

# **Somali Civil Society Organizations**

## **Universal Periodic Review Report**

**October 2020**

This report is a collective effort and contributions of 126 civil society organizations across Somalia under the Federal Government and Federal Member States and contains their opinions, views and recommendations. A list of the Civil Society Organizations that took part is included as Annex A to this report.

### **A. Background and framework**

In the past four years since the last Universal Periodic Review (UPR) review of Somalia, the Civil Society Organizations (CSOs) have vigilantly monitored the dire human rights situation in Somalia. During the UPR review of 2016, Somalia received 228 recommendations, out of which the Government of Somalia has accepted 160 and noted 68 recommendations. In this report, the CSOs will detail the extent of Somalia's compliance and implementation of the recommendations that it accepted.

#### **1. Scope of international obligations**

Somalia is a State Party to six international human rights treaties and several optional protocols. In the last 9 years Somalia has made strides on the drafting and submission of State Party reports and participated both UPR cycles (2011 and 2016), within the framework of the UN Human Rights Council. In 2015 and 2018 Somalia ratified respectively the Convention on the Rights Child (CRC) and the Convention on the Rights of Persons with Disabilities. The Government of Somalia prepared the first report to a UN treaty body since the start of the civil war in 1991, the initial State Party report of the CRC which it submitted to the Committee on the Rights of the Child in 2019 and later, on 16 December 2019, Somalia submitted the State Party report on the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. The CSOs note that in the processes to follow-up, track and monitor the implementation of the UPR recommendations, the Government rarely consults CSOs working on the ground and who are the closest to the most vulnerable communities. And in the rare cases where the CSOs are consulted, their contributions are not effectively taken into account.

Somalia has welcomed the Independent Expert on the human rights situation in Somalia numerous times and he has had the opportunity to talk to CSOs in Somalia on the implementation of his previous recommendations. The CSOs have informed the Independent Expert on the challenges of working in the area of human rights in Somalia, how there is a general lack of protection for most citizens in Somalia and how it is difficult to work on human rights protection in Somalia. The Government of Somalia has been working for more than five years on the consultations around the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This process has been difficult, and the government has failed to make progress regarding the ratification. The CSOs recommend that Somalia continues its efforts to ratify CEDAW and initiates the processes to ratify the Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Furthermore, the CSOs recommend that the Government of Somalia initiates the process to ratifying the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and welcome the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in

Africa (also known as the Kampala Convention) on the 26 November 2019.

In addition, Somalia should ratify the following options protocols: Optional Protocol of the Convention against Torture, Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. These are core international human rights treaties and optional protocols that would obligate the Somali Government to ensure improved protection and promotion of human rights for all peoples in Somalia. The CSOs call upon Somalia to accelerate the domestication and implementation processes of the international human rights treaties and convention to which it is already a State Party.

## **2. Constitutional and legislative framework**

The CSOs believe that the current Somali Provisional Constitution includes significant guarantees in the areas of human rights protection and promotion. However, the inclusive ongoing constitutional review process has some concerning outcomes that might decrease current levels of Constitutional protection. In the last three years, the Federal Government of Somalia intensified the constitutional review process through dedicated sessions focused on different chapters of the provisional constitution but has unfortunately not concluded the process.

The CSOs have provided significant input at the review conference held at the end of 2019 and early 2020<sup>1</sup>, and are monitoring whether their concerns are effectively reflected in the coming versions of the review document. However, some of the information that was provided indicate that there are proposed changes that will violate international obligations of Somalia. An example is the proposed change to Article 29, which lowers the age of maturity from 18 to 15 years of age. This would go against Somalia's international obligation under the Convention on the Rights of the Child.

## **3. Institutional and human rights infrastructure and policy measures**

The CSOs note with concern that the establishment of vital constitutional commissions envisioned to work on the promotion and protection of human rights, such as the National Human Rights Commission, are delayed by the government without clear explanation to the public. This is especially important as the government is unable to provide the protection to survivors of human rights violations and to hold perpetrators accountable.

The National Disability Agency Law is in place but the agency has not been established. The Media Law that has been signed by the President faces criticism of shortcomings that leave journalists and the media

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<sup>1</sup> This conference brought together CSOs from across the country, both houses of parliament, line ministries, FMS institutions, the judiciary, women and youth groups, religious leaders, people with disabilities, elders and members of the international communities.

vulnerable. Other important laws to be passed include the Citizenship Bill, the Disability Act, the Anti-Terrorism bill, the FGM bill and the Sexual Offences Bill. IDPs continue to suffer from forced evictions and whilst the government is aware of this, CSOs have stated that more needs to be done to prevent such evictions. The CSOs have observed that the government has a long way to go in achieving the Human Rights Roadmap.

## **B. Information on the implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Children, Women – Equality and non-discrimination**

#### ***Issues and Concern: Women***

The CSOs in Somalia are demonstrating a grave concern regarding the number of sexual and gender-based violence incidents against women and girls in the different regions of Somalia. Sexual violence against women and girls is documented in the context of military and security operations, internal displacement, clan conflicts and against women from minority clans. Most reported victims of sexual violence are from communities that are internally displaced from their home regions. In many cases the victims are afraid to press charges or even tell their family of what had happened, some of these cases come to light after the victims requires medical service for their physical trauma caused by the sexual violence. In the last few years, there have been a number of sexual assault cases leading to the violent murder of the victims by the culprits, some videoed and posted on social media, throughout Somalia that have caused a public uproar.

The Somali government has accepted UPR recommendations in 2011 and 2016 urging the government to put an end to sexual and gender-based violence and addressing its root causes in the Somali society. Somalia accepted to “prevent, eliminate and penalize all forms of [sexual] violence against women”, this also included rape and sexual violence of all kinds in the context of armed conflict and to ensure that perpetrators do not enjoy impunity for violence against women.

In August 2019, the Somalia Government agreed with the Special Representative of the Secretary-General on Sexual Violence in Conflict to develop a new implementation action plan for the Joint Communiqué on the Prevention of Sexual Violence in Conflict in Somalia. This document was also endorsed by the cabinet. However, the development of this action plan has not been progressed and at the same time there have been more sexual violence cases, which are more horrific than before. Still, the CSOs note that almost no sexual violence perpetrators have been prosecuted and sentenced. Although actual numbers of sexual violence may vary depending on the source, the CSOs are aligned in their position of the increasing number of sexual violence cases and the glaring lack of access to justice for the victims of these heinous crimes. Women and girls from internally displaced communities are among those most at risk for falling victim to sexual violence due to their dire living conditions and lack of protection from the government. In some cases, the perpetrators include government soldiers.

Furthermore, CSOs have reported that on several instances, government soldiers and security forces have threatened sexual health and medical service providers and victims reporting rape. This has impeded efforts to ensure accountability is sought by victims. In certain cases, women reporting allegations of rape have been victimized even more by accusing them of hurting the reputation of those accused and their clan. As a result, some CSOs noted, other women thinking of coming forward to report rape have changed their mind and have informed the CSOs working on their case not to pursue it further in fear of being charged themselves. In other cases, alleged perpetrators of sexual violence have been let go after political

pressure from politicians from their clan. This also further deteriorates the trust of people on the justice system. CSOs believe that the government is part of the malfunctioning of the justice system, especially when it comes to protecting women, children and other vulnerable groups.

CSOs working with victims of sexual assault and rape have complained that the traditional Xeer system has been used to resolve the matter, often without the consent of the victim and meaning that the culprits are not punished for their actions.

Moreover, the past years, there have been cases where the African Union Assistance Mission (AMISOM) soldiers have been accused of sexual exploitation and abuse against women in Somalia. It remains unclear to the CSOs how the government of Somalia and the AMISOM leadership have dealt with these cases and how they are working on ensuring that this does not happen in the future.

Apart from sexual violence and abuse, women in Somalia face systemic discrimination, difficulty to access justice, education and health care. In addition, women are not able to effectively break through the glass ceiling and be selected to positions of power, either in governance or politics. The repeated calls from the CSOs to put in place legislative frameworks that actually grant women these rights and force the government to enforce them have fallen on deaf ears. Despite the acceptance of UPR recommendations aimed at improving the position of women in Somalia, the government has failed to book significant progress on these matters in the past four years.

#### ***Issues and concerns: Children***

The CSOs are stressing the dire situation of children in Somalia, who are the most vulnerable group and are suffering the impact of the post-conflict situation. Many children are separated from their families, and a significant number of children are forced to work to provide income for themselves and their families, being deprived from education and a safe environment to grow and develop their potential. Children that have been separated from their families are significantly more at risk of becoming a victims of child abuse, sexual violence, forced labor and living on the streets. In addition, children in Somalia are recruited, on a regular basis, by terrorist groups and are forced to take up arms and fight at a young age. The government of Somalia has not been able to protect these children from abduction, violence, maiming and killing.

Children in Somalia are also at risk of forced displacement, malnutrition, lack of access to education and access to health care. The government of Somalia is not doing enough to address these issues and ensure that children are able to enjoy their basic human rights. In the context of child labor, the Somali Labor Laws provide protection against the different forms of child labor. Regardless of this legal framework, many children are still working in Somalia, some even in hazardous jobs with a negative impact on their health.

Moreover, many young girls in Somalia are victims of female genital mutilation (FGM), which is a harmful traditional practice that causes serious harm, health implications and in certain cases even leads to the death of a child or complications during childbirth at a later age. The existing mechanisms and systems to protect children in Somalia are inadequate and do not meet the required international standards. This is most dire in remote rural areas, where there is a lack of health services to save lives. The government has promised during the past two UPR cycles to sustainably address these issues and provide services to the most vulnerable. Although some small progresses have been booked, there are still significant shortages of life saving systems and provisions for children in Somalia.

#### ***Recommendations:***

- The government should ratify the Convention on the Elimination of All Forms of Discrimination against Women; the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and the optional protocols to the Convention on the Right of the Child
- Develop policy framework for the prevention of early and forced marriage and identify effective measures across a range of Ministries to ensure better practice
- Enact FGM Law
- Enact key legislations such as Sexual Offences Bill to protect victims of sexual violence and improve mechanisms in place for reporting such as strengthening the AGO, police and a referral mechanism
- Family Law to address the rights of women in marriage, after the breakdown of marriage (including custody of children) and inheritance
- Better representation of women in politics, arts, sports, science and cultural practices.

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

### *Issues and concerns:*

The CSOs have stated that the guarantees provided by the constitution and the Criminal Procedure Code are often violated by the government as arrests are made by law enforcement without warrants and people are arbitrarily detained. Alleged suspects are not given their due process, such as access to a lawyer. In addition, the CSOs note that the government does not treat arrested suspects the same. In specific case, some high-level suspects have been kept in house arrest as part of a clan negotiated arrangement, with a formal prosecution process being initiated. Some detainees are also released without persecution, after the involvement of influential political and clan-based figures.

Moreover, the federal government, federal member states and terrorist groups have all arbitrarily detained people and denying these people their rights under the constitution. The CSOs are noting that the government has used the fight against terrorism to justify unlawful arrests and detention of innocent people. Among these people are journalists, people affiliated with political opposition and others that have voiced opinions that oppose or criticize the government. Also, many suspects endure pretrial detentions that are longer than the maximum periods allowed by law, are not put before a competent court within the first 48 hours from the moment they are arrested, and there are no complaint procedures in place to seek remedy for those affected.

The CSOs state that government officials, on different occasions, have influenced the judiciary, even though the Somali Provisional Constitution provides that the judiciary is impartial. Fair and public trials are guaranteed by law, but often disregarded due to the lack of independently functioning judiciary. There are also numerous cases where families and influential figures related to suspected perpetrators have bribed judges and prosecutors to influence the outcome of a criminal case. This, and the widespread corruption in the justice system, has caused the public to have little to no faith in the rule of law in Somalia. Also, the use of traditional dispute resolutions in many areas in Somalia, has further weakened the justice system in Somalia, pushing civilians to seek legal remedy from traditional dispute resolution panels and even Al-Shabab courts. In certain areas, the majority of criminal cases are resolved by traditional and clan-based dispute resolution mechanisms. The CSOs note that in many of these cases, the victims do not receive any compensation, even if awarded by the traditional dispute resolution mechanism. The compensation is often divided by the clan elders, that have "represented" the victim in

that case.

Due to the fear of prosecutors and judges for certain cases, mostly terrorist group affiliation trials, the government has moved these cases to military courts, despite the fact that the accused is a civilian. In these cases, defendants are rarely provided with legal representation and in some cases the suspects are executed within a matter of days after their verdict, without allowing them to appeal their sentence.

The CSOs have urged the government on many occasions to work on improving the rule of law and justice system in Somalia as a prerequisite to establishing sustainable peace and security. The challenges to the justice system in Somalia are even more dire in the rural areas and areas under the control of Al-Shabab, where access to justice is nearly impossible. However, it is government and parliamentary officials, in capital cities, that use their power and influence to undermine the rule of law in Somalia. The more powerful the clan of a suspect, the less likelihood of that suspect being prosecuted and actually sentenced for their crimes. Some CSOs work with many survivors of heinous crimes, that are victimized twice because of the systemic culture of impunity that hold Somalia's justice system in its grip. The CSOs, however, are cognizant of the fact that a serious lack of capacity is also a challenge that the judiciary and the overall justice system is suffering from, despite the international support provided to the Somali government.

All stakeholders in the conflict in Somalia, both national and international, have violated human rights and international humanitarian law in the fight with terrorism<sup>2</sup>. Many of the attacks resulting in civilian deaths are attributed to either military operations against terrorist groups or indiscriminate terrorist attacks conducted by Al-Shabab. Al-Shabab group has killed many civilians that they believe to be affiliated with the Somali government<sup>3</sup>.

The CSOs state that military operations by the government and allied international forces have caused the death of innocent civilians and injured hundreds, including casualties from drone strikes. The CSOs have worked with survivors and families from those killed by these attacks and state that the government have failed to conduct investigation into these incidents and families of victims do not receive any compensation or remedy. In other cases, civilian casualties fall as a result of clan conflict over scarce resources, such as land and water. These clan conflicts are inherent to the poor economic position of the country and the lack of government law enforcement in certain regions of Somalia.

### ***Recommendations:***

- Children should be separated from adults when held in detention
- Prevent abuse of power by the police, army, intelligence and those with political influence
- Safeguard the rights of those arrested and detained and prohibit any form of torture

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<sup>2</sup> Each year approximately 800 to 1000 civilian casualties have been recorded, with 2017 being a record year because of the Zoobe attack, 14 October 2017, that cost the lives of 600 civilians in one day.

<sup>3</sup> They have also launched frequent attacks on infrastructure, both military and civilian, this also includes summary and extra-judicial killings aimed at journalists, human rights defenders and other civilians to instill terror into the population in the hope that they will reject the government and opt for Al-Shabab rule. In addition, this group has been responsible for the hijacking of humanitarian goods and supplies if they are not paid taxation-type payments to facilitate unhindered passage of food and goods.

- Ensure that civilians are not being tried at the military courts
- Strengthen judiciary system and provide better access to it, especially for victims of sexual violence
- Strengthen the Anti-Terrorism Bill to comply with international human rights law and ensure timely enactment and implementation

### **3. Economic and Social Rights**

#### **a) Right to health**

##### *Issues and concerns:*

Positive steps taken by the government to take over the administration of public hospitals, which have been led by non-governmental and private sector entities. However, the government has not been able to improve the quality of medical service at the public hospitals and also failed to monitor the quality of medical service at private hospitals and clinics, allowing malfeasance and those without a medical license to work as a medical professional, putting the lives at risk. The government has been unable to decrease the high mortality (especially maternal) rate. The CSOs have also advised the government to ensure that vulnerable communities have better access to affordable health care and services, particularly those in rural areas. They have warned that health care should not become a service only for those with means.

The governments use of the security situation as a reason why the health and medical services in Somalia are so poor, is not sufficient nor credible, according to the CSOs. More can be done by the government, using the limited resources Somalia has at its disposal<sup>4</sup> and it should seriously re-evaluate its priorities in the area of health care.

##### *Recommendations:*

- Put in place legislative frameworks to address lack of safe delivery and decrease maternal and infant mortality rate
- Invest in capacity of medical professionals (public and private institutions)
- Increase public health awareness to support prevention
- Provide access to free health care, particularly for those most vulnerable in society
- Healthcare professionals should be qualified, those without medical license should not be allowed to treat patients and should be liable to prosecution if they do so
- Prioritize provision of safe water and adequate sanitation to those most in need
- Make healthcare accessible to persons with disabilities
- Invest in mental health services

#### **b) Right to education**

##### *Issues and concerns:*

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<sup>4</sup> The CSOs point to the fact that in the last four years more than 500 million USD from donors has been spent on the Somalia health care, and during the start of the COVID-19 pandemic, the country had less than 5 intensive care units.

Access to education for girls in particular and persons with disabilities continued to be a severe problem. Problems identified with the low enrollment of girls in education included parents choosing to send boys instead due to financial limitations, cultural beliefs that girls should be homemakers and early and forced marriages. Most education institutions did not have any facilities to enable persons with disabilities to attend and have full access to education. Furthermore, CSOs observed that those fortunate enough to obtain higher education are left with no employment opportunities as available positions are filled through nepotism.

***Recommendations:***

- The government needs a long-term plan to battle illiteracy in Somalia by providing free primary school education for all
- Ensure that there is better access to education for girls, children from marginalized communities, displaced children and children with disabilities
- Invest in teachers by strengthening their capacities and offering better wages
- More schools needed in rural areas

**c) Right to work and to just and favorable conditions of work**

***Issues and concerns:***

CSOs have reported that there are very limited employment opportunities and often, those opportunities are given to relatives of people with influence or divided in line with clan affiliation. There are high unemployment rates, especially faced by the youth. Many young people graduate from universities and are unable to find jobs, more so in the regions of Somalia. Girls and women in particular are often subjected to discrimination and unlikely to obtain jobs, especially in the private sector. Girls and women in jobs or looking for jobs are often faced with sexual harassment and exploitation. It has been reported that IDPs and people from marginalized communities in manual labor work are often mistreated and at times not paid for their work. There have been incidents when girls and women who work as maids or nannies have been detained after allegations of not doing their job properly or accusations of stealing.

***Recommendations:***

- Ensure that youth, in particular girls and women are prioritised in existing employment initiatives
- Raise awareness and have policies in place to tackle sexual harassment and exploitation in the workplace
- Economic empowerment of women, especially IDPs, those from marginalized communities and persons with disabilities

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

**a) Persons with Disabilities (PWDs)**

***Issues and concerns:***

Persons with disabilities (PWDs) in Somalia are among the most vulnerable and stigmatized communities. Whilst under the law, this group is provided with equal rights and discrimination against them is prohibited, PWDs are at a serious disadvantage. Although, Somalia has recently ratified the Convention on the Rights of Persons with Disabilities, domesticating this convention and ensuring that the government fulfils the obligations under this convention is far from a reality.



Human rights violations faced by PWDs include lack of access to education, health care, lack of employment opportunities, sexual violence and inadequate living environment. PWDs are also often excluded from receiving humanitarian aid and services and those that are also internally displaced, often face forced evictions. In addition, these groups also face an increased risk of sexual violence and abuse. In this context, CSOs also believe that government officials are not aware of how to deal with persons with disability and often make remarks that adds to the stigmatization of this already vulnerable community.

In the government awareness campaigns, the government institutions have little to no consideration on how to reach persons with disabilities with such a campaign, which could be easily addressed through the use of additional material accessible for persons with different types of disabilities.

### ***Recommendations:***

- Ensure that the Disability Agency is up and running
- Draft the Disability Act to domesticate the Convention on the Rights of Persons with Disabilities
- Ensure inclusiveness of persons with disabilities in public and private life
- Better representation of persons with disabilities in decision making positions
- Better access to humanitarian aid for persons with disabilities
- Enable integration of persons with disabilities into public life by ensuring they have access to transportation and public buildings and places

### **b) Internally displaced persons (IDPs) and Refugees**

#### ***Issues and concerns:***

The Somali Government has accepted UPR recommendations on addressing the difficult situation of Internally Displaced Persons (IDPs) and to improve their living conditions, safety and security of the IDPs' settlements and to strengthen their overall protection. This also includes providing them with unimpeded access to humanitarian services, education and health care. In the last four years since the last UPR cycle, Somalia has faced a serious drought and floods that affected hundreds of thousands and caused thousands to flee their villages and cities to become an IDP. In addition to this, many have been displaced as a result of inter clan fighting in the regions. Many of those are women, children, elderly and PWDs, the most vulnerable of society.

The CSOs have urged the government to put in place systems and mechanisms to sustainably deal with these recurring natural disasters that affect the lives of millions in Somalia. Despite the CSOs calls for action, the government has not been moving fast to establish humanitarian systems to prevent large scale displacement<sup>5</sup>. The CSOs also believe that the government has not done anything to address the issue of gatekeepers, which are people that use groups of IDPs to attract humanitarian resources, without the IDPs actually receiving their entitlements.

Moreover, landowners regularly evict IDPs after benefiting from them and without proper notice or a suitable location to move to. The CSOs believe that the government is not taking its responsibility in this matter. Also, continued dialogue between the government, federal members states and international agencies have not resulted in addressing the issues of check points and unhindered access of humanitarian support and food supply.

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<sup>5</sup> Most of the IDPs are in Mogadishu and the estimation range from 500.000 to 1.5 million IDPs in and around the capital city. Humanitarian CSOs work closely with the IDP communities to support them and provide access to humanitarian services.

CSOs that are at risk because of their vital support work continue to be a target, without any type of protection from the government. If these CSOs stop their work, hundreds of thousands would be facing starvation and would be forced to move their villages and become an IDP. In addition, IDPs face an increase in sexual violence committed by armed forces and militia due to the limited protection and poor housing facilities. IDPs have a limited opportunity to employment and are often doing manual labor, again lacking government supervision or protection considering their situation. The government has not improved IDPs' access to basic services, decent labor conditions, protection and humanitarian support.

***Recommendations:***

- Afford better protection mechanism for displaced person, in particular women and children to prevent sexual violence
- Provide better access to justice for sexual violence for IDPs, including access to legal aid, prohibition of sexual violence cases being dealt with through customary law and assigning a Special Prosecutor at the AGO to deal with these cases
- Provide safer drinking water to IDP settlements
- Ensure availability of education and health programs in IDP settlements
- Find long term sustainable and durable solutions by prioritizing and implementing the national IDP policy

**c) Marginalized Groups:**

***Issues and concerns:***

Marginalized communities are looked down upon, considered inferior and excluded from power. They often have lower social, economic and political status in society. Given their low status, they are often exploited and more vulnerable to abuse. Often living in poverty, it also means that they have less or no access to basic services such as safe water, adequate sanitation, housing, health, education and employment opportunities. Their status leaves them without protection from bigger clans. This is a community that has suffered much loss and loss of livelihood. Often, marginalized communities end up displaced and face the same fate as IDPs as stated above.

***Recommendations:***

- Eliminate discrimination against marginalized communities and allow for full participation in public life
- More representation in public office and decision making
- Provide free primary education to children from marginalized communities in the long term and in the short-term request that private education institutions enroll a certain number of these children for free
- Ensure that there is safe water available in poverty stricken neighborhoods
- Find a long-term solution to the housing needs of marginalized community in deprived neighborhoods
- Promote public health and provide clinics that offer free health care for those most in need
- Prioritize participation of marginalized communities in existing employment initiatives
- Creation of identity and sense of belonging / integration into society through raising awareness campaigns and prohibiting use of racial slurs

**5. Freedom of thoughts, expression, and association**

***Issues and concerns:***

Somalia is a difficult place to safely function as a journalist or media worker, in areas controlled by the government and areas controlled by terrorist groups. Journalists are harassed and detained by government forces for exercising their job and freedom to express their opinion and thoughts. It was noted in the regions that journalists were particularly vulnerable to arrest and harassment during times of political tension / elections. Targeted killings and (attempted) assassinations take place in areas that are under government control, either FGS or FMS. It is also alarming to see that the government does not initiate credible and effective investigation into these cases and perpetrators continue to enjoy impunity.

In 2011 and 2016, the government of Somalia accepted several recommendations on the security of journalists and media workers and to ensure that they are able to conduct their work freely and without impediment. In addition, some of the recommendations focused on urging the government to address the culture of impunity and ensure that preparators are prosecuted for their crimes to deter future attacks on journalists and media workers. However, the government has failed to actually implement these recommendations and the harassment, detentions and law enforcement agencies' raids on media houses continues to take place to date.

Furthermore, the government has also accepted recommendations aimed at amending the flaws and lack of protection in the Somalia Media Law. Nonetheless, the anticipated changes to the law have not addressed the concerns and fears of the journalist and media workers community. Even though the revised version of the law does contain some improvements, nonetheless, one of the powers granted by this law to the government is the possibility to arrest and jail journalists because of their work. The criminalization of media and journalistic work remains a grave concern that requires attention. Many journalists are afraid to voice their opinions, are intimidated into silence, which impacts the independence of their work. It is important to note that this is happening in the different regions of Somalia, where journalists and media workers are intimidated, media houses closed down or heavily censored, and revoked broadcasting rights of certain media houses.

#### ***Recommendations:***

- Review relevant legislation and/or 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
- Foster an enabling environment for safe, free and independent media practice, including refraining from any interference with media and putting an end to the arbitrary and detention of journalists and other media workers
- Establish protection mechanism to prevent and address all forms of threats and attacks against political actors, journalists and other media workers and civil society actors and ensure accountability when such acts occur
- Strengthen the Federal Members States' Human Rights Commissions, the Puntland Human Rights Defenders Office and the National Independent Human Rights Commission (once established) by providing adequate resources to enable them to function effectively and independently, including to conduct human rights monitoring

## **6. Impacts of climate change on human rights**

#### ***Issues and concerns:***

Recurring droughts and flooding continue to be a problem especially in the regions of Somalia that continue to claim loss of lives, livelihoods and cause displacement. It is worth noting flooding and rivers breaking bank in the Shabelle area has been persistent. Such circumstances cause humanitarian crisis including outbreaks of diseases, exacerbated by insecurities. The droughts, floods, and desertification are

clear indicators that Somalia is undergoing climate changes and emergencies, having devastating impact on livestock and farming and adding to the displacement crisis.

***Recommendations:***

- Ensure that there is sufficient funding in place for prevention, recovery and resilience and that relevant communities are consulted on a regular basis.