



# General Assembly

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**Human Rights Council**  
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**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Somalia**

#### **Addendum**

#### **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

## The consideration by the Government of Somalia of the 155 recommendations

1. The Government of Somalia would like to commend its Ambassador to the United Nations in Geneva His Excellency Mr. Yusuf Mohamed Ismail “Bari-Bari” for truly believing that Somalia could participate in the UPR process and for making it happen. His vision and leadership, manifested also in the course of his recent mission to Somalia where he briefed the Council of Ministers on 25 August 2011 on the importance of the UPR process, was essential in highlighting this point.

2. The Government of Somalia expresses its gratitude to the African Union and the United Nations for the invaluable assistance rendered to it through the expertise of Dr. Omar Abdulle Alasow, an UNSOA consultant on International Humanitarian Law/Human Rights consultant working with AMISOM.

3. The Government of Somalia welcomes the recommendations made in the course of its UPR on 3 May 2011. After consultations and careful evaluation of the recommendations, Somalia is pleased to provide the following responses:

98.1. Somalia **accepts** the recommendation **in part**.

In principle, Somalia accepts the recommendation and will sign OP-CAT. However, ratification of OP-CAT will be examined by Somalia as a longer-term project subject to further study. Somalia is in the process of strengthening its understanding of the provisions of CPPED and their implications for implementation.

Somalia supports the principles enshrined in the Rome Statute. It is committed to ending the persisting culture of impunity. At the moment, however, conditions are not ripe for Somalia to become a party to the Rome Statute. Somalia is in the process of taking important steps towards building a stable Somalia and re-establishing the rule of law, including legal and security institutions. It is also developing a national reconciliation strategy involving all parties and does not want to disrupt such efforts and prolong the conflict. However, the Government is committed to creating the conditions that would allow Somalia’s ratification of the Rome Statute in the future.

98.2. Somalia **accepts** the recommendation.

Ratification of CEDAW is contained in the voluntary commitment expressed by Somalia. The Government will soon begin the process of ratification.

98.3. Somalia **accepts** the recommendation.

Somalia is in the process of ratifying CRC and its Optional Protocol and endorses the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups.

98.4. Somalia **accepts** the recommendation **in part**.

See 98.1, 98.2, 98.3.

Ratification of CRPD and its Optional Protocol is contained in the voluntary commitment expressed by Somalia. Somalia will soon start the process of ratification. In the case of the Optional Protocol to CEDAW, CED, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children and OP-ICESCR, Somalia intends to initiate further study on these instruments and their implications for implementation.

95.5–98.9.

Somalia **accepts** the recommendations.

See 98.2, 98.3.

Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families is contained in the voluntary commitment expressed by Somalia.

Ratification of CEDAW, CRC and CRPD and its Optional Protocol will bring the number of core human rights treaties to which Somalia is a party to seven besides several optional protocols.

98.10. Somalia **accepts** the recommendation.

See 98.3.

Ratification of the United Nations Convention on Transnational Organized Crime and its Protocols is contained in the voluntary commitment expressed by Somalia.

98.11–98.14.

Somalia **accepts** the recommendations.

See 98.3.

98.15. Somalia **accepts** the recommendation.

See 98.2.

98.16. Somalia **accepts** the recommendation.

See 98.8.

The Government is undertaking to work towards declaring a moratorium on the death penalty with a view to its eventual abolition.

98.17. Somalia **accepts** the recommendation.

See 98.8.

Somalia will continue to seek technical and financial assistance, within the legal framework of the resolutions adopted by the HRC concerning assistance to Somalia in the field of human rights, from the OHCHR and bilaterally from fellow countries. Somalia hopes that the international community and the OHCHR will continue and increase its support for Somalia to create the conditions for better protection and promotion of human rights for its people.

98.18. Somalia **accepts** the recommendation.

All fundamental rights and freedoms outlined in the UDHR are indeed fully enshrined in the Consultation Draft Constitution of Somalia.

98.19. Somalia **accepts** the recommendation.

Kampala Accord signed on 9 June 2011 provides for the postponement of elections for twelve months after August 2011. On the 6th of September 2011, the Government adopted a Roadmap for ending the Transition before 20 August 2012. The Roadmap calls for; *inter alia*, the reform and overhaul of the existing IFC and the appointment of a nine member constitutional review committee. The Government is committed to finalising the Draft Constitution by July 1, 2012.

98.20. Somalia **accepts** the recommendation.

98.21. Somalia **accepts** the recommendation.

Somalia will take all necessary measures including legal, educational awareness campaigns, and dialogue with traditional and religious leaders, women's groups and practitioners of FGM to eliminate the practice of FGM and other forms of violence against women. Somalia is committed to amending its penal code with provisions explicitly prohibiting FGM. Somalia seeks assistance and calls upon the international community to share good practices in eradicating FGM that can be applied to Somalia.

98.22–98.29.

Somalia **accepts** the recommendations.

See 98.21.

98.30–98.36.

Somalia **accepts** the recommendations.

98.37. Somalia **accepts** the recommendation.

See 98.17, 98.33, 98, 102.

98.38. Somalia **accepts** the recommendation.

The Government, with the support of AMISOM peacekeepers, took control of 95 percent of Mogadishu in early August 2011. The Government is committed to setting-up basic civilian structures, through its National Security Stabilisation Plan (NSSP) process such as district security and peace committees, community policing and providing basic services such as health, education and clean drinking water in areas which have recently come under its control.

The Government has opened several police stations and deployed around 5,000 police officers in Mogadishu and other regions. Moreover, it has reopened most of the police stations in Mogadishu's liberated areas in order to maintain security, law and order and ensure the protection of civilians. The Government is working closely with the international community in particular the UNDP and UNPOS-Security Sector Development (SSD) which is assisting its police and security forces to sustain and build capacity.

Somalia recognises and appreciates the support given to the Somali Police Force by the European Union, Japan, Uganda, Kenya, Djibouti, Ethiopia and Sudan. Somalia is appealing for bilateral and multi-lateral cooperation in providing the necessary funds to the Government to build the capacity of its police force, through training, rehabilitation and reconstruction of police stations and units, equipment, and the provisions of stipends to ensure the protection of human rights.

98.39–98.40.

Somalia **accepts** the recommendations.

See 98.19.

98.41–98.42.

Somalia **accepts** the recommendations.

98.43. Somalia **accepts** the recommendation.

See 98.1, 98.42.

98.44. Somalia **accepts** the recommendation.

- 98.45. Somalia **accepts** the recommendation.  
See 98.38.  
Protection of civilians is one of the key benchmarks in the Roadmap. The Government works closely with the United Nations and AMISOM to make concrete progress in the protection of civilians.
- 98.46. Somalia **accepts** the recommendation.  
See 98.17.  
The Government is consulting with all stakeholders to make steps towards developing a National Action Plan for the promotion and protection of human rights.
- 98.47. Somalia **accepts** the recommendation.  
See 98.38.
- 98.48. Somalia **accepts** the recommendation.  
See 98.38, 98.114.
- 98.49. Somalia **accepts** the recommendation.  
See 98.19.  
The Roadmap contains a full section on political outreach and reconciliation and the Government recognizes this area as a priority.
- 98.50. Somalia **accepts** the recommendation.  
See 98.49.
- 98.51. Somalia **accepts** the recommendation.  
Somalia is committed to developing legislations and policies for the implementation of economic, social and cultural rights. Health and education are key priority areas. Somalia requires the financial and technical assistance of the international community and the relevant international organisations to reach an adequate level of enjoyment of economic and social rights for the people of Somalia.
- 98.52. Somalia **accepts** the recommendation.
- 98.53. Somalia **accepts** the recommendation.  
See, 98.49, 98.8.
- 98.54. Somalia **accepts** the recommendation.  
See 98.3.  
Somalia is working towards the adoption of an Action Plan as required by the United Nations Security Council resolution 1612 of 26 July 2005. The Government has issued strict guidelines to all its security forces not to allow the recruitment of children under the age of eighteen. The Government is putting in place a system ensuring that its policy of zero tolerance on the use of children into its forces is strictly enforced.
- 98.55–98.56.  
Somalia **accepts** the recommendations.  
See 98.21.
- 98.57. Somalia **accepts** the recommendation **in part**.  
The UN Independent Expert, Dr. Shamsul Bari has already conducted seven visits to Somalia, the latest in July 2011 where he and his team, Mr.

Idrissa Oumar Kane, Human Rights Officer, Africa Branch-OHCHR and Mrs. Silvia Lavagnoli, Office in Charge of UNPOS-Human Rights Unit, met with the Prime Minister and his ministers. On the basis of the experience of working with Dr. Shamsul Bari, we recognize the value brought by the Special Procedures of the Human Rights Council.

Somalia will issue invitations to Special Procedures case by case prioritising on the basis of the subject matter. The Government would like to share with the distinguished members of the HRC that Somalia is extending a standing invitation to the following Special Procedures:

- The Special Rapporteur on the right to food.
- The Special Rapporteur on right to highest attainable standard of physical, mental health.
- The Special Rapporteur on the human rights to safe drinking water and sanitation.
- The Special Rapporteur on the rights to education.
- The Special Rapporteur on violence against women, its causes and consequences.
- The Special Rapporteur on the human rights of internally displaced persons.
- The Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

98.58–98.59.

Somalia **accepts** the recommendations.

98.60. Somalia **accepts** the recommendation.

98.61. Somalia **accepts** the recommendation.

See 98.54.

Poverty prevails across the entire Somalia. Approximately 43 percent of the people in Somalia live on less than 1 US dollar a day. The current drought has also pushed six regions into famine. An estimated 1.8 million children between 5 and 17 years of age are not attending school in south and central Somalia. Somalia is committed to providing free and compulsory primary education to all children in Somalia. It seeks international support in developing a National Development Plan to reduce the level of poverty in Somalia and increase access to basic rights such as such food, water and health services, education and shelter.

98.62. Somalia **accepts** the recommendation.

98.63–98.67.

Somalia **accepts** the recommendations.

See 98.16.

98.68. Somalia **accepts** the recommendation.

See 98.16.

Somalia will look into the matter of OP-ICCPR.

98.69. Somalia **accepts** the recommendation.

See 98.16.

98.70. Somalia **accepts** the recommendation.

See 98.102.

Somalia is committed to conducting impartial investigations into the killings and threats of violence against journalists and civil society actors and taking all necessary measures to ensure their personal security. Somalia will continue its efforts to revise the draft media law to bring it in line with international standards.

98.71. Somalia **accepts** the recommendation.

98.72. Somalia **accepts** the recommendation.

See, 98.70, 98.102.

98.73. Somalia **accepts** the recommendation.

The Somali national forces are instructed to adhere to IHL even if the insurgent fighters do not. The Government, in cooperation with AMISOM peacekeepers, is committed to taking all necessary measures to prevent civilian casualties and ensuring compliance with IHL including the core principles of distinction and proportionality.

98.74–98.77.

Somalia **accepts** the recommendations.

See 98.73.

98.78. Somalia **accepts** the recommendation.

See 98.2, 98.60.

98.79. Somalia **accepts** the recommendation.

Somalia has a limited capacity to provide medical, psycho-social and legal assistance to its people. Given the stigma attached to GBV, women and girls victims of GBV are particularly affected by the lack of such services. Somalia appeals for bilateral and multilateral cooperation and assistance to improve the availability of these much-needed services.

98.80–98.82.

Somalia **accepts** the recommendations.

See 98.21.

98.83–98.92.

Somalia **accepts** the recommendations.

See 98.54.

98.93. Somalia **accepts** the recommendation.

Child labor is widespread in Somalia. The Government is committed to eradicating such a practice.

98.94–98.98.

Somalia **accepts** the recommendations.

Somalia has established a Disaster Management Agency to tackle the severe drought affecting the people in Somalia. The Government has also created a new 300 strong-men security force which, with the support of AMISOM peacekeepers, is tasked with protecting relief convoys and securing the IDP camps when the relief supplies are being distributed.

Humanitarian organizations are free to work in Government controlled areas. The Government is committed to continuing its efforts to improve

the situation of IDPs as well as guarantee the security of aid organisations. Somalia appeals to the international community to increase their emergency response to the drought and famine in Somalia.

98.99. Somalia **accepts** the recommendation.

One of the priority actions in the Roadmap is the enactment of Anti-Piracy Legislation. This will represent the basis for the Government to move swiftly in addressing piracy attacks and robbery off the Somali coast. However, efforts to address the problem of piracy require international cooperation and assistance.

98.100. Somalia **accepts** the recommendation.

98.101. Somalia **accepts** the recommendation.

See 98.1, 98.17, 98.32.

98.102. Somalia **accepts** the recommendation.

Somalia will establish a National Independent Commission of Inquiry tasked with investigating allegations of serious violations of IHL and human rights on a permanent basis once conditions are ripe for such a Commission. In establishing such a Commission, Somalia would work in close collaboration with the international community and would seek financial and technical support. However, a single mechanism will not address adequately the issue of past human rights and IHL violations and justice in Somalia. A broader and more comprehensive response that includes but looks beyond criminal justice is required. The Government will be consulting with all segments of the society including survivors affected by war and injustices with a view to charting the way forward.

98.103–98.106.

Somalia **accepts** the recommendations.

See 98.102.

98.107. Somalia **accepts** the recommendation.

See 98.102, 98.112, 98.111, 98.113, 98.142.

98.108. Somalia **accepts** the recommendation.

See 98.73.

98.109–98.110.

Somalia **accepts** the recommendations.

See 98.70, 98.102.

98.111. Somalia **accepts** the recommendation.

War crimes, crimes against humanity and other serious violations of the laws and customs of warfare will not be the object of an amnesty.

98.112–98.113.

Somalia **accepts** the recommendations.

See 98.111.

98.114. Somalia **accepts** the recommendation.

Integration of IHL and human rights into the training programmes of the armed and security forces, at all levels are fully under way. A comprehensive IHL and human rights training policy will soon be adopted by the Ministry of Defence.



In the case of AMISOM forces, UNSOA has recruited IHL and human rights consultant to *inter alia* advise AMISOM on all matters relating to human rights and international humanitarian law, in particular the protection of civilian population, and assist AMISOM in developing capacity in the provision of training in IHL and human rights.

98.115–98.116.

Somalia **accepts** the recommendations.

See 98.114.

98.117. Somalia **accepts** the recommendation.

See 98.1, 98.33.

98.118. Somalia **accepts** the recommendation **in part**.

Somalia is in the process of strengthening its understanding of the Bangkok Rules. Somalia commits itself to trigger a thorough debate on the recommendation and the follow up that it deserves. Somalia is working with UNODC in the area of correction and would welcome bilateral and multilateral cooperation in this regard.

98.119–98.128.

Somalia **accepts** the recommendations.

See, 98.70.

98.129. Somalia **accepts** the recommendation.

Somalia is committed to promoting the inclusion of Somali women at all levels of decision-making and peace processes as required by Security Council Resolution 1325.

98.130–98.131.

Somalia **accepts** the recommendations.

See 98.51.

98.132. Somalia **accepts** the recommendation.

See 98, 21, 98.38, 98.61, 98.95, 98.70, 98.81, 98.52.

98.133–98.134.

Somalia **accepts** the recommendations.

See 98.38, 98.61.

98.135. Somalia **accepts** the recommendation.

See 98.3, 98.61.

98.136–98.139.

Somalia **accepts** the recommendations.

See 98.61, 98.135.

98.140–98.142.

Somalia **accepts** the recommendations.

See 98.94.

98.143–98.152.

Somalia **accepts** the recommendations.

See 98.17.

98.153. Somalia **accepts** the recommendation.

See, 98.1, 98.4, 98.17, 98.38, 98.59, 98.101, 98.151, 98.94.

98.154–98.155.

Somalia **accepts** the recommendations.

See 98.17.

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