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Somalia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.



I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1975)	CRC (2015)	ICCPR-OP 2
	ICESCR (1990)		CEDAW
	ICCPR (1990)		OP-CAT
	CAT (1990)		OP-CRC-AC (signature, 2005)
	CRC (signature, 2002)		OP-CRC-SC
	OP-CRC-AC (signature, 2005)		ICRMW CRPD ICPPED
<i>Reservations and/or declarations</i>			
<i>Complaints procedures, inquiries and urgent action³</i>	ICCPR-OP 1 (1990)		ICERD, art. 14
	CAT, art. 20 (1990)		OP-ICESCR
			ICCPR, art. 41
			OP-CEDAW
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW
			OP-CRPD ICPPED

2. Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>			Convention on the Prevention and Punishment of the Crime of Genocide
			Rome Statute of the International Criminal Court
			Palermo Protocol ⁴
	Conventions on refugees ⁵		Conventions on statelessness persons ⁶

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Geneva Conventions of 12 August 1949 ⁷		Additional Protocol I, II, and III to the 1949 Geneva Conventions ⁸
ILO fundamental conventions except Nos. 87, 98, 100, 138 and 182 ⁹	ILO Convention Nos. 87, 98, and 182 ¹⁰	ILO Convention Nos. 100 and 138 ¹¹ ILO Conventions Nos. 169 and 189 ¹² UNESCO Convention against Discrimination in Education

1. The United Nations in Somalia (UN-Somalia) recommended that Somalia ratify CRPD, CEDAW and the Optional Protocols of the treaties already ratified.¹³ The Human Rights Council called upon the Federal Government of Somalia to fulfil its commitment to sign and ratify CEDAW.¹⁴ The Independent Expert on the situation of human rights in Somalia also recommended that Somalia ratify CRPD.¹⁵

2. The Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Violence against Children, and the United Nations Educational, Scientific and Cultural Organization (UNICEF) welcomed Somalia's ratification of CRC on 1 October 2015.¹⁶ The Special Representative of the Secretary-General for Children and Armed Conflict also called on Somalia to sign the CRC optional protocols, in particular OP-CRC-AC.¹⁷

3. The Secretary-General encouraged Somalia to consider acceding to the Rome Statute of the International Criminal Court to complement national mechanisms and ensure accountability for gross violations of international human rights law and humanitarian law that amounted to crimes against humanity or war crimes.¹⁸

B. Constitutional and legislative framework

4. UN-Somalia indicated that, in 2012, the Transitional Federal Charter had been replaced by the Provisional Constitution, which included important human rights provisions. However, the constitutional review process, planned for completion in 2015 so that elections could take place in 2016, was behind schedule.¹⁹

5. The Security Council, in its resolution 2232 (2015), had underlined the need to ensure progress in the constitutional review process without further delay and encouraged close dialogue between the Federal Government of Somalia, regional administrations, civil society and the Somali public in that regard.²⁰ The Human Rights Council called upon the Federal Government of Somalia to finalize and adopt a federal Constitution in line with the provisions of the Federal Government's Agenda Vision 2016.²¹

6. The Independent Expert urged the Federal Government of Somalia and the regional authorities to engage in dialogue with traditional and religious leaders in the lead-up to the constitutional referendum and elections in 2016 to encourage the inclusive participation of women, minorities and persons with disabilities in the political process.²² He also emphasized the centrality of human rights in the State-building process.²³

C. Institutional and human rights infrastructure and policy measures

7. According to the Independent Expert, years of conflict in Somalia had affected every aspect of human rights and destroyed governance structures. A major constraint and challenge facing the Federal Government of Somalia was the endemic lack of financial resources, technical capacity and expertise, and infrastructure, which to a large extent contributed to its inability to fulfil its obligations in addressing human rights challenges.²⁴

8. The Secretary-General stated that the establishment of a human rights commission would be an important step towards the establishment of a national architecture for the protection and promotion of human rights, provided that such an institution was in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).²⁵

9. UN-Somalia stated that as of early July 2015 the Human Rights Commission Bill was being revised by the Parliamentary Committee.²⁶ The Independent Expert recommended that the adoption of the law on the establishment of a national human rights commission should benefit from wide-ranging consultations with civil society organizations, associations of victims and minority groups.²⁷ He noted the establishment of the Puntland Office of the Human Rights Defender in November 2014.²⁸

10. UN-Somalia recommended that Somalia implement the Action Plan for the Human Rights Roadmap for Somalia, which sought to implement the 2011 universal periodic review recommendations.²⁹

11. Referring to the New Deal Compact on Somalia, the Independent Expert stated that human rights were cross-cutting in the goals relating to peace and State-building, but that insufficient attention and resources had been allocated to the strengthening of human rights institutions. He added that specific attention should be paid to the need to allocate adequate resources to the Ministry of Women and Human Rights Development and the judiciary. The Ministry was constrained by lack of capacity, which had an impact on the implementation of the human rights agenda, including the Human Rights Road Map and Human Rights Council recommendations.³⁰

12. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination recommended that the Federal Government of Somalia require private military and/or security companies to obtain an operating licence, valid for a limited and renewable period or for specific services, or individuals to register or obtain a licence in order to carry out military or security services for such companies. It also recommended that the Government allocate adequate resources and trained personnel to handle authorizations properly and in a timely manner. The Working Group urged the Government to obtain assurance that all personnel of such companies were sufficiently trained, and ensure that contractual arrangements with private military and/or security companies providing military training included strict vetting and training requirements.³¹

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	August 1985/ August 1996	-	-	Fifth report overdue since 1984
Committee on Economic, Social and Cultural Rights	-	-	-	Initial report overdue since 1992
Human Rights Committee	-	-	-	Initial report overdue since 1991
Committee against Torture	-	-	-	Initial report overdue since 1991
Committee on the Rights of the Child				Initial report due in 2017

B. Cooperation with special procedures³²

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Somalia	Somalia Mercenaries; violence against women
<i>Visits agreed to in principle</i>		
<i>Visits requested</i>	Violence against women	
<i>Responses to letters of allegations and urgent appeals</i>	During the period of interview, 9 communications were sent to the Government. No reply was received.	

13. UN-Somalia recommended that Somalia issue a standing invitation to the special procedure mandate holders.³³

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

14. Security Council resolution 2102 (2013) establishing the United Nations Assistance Mission in Somalia (UNSOM) provided the Mission with a strong human rights mandate, including monitoring and helping to investigate and prevent any abuses or violations of human rights or violations of international humanitarian law committed in Somalia. In addition, the mission was mandated to help build the capacity of the Government on human rights, women's empowerment, child protection, the prevention of conflict-related sexual violence, and the rule of law. Accordingly, the UNSOM Human Rights and Protection Group is discharging the mission's human rights and protection mandate,³⁴ reporting to the Head of the mission and the United Nations High Commissioner for Human Rights.³⁵

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

A. Equality and non-discrimination

15. The Security Council, in its resolution 2232 (2015), reaffirmed the important role of women and youth in the prevention and resolution of conflicts and in peacebuilding, and stressed the importance of their participation in all efforts for the maintenance and promotion of peace and security.³⁶

16. The Independent Expert indicated that discrimination and gender inequality had been further accentuated over the years. There was a need for measures to deal with gender-parity issues, including in the field of education and in the labour market.³⁷

17. In November 2014, a letter concerning discriminatory provisions against women in nationality legislation was sent by the Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice. According to the information received, the 1962 Somali Citizenship Law provided that only children of Somali fathers acquired Somali citizenship.³⁸

B. Right to life, liberty and security of person

18. The Secretary-General remained concerned about the continuing practice of the death penalty and called for the implementation of an urgent moratorium.³⁹

19. The Independent Expert stated that the death penalty continued to be applied throughout Somalia, including in "Somaliland". According to information received, 22 executions had been carried out in 2014 (21 in south-central Somalia and 1 in Puntland) and as at June 2015 there had been 16 executions (6 in south-central Somalia, 6 in Somaliland and 4 in Puntland). After nine years of observing a de facto moratorium on the death penalty, in April 2015 "Somaliland" had executed six prisoners who had been on death row for several years.⁴⁰

20. In April 2014, the United Nations High Commissioner for Human Rights expressed concern about a hasty judicial process in Kismayo: just nine days between the occurrence of a murder and the execution of the man accused of committing it. The High Commissioner called on Somalia to place a moratorium on the death penalty, as it had committed to do during the 2011 universal period review process.⁴¹ UN-Somalia made

similar comments,⁴² and the High Commissioner recalled that Somalia had been one of the sponsors of and had voted in favour of General Assembly resolution 67/176,⁴³ in which the Assembly had called on Member States to establish a moratorium on executions with a view to abolishing the death penalty.⁴⁴

21. The Independent Expert stated that military gains by the Somali National Army and the African Union Mission in Somalia (AMISOM) were usually counteracted by asymmetric combat techniques by Al-Shabaab, including the use of improvised explosive devices and complex terrorist attacks that disproportionately affected the civilian population.⁴⁵

22. The United Nations High Commissioner for Human Rights and the Human Rights Council strongly condemned the terrorist attack on the Maka al Mukarama Hotel in Mogadishu on 27 March 2015, resulting in the death of at least 18 people, including Ambassador Yusuf Mohamed Ismail “Bari Bari”, Somalia’s representative to the United Nations Office at Geneva.⁴⁶ The Independent Expert called on Somalia to work towards ensuring that the perpetrators of that brutal attack were brought to justice.⁴⁷

23. The Independent Expert had also received several reports of extrajudicial executions of civilians by Al-Shabaab, who often accused them of collaborating with, or spying for, the Government or AMISOM. The civilians were often executed within a few hours of the conviction and sentence being pronounced by an Al-Shabaab court. Executions were often conducted in public.⁴⁸

24. The Secretary-General condemned the abuses committed by Al-Shabaab, in particular its frequent executions of civilians. He was deeply worried and concerned about reports of killings of civilians by the Somali security forces and AMISOM forces. He called upon national authorities and AMISOM to continue investigating allegations of violations of human rights and international humanitarian law in the context of military operations and to hold the perpetrators accountable. He similarly urged accountability for violations and abuses attributable to foreign forces operating outside the AMISOM umbrella. He underscored that the implementation of the human rights due diligence policy was paramount to United Nations efforts in the country.⁴⁹

25. The Secretary-General indicated that the volatile security situation continued to make the delivery of humanitarian assistance extremely dangerous. In the first six months of 2015, over 70 incidents involving humanitarian organizations had been reported, accounting for nine deaths and five abductions.⁵⁰

26. The Human Rights Council called upon the Federal Government of Somalia to facilitate full humanitarian access to people in need wherever they were in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors, while paying particular attention to the rights, freedoms and needs of ethnic and religious minorities who required humanitarian assistance.⁵¹

27. In 2013, five special procedure mandate holders sent a communication about the alleged killing of a human rights monitor by Al-Shabaab.⁵² Similar concerns had been raised by those special procedure mandate holders about the alleged killings of human rights defenders.⁵³

28. The Human Rights Council strongly condemned the serious and systematic human rights violations and abuses perpetrated against members of the civilian population, including women, children, journalists, parliamentarians and human rights defenders, by Al-Shabaab and its affiliates, and called for the immediate cessation of those violations and abuses.⁵⁴

29. The Secretary-General noted that military operations against Al-Shabaab had resulted in an increase in the number of surrendering and captured combatants, raising

questions concerning the status of combatants captured during combat.⁵⁵ The Human Rights Council called upon the Federal Government of Somalia to treat disengaged combatants in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law.⁵⁶

30. The Secretary-General noted that cases of arbitrary arrest and detention had been reported. Following security operations, 185 people had been arrested throughout Somalia on security-related issues during the May-August 2015 period.⁵⁷

31. The Independent Expert stated that prisons and detention facilities had been severely affected by the conflict. Most detention facilities were dilapidated, and the lack of an adequate number of properly trained corrections personnel had added to the problem. The living conditions of prisoners and detainees fell well below the standards identified in international human rights law and in the laws of Somalia.⁵⁸

32. The Independent Expert noted that there was no clear separation of individuals sentenced by military courts and individuals sentenced by civilian courts. The same applied to those sentenced or tried on charges of national security offences and those sentenced or tried for common crimes. That posed serious concerns in terms of both internal security and the rehabilitation of prisoners. In practice, there was no separation of adults and juveniles in detention.⁵⁹

33. The Independent Expert stated that violence against women occurred on a daily basis, in the family, as a result of the conflict or in camps for internally displaced persons. Women and young girls faced double victimization because, after being violated, they often had no effective justice and support system to turn to.⁶⁰ UN-Somalia stated that gender-based violence, including rape, psychological abuse, physical assault, female genital mutilation, forced marriage and the denial of resources, opportunities and services, continued to be perpetrated with impunity.⁶¹ The Independent Expert noted that female genital mutilation was still prevalent and almost universal, affecting about 95 per cent of women and girls.⁶²

34. The Secretary-General stated that sexual violence continued to be reported in 2015 at about the same rate as in 2014. He noted that a sexual offences bill, aimed at criminalizing rape and other sexual offences, was pending parliamentary consideration.⁶³

35. The Secretary-General and UN-Somalia stated that the Federal Government of Somalia had developed a national action plan to end sexual violence in conflict in May 2014.⁶⁴ UN-Somalia noted, however, that the implementation of the action plan had been challenged by a political crisis and a government reshuffle, the limited capacity of the Ministry of Women and Human Rights Development to deliver and to engage the regions, and the very limited resources allocated to support the implementation.⁶⁵

36. The Secretary-General noted that acts of sexual violence continued to be committed against internally displaced women and girls in settlements in Mogadishu and surrounding areas. In some cases, the victims were subjected to repeated and systematic sexual violence.⁶⁶ The Secretary-General and UN-Somalia stated that members of minority clans were exposed to the greatest risk. The main perpetrators of sexual violence were unidentified armed men. There were also reports implicating the Somali National Army, the Somali police forces and Al-Shabaab, as well as some allegations against AMISOM contingents.⁶⁷ The Independent Expert made similar comments.⁶⁸

37. The Secretary-General noted that the Penal Code considered sexual violence a crime against morals rather than a crime against the person. Most survivors depended on traditional justice mechanisms, including customary law and sharia law, which were often not supportive of survivors' rights.⁶⁹ They were frequently forced to marry their rapists as a form of "restitution".⁷⁰ The Special Representative of the Secretary-General on Violence

against Children, after her visit to Somalia in April 2013, noted that there existed a deep culture of silence and fear regarding crimes of sexual violence, which had a significant impact on reporting and response.⁷¹

38. According to the Independent Expert, armed militias and clan militias, as well as Al-Shabaab, were forcing girls into marriage. In “Somaliland”, there were reports that, owing to a lack of legislation stipulating a minimum age for marriage, early forced marriages often occurred with the acquiescence of religious leaders.⁷²

39. The Independent Expert urged AMISOM and the Somali National Army to comply with human rights and international humanitarian law and practise zero tolerance of sexual exploitation and abuse.⁷³ The Human Rights Council called upon the Federal Government of Somalia to ensure that individuals found to be responsible for and complicit in sexual violence, regardless of their status or rank, were held to account.⁷⁴

40. During the January-December 2014 period, the Secretary-General noted the documentation of the recruitment and use of 819 children (779 boys and 40 girls): 437 by Al-Shabaab; 197 by the national army and allied militia; 109 by Ahl Al-Sunna wal-Jama’a; and 76 by other armed elements. He expressed particular concern about the ongoing recruitment and use of children by clan militias. Al-Shabaab had sustained a campaign of recruitment targeting children and youth in mosques and schools. Reports had also been received of five boys used by AMISOM in support functions.⁷⁵

41. The Special Representative of the Secretary-General for Children and Armed Conflict expressed concern about the continued recruitment and use of children in the ranks of the Somali National Army and associated militias, and called upon the Federal Government of Somalia to take all necessary measures to ensure the immediate identification and release of such children.⁷⁶

42. The Secretary-General remained concerned about the detention of children and stressed that the Government must ensure that any child deprived of his or her liberty for alleged association with armed groups was treated primarily as a victim and handed over to child protection actors.⁷⁷

43. The Special Representative of the Secretary-General for Children and Armed Conflict called upon the Federal Government of Somalia to consider alternatives to the detention of children and stated that, in any circumstances, the deprivation of liberty of children should be a measure of last resort and for the shortest possible period.⁷⁸

C. Administration of justice, including impunity, and the rule of law

44. The Secretary-General indicated that re-establishing the rule of law involved strengthening the legal framework and building institutions in the areas of security, law enforcement, the judiciary and corrections, both in terms of infrastructure and capacity, guided by a rights-based approach. Civilians should not be subject to military jurisdiction. The harmonization of sharia law, customary law and international human rights law in Somalia should be addressed in that context.⁷⁹

45. The Independent Expert stated that the establishment of a cohesive security architecture (army, police, marine force) to consolidate the fragile security in Mogadishu, the coastal areas and the south-central region should be an important priority of the Government. The success of the national security forces would be judged by their increased capacity to protect the civilian population under all circumstances. In that regard, special attention should be given to human rights training, vetting processes, changes in behaviour relating to command structures, internal disciplinary mechanisms and independent oversight mechanisms.⁸⁰

46. The Independent Expert expressed concern at the capacity and resource constraints affecting the working of the judiciary, and the slow progress in establishing judicial institutions, which had contributed to the pervasive role of military courts trying civilians. He stressed that the Federal Government of Somalia must undertake urgent reforms in the justice sector by establishing an efficient, impartial and independent judiciary as a critical pillar in the administration of justice.⁸¹

47. The Secretary-General stated that sexual violence continued to be underreported, and that impunity was widespread. Access to formal justice, especially in rural areas, was extremely limited. Police and court officials must be paid to formally file and process a case.⁸² The Human Rights Council expressed deep concern at the continuing attacks against and harassment of journalists, and underscored the need to end impunity.⁸³ The Secretary-General stated that it was critical to address the issue of impunity and ensure justice and reconciliation. All victims of violations of human rights or of international humanitarian law had a right to obtain remedy and reparation.⁸⁴

48. UN-Somalia indicated that, owing to the lack of a birth registration system, children were not able to prove their age and access protections provided by law. Children were regularly charged with criminal offences as adults, and incarcerated with them.⁸⁵

D. Right to privacy, marriage and family life

49. UN-Somalia noted the lack of an effective civil registration and documentation system. The absence of such a legal framework which defined objectives, functions, structure, organization and methods of operation was identified as being one of the biggest challenges. There were inconsistent practices and a lack of procedures for registration and the issuance of civil status and identity documents.⁸⁶

E. Freedom of expression, and the right to participate in public and political life

50. UNESCO indicated that defamation was regarded as a criminal offence⁸⁷ and that there was no freedom of information law.⁸⁸

51. UN-Somalia noted that a total of eight media outlets had been shut down in 2014 and 2015 alone. Media workers continued to face various threats in all parts of Somalia.⁸⁹ The Independent Expert had received reports of intimidation, arrest and prosecution of journalists and media company owners, and the confiscation and destruction of radio equipment in August and September 2014. In 2015, three radio stations in south-central Somalia had been shut down but later reopened. Regional administrations such as those in Puntland and the Jubbaland had also ordered the closure of publishing houses. Journalists and media workers continued to receive threats to their lives, including from Al-Shabaab, and to suffer intimidation, arbitrary arrest and detention. In south-central Somalia, the arrests and detentions were often carried out by officers from the National Intelligence and Security Agency. Reports of illegal or arbitrary arrests and detention and harassment of journalists and the media had also been made in Puntland and "Somaliland".⁹⁰

52. In 2013, according to the information received, a journalist had been summoned by the Central Investigation Department of the Somali police in Mogadishu. When he complied with the request, he was arrested and detained. He was reportedly held without charge and subjected to prolonged interrogation. The arrest and detention appeared to be linked to an article published by Al-Jazeera on 6 January 2013, describing rape in camps for internally displaced persons in Mogadishu.⁹¹

53. UN-Somalia indicated concerns raised by stakeholders about the draft media law, which included the broad censorship powers given to the State and the rules governing the licensing of journalists. The draft law contained vague prohibitions on the types of information that could be disseminated, such as information that could result in “harming the country, the people or the religion”.⁹² The Independent Expert expressed similar concern.⁹³

54. The Independent Expert recommended that the Government initiate effective and impartial investigations into killings of journalists and media workers and prosecute those found responsible.⁹⁴ UNESCO urged Somalia to do the same and to voluntarily inform it regarding the status of judicial follow-up.⁹⁵

55. The Secretary-General stated that ensuring women’s participation in the clan-based political structure of Somalia remained a major challenge.⁹⁶ In its resolution 2232 (2015), the Security Council noted that women were not adequately represented in the assemblies of the new interim regional administrations, and urged the Federal Government of Somalia and interim regional administrations to continue to promote increased representation of women at all decision-making levels in Somali institutions.⁹⁷ The Independent Expert made a similar recommendation.⁹⁸

F. Right to work and to just and favourable conditions of work

56. The Independent Expert indicated that the unemployment rate for youth in Somalia was very high and that women experienced higher levels of unemployment than men. The majority of unpaid family workers were young women, who were mostly forced to take up traditional occupations due to entrenched traditional gender roles.⁹⁹

G. Right to social security and to an adequate standard of living

57. UN-Somalia stated that, despite improved food security following the 2015 harvest, improved livestock conditions and mostly stable prices for food staples, a large number of people across Somalia would be acutely food insecure through 2015.¹⁰⁰

58. The Secretary-General indicated that about 730,000 Somalis, of whom 76 per cent were displaced people living in urban areas, were still unable to meet their basic daily food needs. An additional 2.3 million people were at risk of sliding into the same situation if assistance was not provided. Meanwhile, nearly 203,000 acutely malnourished children required emergency nutrition supplements and access to clean water, sanitation infrastructure and better hygiene services.¹⁰¹ The Independent Expert noted that military gains made with regard to recovering territories from Al-Shabaab had not translated into the opening up of access for humanitarian actors to easily deliver basic services in newly liberated areas.¹⁰²

59. UN-Somalia stated that the major perpetrators of forced evictions included both authorities and private actors, and that the victims mainly belonged to minority clans and vulnerable internally displaced persons communities residing in informal settlements. Those groups were more vulnerable to forced evictions owing to the power imbalance between them and the perpetrators, a lack of secure land tenure documents and poor legal and policy frameworks for the protection of the rights of internally displaced persons.¹⁰³

60. The Independent Expert indicated that land was critical for the livelihood of a large number of Somalis, many of whom were internally displaced. In the absence of a well-established justice system, there was a likelihood of conflicts over land and property ownership emerging as the country moved towards stability.¹⁰⁴

61. UN-Somalia noted that over 90 per cent of populated areas had extremely limited access to water supplies. A significant proportion of the population was nomadic, and moved around with their livestock in search of water and pasture. Reports of internal (clan) conflicts over water were common. Drought and internal displacement due to conflict severely constrained access to safe water.¹⁰⁵

62. The Independent Expert indicated that water collection duties and lack of adequate or appropriate sanitation facilities kept girls out of school. In addition, water-related diseases, such as diarrhoea, resulted in huge losses of school days each year.¹⁰⁶

H. Right to health

63. The Independent Expert stated that years of war and institutional decline had resulted in a very poor health situation in Somalia. The population was largely destitute and had limited access to the health system. He emphasized the need to repair the dilapidated infrastructure, build new structures, equip them properly and have doctors, nurses and other support staff properly trained throughout the country.¹⁰⁷

64. The Secretary-General indicated that measles remained a public health concern. More than 1,200 suspected measles cases had been reported in the first four months of 2015. Of those, 77 per cent (931 cases) had been reported from the southern and central regions.¹⁰⁸

65. UN-Somalia noted considerable unmet health needs. One out of every 10 women died from pregnancy-related causes as a result of limited access to basic maternal services; only 9 per cent of births were attended by skilled birth attendants and one out of four pregnant women received antenatal care.¹⁰⁹

66. UN-Somalia added that two thirds of children were not immunized and child mortality rates were unacceptably high; 1 out of every 10 Somali children died before seeing his or her first birthday. At least 20 per cent of diseases in children below the age of 5 were related to poor maternal health and nutrition, as well as the quality of childcare during delivery and the first few weeks of life.¹¹⁰

67. UN-Somalia also noted that HIV infection was becoming a public health threat and a cause of maternal death, mainly as a result of insufficient care during pregnancy and delivery.¹¹¹

68. UN-Somalia stated that almost half of the deaths of children under the age of 5 were attributed to diarrhoeal diseases and pneumonia. Only 24 per cent of people had access to improved sanitation. In urban areas, 30 per cent of people shared a latrine and 15 per cent used unimproved sanitation. In rural areas, 83 per cent of people practised open defecation.¹¹²

I. Right to education

69. The Independent Expert indicated that persistent insecurity, economic collapse and lack of governance, especially in the southern regions, had greatly hampered the development of the education sector. Almost two generations of Somali children had been denied the benefit of formal education. He stressed that special attention was required to promote the right to education for all. New schools and institutions of higher education would have to be opened and damaged ones rebuilt.¹¹³

70. UN-Somalia stated that women and girls were particularly disadvantaged in terms of education: only 36 per cent of children enrolled in schools, and only 15 per cent of teachers,

were female. Some 1.7 million children were out of school. Pastoralist children were especially marginalized.¹¹⁴

71. UNESCO also indicated that Somalia could be encouraged to further promote education for all, particularly education for women and children.¹¹⁵

J. Persons with disabilities

72. The Independent Expert stated that persons with disabilities were subjected to a myriad of abuses and limited access to health services, food and water. However, statistics or comprehensive information on persons with disabilities was lacking. The prolonged conflict in Somalia, in combination with poor health services, had left many Somalis with various types of disability.¹¹⁶

K. Minorities

73. The Independent Expert noted that minority groups were estimated to constitute about 4 per cent of the total population and that they lived in conditions of abject poverty, had little or no access to education or other economic and social rights, and had limited political representation in the political process. They suffered numerous forms of discrimination.¹¹⁷

74. The Independent Expert also stated that minorities were most at risk. During outbreaks of fighting, minorities were the ones who suffered most. They fell outside the clan structure, and therefore outside its umbrella of protection. They were also vulnerable to increased risk of rape, attack, abduction and having their property seized by criminals in an increased atmosphere of lawlessness.¹¹⁸ The situation of minority women in internally displaced persons camps was especially grave due to the heightened threat of rape and sexual violence.¹¹⁹

L. Migrants, refugees and asylum seekers

75. The Secretary-General stated that the situation in a neighbouring country had placed additional stress on an already stretched humanitarian response system in Somalia. As at 19 July 2015, more than 28,000 people had arrived in Somalia from that country; more than 90 per cent of them were Somalis. Humanitarian organizations had established reception centres for returnees at the ports of Boosaaso in Puntland and Berbera in Somaliland, jointly with the local authorities.¹²⁰

76. The Independent Expert remained of the view that, in spite of the gains made by the Somali National Army with the support of AMISOM troops in recovering territory from Al-Shabaab, the security situation in many parts of Somalia, particularly in the south-central regions, was not safe or stable enough for returnees to be received. Premature returns increased the likelihood of those refugees becoming displaced persons facing the same protection challenges as those who were currently displaced.¹²¹

M. Internally displaced persons

77. The Secretary-General stated that more than 1.1 million Somalis, the majority of them women and children, remained displaced. During the first two months of 2015, over 40,000 people had been evicted, mainly in Mogadishu, and moved further out onto the outskirts of the city, where access to basic services was limited.¹²²

78. UN-Somalia stated that camps and settlements for internally displaced persons in urban areas, including Mogadishu, with inadequate water, sanitation and hygiene facilities put vulnerable urban and peri-urban households at a high risk of disease outbreak. In addition, water, sanitation and hygiene facilities in and around Mogadishu had been areas of increased sexual and physical violence against women and girls due to inadequate lighting and lockable doors.¹²³

79. The Independent Expert expressed concern about continued reports of internally displaced persons facing generalized insecurity, lack of access to humanitarian assistance and human rights abuses, including eviction from settlements, rape and sexual violence.¹²⁴

80. The Security Council, in its resolution 2232 (2015), expressed concern at the increase in forced evictions of internally displaced persons from public and private infrastructure in major towns in Somalia, stressed that any eviction should be consistent with relevant national and international frameworks, and called upon the Federal Government of Somalia and all relevant actors to strive to provide concrete durable solutions with regard to internal displacement.¹²⁵

N. Human rights and counter-terrorism

81. The Independent Expert recommended that Somalia review the provisions of the counter-terrorism bill to ensure that the critical human rights concerns raised in respect of some of the provisions, e.g. definitions of terrorism, financing terrorism, and terrorist training, were addressed and that the legislation fully complied with international human rights standards.¹²⁶

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Somalia from the previous cycle (A/HRC/WG.6/11/SOM/2).

² The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁶ 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.
- ⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.
- ⁹ International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- ¹⁰ ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Worst Forms of Child Labour Convention, 1999 (No. 182).
- ¹¹ ILO Equal Remuneration Convention, 1951 (No. 100); Minimum Age Convention, 1973 (No. 138).
- ¹² ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).
- ¹³ UN-Somalia submission for the universal period review of Somalia, p. 18.
- ¹⁴ See Human Rights Council resolution 30/20, para. 11 (k).
- ¹⁵ See A/HRC/30/57, para. 61.
- ¹⁶ Joint statement on Somalia's ratification of the Convention on the Rights of the Child, 2 October 2015, available from <https://childrenandarmedconflict.un.org>. See also "United Nations committee hails Somalia's ratification of the Convention on the Rights of the Child", 2 October 2015, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16556&LangID=E.
- ¹⁷ See submission of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict for the universal periodic review of Somalia, para. 2.
- ¹⁸ See A/HRC/21/36, para. 98.
- ¹⁹ Submission of UN-Somalia for the universal period review of Somalia, p. 1.
- ²⁰ See Security Council resolution 2232 (2015), para. 26.
- ²¹ See Human Rights Council resolution 30/20, para. 11 (b).
- ²² "United Nations human rights expert urges Somalia to further protect human rights during State-building process", 1 June 2015, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16028&LangID=E.
- ²³ See A/HRC/30/57, para. 12.
- ²⁴ Ibid., para. 55.
- ²⁵ See A/HRC/21/36, para. 99.

- ²⁶ Submission of UN-Somalia for the universal periodic review of Somalia, p. 6.
- ²⁷ See A/HRC/24/40 and Corr.1, para. 99.
- ²⁸ See A/HRC/30/57, para. 54.
- ²⁹ Submission of UN-Somalia for the universal periodic review of Somalia, pp. 7 and 18.
- ³⁰ See A/HRC/30/57, para. 11.
- ³¹ See A/HRC/24/45/Add.2, paras 78 (a)-(c) and (e).
- ³² For the titles of special procedure mandate holders, see <http://spinternet.ohchr.org/>.
- ³³ Submission of UN-Somalia for the universal periodic review of Somalia, p. 18.
- ³⁴ For more information, see <http://unsom.unmissions.org/Default.aspx?tabid=6269&language=en-US>.
- ³⁵ See *OHCHR Management Plan 2012-2013: Working for Results*, p. 120. Available from http://www2.ohchr.org/english/ohchrreport2011/web_version/media/pdf/19_Africa.pdf.
- ³⁶ See Security Council resolution 2232 (2015), para. 33.
- ³⁷ See A/HRC/24/40 and Corr.1, para. 21.
- ³⁸ A/HRC/28/85, p. 124.
- ³⁹ See S/2015/702, para. 104.
- ⁴⁰ See A/HRC/30/57, para. 32.
- ⁴¹ Press briefing notes on Central African Republic and Somalia, 4 April 2014, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14471&LangID=E. See also, for related recommendations, A/HRC/18/6, paras. 98.63 (Belgium), 98.64 (France), 98.65 (Germany), 98.66 (Italy), 98.67 (Norway), 98.68 (Spain) and 98.69 (Brazil). **Error! Hyperlink reference not valid.**
- ⁴² Submission of UN-Somalia for the universal periodic review of Somalia, p. 7.
- ⁴³ Press briefing notes on Central African Republic and Somalia, 4 April 2014.
- ⁴⁴ See General Assembly resolution 67/176, para. 4 (e).
- ⁴⁵ See A/HRC/30/57, para. 14.
- ⁴⁶ See press briefing note on Yemen, Syria and Somalia, 31 March 2015 (available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15779&LangID=E) and Human Rights Council resolution 30/20, para. 5.
- ⁴⁷ “Ambassador ‘Bari Bari’ – ‘We have lost a great human rights advocate’, United Nations expert on Somalia says”, 31 March 2015, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15777&LangID=E.
- ⁴⁸ See A/HRC/30/57, para. 15.
- ⁴⁹ See S/2015/702, para. 104.
- ⁵⁰ *Ibid.*, para. 71.
- ⁵¹ See Human Rights Council resolution 24/30, para. 10 (t).
- ⁵² A/HRC/26/21, p. 15.
- ⁵³ A/HRC/25/74, p. 53.
- ⁵⁴ See Human Rights Council resolution 30/20, para. 5.
- ⁵⁵ See S/2015/702, para. 37.
- ⁵⁶ See Human Rights Council resolution 30/20, para. 11 (m).
- ⁵⁷ See S/2015/702, para. 57.
- ⁵⁸ See A/HRC/24/40 and Corr.1, para. 29.
- ⁵⁹ *Ibid.*, para. 30.
- ⁶⁰ *Ibid.*, para. 21.
- ⁶¹ Submission of UN-Somalia for the universal periodic review of Somalia, p. 7.
- ⁶² See A/HRC/30/57, para. 38.
- ⁶³ See S/2015/331, paras. 62-63.
- ⁶⁴ *Ibid.*, and submission of UN-Somalia for the universal periodic review of Somalia, pp. 10-11
- ⁶⁵ Submission of UN-Somalia for the universal periodic review of Somalia, pp. 10-11.
- ⁶⁶ See S/2013/149, para. 62.
- ⁶⁷ See S/2015/203, paras. 44 and 46, and submission of UN-Somalia for the universal periodic review of Somalia, p. 10.
- ⁶⁸ See A/HRC/30/57, para. 34.
- ⁶⁹ See S/2013/149, para. 64.
- ⁷⁰ See S/2015/203, para. 45.

- ⁷¹ Joint communiqué of the Federal Republic of Somalia and the United Nations on the Prevention of Sexual Violence, 7 May 2013, available from <http://unsom.unmissions.org/Portals/UNSOM/Somalia-Joint-Communique.pdf>.
- ⁷² See A/HRC/30/57, para. 36.
- ⁷³ See A/HRC/27/71, para. 26.
- ⁷⁴ See Human Rights Council resolution 24/30, para. 10 (p).
- ⁷⁵ See A/69/926-S/2015/409, para. 147.
- ⁷⁶ See submission of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict for the universal period review of Somalia, para. 2.
- ⁷⁷ See A/69/926-S/2015/409, para. 148.
- ⁷⁸ See submission of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict for the universal periodic review of Somalia, para. 2.
- ⁷⁹ See A/HRC/21/36, para. 100.
- ⁸⁰ See A/HRC/24/40 and Corr.1, para. 97.
- ⁸¹ “Further progress in human rights framework is the key to Somalia’s transition—United Nations Independent Expert”, 15 December 2014, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15424&LangID=E.
- ⁸² See S/2013/149, para. 64.
- ⁸³ See Human Rights Council resolution 30/20, para. 4.
- ⁸⁴ See A/HRC/21/36, para. 98.
- ⁸⁵ Submission of UN-Somalia for the universal periodic review of Somalia, pp. 5-6.
- ⁸⁶ *Ibid.*, p. 11.
- ⁸⁷ See submission of UNESCO for the universal period review of Somalia, para. 17.
- ⁸⁸ *Ibid.*, para. 18.
- ⁸⁹ Submission of UN-Somalia for the universal periodic review of Somalia, pp. 7-8.
- ⁹⁰ See A/HRC/30/57, para. 24.
- ⁹¹ A/HRC/23/51, p. 50.
- ⁹² Submission of UN-Somalia for the universal periodic review of Somalia, p. 8.
- ⁹³ See A/HRC/30/57, para. 26.
- ⁹⁴ See A/HRC/24/40 and Corr.1, para. 100.
- ⁹⁵ See submission of UNESCO for the universal periodic review of Somalia, para. 34.
- ⁹⁶ See S/2015/331, para. 57.
- ⁹⁷ See Security Council resolution 2232 (2015), para. 33.
- ⁹⁸ See A/HRC/30/57, para. 64.
- ⁹⁹ See A/HRC/24/40 and Corr.1, para. 36.
- ¹⁰⁰ Submission of UN-Somalia for the universal periodic review of Somalia, pp. 13-14.
- ¹⁰¹ See S/2015/331, para. 64.
- ¹⁰² See A/HRC/30/57, para. 45.
- ¹⁰³ Submission of UN-Somalia for the universal periodic review of Somalia, p. 16.
- ¹⁰⁴ See A/HRC/27/71, para. 30.
- ¹⁰⁵ Submission of UN-Somalia for the universal periodic review of Somalia, p. 14.
- ¹⁰⁶ See A/HRC/24/40 and Corr.1, para. 38.
- ¹⁰⁷ *Ibid.*, para. 34.
- ¹⁰⁸ See S/2015/331, para. 66.
- ¹⁰⁹ Submission of UN-Somalia for the universal periodic review of Somalia, p. 11.
- ¹¹⁰ *Ibid.*, pp. 11-12.
- ¹¹¹ *Ibid.*, p. 12.
- ¹¹² *Ibid.*, p. 14.
- ¹¹³ See A/HRC/24/40 and Corr.1, para. 35.
- ¹¹⁴ Submission of UN-Somalia for the universal periodic review of Somalia, p. 13.
- ¹¹⁵ See submission of UNESCO for the universal periodic review of Somalia, para. 30.4.
- ¹¹⁶ See A/HRC/30/57, para. 44.
- ¹¹⁷ *Ibid.*, para. 43.
- ¹¹⁸ See A/HRC/24/40 and Corr.1, para. 26.
- ¹¹⁹ *Ibid.*, para. 27.
- ¹²⁰ See S/2015/702, para. 70.

¹²¹ See A/HRC/30/57, para. 48.

¹²² See S/2015/331, para. 65.

¹²³ Submission of UN-Somalia for the universal periodic review of Somalia, p. 14.

¹²⁴ See A/HRC/27/71, para. 28.

¹²⁵ See Security Council resolution 2232 (2015), para. 30.

¹²⁶ See A/HRC/30/57, paras. 29 and 58.
