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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-eighth session**  
3–14 May 2021

## **Summary of Stakeholders' submissions on Somalia\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 30 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by other stakeholders**

##### **A. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>2</sup>**

2. JS1 noted that Somalia has signed and ratified international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>3</sup>

3. JS7 positively noted that, in 2015 and 2018 Somalia ratified the Convention on the Rights Child (CRC) and the Convention on the Rights of Persons with Disabilities. JS7 observed that CSOs noted that in the processes to follow-up on the implementation of the UPR recommendations, the Government rarely consulted CSOs working on the ground with the most vulnerable communities and, in the rare cases where the CSOs were consulted, their contributions were not effectively taken into account.<sup>4</sup>

4. Somalia has been encouraged to ratify those conventions to which it is not yet a party to. These include the Optional Protocol to the International Covenant on Economic Social and Cultural Rights<sup>5</sup>; the Optional Protocol to the Convention Against Torture<sup>6</sup>; the Second Protocol of the Covenant on Civil and Political Rights aiming at the abolition of the death penalty<sup>7 8</sup>; the Convention on Elimination of all forms of Discrimination Against Women<sup>9 10 11 12</sup>; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women<sup>13</sup>; the African Charter and Welfare of the Child<sup>14</sup>; the 1954 Convention

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\* The present document is being issued without formal editing.



Relating to the Status of Stateless Persons and the 1961 Convention on Reduction of Statelessness<sup>15</sup>; the Optional Protocols to the Convention on the Rights of the Child<sup>16</sup>; the ILO Convention 190 on violence and harassment in the workplace to protect working women including female journalists<sup>17</sup>; and the Rome Statute of the International Criminal Court; and ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.<sup>18</sup>

## **B. National human rights framework<sup>19</sup>**

5. JS7 recommended the government to review relevant legislation and enact new legislation to ensure and reinforce the protection of the rights to freedom of expression and freedom of media, in compliance with international human rights standards; ensure that new legislation is developed in consultations with relevant stakeholders, including journalists and other media actors, and civil society actors.<sup>20</sup>

6. JS6 called on Somalia to amend the penal code to reflect international standards regarding rape and other forms of sexual violence; and take concrete measures to end violence against women by implementing the National Action Plan to End Sexual Violence in Conflict and by investigating and prosecuting alleged violations, including when perpetrated by military and security personnel.<sup>21</sup>

7. JS9 called on the Federal Government to pass an updated and comprehensive law addressing sexual and gender-based violence that is survivor-centric, human rights based, and in line with international laws and standards.<sup>22</sup>

8. ADF urged the government to repeal all laws that negatively impact religious freedom including provisions of the blasphemy laws that imposed serious restrictions on the free exercise of religion and freedom of expression; and in particular, those that prohibit conversion.<sup>23</sup>

9. AI noted that since 2018, Somalia experienced another period of heightened political tension. Much of the attention of the federal and regional authorities, as well as their international partners, has focused on regional and national electoral processes and fighting Al-Shabaab. This has slowed down much needed judicial and constitutional reforms.<sup>24</sup>

10. AI stated that Somalia accepted recommendations to establish a national human rights commission in 2016. While there had been some progress in identifying the Commission's members, the government did not yet endorse the list of nominees to operationalize the commission. The non-operationalization of the commission greatly impacted human rights protection in Somalia.<sup>25</sup>

11. ASProject recommended reviewing the National Action Plan on Sexual Violence and ensure that it is gender-inclusive and integrates protection and response initiatives for men, boys and LGBTI+ persons in addition to women and girls.<sup>26</sup>

12. MAAT called on the federal parliament to establish a specialized, functional and independent human rights committee to effectively monitor the Somali government's compliance with human rights, to promote human rights and to operate as an alternative mechanism for providing redress for victims of human rights violations.<sup>27</sup>

13. PFT recommended Somalia to form a ministry or a national or local council dedicated exclusively to the rights of refugees and displaced persons, including by allocating appropriate financial resources, as well as forming a body to direct international grants and donations to refugees and displaced people, for sustainable service projects that help them earn a living.<sup>28</sup>

14. RSF-RWB urged Somalia to repeal the old laws criminalizing the exercise of journalism, including the 1964 penal code, in accordance with international standards on freedom of expression and information and the newly enacted Media Law.<sup>29</sup>

15. SOS CVS recommended Somalia to fully implement the 2012 Action Plans to eradicate the recruitment, use of child soldiers, and achieve the goal of "Children Not Soldiers" campaign.<sup>30</sup>

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

### 1. Cross-cutting issues

#### *Equality and non-discrimination*<sup>31</sup>

16. JS6 observed that Somalia did not have a comprehensive legal framework that addressed the rights of women and children. The National Development Plan (2017-2019) proposed the development of a National Children's Policy and Act drawing on Somalia's international obligations. In accordance with this plan, in 2017-2019, the government launched a number of policies such as the ratification of the African Charter, the FGM Bill, the Disability Act, the Somali Sexual Offences Bill, the Child Rights Bill and the Juvenile Justice Bill. However, JS6 noted that, to date, many of these policies are drafts and not enacted or implemented by the State.<sup>32</sup>

17. JS4 noted that since nationality in Somalia was transferred through the patriarchal line, women's equal citizenship and equality in the family was undermined, as well as that of their children.<sup>33</sup>

18. JS4 noted that Somalia's citizenship law discriminated on the basis of ethnicity, providing that acquisition of citizenship was conditional upon, inter alia, the father being of Somali origin. "Somali" was defined as "any person who by origin, language or tradition belong to the Somali Nation"; therefore, citizenship was conditional upon belonging to a certain ethnic group, which created risks of statelessness for populations regarded as 'other'.<sup>34</sup>

19. JS4 recommended Somalia to reform the Citizenship Law to remove provisions that discriminate on the basis of gender and to uphold women and men's equal right to acquire, change, retain and confer nationality on children and spouses, including by ensuring that the children and spouses of Somali women enjoy economic and social rights on an equal basis as the children and spouses of Somali men.<sup>35</sup>

20. JS8 recommended the government to eradicate gender-based violence and discrimination by developing strong polices and legislation at both the state and national level; enact and laws and policies that contribute to achieving gender equality and women's human rights, particularly in marginalized communities and among IDPs; and eliminate laws, policies, and practices, including early and forced marriages that are harmful to women and girls.<sup>36</sup>

21. ECLJ provided that Article 3 of Somalia's Constitution established the Quran as the foundation for the Constitution: "The Constitution of the Federal Republic of Somalia is based on the foundations of the Holy Quran and the Sunna of our prophet Mohamed (PBUH) and protects the higher objectives of Shari'ah and social justice".<sup>37</sup>

22. ECLJ observed that these Constitutional articles severely impacted the ability for Somali citizens to practice their faith, especially Christians, who can be punished simply for sharing their belief, possibly in violation of article 313 of the Penal Code.<sup>38</sup>

#### *Development, the environment, and business and human rights*

23. JS7 noted that recurring droughts and flooding continued to claim loss of lives, livelihoods and cause displacement. Flooding and rivers breaking bank in the Shabelle area have been persistent and these circumstances have caused humanitarian crisis including outbreaks of diseases. The droughts, floods, and desertification clearly indicated that Somalia is undergoing climate changes and emergencies, having devastating impact on livestock and farming and adding to the displacement crisis.<sup>39</sup>

#### *Human rights and counter-terrorism*<sup>40</sup>

24. ACHPR urged State Parties to the African Charter to ensure that the expansion of the use of foreign armed forces, in particular armed drones in countering terrorism, is subject to rigorous regulation and control, and that all measures are put in place to prevent

civilian casualties resulting from such use; and foreign military interventions undertaken with the support of the Government refrain from violating international humanitarian law, targeting civilians or disregarding loss of life or injury of civilians, and that active precautions and all reasonable steps are taken, as required by international humanitarian law, to protect civilian lives.<sup>41</sup>

25. AU-ACHPR stated that States Parties to the African Charter should put in place legislative mechanisms for regulating the use of force by foreign military, including armed drones, from their territories and for undertaking independent investigations for holding those responsible accountable in cases where such use causes harm to civilians.<sup>42</sup>

26. AU-ACHPR strongly urged the Government of Somalia in collaboration with the African Union including through the African Commission to conduct independent and transparent investigations into the alleged cases of civilian casualties in air strikes, and to put in place the necessary structures to enable victims to report such violations and to obtain reparations.<sup>43</sup>

## 2. Civil and political rights

### *Right to life, liberty and security of person*<sup>44</sup>

27. ACHPR Country Rapporteur on Somalia strongly condemned the terror attack in which a lorry packed with explosives resulted in the killing of over three hundred civilians and injuring hundreds more on 14 October 2017 in Mogadishu.<sup>45</sup>

28. The Country Rapporteur urged Somalia to take all necessary measures to prevent such human rights violations by terrorist groups, and to investigate, prosecute and punish those responsible; and to ensure peace and security throughout the country.<sup>46</sup>

29. JS2 stated that during its second-cycle Universal Periodic Review, Somalia received 12 recommendations on the death penalty, and 4 recommendations on fair trials and judicial independence. Somalia accepted two recommendations on fair trials and judicial independence, but has only partially implemented them.<sup>47</sup>

30. JS2 called on Somalia to adopt a moratorium on executions, with a view to the abolition of the death penalty; commute all existing death sentences to penalties that are fair, proportionate, and in compliance with international human rights standards; and issue an immediate decree prohibiting the execution of any person under the age of 18.<sup>48</sup>

31. ASProject noted that, in Somalia, conflict-related sexual violence continued to be perpetrated between 2016-2020, during both inter-clan conflicts and military offensives. Whilst women and girls, particularly those who are internally displaced, remain disproportionately affected by sexual violence, cases against men and boys were also reported during this period. All parties to the conflict were responsible for conflict-related sexual violence, including the Somali National Army and Police Force, Al-Shabaab, Jubaland forces, and clan militias, amongst others. In areas under Al-Shabaab control, sexual violence is reportedly used as a strategy of social dominance and punishment.<sup>49</sup>

### *Administration of justice, including impunity, and the rule of law*<sup>50</sup>

32. JS2 recommended the government to finalize the transfer of all civilian criminal cases from military courts to civilian courts and bar military courts from trying civilians<sup>51</sup>. JS2 also recommended prohibiting the introduction of evidence obtained under duress, and issue guidelines on the steps judges must take when a defendant alleges torture, including investigating all credible allegations and taking immediate steps to protect individuals alleging torture or ill-treatment from retaliation.<sup>52</sup>

33. AI recommended that the newly established prosecutor for crimes against journalists carries out prompt, thorough, independent and effective investigation of abuses and attacks, including killings and threats against journalists in south central Somalia and Puntland.<sup>53</sup>

34. ASProject recommended Somalia to strength the capacity of the justice system to investigate and prosecute conflict-related sexual violence against all victims and survivors, including by ensuring that police, prosecutors and judges are adequately trained to respond

to the needs of all survivors in a safe and ethical manner; and ensuring that legal aid services are available.<sup>54</sup>

35. MAAT urged the government to conduct prompt and impartial investigation into all attacks against journalists, to ensure that the perpetrators are held accountable, brought to justice, and that remedies are provided to victims of journalists and their families.<sup>55</sup>

36. Mandela-Rights urged Somalia to conduct investigations into the impact of external interventions on human rights, and making their results public, particularly related to the 2019 "Bossaso" bombing.<sup>56</sup>

37. Mandela-Rights recommended speeding up the follow-up and implementation of the mandates of members of the Independent National Commission Against Corruption, whose names were announced in September 2020, almost a year after President Farmaajo approved the law in September 2019.<sup>57</sup>

38. RSF-RWB also recommended ending impunity for crimes against journalists by institutionalizing a response mechanism that would associate both the civil society and the political authorities. RSF advocated for the implementation of a national safety and security mechanism for journalists, whose first step would be to establish a network of focal points within various relevant ministries and administrative bodies.<sup>58</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>59</sup>

39. JS3 noted progress in ensuring that security forces do not arbitrarily harass and arrest journalists, including the *in absentia* sentencing of a police officer for the murder of a journalist, the release of journalists, and the appointment of a special prosecutor in charge of investigations into the killing of journalists. Nonetheless, JS3 stated that these reforms were not systemic and that cases of harassment and arbitrary arrests and detentions continued to be reported.<sup>60</sup>

40. JS3 urged to investigate attacks and harassment of journalists, HRDs and media workers and ensure that the perpetrators are duly prosecuted and brought to justice in fair trials; establish a national protection mechanism to ensure the protection of journalists; and - in line with President Farmaajo's May 2020 commitment, repeal Criminal Code provisions that curtail the rights to free expression, particularly of journalists and media workers.<sup>61</sup>

41. ADF recommended Somalia to ensure that the right to freedom of religion or belief is guaranteed and protected within Somalia, and that Christians and other religious minorities are treated equally and with respect to all of their human rights and fundamental freedoms by both society and the State.<sup>62</sup>

42. Elizka observed that human rights violations and abuses by State security forces, including the police and intelligence agencies, increased in the period before and after parliamentary and presidential elections held in late 2016 and early 2017.<sup>63</sup> Elizka stated that thirteen clan elders and two electoral delegates were killed between August 2016 and the presidential election held on 8 February 2017. Violent attacks on people involved in the election process continued after that, with the killing of 29 clan elders and electoral delegates, including three women. Elizka noted that only two of the 44 documented killings have been investigated and prosecuted.<sup>64</sup>

43. Elizka stated that the Electoral Law issued in May 2019 has restricted the activities of 52 political parties, and limited their ability to communicate.<sup>65</sup> Elizka recommended establishing an electronic electoral system to curb electoral corruption, tampering with votes and bribery, and to be implemented by the National Elections Commission under the supervision of the United Nations or the African Union.<sup>66</sup>

44. MAAT recommended Somalia to amend the Penal Code of 1970 by adding an article on the protection of journalists and by establishing special penalties for attackers against journalists, to ensure that journalists practice their professions without fear of being attacked.<sup>67</sup>

45. Mandela-Rights observed that between 2016 and 2019, more than 100 journalists and media workers were reportedly targeted and killed. Fifteen cases were confirmed to have taken place within the same period, with 12 journalists and 3 media workers killed.<sup>68</sup>

*Right to privacy and family life*

46. JS1 recommended the government to reform its national ID programme around sound principles of governance, data protection and privacy, and cybersecurity. Somalia should, among others, affirm the right to privacy as a judicially enforceable fundamental right in Somalia's Federal Constitution; enact a comprehensive data protection law to protect the right to privacy, and adequately fund and support its implementation; restrict lawful interception and monitoring of national identity use and implement measures for accountability; and develop legal procedures and evidentiary standards for biometrics with care to protect human rights and due process.<sup>69</sup>

### 3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*

47. PFT recommended Somalia to provide alternative employment for the population living in the agricultural areas that have been destroyed by drought, so that they will not be forced to flee to camps and increase the number of internally displaced persons.<sup>70</sup>

*Right to an adequate standard of living<sup>71</sup>*

48. PFT noted that, the Banadir region hosted over 700,000 internally displaced persons. About 270,000 of whom face acute food insecurity, while the rest suffer from critical levels of acute malnutrition.<sup>72</sup> 70% of these women and children suffer from harsh conditions, and their lack of income to support their families makes them face difficult choices either to stay in the camps or move around Mogadishu in search of available income opportunities that rarely lead to accepting exploitative work that provides them with less than one dollar a day.<sup>73</sup>

*Right to health<sup>74</sup>*

49. JS1 advised the government to make reliable and timely information regarding the COVID-19 pandemic available in transparent and accessible formats.<sup>75</sup>

50. ASProject recommended Somalia to strengthen the provision of comprehensive care for sexual violence survivors, in particular medical, mental health and psychosocial services so that they are available to all survivors of sexual violence, including those in IDP camps. Minimum responses should include immediate access to safe, free, confidential, survivor-centred, and high-quality medical care.<sup>76</sup>

51. Egypt-Peace recommended Somalia to provide the necessary healthcare for children, including by building hospitals and conducting comprehensive periodic checks for children.<sup>77</sup>

52. HRW observed that restrictions imposed by the government to limit the spread of Covid-19, including restrictions on movement and measures to ease congestion, along with price hikes and reduced remittance flows, further limited access to livelihoods and health care for displaced communities, and exacerbated existing gender-related abuses and inequalities.<sup>78</sup>

53. IAPD urged the government to develop health care, build hospitals, establish special wards for women, and implement a comprehensive health insurance system, along with establishing a fund to receive complaints from victimized women.<sup>79</sup>

*Right to education<sup>80</sup>*

54. GCPEA stated that, between 2017 and 2019, there were at least 140 UN-verified incidents of attacks on schools, students, and personnel. GCPEA identified almost 30 alleged reports of attacks on students and education personnel between 2017 and 2019, though it was unclear whether these overlapped with UN reports. The majority of these

were targeted killings, and the reasons for the attacks were not always reported in media sources. Evidence suggested that attacks on teachers were often linked to school and curriculum-related issues, and teachers who declined to adopt al-Shabaab's curriculum faced direct attacks.<sup>81</sup>

55. GCPEA urged the government to implement the Safe Schools Declaration in a gender-responsive manner, including by considering GCPEA's guidance, *What Can be Done to Better Protect Women and Girls from Attacks on Education and Military Use of Educational Institutions*.<sup>82</sup>

56. Egypt-Peace urged Somalia to provide free basic education for children, especially females, while improving the quality of education through studied ministerial decisions, and building more schools to encourage enrolment in education.<sup>83</sup>

57. Egypt-Peace further recommended preventing child recruitment in armed conflicts, through the application of penalties such as imprisonment and financial fines for perpetrators of these acts.<sup>84</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>85</sup>

58. JS8 observed that, in addition to traditional barriers and hardships, Somali women have to contend with being victims of sexual and gender-based violence. Exacerbated by conflict, civil war and the rise of terrorist groups, Somalia became a very difficult place to be a woman and to survive.<sup>86</sup>

59. JS9 called on the government to urgently address sexual and gender-based violence by undertaking rights-based, survivor-centred actions that align with international norms and standards, including, by urgently adopting a comprehensive national action plan; ensuring access to independent and competent legal aid system; allocating resources to judicial, health and social services; investigating and prosecuting all cases of SGBV; and providing appropriate reparations, restitution and rehabilitation.<sup>87</sup>

60. JS8 also noted that women's low participation in politics and in other decision-making spheres was a huge challenge preventing gender equality and the protection of women's rights. Of a possible 275 parliamentary seats, women occupied 24%. The agreed quota of 30% was never achieved. Out of a 25-minister cabinet, five were women. There has also been a notable absence of women in higher levels of government with no women holding the title of director general or head of department. There was not a single female director-general in any of the ministries including the Ministry of Women and Human Rights Development.<sup>88</sup> Furthermore, JS8 stated that 98% of women in Somalia are subjected to FGM. The occurrence of FGM in Somalia was one of the highest in the world.<sup>89</sup>

61. AI recommended Somalia to enact laws and regulations that prohibit all forms of violence against women and girls, and to immediately scrap the proposed "Sexual Intercourse Related Crimes Bill" and ensure that any law that is reintroduced is in conformity with international law and regional standards relating to rape and other forms of sexual violence.<sup>90</sup>

62. HRW urged Somalia to immediately reject the controversial Sexual Intercourse Related Crimes bill and either reintroduce for debate the federal sexual offenses bill or enact another law that prohibits all forms of violence against women and girls. It should consider a law or bill which encompasses the prevention, protection, care, treatment and support for survivors, and provides remedies for survivors, as well as adequate investigations and punishment of convicted perpetrators.<sup>91</sup>

63. IAPD recommended to allocate more seats for women in Parliament and the various decision-making positions in the country, and ensure its implementation; and promote the institutional efforts to support women's political participation in Somalia, through social media platforms and the media.<sup>92</sup>

*Children*<sup>93</sup>

64. GCPEA noted that Al-Shabaab's use of schools for child recruitment was a significant problem in Somalia during the 2017-2019 reporting period, and that recruitment efforts escalated in late 2017, after Al-Shabaab issued its new curriculum. 2017 saw at least 76 verified cases in which child recruitment occurred at schools, with at least 242 children recruited. Child recruitment in school settings continued in 2018.<sup>94</sup>

65. GCPEA recommended Somalia to ensure that the Child Rights Bill that is currently being developed included the sanctioning of attacks on schools and students, the recruitment and use of children, and the use of schools by armed forces and armed groups.<sup>95</sup>

66. HRW observed that between 2015 and 2018, authorities across Somalia had detained hundreds of boys suspected of joining or supporting Al-Shabaab without considering such detention as a measure of last resort, nor ensuring that it was for the shortest time possible.<sup>96</sup>

67. IAPD called on the government to take legal steps to prevent the marriage of underage girls, and to make more efforts to eliminate female genital mutilation that is rampant in Somali society.<sup>97</sup>

68. SOS CVS recommended Somalia to finalize and approve Alternative Care policy to promote the range of care options available in the country and implement the national draft bills and policies for the advancement of women and children rights, such as the Child Act, Sexual Offences Bill and Juvenile Justice Bills.<sup>98</sup>

*Persons with disabilities*<sup>99</sup>

69. SOS CVS called on Somalia to raise public awareness about the rights of children, highlighting the issues of marginalized groups of children such as children with disabilities.<sup>100</sup>

70. JS9 noted that the National Disability Agency Law was adopted but the agency was not established and called on the government to pass the Disability Act, amongst others.<sup>101</sup>

71. JS6 observed that children with disabilities have very limited access to education. Those able to attend school faced myriad of challenges in the sector, including discrimination and stigma from both teachers and fellow students. The Federal Special Educational Needs Disability and Inclusive Education policy outlined 13 areas to ensure children with disabilities enjoyed equal access to education. However, this plan was not operationalized or resourced. Special education development was also hampered by limited/lack of skilled teachers, a lack of adequate teaching facilities and funding for special needs education. There was no support provided for people with disabilities to attend schools and universities.<sup>102</sup>

72. JS6 recommended Somalia to strengthen educational policies in order to ensure the necessary conditions for full access to education, especially for marginalized groups including girls, children with disabilities, children in pastoral communities and children who are IDP.<sup>103</sup>

*Migrants, refugees, asylum seekers and internally displaced persons*<sup>104</sup>

73. AI urged Somalia to immediately stop forced evictions including of displaced people across the country and ensure that anyone rendered homeless as a result of forced evictions is immediately provided with alternative safe housing. It also recommended ensuring that the rights to water, sanitation, health and adequate housing for IDPs were fulfilled, in line with international human rights standards including when responding to COVID-19.<sup>105</sup>

74. HRW stated that 2.6 million Somalis were internally displaced as a result of conflict, insecurity and natural events that had increased in intensity and frequency due to climate change. In 2020, there were 893,000 new displacements, the majority of these displacements were due to flooding.<sup>106</sup> Displaced people faced serious abuses, including sexual and gender-based violence, repeated cycles of forced evictions, dire living conditions and limited access to basic needs such as health care, food and water.<sup>107</sup>



75. HRW recommended Somalia to immediately cease forcibly evicting displaced people primarily in Mogadishu; systematically provide adequate notification and compensation to the communities facing eviction and provide viable relocation or local integration options – taking into account issues such as gender, age and disability among other criteria as required by international law; and credibly investigate and appropriately punish security force abuses in forced evictions.<sup>108</sup>

76. PFT observed that, until 2017, Somalia hosted nearly 25,000 refugees and asylum seekers, 90,000 returnees and nearly 1.5 million internally displaced people. Almost 61,000 Somalis had returned from Kenya since 2014, including 20,900 in the first three months of 2017. The escalation of the conflict in Yemen has also led to the return of about 30,600 Somalis since 2015 out of more than 255,000 Somali refugees who were present in Yemen.<sup>109</sup>

77. PFT noted that, in addition to returns and internal displacement caused by the conflict, Somalia has become vulnerable to widespread famine, after only six years of devastating famine that led to the death of many Somalis.<sup>110</sup>

#### *Stateless persons*<sup>111</sup>

78. JS4 stated that the causes of statelessness in Somalia were mainly a result of discrimination, discriminatory nationality laws, weak governance resulting in lack of legal and administrative protection for children, women and men at risk of statelessness, and the risks of statelessness created by forced migration and displacement. There was no accurate data on the estimated number of stateless persons in Somalia, and UNHCR had no statistical data on statelessness in the country.<sup>112</sup>

79. JS4 recommended, among others, to ensure that the biometric National Identity Program is not rolled out without adequate scrutiny of the underlying identification mechanisms, which could result in leaving vulnerable groups lacking legal identity further behind and leaving them at increased risks of statelessness.<sup>113</sup>

## **5. Specific regions or territories**

80. AI noted that the review of the Penal Code had stagnated and that authorities in south central Somalia and Somaliland continued to use vaguely worded and outdated criminal offences in the Penal Code to crack down on freedom of expression and media freedom.<sup>114</sup>

81. AI recommended the Government of Somaliland to immediately cease arbitrary arrests, intimidation and prosecution of journalists, poets, opposition politicians and other individuals who freely and peacefully exercise their rights to freedom of expression and media freedom and to promptly review the problematic provisions in the Penal Code and align them with the Somaliland constitution and international human rights standards.<sup>115</sup>

82. Mandela-Rights called on the government to reform prisons in order to ensure the separation of men and women, especially in Puntland and Somaliland regions.<sup>116</sup>

83. HRW stated that security forces, notably NISA in Mogadishu and Puntland's Intelligence Agency (PIA) in Bosasso, have subjected children in their custody to threats, ill-treatment, forced confessions, and beatings, at times in ways that amounted to torture. Boys and adults were detained together in NISA's Mogadishu detention facilities in dire conditions.<sup>117</sup>

### *Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

##### *Individual submissions:*

ADF International

AI

ADF International, Geneva (Switzerland);

Amnesty International London, (United Kingdom of Great

	Britain and Northern Ireland);
ASProject	All Survivors Project, Vaduz (Liechtenstein);
CGNK	Center for Global Nonkilling, Grand-Saconnex (Switzerland);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
Egypt-Peace	Misr El-Salam for development and Human Rights, Ramada (Egypt);
Elizka	Elizka Relief Foundation, Kumasi Ashanti (Ghana);
GCPEA	Global Coalition to Protect Education from Attack, Geneva (Switzerland);
HRW	Human Rights Watch, Geneva (Switzerland);
IAPD	The International Alliance for Peace and Development Geneva, (Switzerland);
MAAT	Maat Foundation for Peace, Development and Human Rights Cairo, (Egypt);
Mandela-Rights	Mandela for Rights and Democracy Foundation, Giza (Egypt);
PFT	Partners for Transparency, Cairo (Egypt);
PGA	Parliamentarians for Global Action, New York (United States of America);
RSF-RWB	Reporters Without Borders International, Paris (France);
SOS CVS	SOS Children's Villages Somalia, Mogadishu (Somalia);
AccessNow	Access Now, New York (United States of America);
AHR	Advocates for Human Rights, Minneapolis (United States of America);
EHAHRDP	East and Horn of Africa Human Rights Defenders Project, Kampala (Uganda);
ISI	Institute on Statelessness and Inclusion, Eindhoven (Netherlands);
NUSOJ	National Union of Somali Journalists, Mogadishu (Somalia);
SCSom	Save the Children International, Mogadishu (Somalia);
SCSOs	Somali Civil Society Organizations, Mogadishu (Somalia);
SIHA	Network Strategic Initiative for women in the Horn of Africa, Kampala (Uganda);
SRI	The Sexual Rights Initiative, Ottawa (Canada).
<i>Joint submissions:</i>	
JS1	<b>Joint submission 1 submitted by:</b> Access Now; and Digital Shelter, New York (United States of America);
JS2	<b>Joint submission 2 submitted by:</b> The Advocates for Human Rights; and The World Coalition against the Death Penalty, Minneapolis (United States of America);
JS3	<b>Joint submission 3 submitted by:</b> East and Horn of Africa Human Rights Defenders Project; and National Coalition for Human Rights Defenders – Somalia, Kampala (Uganda);
JS4	<b>Joint submission 4 submitted by:</b> Institute on Statelessness and Inclusion; Somali Women Development Centre; Somaliland Human Rights Centre; and Global Campaign for Equal Nationality Rights, Eindhoven (Netherlands);
JS5	<b>Joint submission 5 submitted by:</b> National Union of Somali Journalists (NUSOJ); and the International Federation of Journalists (IFJ), Mogadishu (Somalia);
JS6	<b>Joint submission 6 submitted by:</b> Save the Children International, in joint submission with 13 Somalia Civil Society Organizations (CSOs) representing South Central, Banadir regions and Puntland State of Somalia including (Baidoa, Kismayo, Mogadishu, Garowe, Hoby, Badhan, Banadir, Gardo, Galkio North), Mogadishu (Somalia);
JS7	<b>Joint submission 7 submitted by:</b> CIVIL SOCIETY ORGANIZATIONS OF SOMALIA COMBINED REPORT, Mogadishu (Somalia);
JS8	<b>Joint submission 8 submitted by:</b> Strategic Initiative for Women in the Horn of Africa (SIHA); and Somali Women & Child Care Association (SWCCA), Kampala (Uganda);
JS9	<b>Joint submission 9 submitted by:</b> The Sexual Rights

Initiative; Somali Women Development Centre [SWDC]; and Erica Marsh (Independent Consultant), Ottawa (Canada).

*Regional intergovernmental organization(s):*

ACHPR

African Commission on Human and Peoples' Rights, Banjul (Gambia).

- <sup>2</sup> For the relevant recommendations, see 136.1, 136.2, 136.38, 136.26, 135.7, 136.34, 136.29, 136.5, 136.6, 136.3, 136.9, 136.10, 136.11, 136.21, 136.30, 136.31, 136.32, 136.33, 136.35, 136.36, 136.37, 135.1, 135.2, 135.3, 135.4, 135.6, 135.8, 136.7, 136.4, 135.5, 135.9, 136.8, 136.22, 136.23, 136.27, 136.25, 136.24, 136.12, 136.13, 136.14, 136.15, 136.16, 136.17, 136.18, 136.19, 136.20, 135.10, 136.28, 135.30, 135.31, 135.32-135.37, 135.15, 135.104.
- <sup>3</sup> JS1, para 5.
- <sup>4</sup> JS7, para 1.
- <sup>5</sup> JS1, para 5.
- <sup>6</sup> JS2, para 25.
- <sup>7</sup> CGNK, p.7.
- <sup>8</sup> JS2, para 25.
- <sup>9</sup> JS3, para 4.2.
- <sup>10</sup> JS6, para 9.
- <sup>11</sup> JS9, p.9.
- <sup>12</sup> IAPD, p.5.
- <sup>13</sup> JS3, para 4.2.
- <sup>14</sup> SOS CVS, p.7.
- <sup>15</sup> JS4, para 55.
- <sup>16</sup> Egypt-Peace, p.3.
- <sup>17</sup> JS5, p. 4.
- <sup>18</sup> PGA, p.3.
- <sup>19</sup> For the relevant recommendations, see 135.11, 136.39–136.42, 136.46, 135.14, 136.45, 135.12, 136.43, 136.59, 135.16, 135.18, 135.19, 135.20, 135.23, 135.24, 136.47–136.49, 136.51–136.53, 136.55, 136.56, 135.25, 136.54, 135.21, 135.17, 135.22, 135.26, 135.27, 135.105–135.107, 136.102, 136.120, 136.121.
- <sup>20</sup> JS7, p. 11.
- <sup>21</sup> JS6, para 20.
- <sup>22</sup> JS9, p.8.
- <sup>23</sup> ADF, p.8.
- <sup>24</sup> AI, para 10.
- <sup>25</sup> AI, para 11.
- <sup>26</sup> ASProject, para 23.
- <sup>27</sup> MAAT, p.9.
- <sup>28</sup> PFT, p.7.
- <sup>29</sup> RSF-RWB, p.4.
- <sup>30</sup> SOS CVS, p.7.
- <sup>31</sup> For the relevant recommendations, see 136.45, 136.58, 136.61.
- <sup>32</sup> JS6, para 8.
- <sup>33</sup> JS4, para 36.
- <sup>34</sup> JS4, para 40.
- <sup>35</sup> JS4, para 55.
- <sup>36</sup> JS8, p. 9.
- <sup>37</sup> ECLJ, para 9.
- <sup>38</sup> ECLJ, para 10.
- <sup>39</sup> JS7, p.12.
- <sup>40</sup> For relevant recommendations see 135.105–135.107, 136.120–136.121, 136.102.
- <sup>41</sup> AU-ACHPR, p.5.
- <sup>42</sup> AU-ACHPR, p.4.
- <sup>43</sup> AU-ACHPR, p.5.
- <sup>44</sup> For relevant recommendations see 136.63–136.73.
- <sup>45</sup> AU-ACHPR, p.3.
- <sup>46</sup> AU-ACHPR, p.3.
- <sup>47</sup> JS2, para 2.
- <sup>48</sup> JS2, para 25.
- <sup>49</sup> ASProject, para 5.
- <sup>50</sup> For relevant recommendations see 136.93, 135.57, 136.50, 136.57, 136.92, 136.90, 136.91, 135.58, 135.63, 135.64, 136.94, 136.98, 136.99, 136.100, 136.101, 136.97, 135.60, 135.59, 136.96, 136.95,

- 135.41, 135.39, 135.40, 136.62.
- <sup>51</sup> JS2, para 25.
- <sup>52</sup> JS2, para 25.
- <sup>53</sup> AI, p.5.
- <sup>54</sup> ASProject, para 23.
- <sup>55</sup> MAAT, p.9.
- <sup>56</sup> Mandela-Rights, p.6.
- <sup>57</sup> Mandela-Rights, p.6.
- <sup>58</sup> RSF-RWB, p.4.
- <sup>59</sup> For relevant recommendations see 135.70, 136.103, 136.44, 136.106, 136.109, 136.110, 136.111, 136.112, 136.107, 136.104, 136.114, 135.67, 135.68, 135.69, 136.93, 136.108, 136.115, 135.71, 135.72, 135.73, 136.116.
- <sup>60</sup> JS3, para 2.3.
- <sup>61</sup> JS3, para 4.1 and 4.2.
- <sup>62</sup> ADF, p.8.
- <sup>63</sup> Elizka, p.1.
- <sup>64</sup> Elizka, p.1.
- <sup>65</sup> Elizka, p.2.
- <sup>66</sup> Elizka, p. 5 & 6.
- <sup>67</sup> MAAT, p.9.
- <sup>68</sup> Mandela-Rights, p.2.
- <sup>69</sup> JS1, para 44.
- <sup>70</sup> PFT, p.7.
- <sup>71</sup> For relevant recommendations see 135.74–135.75, 136.117.
- <sup>72</sup> PFT, p.6.
- <sup>73</sup> PFT, p.6 and 7.
- <sup>74</sup> For relevant recommendations see 135.76–135.81, 136.118.
- <sup>75</sup> JS1, para 43.
- <sup>76</sup> ASProject, para 22.
- <sup>77</sup> Egypt-Peace, p.4.
- <sup>78</sup> HRW, para 31.
- <sup>79</sup> IAPD, p.5.
- <sup>80</sup> For relevant recommendations see 135.84-135.89.
- <sup>81</sup> GCPEA, p.2.
- <sup>82</sup> GCPEA, p.3.
- <sup>83</sup> Egypt-Peace, p.4.
- <sup>84</sup> Egypt-Peace, p.4.
- <sup>85</sup> For relevant recommendations see 135.17, 135.22, 135.28, 135.38, 135.43, 135.45, 135.46, 135.58, 135.61–135.62, 135.65–135.66, 135.72–135.73, 135.90–135.91.
- <sup>86</sup> JS8, p.8.
- <sup>87</sup> JS9, p.8.
- <sup>88</sup> JS8, p. 3 and 4.
- <sup>89</sup> JS8, p.5.
- <sup>90</sup> AI, p.5.
- <sup>91</sup> HRW, para 26.
- <sup>92</sup> IAPD, p.5.
- <sup>93</sup> For relevant recommendations see 135.47–135.49, 135.52-135.56, 135.58, 135.65, 135.77, 135.85–135.95, 136.88–136.89, 136.97, 136.118–136.119.
- <sup>94</sup> GCPEA, p.2.
- <sup>95</sup> GCPEA, p.3.
- <sup>96</sup> HRW, paras 17 and 18.
- <sup>97</sup> IAPD, p.5.
- <sup>98</sup> SOS CVS, p.7.
- <sup>99</sup> For relevant recommendations see 135.12–135.13, 135.58, 135.90, 135.96, 136.43.
- <sup>100</sup> SOS CVS, p.7.
- <sup>101</sup> JS9, p. 2 and 3.
- <sup>102</sup> JS6, para 28.
- <sup>103</sup> JS6, para 29.
- <sup>104</sup> For relevant recommendations see 135.97–135.103.
- <sup>105</sup> AI, p.5.
- <sup>106</sup> HRW, para 27.
- <sup>107</sup> HRW, para 28.

<sup>108</sup> HRW, para 32.

<sup>109</sup> PFT, p.1.

<sup>110</sup> PFT, p.1.

<sup>111</sup> For relevant recommendations see 135.29.

<sup>112</sup> JS4, para 25.

<sup>113</sup> JS4, para 55.

<sup>114</sup> AI, para 12.

<sup>115</sup> AI, p.5.

<sup>116</sup> Mandela-Rights, p.5.

<sup>117</sup> HRW, paras 17 and 18.

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