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Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Human rights situation in Somalia

Introduction

As a result of the critical situation of human rights situations in Somalia over the recent period, particularly the rights of women, children and human rights defenders, Maat for Peace, Development and Human Rights presents this intervention to monitor the human rights situation in Somalia, which witnesses several violations, especially after the failure of all national or international efforts to settle the conflict there. Hence, this intervention highlights the most prominent violations against Somalis, which need the attention of the Council.

Violations against women

Women in Somalia are subjected to a number of violations, both with regard to discrimination against them and physical abuse, whereas, cases of rape by al-Shabaab movement or even by the forces of the African Union Mission (AMISOM) to Somalia are high. In July 2018, the media reported that Kenyan troops deployed outside the AMISOM raped three women and girls in Belet Hao town along the Kenyan border. With regard to ending the chronic problem of sexual violence, especially gang rape throughout the country, no progress has been made in the Sexual Offenses Bill.¹ Furthermore, the Penal Code also criminalizes rape, however, it considers it a crime against morality not against the victim.

In addition to the use of women in suicide bombings. on July 24, 2019 the mayor of Mogadishu and six others were killed by a blind female suicide bomber, was an employee of the local government of the capital and received help from a colleague who was also working in the local government. This is the first time in which it is declared that the al-Shabaab used a disabled person in a suicide bombing.²

Maat would like to point out what happened to the Elias Adam's 12-year old daughter Aisha, who was abducted and gang raped on February 24, 2019, then killed and her body was thrown near his home in the following day in Galkayo city in the central Somali region of Galmudug. Attempts are being made to settle the matter in a customary manner, which is rejected by her parents, and the perpetrators have yet to be punished. Aisha's case is one of 12 cases of rape filed suits against the defendants between January 1 and March 2019.

Violations against children

Somalia remains one of the top countries in which child recruitment rates are increasing, with approximately 2228 boys and 72 girls being recruited, according to the statistics of the Special Rapporteur on the Rights of the Child in June 2019. The recruitment of youth by al-Shabaab increased significantly by 1865 compared to 2017.³

Children are also deprived of their right to education and most of them, because of poor conditions, resort to work instead of schools. There are about 39.8% of Somali children between the ages of 5 and 14 are already working. The number of children working in the country is about 1 million. As for education, the incidence of attacks on schools and hospitals is increasing and is preventing children from enjoying their rights to education

1 — "في أعقاب الهجمات المميتة في الصومال، الأمم المتحدة تؤكد التزامها بدعم البلاد"، منشور على موقع أخبار <https://bit.ly/31yR3BN> الأمم المتحدة، بتاريخ 25 تموز/يوليه 2019، وللمزيد من التفاصيل على الرابط التالي:

2 "الصومال: انتحارية كفيفة وراء مقتل عمدة مقديشو"، منشور على موقع سيوتنيك عربي، بتاريخ 8 أغسطس، وللمزيد من التفاصيل على الرابط التالي: <https://bit.ly/2ZOkIMk>

3 — "تقرير أممي يشير إلى أن عام 2018 شهد أعلى مستويات مسجلة لأعداد الأطفال القتلى أو الجرحى في الصراعات المسلحة"، منشور على موقع أخبار الأمم المتحدة، بتاريخ 30 يوليه 2019، وللمزيد من التفاصيل على <https://bit.ly/2M1DN4W> الرابط التالي:

and health care. Specifically, in the months of November 2016 to August 2017, close to 50,000 children lost the opportunity to go to school due to displacement.⁴

Refugees and internally displaced persons

The phenomenon of internal displacement is the most prominent challenge that hinders the progress of improving the human rights situation in Somalia. The causes of displacement vary between natural disasters or armed conflicts. In the second quarter of 2018 heavy rains and floods in the Jubba and Shabelle rivers basin displaced about 215,000 people, while the number of people affected by sudden floods reached about 630 thousand people.⁵ As for the problem of displacement due to armed conflict, the armed conflict in Somalia continued in the first half of 2018, with about 341,000 new displacements registered between January and June 2018.⁶

In July 2019, the problem of the shilling currency's exit from service forced about 40% of Beledweyne's residents to flee to other regions of the country such as Banaadir, Middle Shabelle, Lower Shabelle and others. The problem also led to the closure of about 3000 stores.⁷

Restrictions on freedom of opinion and expression

Although the Somalia Council of Ministers has approved the Draft Media Law, which may contain some positive points, has made all media and expression channels generally under the control of the government in Mogadishu. The law imposed a number of licensing and registration procedures on all media and made their work under the supervision of the Ministry of Information.⁸

Although an independent press committee is allowed to be established, it will also remain under the Ministry's control. This is in addition to the restrictions imposed on journalists themselves.⁹ Not only the restrictions on publication but journalists are also arrested, more than 30 journalists have been arrested and detained for criticizing the government.¹⁰ The Somali authorities continued to restrict the work of human rights activists and journalists, through so-called "security exemptions", which are often used as a cover for the suppression of human rights.

Lack of confidence in the Justice system

The judiciary system suffers from a lack of independence due to several factors, including corruption, which is spread in all State institutions, non-separation of powers in a way that enables the judiciary system from performing its role independently and the weakness of federal and regional courts, in addition to their subordination to custom control over constitutional laws, and their lack of the logistical support that qualify them to perform their role effectively. As a result, people are now seeking courts in areas belonging to al-Shabaab. Also, the Somali government does not have a mechanism to verify the judgments

⁴ USAID, Somalia Education, available at: <https://www.usaid.gov/somalia/education>.

⁵ "تشريد الآلاف بسبب الفيضانات في الصومال | أخبار الأمم المتحدة" United Nations. Accessed August 07, 2019. <https://news.un.org/ar/story/2018/04/1007252>.

⁶ The mid-year figures report 2018, by Internal Displacement Monitoring Centre, 2018, available at: <https://bit.ly/2OczCAT>

⁷ "خروج العملة المحلية عن الخدمة يجبر 40% من سكان مدينة بلدوين على النزوح"، منشور على موقع الصومال <https://bit.ly/2MUbc7F> الجديد، بتاريخ 2019/8/7، وللمزيد من التفاصيل على الرابط التالي:

⁸ "Freedom of Expression in Somalia: Still Not a given." UNSOM. September 06, 2018. Accessed August 04, 2019 <https://unsom.unmissions.org/freedom-expression-somalia-still-not-given>.

⁹ Somalia: Draft Media Law." ARTICLE 19. Accessed August 04, 2019.

<https://www.article19.org/resources/somalia-draft-media-law/>

¹⁰ تقرير منظمة العفو الدولية لعام 2017-2018. لينك التقرير كامل: <https://www.amnesty.org/download/Documents/POL1067002018ARABIC.PDF>

issued by its courts and that most people go to the judiciary of al-Shabaab instead of the government judiciary.¹¹

Recommendations

Maat recommends stakeholders as follows:

- To reconsider laws on the freedoms of opinion and expression, particularly the Law on Media, which limits the formation of independent civil society organizations.
- To implement the Somali government's commitment to the Convention on the Rights of the Child, in order to reduce Somalia's highest rate of child recruitment worldwide.
- To formulate national development plans by the Somali government to reduce the disadvantages of natural disasters to the Somali people, which increases the rates of displacement and displacement, as well as the displacement resulting from military operations.
- To Increase penalties for sexual violence against women and to stop discrimination in all its forms against women.
- To open an extensive investigation into cases of sexual violence against women by AMISOM, with greater accountability and transparency in investigations.
- To increase efforts to protect Somali women from violations by the al-Shabaab movement under the pretext of applying the Sharia.
- To work towards improving the conditions of camps inhabited by internally displaced persons and to provide an appropriate working environment, especially for women.
- To seek more humanitarian aid to help those affected by conflict or natural disasters.
- To Combat corruption in the judiciary; to activate the role of constitutional laws in parallel with customary laws; to formulate a national committee familiar with the law and accepted by the community to look into controversial legal matters in which the law is contrary to custom; and to reform courts and pay attention to the coordination between federal courts and state courts.

¹¹ Security Council, 8352ND Meeting (PM), "The situation in Somalia Report", page 3, 13 September 2018, on this link: <https://bit.ly/2U10H0d>