

Executive Summary

Muslims for Progressive Values (MPV) seeks to embody and emulate the traditional Qur'anic ideals of human dignity, egalitarianism, compassion, and social justice. A significant component of MPV's advocacy work includes demonstrating Shari'a's compatibility with international human rights law and using Islamic principles to advocate for universal human rights.

Shari'a is a moral system based on the Qur'an and the authentic sayings and traditions of the Prophet Muhammad. Shari'a Laws, on the other hand, are man-made extrapolations of Shari'a, based on man-made jurisprudence and codified by men in legislative bodies. They are fallible and changeable.

This submission references Shari'a, international human rights law, and the Provisional Federal Constitution of Somalia (PFC) to condemn human rights violations in Somalia. Although the Somali Government has implemented measures to foster the protection of human rights, Somalia maintains its highly critical human rights record, which requires greater national and international attention.

This report examines violations in the following key human rights areas between May 2011 and June 2015: freedom of expression, freedom of religion, women's rights and gender equality, and Lesbian, Gay Bisexual, Transgender and Intersex (LGBTI) rights.

Human Rights Violations

I. Freedom of Expression

- I.I. The Somali Government has a legal obligation to protect, enforce, and promote freedom of expression and opinion.ⁱ However, the Somali Government has enabled and engaged in violence against journalists, media censorship, and the arbitrary detainment and arrest of news personnel.
- I.II. The Media Law of Somalia, adopted in July 2013, reinforces state control over media, permits censorship, and prohibits expressions that harm the country, people, or religion.ⁱⁱ As a result of these restrictions, Somalia is considered one of the most dangerous countries for journalists and ranks poorly on the 2014 Reporters Without Borders freedom index.ⁱⁱⁱ
- I.III. A minimum of twenty-five journalists have been killed since 2012, including Daud Ali Omar^{iv} and Farhan Jeemis Abdulle.^v Many more have been targeted and severely injured by intimidation tactics, including Nure Mohammad Ali.^{vi}
- I.IV. Although governmental authorities often attribute these attacks to the Islamic militant group Al-Shabaab, business leaders and politicians have also been suspected of targeting journalists who report on sensitive topics, such as corruption, rebel groups, and human rights violations.^{vii} Few arrests and convictions have been made for these attacks, enabling violent crimes against journalists and perpetuating a culture of impunity in Somalia.^{viii}
- I.V. The Somali Government has attempted to silence journalists who criticize the Government or report on other sensitive topics and has been forcing them to comply with censorship standards by threatening them with detainment and arrest, as well as by suspending their news stations and seizing their equipment. For example, thirty-two journalists were arbitrarily arrested and detained in September 2014 and most were released without charges.^{ix,x}
- I.VI. More recently, Guleid Ahmed Jama, a respected human rights lawyer, was detained for questioning the Government's execution of six prisoners on radio. He was eventually charged with anti-national propaganda and other crimes, and currently faces up to six years in prison.^{xi}
- I.VII. To ensure compliance with censorship requirements, the Somali Government has also closed several independent radio stations, including Radio Shabelle and SkyFM, and seized and destroyed equipment from others.^{xii,xiii}
- I.VIII. Somalis are also limited in their ability to express their opinions on Islamic teachings, scriptural interpretations, and religious figures. Although Articles 18.1 and 18.3 of the PFC guarantee freedom of expression, the political climate in Somalia has become increasingly unstable and hostile towards those who do not comply with extremist interpretations of the Qur'an.
- I.IX. In 2014, Abdisaid Abdi Ismail, a Somali scholar, was accused of apostasy for questioning the use of the death penalty by Al-Shabaab.^{xiv} Condemning an individual for challenging Qur'anic interpretation is

contrary to the concept of *ijtihad*, the critical interpretation of sacred texts, which is encouraged in Islam.^{xv}

- I.X. In 2015, Al-Shabaab executed a man who was accused of insulting the Prophet Muhammad.^{xvi} Killing an individual for exercising his/her right to free speech is contrary to a main principle of Shari'a - the right to life - and is denounced in the Qur'an.^{xvii} Moreover, freedom of expression - especially in a religious context - is safeguarded by the verse "there is no compulsion in religion" and further bolstered by numerous assertions in the Qur'an that no soul is responsible for another, and that no individual has the authority to punish those who believe differently than they do.^{xviii,xix}

Somalia must take the appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of freedom of expression and opinion.

II. Freedom of and from Religion or Belief

- II.I. The Somali Government has a legal obligation to protect, enforce, and promote the freedom of and from religion or belief.^{xx} Nevertheless, violations of religious freedom within Somalia continue to be perpetrated by both the State and non-state actors.
- II.II. Article 2 of the PFC deems Islam as the state religion, but also states that all citizens, regardless of religion, enjoy equal rights and duties before the law.^{xxi}

- II.III.** Somali constitutional law forbids the propagation of religions other than Islam and cites that laws must be in keeping with the general principles of Shari'a. Neither Somali constitutional law nor the 1963 Penal Code make express reference to Muslims converting to other faiths.^{xxii} As far back as 2004, with the Transitional Federal Charter, freedom from discrimination based on one's religion was provided for.^{xxiii}
- II.IV.** Within Islam, one can find support for religious freedom within the scriptures of the Qur'an. The Qur'anic injunction, "Let there be no compulsion in religion"^{xxiv}, directly refutes the detention and corporal punishment faced by those in Somalia suspected of apostasy. Other verses in support of this freedom assert that there is no earthly punishment for apostasy, and that one's religion is a matter solely between the individual and God.^{xxv}
- II.V.** Nevertheless, groups such as Al-Shabaab routinely inflict death penalties on non-Muslims, namely Christians.^{xxvi}
- II.VI.** Somaliland regional authorities have deported a Kenyan engineer working for the UN Human Settlements Program upon accusation of distributing Christian literature.^{xxvii}
- II.VII.** On February 15, 2013 Al-Shabaab assassinated renowned Puntland cleric Sheikh Abdulkadir Noor Farah in Garowe, Nugaal Region, retaliating against his criticism of the group's interpretation of jihad.^{xxviii}
- II.VIII.** Al-Shabaab also reportedly executed Hassan Hurshe in June 2013 on suspicion of having converted to Christianity.^{xxix} Al-Shabaab militias have also killed officials of the Government, calling them non-Muslims or apostates.^{xxx}
- II.IX.** Al-Shabaab also targets international aid organizations and their workers based on their interpretation of Shari'a Law. In 2011, the group banned 16 agencies, including UNHCR and the World Health Organization, accusing them of proselytizing within the country.^{xxxi}
- II.X.** In 2012, the International Committee of the Red Cross (ICRC) was expelled from Al-Shabaab controlled areas and Islamic Relief was banned for covertly working in Somalia on behalf of already banned organizations.^{xxxii}
- II.XI.** In the first nine months of 2014, an estimated 2,170 violent incidents targeting aid workers were reported.^{xxxiii}
- II.XII.** Al-Shabaab has used propaganda against AMISOM forces and Ethiopians allied to the Government of Somalia, labeling them as "Christians" bent on invading and occupying Somalia.^{xxxiv}

Somalia must take all appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of the freedom of and from religion and belief.

III. Women's Rights and Gender Equality

- III.I** The Somali Government has a legal obligation to protect, enforce, and promote women's rights and gender equality^{xxxv}. However, the Somali Government perpetuates gender inequality by failing to develop, implement, and enforce policies that prevent violence against women, forced marriages, and female genital mutilation/cutting (FGM/C).
- III.II** Approximately 800 cases of sexual assault were reported in Mogadishu in the first six months of 2013, though the actual number is likely much higher due to chronic underreporting.^{xxxvi}
- III.III** Children and internally displaced persons remain particularly susceptible to sexual and gender-based violence and comprise more than one third of reported assaults in Somalia.^{xxxvii}
- III.IV** Perpetrators of sexual violence include African Union Mission in Somalia (AMISOM) soldiers, government security forces, and Al-Shabaab.^{xxxviii}
- III.V** Fear of reprisal and stigma, compounded with a culture of impunity and dearth of appropriate medical and social services, often deter victims of sexual assault from seeking justice and medical care.^{xxxix}

Survivors who pursue legal action are usually subject to the finger test of virginity^{xi}, threatened by authorities, and/or imprisoned, as in the case of Lul Ali Osman Barake.^{xii}

- III.VI Sexual and gender-based violence is contrary to a central tenant of Shari'a - the right to the protection of human dignity - and is denounced in the Qur'an.^{xiii}
- III.VII In addition to sexual and gender-based violence, Somali girls are often victim to forced marriages with Al-Shabaab insurgents.^{xliii} Although forced marriage is prohibited under Article 28.5 of the PFC and explicitly condemned in the Qur'an^{xliiv}, Al-Shabaab abducts girls while they are at school, en route, or in other public places and uses intimidation and other fear tactics to ensure the girls, their families, and school teachers comply with their demands.^{xlv}
- III.VIII Refusal to cooperate with Al-Shabaab typically results in severe beatings or death, as well as death threats to loved ones. Fear of Al-Shabaab has severe consequences on adolescent girls' enrolment and retention in school. In one instance, all girls over the age of fifteen dropped out of school after Al-Shabaab kidnapped twelve girls for marriage.^{xlvi}
- III.IX Many Somali refugee families report that one of the primary reasons they left Somalia is due to fear of forced marriage of their daughters.^{xlvii}
- III.X Prevalence of FGM/C demonstrates persistent gender inequality in Somalia. Although Article 15.4 of the PFC prohibits female circumcision, 98 percent of Somali girls are reported to have undergone the procedure.^{xlviii}
- III.XI FGM/C is deeply embedded in the Somali culture: girls cannot get married without undergoing the procedure, due to widespread beliefs that it is a religious requirement, purifies women, and reduces their sexual libido to maintain their virginity before marriage.^{xlix,l}
- III.XII Somali girls who undergo FGM/C as adolescents are often forced to discontinue their education due to excessive bleeding or because they are preparing for marriage.^{li} Other consequences of FGM/C include severe bleeding, infection, infertility, and complications in childbirth.^{lii}
- III.XIII The consequences of FGM/C are contrary to the principles of Shari'a, which guarantee the right to life, education, and human dignity.^{liii}
- III.XIV Furthermore, FGM/C violates the Convention on the Rights of the Child (CRC), which Somalia ratified in early 2015.^{liv,lv}

Somalia must take all appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of women's rights and gender equality.

IV. LGBTI Rights

- IV.I. The Somali Government has a legal obligation to protect against discriminatory acts, to enforce and promote inclusive policy and the enjoyment of rights, and to prevent violations of the right to association and privacy.^{lvi} In Somalia, LGBTI citizens face social, political, and legal discrimination.
- IV.II. Somalia is bound regionally to uphold its citizens' freedom of association and privacy, and to protect them from discrimination based on their sexual orientation or gender identity (SOGI).^{lvii} Furthermore, the PFC extends rights and protections applicable to all LGBTI citizens.^{lviii} Several international and regional measures also compel Somalia to specifically uphold the protections and freedoms of women, inclusive of those within the LGBTI community.^{lix}
- IV.III. Writing in 2014, Diriye Osman says that in Somalia, to come out as an LGBTI person one must be prepared for "physical abuse, ceaseless harassment, imprisonment or death."^{lx} Osman's own family threatened him with violence upon learning that he is a homosexual.^{lxi}
- IV.IV. In 2013, 18-year old Mohamed Ali Baashi was stoned to death outside of Mogadishu for allegations of homosexuality. His charge of sodomy required stoning to death, as opposed to another man found guilty of murder, because, in the alleged words of the judge, "this man did what Muslims should not do and as a result, he will be stoned to death and the one that killed someone will be shot because homosexuality is more punishable in Islam".^{lxii}
- IV.V. In actuality, individuals including Muslims, are protected by rights and freedoms granted in Islam no matter their SOGI, without fear of physical or mental harm or persecution. Islam celebrates and supports pluralism, diversity, and inclusion: "Everyone acts according to his/her own disposition [shakilatihi], yet your Lord knows best who is on the most guided path"^{lxiii}, and "And among His signs is the creation of the heavens and the earth, and the variations in your languages and your colors".^{lxiv}
- IV.VI. Shari'a interpretations calling for punishment for homosexual acts are not founded in Qur'anic scripture, but are rather drawn from hadith reports, which are of debatable authenticity and value. In fact, Islamic scripture explicitly acknowledges sexual variance: "the followers (of Muhammad) amongst the men who

have no desires for women”^{lxv} and “Of the women, those not reproducing who do not hope for marriage, it is no harm for them to lay aside their clothing but abstaining is better for them, and God is Ever-Hearing, Ever-Knowing”.^{lxvi}

Somalia must take all appropriate measures to ensure the full protection, enforcement, promotion and enjoyment of the rights and freedoms of all LGBTI citizens.

Conclusion and Recommendations

MPV calls on the Member State to uphold its commitments under international and regional human rights laws, as well as its own constitutional provisions for the aforementioned rights, freedoms, and protections. The moral system of Shari'a, based on the Qur'an and the authentic sayings and traditions of the Prophet Muhammad, is aligned with these human rights norms. MPV makes the following recommendations for Somalia:

I. Freedom of Expression

- I.I **Revise** the Media Law of Somalia to guarantee freedom and independence of all types of media.
- I.II **Investigate** previous attacks on journalists and other media workers and eradicate the continued impunity for perpetrators of crimes against freedom of expression
- I.III **Respect** and **protect** freedom of expression and end all practices that threaten the right to freedom of expression, including threats against human rights defenders, journalists and media outlets.

II. Freedom of and from Religion or Belief

- II.I. **Uphold** all obligations under the ICCPR and ICESCR and enforce the human rights, protections and freedoms therein, inclusive of Article 18 of the ICCPR protecting freedom of religion and belief for all citizens.
- II.II. **Comply** with the regional ACHPR, as well as the PFC of Somalia and ensure that state policy and practice is reflective of its obligations under these instruments without discrimination.
- II.III. **Ensure** that all government officers and peacekeeping forces receive thorough, accurate and unbiased training and education in international law regarding human rights and the freedom of and from religion or belief.
- II.IV. **Support** and provide protection for international aid groups without political or religious bias, so that they may pursue humanitarian goals on behalf of the Somali citizens suffering from internal conflict and resource depletion.

III. Gender Equality and Women's Rights

- III.I. **Sign and ratify** the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, adopt national plans to combat violence against women (including female genital mutilation (FGM/C)), and promote equal opportunities for men and women.
- III.II. **Implement** legislation to prevent and criminalize the marriage of minors, setting 18 as the minimum age for marriage for men and women.

- III.III. **Amend** the Penal Code with provisions to prohibit the harmful practice of FGM/C and ensure effective implementation, particularly in terms of prevention, awareness-raising, monitoring and sanctions.
- III.IV. **Allocate** sufficient funding for the launch of a community outreach initiative that raises awareness of the health consequences of FGM/C.
- III.V. **Enforce** laws that prohibit forced marriage, as outlined in the PFC and Penal Code.
- III.VI. **Support** and purposefully engage in civil society campaigns that publicly advocate for and disseminate egalitarian, inclusive, nonviolent, and critical interpretations and analyses of theological literature and scripture to promote gender equality.

VI. LGBTI Rights

- VI.I **Strive** to meet all international standards and obligations of states as set forth by the 2015 Report of the Office of the United Nations High Commissioner for Human Rights on *Discrimination and Violence against Individuals based on their Sexual Orientation and Gender Identity* (A/HRC/19/41).
- VI.II **Uphold** all obligations under the ICCPR and enforce the human rights, protections and freedoms therein, inclusive of the protection against discrimination, and the rights to privacy and association.
- VI.III **Adhere** to obligations under the African Charter on Human and Peoples' Rights, upholding the rights therein and acknowledging its inspiration from other international human rights instruments.
- VI.IV **Comply** with the Somali PFC in regard to the right to life and freedom of association and privacy, and review and repeal any national laws, which discriminate based on an individual's SOGI.
- VI.V **Support and purposefully engage** in civil society campaigns that publicly advocate for and disseminate egalitarian, inclusive, non-violent, and critical interpretations and analyses of theological literature and scripture to protect LGBTI rights.

Endnotes

ⁱ Universal Declaration of Human Rights (UDHR) Article 19; International Covenant on Civil and Political Rights (ICCPR) Article 19(2); PFC Article 18(2)

ⁱⁱ See more: <http://www.article19.org/resources.php/resource/37192/en/somalia:-draft-media-law>

ⁱⁱⁱ See more: https://rsf.org/index2014/data/index2014_en.pdf

^{iv} Daud Ali Omar, a producer at Radio Baidoa, and his wife were shot dead by two unidentified gunmen in April 2015, likely due to Radio Baidoa's affiliation with the Government. See more: <https://cpj.org/2015/05/gunmen-kill-a-radio-journalist-in-the-puntland-reg.php>

^v Farhan Jeemis Abdulle, a producer and host at Radio Daljir, was shot dead by two unidentified gunmen in April 2012, likely due to his coverage of a program that discourages gun violence. See more: <https://www.cpj.org/2012/05/gunmen-kill-somali-journalist-in-puntland.php>

^{vi} Nure Mohammad Ali, a freelance journalist, was injured by a car bomb in November 2014. See more: <http://en.rsf.org/somalia-impunity-guaranteed-for-violence-20-11-2014,47254.html>

^{vii} See more: <http://www.theguardian.com/media/greenslade/2012/oct/25/journalist-safety-somalia>

^{viii} See more: <http://en.rsf.org/somalia-impunity-guaranteed-for-violence-20-11-2014,47254.html>

^{ix} See more: <http://www.article19.org/resources.php/resource/37679/en/somalia:-arbitrary-arrests-and-detention-of-journalists-must-stop>

^x See more: <http://www.article19.org/resources.php/resource/37679/en/somalia:-arbitrary-arrests-and-detention-of-journalists-must-stop>

^{xi} See more: <http://www.hrw.org/news/2015/04/22/somaliland-activist-who-questioned-executions-detained>

^{xii} See more: <http://en.rsf.org/somalia-impunity-guaranteed-for-violence-20-11-2014,47254.html>

^{xiii} See more: <http://www.balancingact-africa.com/news/broadcast/issue-no24/regulation-policy/somalia-in-mogadishu/bc>

^{xiv} See more: http://www.washingtonpost.com/national/religion/book-on-apostasy-in-islam-earns-writer-the-moniker-somalias-salman-rushdie/2014/11/07/fac3edao-66b1-11e4-ab86-46000e1d0035_story.html

^{xv} See more: <http://www.gatestoneinstitute.org/3114/muslims-ijtihad>

^{xvi} See more: <http://www.bbc.com/news/world-africa-32452284>

^{xvii} "...if anyone killed a person, other than for murder or corruption on earth, it would be as if he killed mankind altogether" Qur'an 5:32

^{xviii} "But God will judge between them on the day of resurrection in respect to that wherein they differ." Qur'an 2:113

^{xix} "No soul gets but what it is due, and no one bearing responsibility can bear the burden of another." Qur'an 6:164

^{xx} African Charter on Human and People's Rights (ACHPR) Article 2. ICCPR Article 18(1). International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 2(1).

^{xxi} *The Provisional Constitution of the Federal Republic of Somalia* states in Article 17: Freedom of Religion and Belief (1) Every person is free to practice his or her religion. (2) No religion other than Islam can be propagated in the Federal Republic of Somalia. (3) No law can be enacted that is not compliant with the general principles and objectives of Shari'a. In Article 11: Equality (1) All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law.

^{xxii} 1963 Penal Code was adopted by all regions in Somalia and has not been changed. See more: <http://www.refworld.org/docid/4bc5906e2.html>.

^{xxiii} *The Transitional Federal Charter of the Somali Republic* states in Article 15: EQUALITY OF THE CITIZENS BEFORE THE LAW. 1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal

benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.² Equality shall include the full and equal enjoyment of all rights and freedoms. See more:

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&category=&publisher=&type=LEGISLATION&coi=SOM&rid=456d621e2&docid=4795c2d22&skip=0>.

^{xxiv} Qur'an 2:256

^{xxv} Qur'an 5:3 states that Muslims are to fear God and not those who reject Islam. Qur'an 53:38-39 states that one is accountable only for one's own actions. Qur'an 109:1-6 states "Say: O you who reject faith, I do not worship what you worship, nor do you worship what I worship...To you be your religion, and to me be mine"

^{xxvi} Bureau of Democracy, Human Rights, and Labor. *International Religious Freedom Report for 2013, Somalia*. See more:

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

^{xxvii} Ibid

^{xxviii} In his obituary, a speech Farah had given at a conference in Puntland was referenced, in which he "derided what he called 'Ghuluwi' (extremism) as a new phenomenon that was gripping that country. Teens between ages fourteen and seventeen, he lamented, were being brainwashed and had become killer-machines targeting religious scholars when the latter entered or left mosques". See more: <http://somalicolumn.blogspot.com/2013/02/shaikh-abdulkadir-nur-farah-obituary.html>.

^{xxix} Hursche had been monitored by insurgents in the Jamaame district of Southern Somalia since he arrived from Kenya in 2010. Thought to have become a Christian while in Kenya, he was publicly executed in the town of Jilib by members of Al-Shabaab on June 7, 2003. See more:

<http://morningstarnews.org/2013/06/islamic-extremists-in-somalia-kill-christian/>.

^{xxx} *Supra* note 27.

^{xxxi} Clar Ni Chonghaile, *Al-Shabaab Bans Aid Agencies in Somalia and Raids Offices*. 2011. See more:

<http://www.theguardian.com/world/2011/nov/28/al-shabaab-bans-aid-agencies-somalia>.

^{xxxii} *Somalia's al-Shabab Militants Ban Islamic Relief Aid*. 2012. See more: <http://www.bbc.com/news/world-africa-19873932>.

^{xxxiii} UN Office for the Coordination of Humanitarian Affairs. *2015 Humanitarian Needs Overview, Somalia*. See more:

<https://docs.unocha.org/sites/dms/Somalia/Somalia%202015%20Humanitarian%20Needs%20Overview%20-%20FINAL.pdf>.

^{xxxiv} *Supra* note 8.

^{xxxv} ICESCR Article 3; Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Article 1; UDHR Article 2

^{xxxvi} http://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf

^{xxxvii} Ibid

^{xxxviii} <http://www.hrw.org/world-report/2015/country-chapters/somalia>

^{xxxix} http://www.hrw.org/sites/default/files/reports/somalia0914_ForUploadR.pdf

^{xl} The finger test is a practice "where the examining doctor notes the presence or absence of the hymen and the size and so-called laxity of the vagina of the rape survivor", as described in <http://www.hrw.org/sites/default/files/reports/india0910webwcover.pdf>

^{xli} Lul Ali Osman Barake, a Somali woman who was raped by Somali militants, was sentenced to a year in jail for "making false accusations" and "defaming a government body". See more: <http://www.theguardian.com/world/2013/mar/07/rapists-rewarded-somali-woman-cleared>

^{xlii} Verse 4:34 of the Qur'an has been subject to gross misinterpretation. In particular, the Arabic word *ضرب* (*da-ra-ba*) has been widely translated in English in a misogynist manner to permit the beating of one's wife. Such translation, however, contradicts the many other meanings, one of which is "to walk away".

^{xliii} See more: http://www.hrw.org/sites/default/files/reports/somalia0212ForUpload_o.pdf

^{xliv} "Oh believers, it is not permitted for you to inherit women against their will" Qur'an 4:19

^{xlv} See more: http://www.hrw.org/sites/default/files/reports/somalia0212ForUpload_o.pdf

^{xlvi} Ibid

^{xlvii} Ibid

^{xlviii} See more: http://www.unicef.org/somalia/reallives_14437.html

^{xlix} See more: <http://www.theguardian.com/global-development/2012/aug/17/female-genital-mutilation-banned-somalia>

ⁱ Although Islam is sometimes cited as a reason for FGM/C, no verse in the Qur'an explicitly addresses FGM/C. In fact, several verses appear to condemn the practice, including Surah 30, Verse 30 ("there is no altering the creation of God").

ⁱⁱ Ibid

ⁱⁱⁱ See more: http://www.unicef.org/somalia/reallives_14437.html

ⁱⁱⁱⁱ "there is no altering the creation of God" Qur'an 30:30

^{liv} See more: <http://www.un.org/apps/news/story.asp?NewsID=49845#.VXdhtlxViko>

^{lv} In particular, FGM/C violates Article 2, Article 19.1, Article 24, and Article 37 of the Convention on the Rights of the Child (CRC)

^{lvi} ICCPR Articles 2(1), 17, 22(1), 26. UDHR Articles 2, 12, 20

^{lvii} ACHPR Articles 2, 4, 60

^{lviii} Provisional Federal Constitution of Somalia states in article 11: (1) All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law. In article 13: Everyone has the right to life. In article 15: (1) Every person has the right to personal liberty and security. (2) Every person has the right to personal security, and this includes: the prohibition of illegal detention, all forms of violence, including any form of violence against women, torture, or inhumane treatment. In article 16: Every person has the right to associate with other individuals and groups. This includes the right to form and belong to organizations, including trade unions and political parties. It also includes the right not to associate with others, and a person cannot be forced to associate with any other individual or group. In article 18: (1) Every person has the right to have and express their opinions and to receive and impart their opinion, information and ideas in any way. In article 19: (1) The home and other dwellings of the person shall be inviolable, and their entry, search or surveillance shall not be allowed without a reasoned order from a judge.

^{lix} African Commission on Human and Peoples' Rights *Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence*. Available at http://old.achpr.org/english/resolutions/resolution111_en.htm. *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* – signed by Somalia on 23 February 2006. Available at <http://www.achpr.org/instruments/women-protocol/>. *Solemn Declaration on Gender Equality in Africa*, adopted by AU member states in 2004. Available at http://www.afrimap.org/english/images/treaty/AU_GenderSolemnDeco4.pdf
<http://library.unescoicba.org/English/Girls%20Education/files/International%20Instruments/International%20Instruments5.html>

^{lx} Diriye Osman, *To Be Young, Gay and African*. 2014. HuffPost Gay Voices. See more: http://www.huffingtonpost.com/diriye-osman/to-be-young-gay-and-afric_b_4980025.html.

^{lxi} Ibid.

^{lxii} *18-Year Old Stoned to Death for Being Gay*. 2013. See more: <http://www.webcitation.org/query?url=http://lezgetreal.com/2013/03/18-year-old-stoned-to-death-in-somalia-for-being-gay/&date=2013-03-20>.

^{lxiii} Qur'an: 17:84

^{lxiv} Qur'an: 30:22

^{lxv} Qur'an: 24:31

^{lxvi} Qur'an: 24:60