



Strategic Initiative
for Women in the
Horn of Africa



Women's Rights and Gender Cluster Report Submission to the UPR Mechanism

~Somalia~

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Mogadishu, Somalia

Facilitated by: Somali Women & Child Care Association (SWCCA)
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Introduction

This report is the outcome of four national consultative Universal Periodic Review (UPR) meetings held in Mogadishu. Various stakeholders attended the meetings including representatives of Civil Society Organizations (CSO) and government institutions that directly or indirectly affect women's rights and gender equality in Somalia. A final validation meeting was held in which all participants were brought together to confirm the challenges and recommendations shared in the previous meetings. CSOs that operate outside of the capital city were able to provide input and take part in the meetings virtually. Many different organizations and institutions located all over the southern part of Somalia contributed their views, reflections and recommendations to this report. All participants emphasized that sexual and gender-based violence as well as gender inequality are the major hardships facing Somali women today. These difficult challenges affect women's ordinary lives and their struggle to be fully treated as equal humans in a society structured by patriarchy and dominated by men.



Background and Context

Somali women have historically struggled with many hardships in a male-dominated society founded on clan-based culture that promotes strict male hierarchy and authority. In their own lands, women have never been considered to be equal to their male counterparts. The clan system, which is controlled by men, has excluded women from all decision-making processes even choices that affect their own lives. From cradle to grave, women's living standards are dictated and decided by so-called male guardians. Everything is decided without a woman's consent. For instance, either a woman's husband or male family members make all decisions concerning her marriage, access to education, employment and asset ownership. In some extreme conservative communities, women are even excluded from inheritance. These prejudices are dictated by centuries old traditional societal norms that deny women their status and indisputable role in society.

In addition to these traditional barriers and hardships, Somali women have to contend with the unbearable pain of being victims of sexual and gender-based violence. Exacerbated by conflict, civil war and the rise of terrorist groups, Somalia has become a very difficult place to be a woman and to survive. UNFPA 2019 statistics show that 56% of reported GBV incidents are Physical Assault, 14% are Rape, 13% are Sexual Assault, 6% are Psychological/Emotional Abuse, 7% are Denial of Resources, and the remaining 4% percent are Forced/Early Marriage. Rape has been used as a weapon of war between opposing factions and clan fighters for decades. Violence against women remains underreported especially in areas controlled by the terrorist group, Al-Shabaab, the most powerful ally of Alqu'ida in Africa. Living under Al-Shabaab is a nightmare for women and young girls. Sexual slavery, forced marriage and punishment of women are rampant in areas controlled by Al-Shabaab. In secret court sentences judged and executed by the group's radical judicial system, some women have been stoned to death for allegedly committing adultery.

In general, women's access to justice in Somalia is restricted within all judicial systems including the formal, clan-based, and sharia-based systems. A traditional dispute resolution mechanism is used to resolve complex cases such as rape and other forms of sexual violence against women. Within this mechanism, a handful of money (compensation) is exchanged between the victim's and the perpetrator's families. This is done without the consent or the presence of the victim. In some situations, a survivor is married off to her rapist, the individual who destroyed her dignity. This practice is called "eliminating grievances" and is used in an attempt to protect family honor.



Women's low participation in politics and in other decision-making spheres is another huge challenge preventing radical reforms and the achievement of gender equality and the protection of women's rights. Of a possible 275 parliamentary seats, at present, women occupy 24%. The agreed quota of 30% has yet to be achieved. Out of a 25-minister cabinet, there are only five female ministers. There is also a notable absence of women in higher levels of government with no women holding the title of director general or head of department. In fact, at the moment, there is not a single female director general in any of the ministries including the Ministry of Women and Human Rights Development. The absence of strong legislation and gender policies contributes to limiting women's participation in politics and decision-making. It is also worth mentioning that the 4.5 power sharing formula disregards women's quotas and lacks gender mainstreaming in power distribution among clans.

In terms of economic empowerment, women's access to employment in both the public and private sectors remains low despite the fact that women represent a large proportion of the population. Because husbands were killed, or have failed to take care of the household, a significant number of women in the society have been forced to assume responsibility for their families. Many women have set up street vending businesses and have become the key breadwinners in their households.

The UPR meetings

The Somali Women and Child Care Association (SWCCA) in partnership with SIHA network hosted three different meetings in Mogadishu, Somalia. Various stakeholders were involved in the meetings. The purpose of these meetings was to address concerns regarding women's rights and to contribute to the Universal Periodic Review (UPR) report to be submitted to the Human Rights Council. At the first meeting, which took place on July 11, 2020, SWCCA invited 50 CSO representatives from 40 organizations operating in the Benadir region and surrounding areas.

The second meeting brought together high-level representatives from 20 key government offices. The Ministry of Justice, the Ministry of Women and Human Rights Development, the Office of the prime minister and the Office of the president were in attendance at the meeting and provided their input (challenges and recommendations) with regard to advancing women's rights, and gender equality at the national level. The third meeting was hosted virtually via Zoom and included a larger number of participants from both CSOs and government institutions. Participants from five other federal states were invited to add their input from a regional context. The final validation meeting was held on XXX in Mogadishu. All stakeholders who participated in the consultative meetings were present. It is worth noting that ordinary women groups including Internally Displaced Persons (IDPs) were also invited to the meeting.

During these physical gatherings, participants were advised to practice strict social distancing and use face masks at all times while inside the venue. Hand sanitizer was placed at the entrance of the venues for participants to clean their hands before and after leaving the meeting area.

Five key thematic areas were discussed in each of the meetings. Participants were asked to list key challenges and recommendations both for state and non-state actors as well



as the international community and donors.

Areas discussed:

- 1- Gender-based violence in general and in all its various forms
- 2- Maternal mortality
- 3- Gender responsive legislations and policies
- 4- Women's political and decision-making participation

- 5- Women's economic empowerment

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Concerns: Widespread sexual and gender-based violence in Somalia

During the meeting, it was unanimously agreed that sexual violence against women and young girls has increased in Somalia in the past decade despite present measures in place to curb it. Recently, there have been gang-rape cases documented in the north-eastern part of the country also known as Puntland and as well, in many other villages in the southern regions.

The different forms of violence:

1. Physical assault often regarded as domestic violence
2. Rape
3. Forced and early marriage

Domestic violence, which is often related to intimate partner violence, was at the center of the discussion in all of the meetings. Participants raised concerns over the increasing number of victims of these offenses and the fact that very few cases are being reported. Victims are often ashamed and worry about the stigma attached to domestic violence. Women in IDP camps are the group most affected by domestic violence due to a lack of awareness and the absence of formal justice institutions in their settlements. However, 6 of the organizations in attendance at the meetings mentioned that they conduct community-based awareness programs in 5 IDP camps located on the outskirts of Mogadishu.

Another point raised during the meetings was the fact that domestic abuse had significantly increased during the pandemic over the past 6 months. The COVID19 curfew and other restrictions imposed by the government had a devastating impact on the lives of many people whose businesses were closed. Many men were forced to stay at home with their families, which meant that family disputes increased and consequently, this resulted in more victims of physical and sexual assault.

FGM - Still a Challenge for Somali Women

According to UNICEF data, 98% of females in Somalia are subjected to FGM. The occurrence of FGM in Somalia is one of the highest in the world. Religious and cultures beliefs contribute to the continuation of the practice despite constant public awareness campaigns. In all three UPR consultation meetings, participants acknowledged that IDP camps and rural areas are hotspots where the practice is commonplace. However, it was also understood that a significant drop in FGM practice had been reported in major urban areas. Even so, much work still needs to be done to completely eradicate this harmful practice.



A representative from the Ifrah Foundation, one of the leading local organizations founded by prominent FGM survivor, Ifrah Ahmed, explained how their campaign is changing the attitude of communities toward the practice while at the same time pushing for strong anti-FGM laws and policies. In 2018, following the death of a 10 year old girl in central Somalia, the Attorney General announced Somalia's first prosecution of an FGM case. It was a big deal and welcomed by many activists and anti-FGM campaigners. Nevertheless, nothing concrete was gained. The draft anti-FGM bill has been under discussion for a while but many conservative, religious and traditional leaders are campaigning against this progressive and protective bill.

Access to Education

Somalia has one of the world's lowest enrollment rates for primary schools. Only 30% of all children in Somalia are in school and of that number, only 40% are girls. Educational opportunities for many Somali children are extremely limited, especially for girls. Large numbers of displaced girls are not in school and have no access to formal education. Low enrollment rates in schools are apparent throughout the country, and girls' enrollment rates are significantly lower than boys.

The UPR meetings pointed out that one of the biggest challenges which prevent girls from attending and remaining in school is early and forced marriage. According to UNICEF, in 2017, 45% of Somali girls were already married by the age of 18. Through education initiatives like the "Go to School" project initiated by the government, more girls are able to stay in school.

Maternal Mortality

Due to a poor health care system and limited access to health services, the lifetime risk of maternal death in Somalia is among the world's highest at 1 in 22. Statistics show that the maternal mortality ratio in Somalia is 732 deaths per 100,000 live births. This is a major concern and shows huge gaps in the country's health care system.

In the meetings, one of the concerns raised by the participants was the fact that there are a limited number of mother and child care hospitals in the country and therefore, most expectant mothers go to Traditional Birth Attendants (TBA). It is worth mentioning that the majority of these TBAs do not have proper training or the necessary tools to safely deliver infants.

Much of the country has little or no access to medical services so in the most remote villages, traditional birth attendants handle all deliveries. Conditions are often unsanitary and birth attendants don't have the capacity to deal with complications that may arise.

"Over 700 maternal deaths per 1000 are reported in Somalia each year, many of which are avoidable cases. This shows how serious the situation is. What we fail to realize, however, is that this amounts to a violation of a woman's basic rights to life and health,"



Gender Responsive Legislations and Policies

Among the legislation discussed in the three UPR meetings was the Sexual Offences Bill, a comprehensive bill, different from the old penal code, which grants special privileges to and protects the rights of survivors of sexual violence. The bill was rejected several times by religious leaders even though it went through a series of consultative discussions including with the council of Somali religious groups. New updates regarding the bill came out during this UPR meeting. The Somali parliament introduced a new bill dubbed the “penetration/intercourse bill” which is a heavily amended version of the original Sexual Offences bill.

Members of parliament have been avoiding the ratification of the original bill citing that it contradicts Islamic Sharia law. However, they are now divided. Some members of parliament support the original version and want it passed while others openly oppose the bill in its entirety. Three male MPs, who spoke during special session for the bill, have shown concern over the content of the bill and have requested that it be taken back to the cabinet for more corrections.

Some MPs specifically criticized the name of the bill itself saying that words like “sexual offences” should be removed and not be used at all in this context. Another MP cited that there is no need for such a bill and that rape cases should be handled with Sharia law. It is worth noting that a woman currently chairs the parliamentary human rights committee and that its female members (2/3 of the committee) support the new amended bill. This came as a shock to local civil society organizations including those who were attending the UPR session, and to the international community. It was also a total surprise that no female MP spoke about the bill during that session.

This new version of the bill dangerously erodes the human rights of the most vulnerable as it still allows child marriage. The bill generalizes and does not clarify what constitutes rape. This deeply and totally contradicts the provisional federal constitution of Somalia while at the same time undermining Somalia’s commitment to the international conventions and statutes that it has signed. The new bill diminishes a key number of basic human rights and decreases the amount of protection available for survivors of sexual offences with regard to confidentiality, privacy, and some of the evidence allowed in courts. This comes at a time when there have been an increased number of sexual offences in the country. Specifically, there has been an increase in the number of rape cases against minors over the past 6 months.

In 2015, Somalia became the 196th country to ratify the Child Rights Convention (CRC), a remarkable milestone welcomed by all. However, this achievement could be jeopardized should the amended bill be passed into law.

Somalia has not ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) despite the efforts of CSOs at both the community and national level. In 2015, the Somali CEDAW technical advocacy



committee was established in Mogadishu with representation from members of the directors from all line ministries but no representation from a single CSO.

Women's Political and Decision-making Participation

All participants who attended the UPR meetings have agreed that women's participation in decision-making and in the political sphere is very low. Despite some gains over recent years, female politicians in Somalia still face an uphill battle in reaching the country's 30% quota. Currently, women occupy 24% of the parliament seats meaning that women occupy only 80 of the total 379 seats in both houses. However, individuals in the meeting recognized that historically, women's political participation has been a subject of controversy among Somalis. Some of the conservative religious figures in the country consider the 30% female quota in parliament a Western driven agenda.

Women's organizations and human rights activists in the country have been calling for more inclusion of women not only in the political sphere but also in all other public domains. Women who wish to pursue political careers in Somalia face difficult challenges such as the clan factor, which is an entire world controlled by men. A female political aspirant who is married to a man from a different clan is unlikely to be elected by her clan members as they will question where her loyalties lie; with her husband or that of her lineage family. In the meeting, participants argued that unless the 30% quota was fully enshrined in the provisional constitution, all gained successes so far could be lost because some clans are openly opposed to appointing female representatives.

Women's Economic Empowerment

Women in Somalia are unrepresented not only in the political arena but also in terms of socioeconomic opportunities. Participants in the UPR meetings generated a list of reasons to explain why women lack economic opportunities. Reasons include, insufficient non-gender sensitive policies, domestic burdens, a 4.5 clan-based representation system, a scarcity of capacity building programs tailored specifically for women, and cultural attitudes that dictate that certain jobs should be performed only by men. There are also widespread literacy issues among women in Somalia, which is another major challenge that prevents women from attaining professional jobs. According to UNDP data, the overall unemployment rate in Somalia for youth aged 14 to 29 is 67% and is one of the highest in the world. Among young Somali women, the unemployment rate is estimated even higher at 74%.

The coronavirus pandemic had a devastating impact on female street vendors' businesses particularly during the months of April and May. Because of the dusk to dawn curfew imposed by the government, some women were unable to sell their goods during the peak evening hours and therefore, they couldn't make any money and their businesses collapsed.

Recommendations

At the end of each meeting, participants provided recommendations, which are detailed below.

- Eliminate structural barriers to gender equality and women's empowerment taking into account the various roles and vulnerabilities of women.
- Eradicate gender-based violence and discrimination by developing strong polices and legislation at both the state and national level.
- Enact and enforce laws and policies that contribute to achieving gender equality and women's human rights, particularly in marginalized communities (IDPs). Eliminate laws, policies, and practices, including early and forced marriages that are harmful to women and girls.
- Expand and facilitate access to various services (psychosocial support, medical and legal representation) for survivors of sexual and gender-based violence in Somalia.
- Strengthen public health institutions in order to have affordable and accessible healthcare services for pregnant women and mothers.
- Amplify the voices of survivors at the grass-roots level to allow them to advocate for their own rights rather than being represented.
- Develop policies that ensure sexual and reproductive health and rights at federal and state level.
- Form pressure groups to push for the Sexual Offences Bill (SOB) to be passed into law and to denounce the new Intercourse Bill proposed by the parliament.
- Develop macroeconomic policies to ensure gender equality so that women have better opportunities for economic empowerment.
- Government must ratify CEDAW and come up with action plans to domesticate and implement.
- Both the government and CSOs should work together to achieve the agreed quota of 30% representation.
- Ensure the full and equal participation of women in all public and private decision-making including the economic, legal, social, and political life of their communities as well as control over their own finances and resources. Take temporary special measures to secure equality of outcomes that address both the public and private spheres of women's lives.
- Build affirmative action policies to ensure that women who are presently excluded from communities, can participate in political leadership and governance.



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