



Stakeholder Report for the United Nations Universal Periodic Review of the Federal Republic of Somalia

Submitted by

Parliamentarians for Global Action (PGA)

**For the 36th Session of the Working Group on the Universal
Periodic Review (Third Cycle)**

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Parliamentarians for Global Action (PGA) is the largest non-governmental, cross-party, international network of individual legislators with approximately 1,200 members in 134 parliaments worldwide. PGA mobilizes parliamentarians as champions committed to promoting the rule of law, democracy, human security, inclusion, and gender equality. By using a peer-to-peer methodology and country-specific strategies, PGA educates, sensitizes, and builds the technical capacity of parliamentarians to take concrete initiatives and legislative actions to achieve results on PGA's campaign objectives. PGA supports individual parliamentarians in their national contexts and parliaments and then leverages that capacity with international networking to support democracy, human rights, and peace. The organization's vision is to contribute to creating a rules-based international order for a more equitable, safe, and democratic world. PGA is in general consultative status with the Economic and Social Council of the United Nations with headquarters in New York; its office in The Hague, Netherlands, fosters cooperation with The Hague-based International Organizations, including the International Criminal Court.

Introduction

1. With this submission, Parliamentarians for Global Action (PGA) wishes to promote the ratification/ accession and implementation of the Rome Statute of the International Criminal Court (ICC) and other key instrument on international criminal justice in Somalia and raise awareness of key activities it has undertaken to this effect in Somalia. PGA believes that the ratification and implementation of the Rome Statute is an essential step to strengthen the rule of law, seek justice for victims, and, most importantly, end impunity for the commission of grave international crimes. To this end, PGA provides the following recommendations and actions to encourage Somalia to take the appropriate measures to adopt these essential instruments.

I. Legal Framework

2. Somalia has not signed nor acceded to the Rome Statute of the ICC;
3. Somalia has not ratified the Agreement on the Privileges and Immunities of the International Criminal Court (APIC);
4. Somalia has not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity;
5. Somalia has not signed or ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; *and*
6. Despite PGA's efforts and previous recommendations made by States and other stakeholders, including through the demarches conducted by the EUⁱ, Somalia has not yet taken any step toward the accession to the Statute and has not incorporated into its domestic legislation the definitions of genocide, crimes against humanity, or war crimes.

II. 2011 and 2016 Universal Period Review

1. During the 1st Cycle, Somalia affirmed its support towards the principles enshrined in the Rome Statute but stated that conditions were not ripe for it to become a party to the Rome Statute.
2. It accepted the recommendation (France) in part, expressing the Government's commitment to creating the conditions that would allow Somalia's ratification of the Rome Statute in the future.ⁱⁱ
3. During the 2nd Cycle, 16 States encouraged Somalia to accede to and implement the Statute, to ensure accountability for prevention of human rights violations and rendering justice to victims of the crimes, which Somalia 'noted'.ⁱⁱⁱ
4. On behalf of civil society, Amnesty International and Human Rights Watch recommended Somalia to promptly accede to the Rome Statute and both the APIC and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.^{iv}

III. PGA's Activities

5. PGA has worked with Parliamentarians from Somalia to promote the fight against impunity for the most serious crimes since 2014 and promote the Rome Statute's accession and implementation. In 2014, PGA actively engaged with several Members of Parliaments in Somalia who participated at the 6th Meeting of PGA's Working Group on the Universality of the Rome Statute of the ICC in the Middle East and North Africa. One of the participants confirmed his strong commitment to launch the accession process in Somalia by raising awareness and creating political will within the public opinion, the Parliament, and the government.^v However, given the internal conflict and the country's political turmoil, the accession process has been unstable and without further advancement.

IV. Recommendations

6. Accede to and implement the Rome Statute. Such step will not only equip the domestic legislation with tools to prevent and address grave human rights violations, but it will also serve to express solidarity with victims of mass atrocity crimes. In addition, it will make a powerful foreign policy statement reaffirming Somalia's commitment to the respect of human rights and international justice;
7. Ratify the Agreement on Privileges and Immunities of the International Criminal Court; *and*
8. Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

Endnotes

ⁱ The European Union's reply to the information request in paragraph 6, subparagraph h) of the Plan of Action for achieving universality and full implementation of the Rome Statute (06 October 2011), https://asp.icc-cpi.int/iccdocs/asp_docs/ASP12/ICC-ASP12-POA-2013-EU-ENG.pdf

ⁱⁱ Report of the Working Group on the Universal Periodic Review: Somalia Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review (A/HRC/18/6/Add.) 16 December 2011, para. 98.1.

ⁱⁱⁱ Report of the Working Group on the Universal Periodic Review: Somalia (A/HRC/32/12) 13 April 2016. The States were namely: Costa Rica, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Estonia, France, Ghana, Guatemala, Latvia, Lithuania, Luxembourg, Portugal, Slovakia, Slovenia, Switzerland, Uruguay.

^{iv} Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/23/SOM/3): Somalia (06 November 2015), para. 5.

^v Parliamentarians for Global Action, *6th Meeting of PGA's Working Group on the Universality of the Rome Statute of the ICC in the Middle East and North Africa*, 21 October 2014, <https://www.pgaction.org/news/6th-meeting-pgas-working-group-the-universality-icc-middle-east.html>