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Technical assistance and capacity-building

## Report of the Independent Expert on the situation of human rights in Somalia, Isha Dyfan\*

### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 51/38 and covers the period from 1 July 2022 to 30 June 2023.

During the reporting period, the Independent Expert on the situation of human rights in Somalia, Isha Dyfan, was unable to visit the country owing to the lack of formal acceptance of a visit by the Government of Somalia. As such, the information presented in the report is based on extensive desk research and regional consultations with various stakeholders, a review of relevant reports and data, and information submitted by various actors following a call for contributions.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## **I. Introduction**

1. The present report is submitted pursuant to Human Rights Council resolution 51/38 and covers the period from 1 July 2022 to 30 June 2023.
2. The report is based on information received following a call for contributions on the human rights situation in Somalia issued in April 2023,<sup>1</sup> and meetings with various interlocutors, including the Permanent Representative of Somalia to the United Nations Office and other international organizations in Geneva, two ministers of two federal member states and representatives of the United Nations and its funds, agencies and programmes, the African Union Transition Mission in Somalia (ATMIS), the African Union Commission, the diplomatic community, civil society, non-governmental organizations (NGOs) and marginalized and minority communities. Information from official reports, open sources and other relevant materials is also drawn upon.
3. In the present report, the Independent Expert on the situation of human rights in Somalia, Isha Dyfan, highlights recent political and security developments, the humanitarian situation and the impact of climate change on human rights, and assesses progress made by the Government against the seven key benchmarks set out in her previous reports to the Human Rights Council.<sup>2</sup> She reiterates the recommendations contained in previous reports, as well as some revisions based on recent developments.
4. In accordance with established procedure, the report was shared with the Government of Somalia.
5. The Independent Expert welcomes the constructive engagement of the Government of Somalia with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and human rights mechanisms, in particular the Human Rights Council at its fifty-first session and the Committee against Torture at its seventy-fifth session. Somalia was scheduled to be reviewed by the Human Rights Committee at its 138th session, in July 2023; however, by means of a note verbale dated 25 June 2023, Somalia requested the postponement of its review, citing the prevailing post-conflict and counter-terrorism situation. Engagement with the Independent Expert remained limited.

## **II. Activities of the Independent Expert**

### **A. Country visit**

6. The Independent Expert sent three letters to the Government of Somalia, in September 2022 and March and April 2023, requesting an official visit, but did not receive a response. Consequently, she did not undertake a country visit.

### **B. Regional consultations and engagements**

7. From 23 May to 2 June 2023, the Independent Expert held consultations in Nairobi with representatives of the United Nations and its agencies, funds and programmes and ATMIS, the Panel of Experts on Somalia, members of the diplomatic community and representatives of civil society and relevant organizations working in Somalia.
8. The Independent Expert expresses her appreciation to the Government of Kenya for allowing her to conduct consultations in the country and to relevant stakeholders for their willingness to share valuable insights.

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<sup>1</sup> See <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-situation-human-rights-somalia>.

<sup>2</sup> A/HRC/48/80 and A/HRC/51/65.

## C. Communications

9. During the period under review, the Independent Expert issued seven communications,<sup>3</sup> individually and jointly with other special procedure mandate holders, on alleged excessive use of force by security forces against protestors and while directing traffic, violations of the right to freedom of expression, freedom of thought, conscience and religion, and use of the death penalty. To date, no reply has been received.

## D. Press releases

10. During the reporting period, the Independent Expert issued statements, jointly with other mandate holders, including calling upon States to fully integrate human rights standards and principles into negotiations during the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (4 November 2022), on International Day for the Elimination of Violence against Women (24 November 2022) and urging States to adopt and improve anti-discrimination legislation (6 December 2022).

11. On 23 February 2023, the Independent Expert issued a statement expressing alarm at the high number of civilian casualties following clashes between “Somaliland” security forces and clan militia in Laascaanood, Sool region.

## E. Other activities

12. On 5 October 2022, the Independent Expert participated in a panel discussion on sexual and gender-based violence in Somalia organized by Legal Action Worldwide and, on 6 October 2022, she participated in an event organized by the National Union of Somali Journalists entitled “Defending media freedom under a climate of perpetual repression”. Both events were held on the margins of the fifty-first session of the Human Rights Council.

13. On 27 October 2022, the Independent Expert presented her report on the situation of human rights in Somalia<sup>4</sup> to the General Assembly at its seventy-seventh session.

14. The Independent Expert attended the meetings of the Coordination Committee of Special Procedures held in Geneva from 5 to 8 December 2022 and on 8 and 9 June 2023. She also attended the twenty-ninth annual meeting of special rapporteurs, special representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council, held in Geneva from 12 to 16 June 2023, during which she was elected Chair of the Coordination Committee.

15. On 27 March 2023, the Independent Expert participated in an online event on strengthening atrocity prevention through technical assistance and capacity-building, organized by the Global Centre for the Responsibility to Protect.

16. On 1 May 2023, the Independent Expert gave a lecture on holding States accountable for their human rights obligations, obstacles to accountability, sentencing and religious tolerance, providing examples from Somalia, at Montclair State University, United States of America.

<sup>3</sup> Communications SOM 2/2022, SOM 3/2022, SOM 4/2022, SOM 5/2022, OTH 129/2022, OTH 9/2023 and OTH 30/2023. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>4</sup> See [A/77/168](#).

### III. Recent developments

#### A. Political developments

17. On 2 August 2022, the Prime Minister of Somalia appointed former deputy leader of Al-Shabaab, Mukhtar Robow, as Minister for Endowment and Religious Affairs.<sup>5</sup> While the appointment was met with mixed reactions, the Independent Expert hopes that it could be an important first step towards reconciliation between the Government and Al-Shabaab.

18. The Independent Expert welcomes the conclusion of the Somali National Consultative Council meetings and commends its efforts to promote political reconciliation. In September 2022, the Council agreed to strengthen cooperation between government institutions at both the federal and the regional levels and to work towards ensuring political stability underpinned by the constitution and rule of law. In October and December 2022, the Council concurred on the acceleration of the transition plan, the importance of speeding up the drought response, prioritizing the constitutional review process, implementing free and transparent elections, the allocation of powers between the federal and state levels and a federal model of the judiciary.<sup>6</sup> In March and May 2023, the Council agreed upon a model for fiscal federalism, amendments to the national security architecture and a one-person, one-vote electoral model for Somalia,<sup>7</sup> to be approved by the Federal Parliament, and to only two political parties competing for power. Representatives of Puntland did not attend those meetings.

19. The Independent Expert also welcomes the holding of one-person, one-vote district council elections in Puntland on 25 May 2023, as a clear sign of people's commitment to exercising their democratic right to vote.

20. The Independent Expert welcomes progress in the constitutional review process, including the establishment of the Joint Parliamentary Constitutional Review and Implementation Oversight Committee and the appointment of five individuals, including one woman, to serve as commissioners in the Independent Constitutional Review and Implementation Commission by the Cabinet on 2 March. They assumed office on 29 March 2023.<sup>8</sup> However, more action is still needed.

21. On 9 January 2023, Puntland issued a statement asserting its constitutional right to act as an independent government until the federal constitution is finalized, while reiterating its role in building the federal system of Somalia. It outlined its readiness to negotiate separately with the Federal Government towards reaching agreements on the completion of the constitution, security matters and power-sharing, among other matters. On 14 January 2023, Puntland appointed a 22-member technical committee to engage with the Federal Government in this regard.<sup>9</sup>

22. In August 2022, following alleged attempts to delay presidential elections, deadly protests broke out in "Somaliland", resulting in the death of at least 5 male civilians and the injury of 86 others.<sup>10</sup> On 24 September 2022, the "Somaliland" Electoral Commission announced that the presidential election scheduled for 13 November 2022 would be postponed until July 2023 because of time, technical and financial constraints.<sup>11</sup>

23. In October 2022, the House of Elders (Guurti) of the "Somaliland" parliament extended the term of office of the President of "Somaliland", Muse Bihi Abdi, to November 2024, and its own mandate by five years. However, opposition parties refused to recognize those extensions as legitimate. The election of the three official political parties, scheduled in December 2022, did not take place. In a statement issued on 17 July 2023, the

<sup>5</sup> Harun Maruf, "Former Al-Shabab commander, Al-Qaida member named to Somali cabinet", Voice of America, 2 August 2022.

<sup>6</sup> S/2023/109, paras. 2–4.

<sup>7</sup> S/2023/443, paras. 2 and 4.

<sup>8</sup> Ibid., para. 6.

<sup>9</sup> S/2023/109, para. 5.

<sup>10</sup> S/2022/665, para. 55.

<sup>11</sup> See <https://freedomhouse.org/country/somaliland/freedom-world/2023>.

“Somaliland” Electoral Commission indicated that the political party election would be held on 28 December 2023 and the election of the president and the deputy would be held on 13 November 2024.

## B. Security situation

24. During the reporting period, the security situation remained a serious concern, with sustained attacks by Al-Shabaab, despite the presence of Somali security forces and regional forces. During the period 8 February–7 June 2023, 935 security-related incidents were recorded in the country, including 355 incidents of terrorism.<sup>12</sup>

25. In August 2022, the Government launched the first phase of the offensive against Al-Shabaab in Hirshabelle and Galmudug States and sought support from the clan militia of the Hawiye clan. As of September 2022, 40 settlements in Hiraan and 6 in Galguduud regions had been liberated from Al-Shabaab.<sup>13</sup> Since that time, several other areas have been liberated. In turn, Al-Shabaab launched deadly attacks and regained control over a few territories in Hirshabelle.<sup>14</sup>

26. In February 2023, the Government announced plans for a comprehensive military operation against Al-Shabaab and established a front-line States initiative, comprising military forces from Djibouti, Ethiopia and Kenya, intended to build on recent military gains in Galmudug and Hirshabelle.

27. On 26 March 2023, the President of Somalia, Hassan Sheikh Mohamud, announced the second phase of the offensive against Al-Shabaab, referred to as Operation Black Lion, aimed at liberating the remaining territories controlled by Al-Shabaab throughout the country.<sup>15</sup>

28. In response, Al-Shabaab attacks increased in frequency and severity. On 26 May 2023, it attacked the ATMIS forward operating base in Mareer, Shabelle Hoose region, resulting in several casualties in the Uganda People’s Defence Forces. In June 2023, Al-Shabaab attacked the Somali National Army and ATMIS Ethiopian military base in Baardheere, Gedo region, Jubaland State of Somalia.<sup>16</sup> The surge in deadly attacks shows Al-Shabaab’s continued ability to perpetuate attacks despite the presence of and pressure exerted by Somali security forces and ATMIS forces.

29. In November 2022, Somalia requested a six-month delay in the withdrawal of the 2,000 ATMIS troops scheduled to leave the country by 30 June 2023.<sup>17</sup> The mission’s exit date remained 31 December 2024.<sup>18</sup> On 30 June 2023, ATMIS confirmed that it had concluded the first phase of the troop drawdown after handing over seven forward operating bases to Somali security forces.<sup>19</sup>

30. The United States Africa Command continued to carry out targeted airstrikes, at the Government’s request and in support of the Somali National Army engagements against Al-Shabaab. On 1 June 2023, the United States Africa Command conducted a collective self-defence airstrike in the vicinity of Wayanta, south-west of Kismaayo, killing three Al-Shabaab fighters. There were no civilian casualties.<sup>20</sup>

<sup>12</sup> S/2023/443, para. 12.

<sup>13</sup> Mohamed Sheikh Nor, “Somalia military makes gains in large-scale offensive against Al-Shabab”, Hiiraan Online, 27 September 2022.

<sup>14</sup> Armed Conflict Location & Event Data Project, “Somalia: counter-insurgency operation gains regional support in phase two as al-Shabaab attacks and political differences persist”, 21 April 2023.

<sup>15</sup> S/PV.9356, p. 9.

<sup>16</sup> ATMIS, “ATMIS condemns attacks in Bardhere, Bariire”, 22 June 2023.

<sup>17</sup> See Security Council resolution 2670 (2022).

<sup>18</sup> See Security Council resolution 2628 (2022).

<sup>19</sup> See <https://atmis-au.org/au-transition-mission-in-somalia-concludes-phase-one-of-troop-drawdown-hands-over-final-two-forward-operating-bases/>.

<sup>20</sup> See <https://www.africom.mil/pressrelease/35214/us-forces-engage-insurgents-in-support-of-the-federal-government-of-somalia>.

31. During the reporting period, the Independent Expert received reports regarding alleged excessive use of force by Somali security forces against protestors and separate reports alleging excessive use of force by Somali security forces while directing traffic. While in some instances investigations were opened, no arrests have been made so far.<sup>21</sup>

32. Between December 2022 and June 2023, fighting erupted, involving the use of heavy artillery, between “Somaliland” security forces and local armed groups affiliated with the Dhulbahante clan in Laascaanood, resulting in the displacement of an estimated 154,000–203,000 people.<sup>22</sup> The Human Rights and Protection Group of the United Nations Assistance Mission in Somalia (UNSOM) documented at least 552 civilian casualties, of whom 87 were killed and 465 were injured, between 27 December and 15 June 2023. On 23 February 2023, the Independent Expert issued a statement deploring the high number of civilian casualties and reiterated calls by the United Nations High Commissioner for Human Rights for an independent and impartial investigation.<sup>23</sup>

### C. Humanitarian situation

33. The humanitarian situation remained alarming, with continued conflict and insecurity and the cumulative effect of five consecutive rainy seasons with below-average rainfall having a devastating impact. According to the World Food Programme (WFP), more than 1.5 million Somalis have been displaced owing to a lack of food and water.<sup>24</sup> This resulted in increased need for assistance and protection concerns, in particular for women and children and minorities and marginalized groups.<sup>25</sup>

34. In February 2023, the Office for the Coordination of Humanitarian Affairs announced that 8.25 million people in Somalia were in urgent need of assistance owing to the prolonged and severe drought.<sup>26</sup>

35. The *gu* rains also brought widespread flooding, affecting at least 468,000 people and displacing over 247,000 people, as of 6 June 2023.<sup>27</sup> According to the Office for the Coordination of Humanitarian Affairs, in the worst-affected district, Beledweyne, Hirshabelle State, and surrounding areas, flood waters had started receding by late June, but pools of stagnant water hindered the return of displaced people and increased the risk of waterborne diseases, including diarrhoea and cholera. Between 1 and 7 May 2023, 519 new suspected cases of cholera with three associated deaths were reported in 28 drought-affected districts.<sup>28</sup>

36. Humanitarian system-wide scale-up protocols were activated in August 2022 and extended in March 2023 for a further six months. Despite a significant scale-up of humanitarian assistance and better-than-forecast rains bringing some relief from the devastating drought, in April 2023, the Famine Early Warning Systems Network was still reporting a continued risk of famine among internally displaced persons in Baidoa, Mogadishu, Gaalkacyo, Dhuusamarreeb and some pastoral areas in central Somalia.<sup>29</sup>

<sup>21</sup> See communication SOM 3/2022.

<sup>22</sup> Office for the Coordination of Humanitarian Affairs, “Somalia: flash update on the situation in Laas Caanood, Sool Region No. 4”, 3 April 2023, p. 1. Available at <https://reliefweb.int/report/somalia/somalia-flash-update-no-4-situation-laas-caanood-sool-region-3-april-2023>.

<sup>23</sup> OHCHR, “Somalia: UN expert deplores high death toll in Laas Caanood clashes”, 23 February 2023.

<sup>24</sup> See <https://www.wfp.org/emergencies/somalia-emergency>.

<sup>25</sup> Andrew Harding, “Somalia drought: the fight for survival as famine looms,” BBC News, 4 October 2022.

<sup>26</sup> United Nations, “Humanitarian partners seek US\$2.6 billion to assist 7.6 million people in Somalia”, 8 February 2023.

<sup>27</sup> Office for the Coordination of Humanitarian Affairs, “Somalia: 2023 flash and riverine floods situation report No. 2”, 6 June 2023.

<sup>28</sup> World Health Organization, “Weekly cholera/AWD situation report – Somalia: epidemiological week 18 (1–7 May 2023)”, 23 May 2023.

<sup>29</sup> Famine Early Warning Systems Network, “Somalia food security alert” (13 December 2022).

37. Funding for humanitarian operations remained low. According to the Office for the Coordination of Humanitarian Affairs, the 2023 Humanitarian Response Plan for Somalia requires \$2.6 billion to meet the needs of approximately 7.6 million vulnerable people, representing about 90 per cent of the people in need.<sup>30</sup> At the end of June 2023, only \$858.8 million had been provided, leaving a deficit of \$1.7 billion.<sup>31</sup> On 12 April 2023, during a visit to the country, the Secretary-General called upon the international community to dramatically increase the volume of funds to support Somalia.<sup>32</sup> At the Horn of Africa Pledging Conference held in New York on 24 May 2023, donors announced \$2.4 billion to provide life-saving and life-sustaining assistance for 32 million people.<sup>33</sup>

38. Al-Shabaab restricted humanitarian access to the areas under its control. At the time of writing, Al-Shabaab had imposed a blockade in Baidoa, restricting the transport of essential goods into the town.

#### IV. Climate change and human rights

39. Aid agencies and scientists have warned that climate change is among the key factors causing and accelerating humanitarian emergencies, and often affects persons least responsible for carbon dioxide emissions,<sup>34</sup> including those engaged in rain-fed agriculture, agropastoralism and pastoralism, and women and children.

40. The severity of drought in the Horn of Africa, including Somalia, would not have occurred without human-induced climate change.<sup>35</sup> Climate change has made events such as drought more frequent and extreme; the combination of a fifth consecutive rainy season with below-average rainfall and higher temperatures and existing vulnerabilities of conflict, State fragility and poverty are largely to blame for its devastating human rights impacts. According to the United Nations Children's Fund (UNICEF), in May 2023, floods caused by the *gu* rains left a trail of destruction in Beledweyne district and Baardheere, damaging homes, farmlands and roads, washing away livestock and leading to the closure of schools and health facilities, affecting at least 460,470 people, of whom nearly 219,000 have been displaced from their homes and 22 killed.<sup>36</sup>

41. The Government established legal and policy frameworks to combat and mitigate climate change and prevent its negative impact on human rights. They included the National Development Plan (2020–2024) and the Somalia National Water Resources Strategy 2021–2025.<sup>37</sup> In February 2023, a draft of the first national environmental protection act was passed in the Cabinet.<sup>38</sup>

42. On 9 August 2022, the President of Somalia appointed Khadija Mohamed al-Makhzoumi as the first Minister for Environment and Climate Change.

43. In 2022, before the fourth consecutive drought, WFP, through its Anticipatory Action programme, disseminated early warning messages over the radio, reaching approximately 1.2 million people in the Bay and Bakool regions, explaining the risk of drought to crops and livelihoods and suggesting actions that communities could take to mitigate and prepare for

<sup>30</sup> See <https://fts.unocha.org/appeals/1133/summary>.

<sup>31</sup> See <https://www.unocha.org/somalia>.

<sup>32</sup> See <https://unsom.unmissions.org/press-remarks-un-secretary-general-conclusion-his-visit-somalia>.

<sup>33</sup> See <https://www.unocha.org/news/horn-africa-donors-un-backed-event-announce-us24-billion-support-people>.

<sup>34</sup> International Rescue Committee, “10 countries at risk of climate disaster”, 12 June 2023.

<sup>35</sup> Joyce Kimutai and others, “Human-induced climate change increased drought severity in Horn of Africa” (World Weather Attribution, 2023).

<sup>36</sup> UNICEF, “Horn of Africa: Over 7 million children under the age of 5 remain malnourished across Ethiopia, Kenya and Somalia”, 23 May 2023.

<sup>37</sup> Submission from Elizka Relief Foundation.

<sup>38</sup> Kiyomi de Zoysa and Stefanie Tye, “Profiles of adaptation: Somalia”, World Resources Institute, 18 April 2023.

worsening drought conditions. It also provided cash transfers to help people stabilize their purchasing power.<sup>39</sup>

44. In February 2023, a slight improvement in the food security situation was seen owing to the scaling up of humanitarian assistance and favourable amounts of rainfall between October and December 2022. The early start of the *gu* rainy season saw light to moderate rains, improving access to water, price reductions and pasture regeneration.

45. On 10 May 2023, the Somalia multi-partner trust fund was rebranded as the Somalia Joint Fund, with a new governance structure, seven financing windows and a participatory programme planning process.<sup>40</sup>

46. In “Somaliland”, effective enjoyment of human rights has been affected by climate shocks owing to frequent droughts affecting agropastoral populations in rural areas, livestock and farming, adding to the displacement crisis. The “Somaliland” Human Rights Commission reported that authorities had built resilient infrastructure for water-storage facilities, irrigation systems and road networks to guarantee access to food and water, had planted trees and provided for community adaptation to lessen the effects of climate change on human rights.<sup>41</sup>

47. The Food and Agriculture Organization of the United Nations warned that, while humanitarian assistance had prevented worse outcomes and staved off famine in parts of Somalia thus far, millions of rural Somali people continue to face unprecedented challenges to their food security. Reversing alarming trends requires transformative actions to sustainably improve food and water security, reduce people’s vulnerability to shocks and stress and improve adaptation to climate change.<sup>42</sup>

## V. Assessment of the human rights situation in the light of the benchmarks for progress in improving the situation of human rights

48. During the reporting period, all parties to the conflict continued to commit serious violations of international human rights and humanitarian law with impunity. Al-Shabaab increased its attacks, and several stakeholders expressed the view that, in the context of the offensive against Al-Shabaab, protection concerns were likely to persist.

49. Conflict, together with severe drought, led to the displacement of over 1.8 million people and a new humanitarian crisis. Internally displaced persons faced significant human rights violations; women and girls were particularly vulnerable to gender-based violence. Health-care services remained poor and access to water, sanitation and food were severely inadequate. The climate crisis and the economic fallout of the coronavirus disease (COVID-19) pandemic, coupled with five consecutive rainy seasons with below-average rainfall, created dire humanitarian conditions.<sup>43</sup>

50. Journalists continued to be subjected to arbitrary arrest, detention and prosecution while exercising their right to freedom of expression and authorities in “Somaliland” severely restricted the rights to freedom of expression, peaceful assembly and association.

<sup>39</sup> WFP, “The science behind saving and changing lives”, 23 March 2023.

<sup>40</sup> S/2023/109, para. 56.

<sup>41</sup> Submission from the “Somaliland” Human Rights Commission.

<sup>42</sup> Food and Agriculture Organization of the United Nations, “Somalia: lives and livelihoods of millions still at risk, FAO calls for an urgent scale-up in emergency humanitarian aid alongside resilience”, 6 March 2023.

<sup>43</sup> See <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/>.



## A. Unlawful killings

51. Between 23 August 2022 and 7 February 2023, there was a steep rise in the number of civilian casualties owing to attacks by Al-Shabaab, State security forces and non-State actors.<sup>44</sup>

52. Between 8 February and 7 June 2023, Al-Shabaab was the second largest perpetrator of civilian casualties, responsible for 104 civilian casualties (57 killed and 47 injured).<sup>45</sup> On 19 August 2022, Al-Shabaab carried out an attack on the Hotel Hyatt in Mogadishu, killing at least 30 people and injuring over 50 others. On 29 October 2022, Al-Shabaab carried out two car bomb attacks, targeting the Ministry of Education building and a busy market intersection in Mogadishu, resulting in the death of more than 100 people and injury of 300 others. While noting that the clandestine nature of Al-Shabaab makes it extremely difficult to carry out investigations, the Independent Expert calls upon the Government to prioritize accountability for human rights violations and civilian protection, especially during the ongoing offensive against Al-Shabaab.

53. In early February 2023, violent clashes between security forces deployed by the “Somaliland” authorities and clan militia in Laascaanood resulted in significant civilian casualties (36 killed and 270 injured).<sup>46</sup>

54. Death sentences continued to be handed down and executions carried out. Over six executions were reported to have been carried out in 2022 and over 10 persons had been sentenced to death at the end of 2022.<sup>47</sup>

## B. Arbitrary arrests and detentions, and conditions of detention

55. Somalia remained the worst offender on the Global Impunity Index for the eighth consecutive year.<sup>48</sup> Between 23 August 2022 and 7 June 2023, 3 journalists were killed and 29 were detained.<sup>49</sup>

56. On 11 October 2022, the Secretary-General of the Somali Journalists Syndicate was arrested by officers from the National Intelligence and Security Agency after he voiced concern over a directive issued by the Ministry of Information, Culture and Tourism prohibiting the dissemination of extremism ideology messages that has the potential to censor the work of journalists.<sup>50</sup> On 13 February 2023, he was sentenced to two months, but released because he had already served the time. However, on 23 February 2023, he was rearrested in Mogadishu by officers from the Somali Police and National Intelligence and Security Agency<sup>51</sup> and released from the Mogadishu Central Prison on 26 March 2023 after he reportedly completed his two-month sentence.

57. On 15 May 2023, a female journalist was arrested by the “Somaliland” police force in the border town of Tog-Wajaale in Gebiley region for allegedly posting about the Laascaanood conflict on social media and criticizing the election disputes in “Somaliland”.<sup>52</sup> The journalist remains in detention and is charged under different articles of the Penal Code. She appeared before the court on 9 July 2023, but the court’s decision remains pending.

58. Conditions of detention remained of serious concern, as highlighted by the “Somaliland” Human Rights Commission, including the non-separation of adult and juvenile

<sup>44</sup> See [S/2023/109](#).

<sup>45</sup> [S/2023/443](#), para. 69.

<sup>46</sup> Ibid.

<sup>47</sup> Amnesty International, “Death sentences and executions 2022” (London, 2023), p. 34.

<sup>48</sup> Committee to Protect Journalists, “Killing with impunity: vast majority of journalists’ murderers go free – 2022 Global Impunity Index” (New York, 2022).

<sup>49</sup> [S/2023/109](#) and [S/2023/443](#).

<sup>50</sup> [S/2023/109](#), para. 71.

<sup>51</sup> See <https://sjsyndicate.org/2023/02/26/mogadishu-police-chief-attacks-sjs-secretary-general-abdalle-ahmed-mumin-while-in-prison/>.

<sup>52</sup> Committee to Protect Journalists, “Journalist Bushaaro Ali Mohamed detained in Somaliland”, 23 May 2023.

detainees, limited access to clean drinking water and dire sanitary conditions. The Commission also noted prison overcrowding and that detainees lack access to information from the court, resulting in prolonged detention.<sup>53</sup>

### C. Violations of women's rights

59. The main factors hindering the participation of women and minorities in political and public life are the deteriorating security situation, the clan-based political system and underlying cultural norms and economic realities. Only 21 per cent of those holding positions within the Federal Parliament are women, but they do not represent all ethnic groups. The limited presence of women in senior positions reduces their role and capacity to influence policies, yet they make up at least 50 per cent of the population and play a crucial role in society.

60. The Independent Expert notes that women in political positions continue to face intimidation, harassment and violence. On 12 March 2023, unknown gunmen abducted the spokesperson of the women's wing of the National Party (Waddani) and then left her on a road with visible signs of torture on her face.<sup>54</sup>

61. In Somalia and "Somaliland", sexual and gender-based violence is highly pervasive, with rape, gang rape, female genital mutilation and domestic violence being among the most common forms, especially during conflicts. In Laascaanood, a local NGO recorded 28 cases of rape in March 2023 alone.<sup>55</sup>

62. Although article 398 of the Penal Code criminalizes intercourse with violence or threats, there is still a need for a comprehensive legal framework for accountability for human rights violations committed against women and girls by State and non-State actors.<sup>56</sup> The Federal Parliament is yet to pass the sexual offences bill of 2018 or the female genital mutilation bill. According to reports, the Ministry of Women and Human Rights Development recently submitted a draft sexual offences bill to the ulama for review and it is expected back at the end of July 2023, when it will be submitted to the Cabinet for deliberation.

### D. Violations of children's rights

63. During the period under review, violations against children remained widespread, including lack of access to education, violence and child abuse, sexual exploitation, displacement, recruitment and use, killing and maiming and other grave violations by Al-Shabaab, government security forces, clan militia and Ahl al-Sunna wal-Jama'a.<sup>57</sup>

64. Access to education remains a major challenge in Somalia, in particular for girls and young women. According to UNICEF, more than 3 million Somali children are out of school. Only 25 per cent of primary school-aged girls attend formal schools.<sup>58</sup> The number of attacks on schools was particularly high, with the majority perpetrated by Al-Shabaab. A total of 39 attacks on schools were verified between January to December 2022<sup>59</sup> and, since the fighting started in Laascaanood, at least 33 primary schools and seven secondary schools have been closed, affecting about 11,690 primary and 3,560 secondary students and 700 teachers.<sup>60</sup>

<sup>53</sup> Submission from the "Somaliland" Human Rights Commission.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> See <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>.

<sup>57</sup> [A/76/871-S/2022/493](#), para. 149.

<sup>58</sup> See <https://reliefweb.int/report/somalia/adolescent-girls-education-somalia-ages>.

<sup>59</sup> [A/77/895-S/2023/363](#), para. 156.

<sup>60</sup> Office for the Coordination of Humanitarian Affairs, "Somalia: flash update No. 2 – fighting in Laas Caanood, Sool Region", 14 February 2023.

65. Reports suggest that, while recruitment of children into the Somali armed forces has decreased, Al-Shabaab remains the main perpetrator of such recruitment, responsible for the recruitment and use of 902 children and abduction of 694 children (639 boys and 55 girls) between January and December 2022.<sup>61</sup> The Independent Expert is concerned that, as the offensive against Al-Shabaab continues, so will the risk of local recruitment driven by Al-Shabaab, unless there are pathways for the protection of children.

66. In the areas affected by the offensive against Al-Shabaab, increased numbers of children were arrested and detained in Somali National Army, Somali Police Force and National Intelligence and Security Agency facilities owing to the absence of a legal framework for the protection of children.

67. On 31 January 2022, the First Instance Military Court in Gaalkacyo, Mudug region, sentenced four young adults to death and two others to 20- and 30-years' imprisonment under the anti-terrorism law. On 20 March 2023, the Puntland Military Court of Appeal adjudicated the case and returned it to the Gaalkacyo First Instance Military Court, which reconvicted the six young adults to death on 25 March 2023 and confirmed that their ages were 19 and 20 years old, meaning that they had been minors at the time of the commission of the crime. On 8 April 2023, the Puntland Military Court of Appeal upheld the decision of the Gaalkacyo First Instance Military Court and, at the time of writing, the six defendants remained in detention. The Independent Expert recommends a revision of the Puntland anti-terrorism law to reflect the protection of children and promote juvenile justice principles.

## **E. Economic, social and cultural rights**

### **Right to food**

68. Lack of access to and unavailability of food have created a dire humanitarian crisis in Somalia: 7.8 million people – half the population – need humanitarian assistance to survive. More than 3 million livestock, which pastoralist families rely on for their livelihoods, have perished, largely owing to the drought. Catastrophic levels of food insecurity were confirmed in parts of the country, with more than 213,000 people in famine-like conditions. More than 1.5 million children, including infants, faced acute malnutrition, with 386,400 children likely to be severely malnourished. By September 2022, 730 children had died in nutrition centres nationwide.<sup>62</sup>

### **Right to health**

69. The numbers of new suspected cases of cholera and of measles cases increased sharply in 2022 compared with previous years. This surge is linked to an increase in the number of people with limited access to safe water and proper sanitation practices, in particular in internally displaced persons camps, and a decrease in measles vaccination coverage of children aged under 5 in drought-affected districts.<sup>63</sup>

70. During the fighting in Laascaanood, the general hospital was hit at least four times<sup>64</sup> and, at the time of writing, Médecins Sans Frontières had decided to withdraw its services from the general hospital, owing to recurrent attacks on medical facilities and the level of extreme violence in the area.<sup>65</sup>

<sup>61</sup> [A/77/895-S/2023/363](#), paras. 152 and 157.

<sup>62</sup> Amnesty International, *The State of the World's Human Rights 2022/23* (London, 2023), pp. 328 and 329.

<sup>63</sup> World Health Organization, "EPI Watch: Epidemiological bulletin – For epidemic-prone diseases in Somalia for epidemiological weeks 50-51, 12/12/2022–25/12/2022" (Mogadishu, 2022), p. 2.

<sup>64</sup> Amnesty International, "Somaliland: Urgent investigation needed as fighting takes heavy toll on civilians in Las Anod", 20 April 2023.

<sup>65</sup> Médecins Sans Frontières, "Extreme violence in Las Anod forces MSF to close activities", 24 July 2023.

## **F. Rights of persons with disabilities, minorities and marginalized communities**

71. The vast majority of internally displaced persons are women and children, who are vulnerable and at risk of abuse of their basic rights. Vulnerability is even greater for those from minority groups and marginalized communities and persons with disabilities, who continue to suffer from social segregation and economic deprivation; moreover, relief efforts tend to exclude them. In Baidoa, internally displaced persons from ethnic minority backgrounds are disproportionately affected and face a great risk of waterborne diseases, especially cholera.<sup>66</sup>

72. Outside internally displaced person settings, some minority groups continue to suffer from systematic confiscation of their lands and properties and have limited access to justice where abuse has been perpetrated against them, leading to impunity prevailing. Moreover, the 4.5 clan power-sharing system perpetuates existing structures of exclusion instead of addressing inequality.

73. Stakeholders reported that, during the offensive against Al-Shabaab, minority and majority clan members were arrested by security forces in areas under the control of Al-Shabaab and minority clan members were sometimes erroneously perceived as supporting Al-Shabaab and remained incarcerated for months.

74. In the provisional constitution, Islam is recognized as the official religion and the promotion of any other faith is forbidden; it also includes clauses promoting religious freedom and forbidding discrimination on the basis of religion. However, religious minorities are substantially more vulnerable to persecution and violence, in particular in areas under the control of Al-Shabaab.<sup>67</sup>

## **VI. Assessment of progress on key benchmarks**

### **A. Benchmark 1: Promoting security, peace and reconciliation for the protection of civilians in conflict**

75. During the period under review, several security-related actions were taken by the Government and the United Nations aimed at addressing the security situation and contributing to the protection of civilians. From 16 to 18 January 2023, UNSOM supported the organization of several thematic discussions on the revision of the national security architecture, involving federal and state representatives.<sup>68</sup>

76. The Mine Action Service trained over 3,399 ATMIS military and police personnel, as well as Somali National Army and Somali Police officers, thereby enhancing their capacity to locate and destroy improvised explosive devices and operate safely in high-risk areas by conducting search and destroy operations.<sup>69</sup>

77. The third pillar of the government programme, which has been submitted to the Federal Parliament, emphasizes reconciliation, constitutional review, federalization, democratization and dialogue with “Somaliland”.<sup>70</sup> On 12 December 2022, with the support of the United Nations, the Government launched a review of the National Reconciliation Framework. Participants included youth, women, older persons, persons from minority groups and groups from across Somali society, as well as representatives of the federal member states.<sup>71</sup> In January 2023, there was a large reconciliation conference in South-West State.

<sup>66</sup> Minority Rights Group International, *Minority and Indigenous Trends 2023: Focus on Water* (London, 2023), p. 101.

<sup>67</sup> See communication SOM 4/2022.

<sup>68</sup> [S/2023/109](#), para. 31.

<sup>69</sup> [S/2022/665](#), paras. 83–86.

<sup>70</sup> See <https://opm.gov.so/en/q/pillars/>.

<sup>71</sup> [S/2023/109](#), para. 27.

78. The State Assembly's decision to extend the term of the President of South-West State, Abdiiaziz Hassan Mohamed "Laftagareen", by five years ignited political tensions in the state and escalated into armed confrontation resulting in five casualties, including two children. A reconciliation conference was held under the auspices of the President of Somalia and the federal Speaker of the House of the People, resulting in an agreement on compensation, release of political detainees and respect for freedom of movement of opposition members.<sup>72</sup>

79. Other measures included increasing national and international support to maintain the operation of five rehabilitation centres, in Mogadishu, Baidoa and Kismaayo, housing low-risk defectors from Al-Shabaab (454 women and 539 men, as at 7 February 2023).

80. Impunity and a lack of accountability contributed to continued abuses by security forces and the Somali National Army failed to establish a casualty-recording mechanism as a risk-mitigation measure. In November 2022, a Somali police officer reportedly raped an internally displaced woman in Garas Balley district, Shabelle Hoose region, but the perpetrator has not been arrested.<sup>73</sup>

81. The Independent Expert notes with concern that Somalia retains the death penalty for ordinary crimes and has not declared a moratorium on executions. It was not present during the adoption of General Assembly resolution 77/222, on a moratorium on the use of the death penalty, on 15 December 2022.

## **B. Benchmark 2: Strengthening the rule of law, accountability and transitional justice**

82. On 9 October 2022, the President of Somalia dissolved the Anti-Corruption Commission, and the appointment of new members remains pending. Although the provisional constitution calls for the establishment of a national human rights commission within 45 days, it remains a political hurdle to overcome.

83. On 20 December 2022, the Hirshabelle parliament enacted the State Police Act, similar to the legislative acts in Galmudug and "Somaliland" contributing to the federalization of security.

84. In December 2022, the National Consultative Council, with the exception of Puntland, signed an agreement on a federal model of the judiciary, and a new draft joint project on justice has been developed and is being discussed with the Ministry of Justice and Constitutional Affairs.<sup>74</sup>

85. UNSOM, in collaboration with the Government, "Somaliland" and United Nations agencies and partners, conducted legal and human rights training sessions for judicial officers, custodial officials, judges, military court officials and prosecutors aimed at improving the administration of justice and raising awareness in the community. The programmes reached more than 150 men and women. UNSOM also held a series of training workshops with stakeholders in Mogadishu, Puntland and "Somaliland" to promote ways of enhancing justice for conflict-related sexual violence and judicial independence.<sup>75</sup>

86. In June 2023, the President of Somalia and the Prime Minister held meetings with the Independent Constitutional Review and Implementation Commission and emphasized the importance of accelerating and finalizing the constitution review process. The commissioners gave briefings on the progress and challenges of the process.<sup>76</sup>

87. During the period under review, the Federal Parliament passed 11 security-related pieces of legislation, including the anti-terrorism bill, the National Intelligence and Security

<sup>72</sup> Ibid., paras. 6 and 7.

<sup>73</sup> Horn Observer, "How a Somali police officer raped an IDP woman, extorted \$10 from her family", 23 November 2023.

<sup>74</sup> [S/2023/109](#), para. 37.

<sup>75</sup> [S/2022/665](#), paras. 71–73.

<sup>76</sup> Hiiraan Online, "President Mohamud, Prime Minister meet committees to advance constitution completion", 18 June 2023.

Agency Act, which regrettably undermines human rights and the rule of law, and legislation to advance the Heavily Indebted Poor Countries process. The Independent Expert regrets the lack of prioritization of the human rights institutional and legislative agenda.

88. The Joint Police Programme implemented by the United Nations and funded by some Member States continued to provide technical support, infrastructure, training and coordination to the police services of the Federal Government and federal member states. During phase 1 of the programme (2018–2023), 12 police stations were constructed and 1,299 police officers were vetted, recruited and trained. Overall, 1,784 police officers received specialized training in human rights, leadership, sexual and gender-based violence, elections and security.<sup>77</sup>

89. In its 2022 annual report, the Ministry of Justice, Religious Affairs, Constitution and Rehabilitation of Puntland noted that efforts to address impunity, ensure accountability and promote social cohesion had resulted in an increase in the number of alternative dispute resolution centres in rural areas, from four to nine since 2014. Cases handled by the centres include family matters, financial disputes, land disputes and injuries. The Ministry recommended the strengthening of the centres, including advocating for the greater engagement of persons from minority groups and other marginalized and vulnerable groups, including women, in the adjudication process to foster greater access to the justice system.

### C. Benchmark 3: Ensuring respect for freedoms of opinion and expression, assembly and association

90. The Independent Expert notes several activities carried out by the Government, the United Nations and journalism and media associations aimed at building the knowledge and capacity of journalists and promoting a safe and enabling environment for journalists and the media to perform their work.

91. In September 2022, during a three-day consultative forum on the safety and security of Somali journalists, organized by the National Union of Somali Journalists with the support of ATMIS and the United Nations Educational, Scientific and Cultural Organization (UNESCO), journalists adopted a national action plan for the safety of journalists in Somalia, designed to protect journalists' right to life and media freedom and eradicate the culture of impunity in Somalia.<sup>78</sup>

92. On 5 November 2022, the Somali Journalists Syndicate completed a journalism training course on professionalizing the Somali media in line with freedom of expression, funded by the Embassy of the United States, benefiting 51 journalists across six regions in Somalia.<sup>79</sup>

93. On 15 December 2022, ATMIS, in collaboration with the Somali Women Journalists Rights Association, conducted a three-day training session on media safety and security and basic reporting skills for 25 Somali women journalists based in Mogadishu.<sup>80</sup>

94. On 12 June 2023, the Minister of Information, Culture and Tourism launched a five-day training programme aimed at equipping journalists, especially those on the front lines, with the skills necessary to interview members of Al-Shabaab who have either defected or been captured. The training was part of a broader programme by the Ministry to strengthen media engagement and counter propaganda spread by extremist groups.<sup>81</sup>

<sup>77</sup> See <https://unsom.unmissions.org/unsom-police>.

<sup>78</sup> UNESCO, "Somali journalists adopt a National Action Plan for the Safety of Journalists", 12 September 2022. Available at <https://en.unesco.org/news/somali-journalists-adopt-national-action-plan-safety-journalists>.

<sup>79</sup> See <https://sjsyndicate.org/2022/11/05/51-somali-journalists-complete-training-funded-by-the-u-s-embassy/>.

<sup>80</sup> ATMIS, "Somali women journalists trained on safety, security and basic reporting skills", 16 December 2022.

<sup>81</sup> Abdiqani Abdullahi, "Minister of Information launches 5-day training program for journalists", Somali News Agency, 12 June 2023.



95. On 2 July 2023, the Federation of Somali Journalists organized a one-day advocacy meeting with 10 media owners and managers in Mogadishu, funded by the European Union and Free Press Unlimited, to raise awareness and understanding of the importance of advocating for improved labour rights and working conditions for media personnel.<sup>82</sup>

96. The United Nations Development Programme (UNDP) continued to fund Bilan, the first Somali all-women media project, aiming to overcome the challenges faced by women journalists in society and the professional arena and providing women journalists with a safe and secure environment in which to work.<sup>83</sup>

97. The Independent Expert reiterates the concern raised by the Committee against Torture that the Government has not yet reviewed the Penal Code of 1964 and, in the absence of specific legislation, continues to harass, arrest and detain journalists.<sup>84</sup>

#### **D. Benchmark 4: Promoting women's rights and gender equality in all aspects of society**

98. During the reporting period, no measures were taken towards the ratification of the Convention on the Elimination of All Forms of Discrimination against Women or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, or to repeal provisions that discriminate against women.

99. On 5 September 2022, the Prime Minister launched the Somali national action plan to implement the Somali Women's Charter and Security Council resolution 1325 (2000), on women and peace and security, to reaffirm the important role that women play in conflict prevention and resolution and emphasize the need to address marginalization, the lack of representation of women and the protection of women and girls.<sup>85</sup>

100. In November and December 2022, during the 16 Days of Activism against Gender-based Violence campaign, a series of meetings were convened by the First Deputy Speaker of the House of the People, the Deputy Special Representative of the Secretary-General for Somalia and the Ministry of Women and Human Rights Development, in collaboration with national and international partners, to advance the legislative framework for the protection and education of women and girls.<sup>86</sup> In December 2022, UNSOM launched a book entitled *A Story of Courage*, demonstrating steps that victims of sexual violence could take to hold perpetrators accountable. As part of the implementation of the joint programme on Women, Peace and Protection, co-led by UNDP and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNSOM provided technical support for the development of a training-of-trainers' manual on conflict-related sexual violence for community leaders and grass-roots representatives.<sup>87</sup>

101. Gender inequality deprives Somali women and girls of access to marine education and economic participation, even though women provide for their families, earning income from agriculture, fishing, fish-processing businesses and meat trading. To address this challenge, the Government launched the Women in the Maritime Sector National Action Plan in February 2023 to enhance and empower Somali women in the maritime sector by increasing their opportunities and highlighting their achievements.<sup>88</sup>

102. On 18 May 2023, Somali women in the maritime sector were celebrated at an event organized by the Ministry of Women and Human Rights Development, with support from

<sup>82</sup> Federation of Somali Journalists, "FESJ's advocacy seminar media owners and managers", 3 July 2023.

<sup>83</sup> UNDP, "Somalia's first all-women media team hits first-year anniversary", 11 April 2023.

<sup>84</sup> OHCHR, "Experts of the Committee against Torture commend Somalia on progress in rebuilding State and government institutions, raise questions on the definition of torture and the death penalty", 9 November 2022.

<sup>85</sup> [S/2023/109](#), para. 60.

<sup>86</sup> *Ibid.*, paras. 62 and 64.

<sup>87</sup> *Ibid.*, paras. 80 and 81.

<sup>88</sup> UNSOM, "Achievements and potential of Somali women celebrated on International Day for Women in Maritime", 18 May 2023.

the European Union Capacity-Building Mission in Somalia and UNSOM, to mark the International Day for Women in Maritime.<sup>89</sup>

103. In the area of women and peace and security, the Deputy Special Representative of the Secretary-General for Somalia led a senior-level meeting between the United Nations and Somali women Members of Parliament to explore four strategic areas of action: (a) gender-related priority legislation; (b) strategic engagement with the National Consultative Council; (c) early action to implement the 30 per cent quota for women; and (d) capacity-building for women Members of Parliament.<sup>90</sup>

## **E. Benchmark 5: Ensuring respect for children's rights and promoting youth empowerment**

104. Efforts to promote the legislative agenda for the protection of children have been negligible. In May 2022, Somalia indicated that a child rights bill would be approved by the end of August 2022 or early 2023, and that there were other draft bills that would prevent discrimination against children.<sup>91</sup> The Independent Expert is concerned that, at the time of writing, the child rights bill had not been approved. She urges the Government to take steps to approve bills to protect children.

105. In November 2022, UNICEF and its partners received a \$5 million first emergency response grant from the global fund for education in emergencies and protracted crises, Education Cannot Wait.<sup>92</sup> Currently, 4.8 million children are out of school across Somalia and 3.5 million require emergency child protection services.<sup>93</sup>

106. On 12 September 2022, a handover protocol for the transfer of children allegedly associated with armed groups to civilian child protection actors was signed by the transitional authorities and the United Nations; 341 children were transferred to UNICEF for reintegration support.<sup>94</sup>

107. On 28 September 2022, the Ministry of Youth and Sports signed a memorandum of understanding with Interpeace to empower Somali youth to be agents of transformative change and actively participate in the State-building process. The partnership is anchored on fostering an institutional relationship of cooperation focused on sharing knowledge, expertise and experiences to advance youth representation and participation in the peacebuilding process across Somalia.<sup>95</sup>

108. In May 2023, the Federal Cabinet approved the National Youth Policy, which is grounded in 10 pillars, including youth employment, active participation in societal matters, leadership roles, reconciliation and drug use prevention and treatment. Under the Somalia Youth Strategy, young people and their organizations are viewed as partners in all efforts and empowerment is considered a vital prerequisite for lasting transformation in Somalia.<sup>96</sup>

109. The Abdiyaziz Youth Friendly Center, in partnership with the United Nations Population Fund (UNFPA) and the Ministry of Youth and Sports, provides youth with comprehensive programmes and resources on vocational training in beauty, tailoring and multimedia, equipping young individuals with practical skills to enhance their employability

<sup>89</sup> Ibid.

<sup>90</sup> [S/2023/443](#), para. 64.

<sup>91</sup> OHCHR, "Experts of the Committee on the Rights of the Child praise Somalia for its Efforts to improve political governance, ask about the prevalence of female genital mutilation and corporal punishment", 10 May 2022.

<sup>92</sup> Education Cannot Wait, "Education Cannot Wait announces US\$5 million first emergency response grant for Somalia drought response", 18 November 2022.

<sup>93</sup> UNICEF, "Somalia humanitarian situation report No. 3" (March 2023), p. 3.

<sup>94</sup> [A/77/895-S/2023/363](#).

<sup>95</sup> Interpeace, "Ministry of Youth and Sports and Interpeace sign a Memorandum of Understanding (MoU) to advance the agenda for Somali youth in peacebuilding processes", 29 September 2022.

<sup>96</sup> See <https://somalia.un.org/en/188331-youth-empowerment>.



and foster economic independence. By nurturing entrepreneurship and self-employment, the centre acts as a catalyst for sustainable growth.<sup>97</sup>

## **F. Benchmark 6: Promoting economic social and cultural rights – improved access to health care, water, sanitation, hygiene and an adequate standard of living**

### **Right to food**

110. The establishment by the Government of the Ministry of Environment and Climate Change in August 2022 and the appointment of a Special Presidential Envoy for Drought Response signalled an acknowledgement of the food crisis, a focus on livelihoods and an acknowledgment of the confluence of conflict and climate in relation to water.

111. Humanitarian actors and their partners increased food, medical and other forms of aid assistance to the affected communities, but funding fell far short of what was needed to mitigate the humanitarian crisis.<sup>98</sup>

112. The Independent Expert is encouraged that Somalia and its international partners are continuing to make progress towards reaching the Heavily Indebted Poor Countries Initiative completion point in the period 2023–2024, following re-engagement with the International Development Association and the clearance of arrears with international financial institutions, and that all Heavily Indebted Poor Countries Initiative completion point legislative reforms have passed through both houses of parliament and negotiations with creditors are being concluded. Since September 2022, the World Bank Board of Executive Directors has approved \$180 million in additional resources to address critical needs for water provision, public resource management and urban internally displaced persons<sup>99</sup> and the International Monetary Fund provided \$9 million in December 2022.<sup>100</sup>

### **Right to health**

113. The challenge of the COVID-19 pandemic persists, with the World Health Organization reporting 27,334 confirmed cases and 1,361 related deaths between 3 January 2020 and 9 August 2023. As at 25 July 2023, a total of 10,555,834 vaccine doses had been administered.<sup>101</sup>

114. One in three Somalis are estimated to experience mental health challenges. Moreover, the suicide rate among men in Somalia stands at 11.5 per 100,000, which surpasses the global average. A consortium of diverse partners has developed a road map on how mental health and psychosocial support integration will be developed, aligning with national policies, strategies and resources to promote consensus and commitment among stakeholders to address mental health and psychosocial needs in post-conflict settings and achieve sustainable peace and reconciliation.<sup>102</sup>

115. The Government increased the health sector's budget from \$33.6 million in 2021 to \$58.5 million in 2022, constituting 6 per cent of the total budget, which was an increase over the average of 2 per cent allocated to health in the previous five years.<sup>103</sup>

<sup>97</sup> UNFPA, "Empowering Somali youth: The transformative impact of the Abdiyaziz Youth Friendly Center", 21 May 2023.

<sup>98</sup> See <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>.

<sup>99</sup> [S/2023/109](https://www.unhcr.org/refugees/2023/109), para. 25.

<sup>100</sup> International Monetary Fund, *Somalia*, IMF Country Report No. 22/375 (Washington, D.C., 2022).

<sup>101</sup> See <https://covid19.who.int/region/emro/country/so>.

<sup>102</sup> Interpeace, "Integrating mental health and psychosocial support (MHPSS) into peacebuilding efforts and transitional justice in the Somali Regions", 26 June 2023.

<sup>103</sup> See <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>.

## Labour rights

116. The Independent Expert welcomes the signing of a memorandum of understanding to implement the first Decent Work Country Programme for Somalia by the Government with the International Labour Organization (ILO) on 10 June 2023. The Programme is in line with the National Development Plan and seeks to promote social dialogue for the protection of labour rights.<sup>104</sup> However, the Labour Code is yet to be revised.

## G. Benchmark 7: Protecting the rights of persons with disabilities, minorities and marginalized communities

117. Regarding persons with disabilities, the Independent Expert notes efforts by Somalia to reinforce its human rights framework within the broader State-building process, including ratification of the Convention on the Rights of Persons with Disabilities in 2019, followed by legislation to establish a national disability agency. Nevertheless, discrimination against persons with disabilities, minority clans and other marginalized groups persists, and challenges remain, in particular on navigating the long-standing humanitarian framework, the civil war legacy and ongoing conflict and terrorism.<sup>105</sup>

118. With the support of the Office of the United Nations High Commissioner for Refugees and UNSOM, community case management complaints raised by minority advocates about aid diversion were verified and action taken.

119. Some stakeholders reported that the integrated management system showed a reduction of 18 per cent in gender-based violence cases in the management system owing to awareness-raising and persistent advocacy for attention to be paid to complaints by minority groups.

120. In Puntland, there was hope that the one-person, one-vote system would change the 4.5 system dynamics; however, many stakeholders reported that the attitudes of the majority clans and leaders had not changed. Civil society groups continue to implement projects and activities, such as through football clubs, to bridge the gap between the communities.

## VII. International assistance and cooperation

121. The international community, including the United Nations and their partners, continues to support the Government of Somalia in its political, economic and social development programmes to advance human rights and the protection of Somalis. International assistance focuses on institution-building, human rights capacity-building through training, climate resilience and humanitarian support at the federal and state levels.

122. The Independent Expert welcomes additional funding to the United Nations trust fund in support of the Somali security forces towards operations for the supply of non-lethal support, among others,<sup>106</sup> and increased funding to the Humanitarian Response Plan and the Joint Police Programme, which are testament to the international community's commitment to the reform agenda of Somalia.<sup>107</sup> The Independent Expert applauds efforts to raise funds to address the impact of climate change on the enjoyment of human rights through the Horn of Africa Pledging Conference held in New York on 24 May 2023 and the high-level conference on climate resilience held in Cairo on 6 December 2022, at which life-saving needs in Somalia and medium- to long-term sustainability in view of the recurrent climate crisis were discussed.

<sup>104</sup> ILO, "The first Decent Work Country Programme for Somalia signed", 14 June 2023.

<sup>105</sup> Kirsten Young, "Exclusive humanitarianism: Policy recommendations for genuine inclusion of persons with disabilities in humanitarian action", *International Review of the Red Cross*, vol. 922 (November 2022).

<sup>106</sup> [S/2023/109](#), paras. 88 and 89.

<sup>107</sup> [S/2022/665](#), paras. 49, 68 and 87.

## VIII. Conclusion

123. The Federal Government has embarked on reform measures to build its federal and state institutions and constitutional and legal framework in line with democratic values and principles, including human rights. However, the measures have been fraught with the challenges of ongoing conflict with Al-Shabaab, clan and political conflicts and natural disasters such as drought, floods and famine that continue to make a complex emergency situation in Somalia, with deepened humanitarian and human rights concerns.

124. In August 2022, the Government stated that its priorities would include addressing security, justice, reconciliation and social development. One year on, progress on the promotion and protection of human rights has been mixed in terms of the benchmarks and indicators set out in the previous report. The Independent Expert notes efforts by the Government to address insecurity by conducting the offensive and welcomes the continuing focus on attaining the completion point of the Heavily Indebted Poor Countries Initiative.

125. The Independent Expert commends the efforts of the President of Somalia to enhance ties with front-line States, build relationships with federal member states, hold regular National Consultative Council meetings to strengthen federalism and take steps to quell conflicts and reconcile tensions among federal member states to promote unity and cohesion in Somalia as part of an enabling environment for peace and security. However, an approach that fails to incorporate respect for and the protection of human rights or broaden the participation of civil society risks undermining those efforts.

126. Eleven bills relating to security were passed during the first year of the new Federal Parliament, demonstrating its capacity to take speedy action.<sup>108</sup> The Independent Expert welcomes the adoption of the new federal model of the judiciary by the National Consultative Council to address rule of law and accountability, followed by several capacity-building activities targeting judicial personnel. It is hoped that this will be followed by an increase in funding for this sector from the national budget to sustain these efforts.

127. The Independent Expert regrets that human rights concerns, including progress on the legislative agenda to strengthen the human rights framework for the protection of civilians, in particular women and children, have not been prioritized to ensure accountability.

128. The Independent Expert acknowledges the examples of initiatives and activities undertaken by the Government and national and international stakeholders to address the most pervasive human rights violations and abuses by enhancing human rights capacities to institutionalize a human rights culture in the society. These initiatives are building blocks towards accomplishing the benchmark indicators, but fall short of achieving them.

129. The *gu* rains were better than originally anticipated, which averted famine but also resulted in flooding in many parts of Somalia, thereby increasing the need for humanitarian assistance. However, humanitarian funding is not keeping up with need. The international community is encouraged to sustain its efforts to support the people of Somalia.

130. It is concerning that parts of the Penal Code of 1964, the Media Law of 2020, the anti-terrorism law and other administrative orders adopted in the context of counter-terrorism continue to have a negative impact on the enjoyment of freedom of expression. The Independent Expert calls upon authorities to release journalists currently detained under these laws and accelerate the review and reform of legal and administrative frameworks to ensure that they are in line with international human rights obligations.

<sup>108</sup> See <https://www.osagsomalia.com/resources/bulletins-contents/legislation/>.

131. No progress has been made in relation to minority and marginalized communities and persons with disabilities owing to the unfolding humanitarian crisis, in the form of extreme drought exacerbated by climate change, which requires prioritization. To address ongoing discrimination, not only should quotas be established but all institutions should be mandated to provide disaggregated data in their reports reflecting minority participation and statistics on prisons and detention populations, maternal mortality, humanitarian support and educational institutions.

132. The protection of children has come into question owing to the gravity of violations against children as a result of the continuing conflict by armed groups and the offensive by the Government and its international partners, front-line States and clan militias. Children have also borne the brunt of the impact of drought, floods and environmental degradation exacerbated by climate change. If their rights are not prioritized and protected, children are more likely to join armed groups.

133. The Somali Women's Charter has been embraced as a policy response to advance women's rights and guide initiatives by governmental institutions and activities by NGOs; however, it falls short of being the country's legal human rights framework to address accountability in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, combat sexual and gender-based violence against women and girls in all its forms and manifestations or ensure equality of women in political, economic and public life. The existing draft bills provide pathways to this end.

## **IX. Recommendations relating to remaining benchmarks and indicators**

134. The Independent Expert recommends that the Government, in cooperation with international partners and stakeholders, address the outstanding benchmarks and indicators by the end of 2024, which is also the remaining period of the ninth National Development Plan. Where actions and mechanisms have been put in place leading to the accomplishment of an indicator, the benchmark has been adjusted accordingly.

### **A. Benchmark 1: Promoting security, peace and reconciliation for the protection of civilians in conflict**

135. The Independent Expert recommends that the Government:

- (a) Continue to train the national security forces in line with Security Council resolution 2628 (2022) and the human rights due diligence policy on United Nations support to non-United Nations security forces;
- (b) Harmonize efforts and provide the Somali Police Force with sufficient funds and resources, including proper equipment and training to enable it to protect civilians and improve its investigation and prosecution capabilities;
- (c) Remove the policing functions from the mandate of the National Intelligence and Security Agency and conduct a review of the relevant law;
- (d) Continue to strengthen national and local reconciliation mechanisms to reduce clan violence and establish a civilian casualty tracking system to ensure accountability, in line with paragraph 11 of Security Council resolution 2628 (2022), and publish the results to ensure transparency;
- (e) Establish and institutionalize a transparent civilian harm-mitigation system;
- (f) Conduct a national dialogue on adopting a moratorium on the death penalty and uphold the human rights obligation not to sentence children to death;

(g) Continue to emphasize that all bilateral forces fighting in Somalia, regardless of their rank or nationality, are bound by international law and must conduct prompt, thorough and impartial investigations, hold perpetrators accountable and pay reparations for deaths and injuries caused to the civilians.

## **B. Benchmark 2: Strengthening the rule of law, accountability and transitional justice**

136. The Independent Expert recommends that the Government:

(a) Implement the new justice and corrections model by 2024 and finalize the constitutional review process by the end of 2024;

(b) Establish a fair and transparent process for selecting, evaluating and appointing members of the Judicial Service Commission, the national human rights commission, constitutional courts and the Anti-Corruption Commission so as to reduce corruption and build confidence in the legal system;

(c) Accelerate the adoption, by the end of 2024, of the 2018 sexual offences bill, the female genital mutilation bill, the juvenile justice bill and the child rights bill, in line with international human rights law and standards;

(d) Increase the budget for the justice sector, with a view to promoting and achieving a gender-responsive approach, and provide sufficient human resources capacity;

(e) Expand and increase the diverse local peace committees on transitional justice, guided by accountability for grave human rights violations and by the amnesty legislation.

## **C. Benchmark 3: Ensuring respect for freedom of opinion and expression, assembly and association**

137. The Independent Expert recommends that the Government:

(a) Release journalists, media workers and human rights defenders who remain in detention and desist from arresting and detaining journalists and media workers;

(b) Declare a moratorium on the use of the Penal Code of 1964 against journalists and media practitioners where it undermines freedom of opinion and expression;

(c) Ensure that human rights violations and abuses perpetrated against journalists and human rights defenders by security actors and non-State actors are thoroughly investigated, prosecuted and compensated and reparations awarded;

(d) Review, by the end of 2024, the amended Media Law of 2020 in line with international obligations to uphold human rights standards.

## **D. Benchmark 4: Promoting women's rights and gender equality in all aspects of society**

138. The Independent Expert recommends that the Government:

(a) Take urgent measures, by 2024, towards ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and harmonize national laws with these instruments to better protect women and girls;

(b) Undertake, by 2024, a comprehensive review of domestic legislation, with a view to repealing discriminatory laws against women and girls;

(c) Increase access to justice for women and apply the 30 per cent minimum quota representation for women in elected and appointed positions, including in professional and administrative staff positions in the federal and state justice systems;

(d) Integrate human rights and gender issues into the curriculum for all justice actors and conduct training for all staff by the end of the ninth National Development Plan;

(e) Implement the road map established in 2023 to advance the Somali Women's Charter and adopt the 30 per cent minimum quota standard on women's representation and participation in electoral processes and a means of achieving it;

(f) Empower women by increasing the enrolment and retention of girls in schools by 2 per cent annually and increasing business and job training opportunities for women.

#### **E. Benchmark 5: Ensuring respect for children's rights and promoting youth empowerment**

139. The Independent Expert recommends that the Government:

(a) Adopt a comprehensive child rights bill, in line with the Convention on the Rights of the Child, by the end of 2024;

(b) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child;

(c) Establish rigorous screening procedures to ensure that no one under the age of 18 is recruited into the armed forces;

(d) Ensure that all children deprived of their liberty for alleged association with armed groups are treated as victims and handed over without exception to child protection actors in line with the standard operating procedures for the reception and handover of children separated from armed groups;

(e) Invest, by 2024, in a nationwide education system and provide universal and equal access to and completion of primary education to all children, including girls;

(f) Continue to increase the number of skills development centres to empower youth across Somalia and intensify efforts to promote and ensure their access to employment opportunities, internships, vocational training and apprenticeships;

(g) Systematize and establish a quota for the participation of youth in all aspects of political, peace and security processes;

(h) Prioritize strategic investment in the health and education sectors and the empowerment of young people to harness and accelerate the demographic transition.

#### **F. Benchmark 6: Promoting economic social and cultural rights – improved access to health care, water, sanitation, hygiene and an adequate standard of living**

140. The Independent Expert recommends that the Government:

(a) Fulfil the commitment to improve access to integrated health and nutrition services through the Basic Essential Package of Health Services by increasing the government budget allocation by the remaining 9 per cent, as recommended in the 2001 Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases;

(b) Accelerate the construction of 100 water wells and catchment area for the collection and storage of water in rural areas, schools and domestic settings, in order to improve access to water, sanitation and hygiene, by 20 per cent in 2024;

- (c) Immediately adopt a moratorium on forced evictions and provide adequate compensation and viable relocation or local integration options to reduce evictions by 50 per cent by 2024;
- (d) Adopt and publish a revised labour code, conduct regular inspections and require an annual compliance report on labour standards by public and private entities in furtherance of accountability and transparency;
- (e) Continue to implement the National Durable Solutions Strategy.

**G. Benchmark 7: Protecting the rights of persons with disabilities, minorities and marginalized communities**

141. The Independent Expert recommends that the Government:

- (a) Adopt, by 2024, comprehensive legislation to eliminate all forms of discrimination against persons with disabilities, minorities and marginalized communities and effectively accelerate the removal of barriers that exclude persons with disabilities from the enjoyment of their rights;
  - (b) Adopt the National Disability Law and operationalize the National Disability Agency by 2024;
  - (c) Take the measures necessary to ensure increased participation and representation in political structures and decision-making bodies of minority clans and marginalized communities by establishing a quota for representation;
  - (d) Release persons detained for their religious beliefs and uphold the rights of individuals to practise their religion as enshrined under article 17 (1) of the provisional constitution.
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