Office of the Human Rights Defender through a transparent process, there is no federal human rights institution in Somalia. The bill to establish the commission is currently in parliament and Federal government should ensure that the Human Rights Commission bill reflects international standards so that the commission to be established is in line with Paris principles; in order to protect human rights including the rights of journalists and Human rights defenders. Somalia should also enact a law on media freedoms and establish an independent oversight Commission on media freedoms, enhance protection of civilians with Security institutions respecting and protecting human rights and reduced civilian casualties during operations. An anti-terrorism draft law is before parliament and there are concerns that it is not compliant with international standards. Somalia needs to revise the Anti-Terrorism draft bill so that civilians are not tried by the Military Courts and due process rights are enjoyed by those who face the death penalty.

3. Institutional and human rights infrastructure and policy measures

A national human rights commission is a defining element of a human rights protection in any country, besides other national institution. With the participation and active involvement of civil society organizations, Somalia needs to establish a Human Rights Commission that is compliant with international standards. It should also establish Department for monitoring violence against civilians in Ministry of Defense and Ministry of National Security; to combat corruption with the creation of competent authorities for follow-up; to adopt a comprehensive national plans to address the problem of unplanned slums; national plan for promoting job creation and reducing unemployment rates. The Human Rights roadmap lays out important areas with respect to putting in place structures and institutions and implementation of the roadmap will be critical in this regard.

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

1. Children, Women – Equality and non-discrimination

Concern and issues: Women, girls and children continue to face discrimination in law and in practice. The Family Law guarantees women's rights in marriage, divorce and inheritance, however, civil status issues are most often resolved under *Sharia* and *xeer* (traditional or customary law). However, Islamic *Sharia* contains provisions that potentially offer women more rights than *xeer*. Land grabbing by male relatives following the death of a husband/father is a problem in Somalia, and widows rarely inherit land under customary norms and are often deprived of access to their husband's land if they have no children - land is therefore vested in trusteeship with uncles and other male relatives and inherited by children when they become of age.

Early marriage still constitutes a severe problem with severe consequences for girls' health and education. According to UNFPA¹, Somalia's maternal mortality rates are amongst the highest in the world, at 1,600 per 100,000 live births and approximately 98% of women in Somalia undergo Female Genital Mutilation (FGM)². Women lack access to justice in violence against women cases. There is no one legal system that addresses GBV in Somalia and this constitutes a particular challenge. Different legal systems operate alongside each other, with none of the systems (common law, and customary law) providing sufficient legal redress for GBV survivors, although the 2012 Provisional Constitution of Somalia prohibits all forms of violence against women.

Recommendations: The government has to take measures to prevent child marriages; Specific legal reforms and practices to promote non-discrimination and gender equality in marriage, 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 rights, in law and practice, within the family, including inheritance; share of responsibilities within the household and decision-making; Actions should be taken, in law and practice, to promote gender equality and non-discrimination in the arts, sports, science and other cultural practices, including the participation of women in the interpretation of cultural traditions, values and practices. FGM law is to be drafted. The Penal code needs to be amended to reflect international standards regarding rape and other forms of sexual violence. (Implementation of action plan on conflict related sexual violence and the action plans on the killing and maiming of children among others).

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

Issues and concerns: Arbitrary arrests, forced disappearance, torture in detention centers continue to be reported and yet no investigations have been opened into some allegations. Military trials of civilians take place without the presence of lawyers chosen by the defendants, the right to a public hearing is denied. Some Government Officials have used the judicial system to target their political opponents. Military Prosecutions have largely ignored systemic human rights violations by the security forces and army. Some of Children arrested were not separated from adult detainees while in detention. Children with physical or mental disabilities were also detained. Civilians tried and executed by Military courts. Persons with disabilities detained without considering their special needs.

Recommendations: Somalia should ensure that the state is held accountable for physical and psychological damage suffered by victims of violence and gender-based violence perpetrated by the state's own agents; and ensure that women subjected to rape or other forms of sexual violence can effectively pursue complaints. Somalia has to ensure Children is separated from Adults both in pre-trial and post-conviction detention and reconsidering the cases of young detainees who were arbitrarily

¹ UNFPA. UNFPA Somalia Consolidated Appeals Process, 2007.

² World Health Organization. Female Genital Mutilation and other Harmful Practices: Prevalence of FGM. Available from <http://www.who.int/reproductivehealth/topics/fgm/prevalence/en/index.html>

arrested without a legal justification, and release them. A revision of the Anti-Terrorism Law so that civilians should not be tried by Military Courts; that due process rights should be enjoyed by those who face the death penalty. Somalia to ensure that the role of the armed forces is defined and limited to matters of national defence, and the control and accountability of the armed forces granted by legally constituted civilian authorities.

Somalia should review all convictions of civilians handed down by military courts and to grant the right to a retrial in a civilian court; to ensure access to an effective remedy and reparation to victims of human rights violations. Somalia should end the practice of torture by conducting investigations into alleged acts of torture and bring those responsible to justice. Cases of arbitrary arrests and detentions Somalia is to reconsidering the cases of detainees who were arbitrarily arrested without a legal justification, and release them. With participation of CSOs, Somalia is to advocate for moratorium on the application of the death penalty³.

3. Economic and Social Rights

a) Right to health

Access to safe drinking water and sanitation is still out of reach for many people in Somalia. The child and maternal mortality rates for Somalia are amongst the highest in the world; one out of every ten Somali children dies before seeing their first birthday. While comprehensive information is not available, it is believed that leading causes of infant and child mortality are illnesses such as pneumonia (24%), diarrhoea (19%), and measles (12%), as well as neonatal disorders (17%)⁴. Access to health care for women is also a challenge, and women suffer from lack of services and access. Maternal Mortality Ratio 1,200 per 100,000 woman, the number of pregnant women who receive antenatal care coverage is 26% (one visit, and only 6% for women who see a health professional up to four times); 33% of women have a skilled attendant at birth, and only 9% have institutional deliveries⁵. Persons with disabilities lack of health services.

Recommendations: Somalia to ensure that safe drinking water and adequate sanitation are accessible for all and to adopt a new law on a comprehensive health insurance system. Somalia to take steps against the Female Genital Mutilation (FGM); to extend maternity protection legislation to mothers; and to reform laws and guarantees to protect victims of rape. Somalia to increase the number of medical personnel; to construct and upgrade existing health facilities to offer essential health services with a particular focus on rural areas; strengthen institutional capacity as well as that of individual health workers to improve maternal and neonatal health. Somalia is to work for the development of adequate health facilities for persons with disabilities with highly qualified health professionals.

b) Right to education

Somalia is amongst the countries with lowest Literacy rates in the World. According to UNICEF 37.8% of Somalia's population is literate, 49.7% of the adult male population is literate but only 25.8% of adult females⁶. The education system in Somalia was facing serious problems such as lack of facilities and trained teachers. In addition to that there are serious problems of access for girls and for Disabled children and other challenges concluded in lack of public schools as most of the schools are private where people cannot afford to pay tuition fees. No support provided for Special Needs of the Disabled People in schools and universities.

³ In 2011, Somalia agreed during the Universal Periodic Review to place a moratorium on the use of the death penalty and work towards abolishing its application.

⁴ <http://www.unicef.org/somalia/health.html>

⁵ http://www.unicef.org/infobycountry/somalia_statistics.html

⁶ http://www.unicef.org/infobycountry/somalia_statistics.html

Recommendations: Somalia is to implement a plan to eliminate illiteracy. Somalia should ensure that all children can access and enjoy the right to free primary education, without discrimination, by improving the quality of public education and to take all necessary measures to increase public expenditure for school education; also banning all kinds of violence in school. Free education at the various stages in the State's educational institutions. Inclusion and mainstream of children and youth with disabilities in education institutions.

c) Right to social security and to an adequate standard of living

Somalia is among the five least developed of 170 countries listed in the 2012 Human Development Index. It faces several obstacles, including long-term civil conflict, the lack of a fully functioning government, and natural disasters⁷. Somalia's economic recovery continues to be hampered by the challenging security situations, poor infrastructure and limited financial resources in the country. The Somali economy remains heavily dependent on high levels of aid and remittances. Lack of affordable housing in Somalia has led to a proliferation of informal housing, while development plans often violate the rights of residents in informal areas.

Recommendations: Combating hunger and malnutrition; increasing food security, particularly for those living in extreme poverty; and ensuring that adequate housing is accessible for all. Somalia is to target poor people with effective provision of basic needs; to set a comprehensive national plan to address the problem of unplanned slums; to guarantee the right to adequate housing through the introduction of policy reform to increase affordability; to ensure housing for victims of forced evictions and compensate them.

d) Right to work and to just and favorable conditions of work

The lack of viable education and employment opportunities, in addition to clan and cultural prejudices has created a high level of frustration and discontentment among people in Somalia. According to UNDP, In Somalia, over 70% of the population is under the age of 30. However, the unemployment rate for youth in Somalia is 67% - one of the highest rates in the world⁸, among all 61% men and 74% women. Of note that women and persons with disabilities continue to face discrimination in public life and in the implementation of their right to work. The lack of decent jobs is pushing number of people, in committing crimes and into marginalized sector.

Recommendations: Somalia to eliminate discrimination against women in the labour market and providing job opportunities and training based on equality; combating unemployment, particularly among women, young people, and people with disabilities as a matter of priority; establishing a national plan for promoting job creation and reducing unemployment rates. Job creation and improved educational opportunities for all social groups and to ensure that measures taken to address the economic crisis do not impede the enjoyment of economic, social and cultural rights.

4. Persons with Disabilities (PWDs), Internally displaced persons (IDPs) and Marginalized Groups

a) Persons with Disabilities (PWDs)

⁷ 2012 Human Development Index: About 40% of the population lives in extreme poverty; in rural areas this figure exceeds 50 per cent. In 2012, 62 per cent of the population was rural. Overall, where there is less instability – such as in the northern regions of Somaliland and Puntland – the rural poverty and food security situation is less critical.

⁸ UNDP's work ensuring that youth employment, empowerment and integration initiatives are key to the strategic support in Somalia.

http://www.so.undp.org/content/somalia/en/home/operations/projects/poverty_reduction/Community_Safety_and_Armed_Violence_Reduction.html

Persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of Somalia. Persons with disabilities faced and subject to multiple or aggravated forms of discrimination on the basis of sex, ethnic, or social origin, property, age or other status. There are no policies or plans to put into place a mechanism for engagement towards the improvement of the status of persons with disabilities. Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes. There is also need to reform education and health services in order to achieve accessibility for persons with disabilities. Also, Somalia has not ratified the Convention on the Rights of Persons with Disabilities (CRPWDs).

Recommendations: Somalia should ratify the Convention on the Rights of Persons with Disabilities (CRPWDs). Also, during the review of the provisional constitution, specific articles protecting the rights of the PWDs against discrimination should be included. Somalia must develop a joint plan among the organizations of persons with disabilities, the Government and the private sector. Somalia should emphasize the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development, *also* discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person, *recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support.

Children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children. In addition to there is a need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities, *highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities. UN and International community to provide adequate support to Persons with disabilities.

b) Internally displaced persons (IDPs) and Refugees

IDPs and marginalized groups and refugees experience forms of deprivation, such as loss of shelter and livelihoods. They often face heightened or particular protection risks, particularly in situations of armed conflict. These risks include: armed attack and abuse while fleeing in search of safety; family separation, including an increase in the number of separated and unaccompanied children; heightened risk of sexual and gender-based violence, particularly affecting women and children; arbitrary deprivation of land, homes and other property; and displacement into inhospitable environments, where they suffer stigmas, marginalization, discrimination or harassment. A vast majority of IDPs still continue to rely on their host communities for assistance. According to UNFPA Population Estimation Survey 2014, IDPs number around 1,106,751 of the 12,316,895 country's population⁹, as a result of protracted conflict and insecurity. Majority of IDPs are women headed households. These women and children moved abnormally from areas of their habitual residence and reside in camps. Communities have suffered multiple displacements and violations of their human rights, especially in the south. Populations that initially fled conflict and insecurity and suffered further as a result appropriation of their farming lands along the banks of the Juba and Shabelle Rivers during their absence. In Mogadishu, UNHCR estimates that over 39,000 persons were forcibly evicted in the first quarter of 2015. An IDP Policy was adopted in 2014 but needs to be disseminated and implemented to address the IDP challenges in Somalia.

Recommendations: Adopt a comprehensive Federal level IDP policy which should include basic support mechanisms, protections, and longer term interventions to address livelihood and other needs in displacement as well as durable solutions for displaced populations. Protections for IDPs and

⁹ UNFPA Population Estimation Survey 2014.

marginalized groups against forced evictions and the arbitrary destruction and demolition of one's home; the right to be free from arbitrary interference with one's home, privacy and family; and the right to choose one's residence, to determine where to live and to freedom of movement. There needs provisions preventing abuse and exploitation of IDPs by gatekeepers.

c) Marginalized Groups:

Marginalized Groups¹⁰, are considered inferior, without full rights, hence their low social, economic and political status. As a result of social segregation, economic deprivation and political manipulation marginalized groups were systematically excluded from mainstream government positions and the few minorities who held positions had no power to speak on behalf of their communities. They are more vulnerable due to poverty, marginalization and discriminatory attitudes. In areas outside of Mogadishu, members of minority or marginalized clans face discrimination and human rights abuses which, in some circumstances, may amount to persecution. The risks faced by marginalized clans/groups depend on which group they belong to, and whether the person is able to access the protection of a majority clan. Decision makers should consider each case on the specific facts, taking into account their personal circumstances. Marginalized group members have no choice and likely to be at a real risk of persecution on the basis of their social group or ethnic origin. In areas of South and Central Somalia outside of Mogadishu, protection from a majority dominant clans may be available in individual circumstances.

Recommendations: Somalia has to enhance opportunities for marginalized groups for full and equal participation for all of the following areas: education and employment; identity and belonging; media; civic and political participation and safety and security. Somalia should end impunity for human rights violations committed against persons from marginalized groups.

5. Freedom of thoughts, expression, and association

Threats and attacks against journalists including murder have continued in Somalia. During the period under review, thirty five (35) media workers murdered, over 200 journalists were arrested without charges, 40 media workers were wounded and a dozen of media houses were raided and closed down. While, threats against the journalists remain the norm. Journalists continued to face many challenges in trying to report on sensitive stories. Al-Shabab remained the prime suspect of targeted killings of journalists while authorities of the federal government were directly or indirectly responsible for the arrest of journalists and closure of Media houses. Although acts of violence against journalists are widespread, a culture of impunity has been allowed to develop, due to institutional¹¹ inability¹² or unwillingness¹³ to prosecute those responsible for such acts. For example, on 18 November 2014, two unidentified armed assailants shot and killed a journalist in north Galkacyo in Puntland. The Journalist worked for Radio Daljir, Galkayo Office and UK based Horn cable TV. Media. The perpetrators reportedly fled after the incident and no one has been arrested. Absence of press law, led Judiciary to criminalize the journalists work and this caused a climate of fear and self-censorship. Reporters and editors acknowledged that it was extremely difficult to conduct independent media work. Journalists censored themselves because reporting fully and independently could prompt retribution. Somali journalists in almost every main city or town are contending with deadly violence, imprisonment, censorship and repressive laws. Human rights defenders, and Legal aid Providers also face summary executions, torture, arbitrary arrest and detention. Other major human rights abuses included restrictions on freedom of assembly and association.

¹⁰ The major clans include Darod, Dir, Hawiye and Rahanweyn (Digile and Mrifile) community categorized as Sab group. Those who fall outside the major clan lineage divisions are considered as minorities or marginalized groups. They are disadvantageous of being minorities except when they have patrons or patron clan that support them. This lack of clan protection puts them at the mercy of arbitrary action by major clans.

¹¹ In 2013 seven (7) Journalists were killed and other 7 were killed in 2014.

¹² In 2012, a total of 18 journalists and media workers were targeted and killed, Perpetrators.

¹³ In 2011 three (3) Journalists killed. Abdilasan Sheikh Hassan(Hiis) was killed in a daylight by members of the Somali government forces in Hamarjajab neighborhoods. Somali government later said suspects had been arrested in connection with the murder of Abdisalam, but were never brought to Court.

Recommendations: Government to establish a committee of specialists, civil society organizations, and human rights advocates to review Penal Code provisions restricting freedom of opinion and expression, and other restrictive laws. Take action to end impunity involves Government authorities¹⁴ to prevent and repress attacks on journalists and Media houses and undertake an effective investigation to hold those responsible accountable. End unlawful detentions, arbitrary arrests, intimidation and harassment against journalists and the media workers and create safe environment for the media professionals; Strengthen the justice system and halt the use of the Penal Code and Terrorism laws to suppress the right to freedom of expression and of the press, decriminalize media offenses, and review media laws in line with international standards of freedom of expression; Review existing draft media bills especially the draft media bill by the Federal Government of Somalia, the Media Bill in Puntland in line with the International norms and standards and with the full participation of the Somali media stakeholders. Enact a law on media freedoms to facilitate a safe working environment for the journalists and human rights defenders and establish an independent oversight Commission on Media Freedoms. Seek the promotion and protection of Human Rights Defenders by civil and political rights as well as economic, social and cultural rights.

¹⁴ On 7 September 2014, NISA raided and forced shut down Radio SIMBA and confiscated its equipment. The following morning, citing national security concerns, NISA shutdown Kulmiye Radio and arrested its Director and the Director of the State-run Radio Mogadishu, for airing a piece mentioning Al-Shabab.