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Summary record of the 4083rd meeting

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Chair: Ms. Abdo Rochell

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Initial report of Somalia (CCPR/C/SOM/1; CCPR/C/SOM/QPR/1)

1. *At the invitation of the Chair, the delegation of Somalia joined the meeting.*
2. **A representative of Somalia**, introducing his country's initial report, said that Somalia had embarked on a transformative journey towards a more just society. That journey had begun with a comprehensive review of the legislative framework, including an overhaul of the Penal Code, which had entailed the adoption of crucial new pieces of legislation, such as provisions on sexual offences, juvenile justice, and disability and children's rights, along with other laws designed to safeguard fundamental rights and ensure accountability while bolstering the national security apparatus and upholding the rule of law. Laws in that category included the National Intelligence and Security Agency Act, the Counter-Terrorism Act and the Auditor General Act.
3. Recognizing the need to continue to strengthen the legal framework and adapt it to evolving human rights standards, the Government was set to establish a law reform commission to continue to review and update existing legislation. It was committed to proactive lawmaking to address emerging challenges and gaps and had developed legislation to protect whistle-blowers and witnesses and to amend the 1974 Prison Act. The resulting bill, which reflected the values enshrined in the Covenant, was currently pending Cabinet approval. The Government was also committed to ratifying key international instruments and respecting obligations assumed thereunder. At present, it was in the final stages of ratifying the United Nations Convention against Transnational Organized Crime and the protocols thereto related to trafficking in persons, migrant smuggling and illicit trafficking in firearms.
4. Significant strides had likewise been made in the operationalization of key institutions, including the Judicial Training Institute, which had a key role in building the capacity and professionalism of the judiciary, and the Tubsan National Centre for Preventing and Countering Violent Extremism, tasked with addressing the root causes of extremism and promoting tolerance and inclusivity. An interministerial human rights coordination unit had also been established, which worked in partnership with the Office of the Prime Minister to mainstream human rights principles and ensure coherence and consistency in policies and initiatives.
5. Five regions had been liberated from the grip of terrorism and extremism, marking a milestone in efforts to restore peace, stability and security. In view of the unique challenges faced in the north of the country, the Government had appointed a special envoy for Somaliland affairs to revitalize talks, address long-standing issues and foster dialogue, reconciliation and national unity. It had also taken steps to address past human rights violations and provide support for survivors, and it was working to fight impunity and corruption – including by prosecuting State officials involved in corrupt practices – and to ensure accountability and transparent management of the country's natural resources.
6. The existence of the Somali Women's Charter attested to the Government's resolve to ensure equality between men and women and promote women's representation. The National Action Plan on Ending Sexual Violence in Conflict reflected its dedication to combating sexual violence and harmful practices, and it was working to reduce maternal and infant mortality. The rights of persons with disabilities, refugees, asylum-seekers and internally displaced persons were integral to the human rights agenda, and guidelines and structures had been established to support and protect the most vulnerable groups. The legal and regulatory framework provided protection for journalists and for the freedom of expression and assembly that was so vital for a vibrant democracy. Significant progress had been made in protecting children's rights, preventing child recruitment and ensuring that all citizens were able to participate in public affairs and electoral processes.
7. The contentious issue of the death penalty was being accorded the serious consideration that it merited, and the related legal provisions were constantly reviewed to ensure extensive due diligence if and when the penalty was applied. Protecting civilians

against terrorism and the disproportionate use of force by the police was a priority, and legislation was in place for that purpose. The justice system was robust, with measures in place to ensure the independence of the judiciary and the right to a fair trial. Although proud of its achievements, the Government acknowledged that challenges remained. It was confident, however, that, with the continued support of the international community, it could build a future in which the rights and freedoms of all Somalis were protected.

8. **Mr. Santos Pais**, commending the State party for having finally submitted its initial report, said that he would like to hear about the procedures in place for ensuring the implementation of the concluding observations that the Committee would issue after the dialogue. He also wished to know how the Views that the Committee issued under the Optional Protocol were handled and whether they were considered to be legally binding. Information about steps taken to raise awareness about the Covenant and the Optional Protocol among members of the legal profession, political and religious leaders and the general public would be appreciated. He would likewise welcome the delegation's comments on a proposal apparently being considered in the context of the ongoing legislative review to lower the age of majority from 18 to 15 years or possibly even earlier. Such a change would run counter to the Convention on the Rights of the Child and article 24 of the Covenant and would have adverse consequences in terms of the protection of children and their rights.

9. In view of the constitutional prohibition on the propagation of any religion other than Islam, he would like to know how the State party ensured that all persons had the freedom to adopt and practise a religion or belief of their choice and the freedom to change that religion or belief. The cases of Ms. Hani Adbirahman Abdimalik, Mr. Said Aden Mohamed and others who had received lengthy prison sentences for having converted to Christianity were a matter of concern and appeared to reflect a pattern of judicial harassment of religious minorities. He invited the delegation to comment on that matter. It might also comment on allegations that non-State actors violently punished and even killed people who converted to a different religion and reports that public pressure had forced the closure of the only Catholic church in Somaliland in 2017. He wondered how the closure of a place of worship could be compatible with freedom of religion. He had similar concerns about reports that, while the possibility of opting out of compulsory Islamic instruction in schools existed in theory, no such requests had been made owing to the hostility directed at non-Muslims. The delegation's comments on those allegations, and on the discrimination and violence reportedly inflicted on non-Muslim children by their peers, would be helpful.

10. As the State party acknowledged the need to reinforce security in parts of the country owing to continuing human rights violations by non-State actors (CCPR/C/SOM/1, para. 24), he would like to know what the federal government was doing to enhance cooperation with the regional authorities in Somaliland, Puntland and other federal states and whether such cooperation might extend to the investigation and documentation of human rights violations and the organization of human rights advocacy campaigns. With regard to the ongoing conflict and terrorist activity, he would like to know in which parts of the country the national army had been deployed to fight Al-Shabaab and its associates, which regions were still outside government control, what was being done to ensure that perpetrators of terrorist attacks were held criminally liable and whether the State party intended to ratify the Rome Statute and accept the jurisdiction of the International Criminal Court.

11. As the State party's initial report failed to address questions about same-sex sexual activity raised in the list of issues prior to reporting (CCPR/C/SOM/QPR/1, para. 8), he invited the delegation to provide the requested information on arrests and prosecutions under article 409 of the Penal Code and on any plans to repeal that provision to ensure compliance with the Covenant. He would also appreciate its comments on reports of self-styled Islamic "courts" controlled by insurgents imposing the death penalty on persons who had engaged in consensual same-sex sexual relations. Could the delegation indicate whether any such executions had been carried out in recent years? Lastly, he would welcome details on the legal and practical measures, including awareness-raising campaigns, taken to combat discrimination based on sexual orientation and gender identity.

12. **Ms. Bassim** said that she would appreciate clarification as to whether the Interministerial Concessions Committee and the Public Procurement Authority referred to in paragraph 51 of the report were operational and, if so, what the scope of their activities was.

Did the Authority have the power to conduct investigations? She also wished to know whether the asset declaration regime for senior public officials mentioned in the report was in place and which officials were required to declare their assets. She wondered whether the Federal Parliament had approved the membership of the Anti-Corruption Commission and, if so, what results the Commission had achieved to date. More generally, she would like to know how the work of those institutions, and particularly the Anti-Corruption Commission, was monitored and assessed. Figures on the number of corruption and money-laundering cases prosecuted and the number of convictions obtained since 2019 would be helpful, along with details of the penalties imposed. She also would like to know which body was responsible for natural resources management, which institution oversaw that body's work and what procedures were in place to ensure that resources were managed in a transparent and equitable manner.

13. She invited the delegation to describe the measures taken to address discrimination in the absence of comprehensive legislation defining and prohibiting its various forms. Details on court decisions addressing the different forms of discrimination would be useful, as well as information about specific measures to prevent discrimination against women in the public and private spheres and in the labour market. She would also like to know what steps the Government was taking to meet the 30 per cent target quota set for women's representation in Parliament, what obstacles it faced in that respect and how they were being addressed.

14. Could the delegation comment on reports concerning the discrimination faced by persons in interracial or inter-clan marriages and the measures taken to prevent such discrimination?

15. In terms of the empowerment of women, it would be helpful to hear about any steps taken to increase their access to credit, build their entrepreneurial skills, help them market their products and encourage their participation in political life. What was the ratio of women to men in political office? Lastly, she was interested in the forms of polygamy that were practised in the State party and the manner in which conflicts arising from unequal treatment of wives and children, especially in matters of financial support and inheritance, were addressed.

16. **Mr. Teraya** said that it would be interesting to know how the State party was going about striking a balance between the reconciliation process and the fight against impunity and whether the Truth and Reconciliation Commission had been established. It would also be helpful to learn what offences were defined as constituting the worst crimes referred to in paragraph 73 of the report, whether that category encompassed war crimes and crimes against humanity and what the penalties for the worst crimes were. He invited the State party to explain how an amnesty law could be reconciled with the broader objectives of the fight against impunity.

17. He would welcome information on any measures being taken to abolish the death penalty and, in the meantime, on any plans to introduce a moratorium as a transitional measure and on any steps taken to limit the scope of the death penalty. With reference to article 6 (5) of the Covenant, it would be useful to know whether national laws unambiguously prohibited the imposition of the death penalty on minors and pregnant persons and whether there were measures in place to verify the age, pregnancy status and other specific characteristics of individuals sentenced to death. The delegation was invited to comment on reports that executions were sometimes carried out swiftly, merely days after sentencing, and on the fair trial guarantees enjoyed by persons being prosecuted for capital offences. How many death sentences had been handed down and how many had been enforced in the past five years?

18. He invited the delegation to describe how the Criminal Procedure Code and the Code of Military Criminal Law were compatible with international standards such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. He would also like to know how strictly the exemption from punishment for law enforcement personnel was applied and what training was provided to police and military personnel to ensure that the procedural rights of defendants, detainees and persons placed under arrest were upheld. The Committee would appreciate an update on the investigations into the killing of a

parliamentarian and others in December 2018 and the killing of a tuk-tuk driver in April 2019. The recurrence of incidents of civilian deaths and injuries during peaceful assemblies, for instance on 19 February 2021, on 11 August 2022 and in January 2023, raised concerns about the effectiveness of existing regulations on the use of force. The Committee would therefore also appreciate further details on those cases and on any oversight mechanisms for monitoring the use of force. Lastly, up-to-date disaggregated data on unlawful or arbitrary executions would be welcome.

19. **Ms. Donders** said that she wished to know whether the constitutional review process would address the status of international treaties within the national legal order and, in the light of the supremacy of sharia law, how the State party ensured that Covenant rights were fully respected in law and in practice. She would welcome further details about cases where the Covenant had been invoked before the courts, plans to collect data on references to the Covenant, measures to ensure the effectiveness of training for judges in the enforcement and protection of Covenant rights, efforts to raise awareness among religious and community leaders, as well as the general public, regarding human rights and the Covenant, and measures to protect and promote Covenant rights in areas not under the control of the federal government. Noting that traditional mechanisms remained a first resort for many communities, she wished to better understand how the State party ensured that alternative dispute resolution centres adhered to international human rights standards, including those relating to the protection of the rights of women, children and other marginalized and minority groups.

20. She would appreciate an update on the efforts being made to set up a national human rights institution in line with the Paris Principles, as well as information on any obstacles to the completion of that process and on the measures envisaged to guarantee the institution's independence, especially since the members would be nominated by the Cabinet.

21. She was interested in hearing how the State party intended to ensure that legislation on sexual offences was in line with its international obligations, particularly since the Sexual Intercourse and Related Crimes Bill, which she understood might well be adopted instead of the Sexual and Indecency Offences Bill, was reportedly less in keeping with relevant international standards, as it, for instance, still permitted child marriage based on physical maturity. She also wished to receive information on the State party's efforts to address sexual and physical violence against women and girls, and specifically on measures to prevent, investigate and prosecute such cases, to provide special protection from sexual and gender-based violence for vulnerable persons, including children, women with disabilities and internally displaced persons, and to ensure effective access to justice and reparations for victims. What sort of medical and social support was provided to victims and what measures were in place to ensure that they could obtain such support without fear of retaliation, stigmatization or discrimination? Information would be welcome on the training provided to military and law enforcement personnel regarding the issue of sexual violence.

22. Given the alarming rate of conflict-related sexual violence, the State party might describe its efforts to effectively protect all people, and women and girls in particular, from sexual violence committed by Somali police and armed forces and by non-State actors and to punish the perpetrators. What precisely did the National Action Plan on Ending Sexual Violence in Conflict entail?

23. Noting the astonishingly high rate of female genital mutilation and early and forced marriage in Somalia, and echoing other United Nations bodies, the Committee wished to know more about the specific steps that the State party was taking to criminalize harmful traditional practices and prosecute and punish those who practised them. The Committee would be interested to hear about any medical and social support, remedies and reparations available to victims and the steps taken to prosecute cases of deaths caused by female genital mutilation. Information would be welcome on any awareness-raising and educational campaigns on the lifelong harmful effects of female genital mutilation and early or forced marriages and on any measures adopted to address the root causes of those practices, including social, cultural and religious causes.

24. The Committee was gravely concerned by the country's high rates of maternal and infant mortality and especially by the fact that most of the deaths were preventable. It

therefore was eager to hear about the results of the National Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Strategic Plan 2019–2023 and the level of implementation of similar plans aimed at improving access to health services in both rural and urban areas by training and hiring more health-care professionals and increasing the availability of medicines and medical supplies. It would also be interested in learning about any national plan or framework to promote education on sexual and reproductive health and rights for all children and adolescents, as well as family planning and the use of contraception. Lastly, in the light of the ban on abortion other than to save the life of the mother and the introduction of additional administrative hurdles to be overcome in order to obtain an abortion, she wondered how willing the State party was to foster a national dialogue on abortion and to consider legalizing abortion more widely in order to discourage women from seeking unsafe, clandestine abortions. Were reports of an absence of criminal proceedings and convictions in abortion-related cases true?

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

25. **A representative of Somalia** said that the Government of Somalia had made substantial strides in reinforcing human rights protections and aligning the legal framework with international standards. For example, a significant reform of the Penal Code was in the final stages of broad stakeholder consultations, pivotal bills on sexual offences, juvenile justice and children's rights had been passed by the Cabinet and were pending parliamentary approval, and laws had been adopted on the National Intelligence and Security Agency, counter-terrorism and the Office of the Auditor General. In addition, amendments to the Prison Act and bills on whistle-blower and witness protection, international judicial cooperation, and the control and use of all small arms were awaiting adoption by the Cabinet. Furthermore, a law reform commission, to be established shortly, would conduct a thorough review of existing legislation. Somalia was on track to ratify key international instruments, and significant inroads had been made on the operationalization of the Judicial Training Institute, which had already carried out human rights training sessions for judicial officers.

26. The Ministry of Women and Human Rights Development, in partnership with the Office of the Prime Minister, was actively working to set up an interministerial human rights coordination unit to bolster the Government's ability to effectively mainstream the promotion and protection of human rights and to identify, record and mitigate human rights violations, thereby fostering greater accountability, improving the protection of human rights and advancing the implementation of recommendations made by United Nations human rights mechanisms.

27. Somalia had rolled out initiatives for enhancing public awareness of the rights enjoyed under the Covenant and the first Optional Protocol. The initiatives, including the commemoration of international days, a campaign against female genital mutilation and a disability awareness-raising campaign, served as platforms for dialogue and collaboration among the Government, civil society organizations and international partners. The Joint Programme on Human Rights contributed greatly to public awareness of international human rights law through workshops, seminars and media outreach. It also provided training to legal practitioners, law enforcement personnel and government officials, as well as tools to civil society organizations for educating the population about Covenant rights. Furthermore, the Joint Programme also had a legal assistance component for persons whose rights had been violated.

28. **A representative of Somalia** said that the Government continued to conduct vital liberation and stabilization operations in areas under the control of terrorist groups. Since 2022, swathes of territory had been recovered in the states of Galmudug and Hirshabelle. Following the liberation of that territory, the Government had swiftly put in place basic services to support the communities living there. The appointment of a special envoy to revitalize the dialogue between the Government and authorities in the northern regions of Somaliland reflected the Government's commitment to addressing long-standing issues internally and to building national unity and peace. The Government cooperated with all federal member states in the pursuit of peace, stability and development. The region of Puntland was no exception; it was represented in the National Consultative Council and was fully engaged in that process.

29. The State party was also committed to combating the financial activities of terrorists. The Financial Reporting Centre had been set up to identify suspicious financial activities and to refer those cases to the Attorney General's Office for prosecution. The Centre had requested that 1,606 individual bank accounts and 47 company bank accounts should be temporarily frozen so that it could carry out preliminary investigations. As a result of those activities, it had referred 113 cases to the Attorney General's Office for examination under the Anti-Money Laundering and Countering the Financing of Terrorism Act. The Office had concluded investigations into 71 of those cases, and arrests had been made or warrants issued in 60 of them.

30. **A representative of Somalia** said that the Joint Parliamentary Constitutional Review and Implementation Oversight Committee, the Independent Constitutional Review and Implementation Commission and the Ministry of Justice had drawn up a comprehensive road map for the constitutional review process. The National Consultative Council had submitted a number of proposed amendments to the provisional Constitution on contentious issues such as power-sharing and the national security, justice and fiscal models to the Parliament. With respect to those amendments, it should be noted that no decision had been made concerning the proposal to reduce the age of majority. Public consultations were yet to be held on that matter, and the amendment would be adopted only if it enjoyed the support of the public and was found by Parliament to be compatible with international human rights principles.

31. Somalia was a country with a pluralistic legal tradition, and the provisions of the Covenant did not take precedence in the national legal system. However, the Government was committed to honouring its constitutional obligations and adhering to the principles of international law. Prior to acceding to an international treaty, the State party ensured that the text was translated into Somali and that public consultations were held to gather the views of a wide range of stakeholders. All provisions were then carefully reviewed by legal bodies, including the Ministry of Justice, before a proposal for accession was brought before the Council of Ministers. The purpose of that review process was to ensure that all provisions contained in the treaty were compatible with the provisional Constitution and sharia law.

32. Sharia law was established in the Constitution as the principal source of law in Somalia. All domestic legislation was nonetheless crafted to be compatible with not just sharia law but also the country's constitutional principles and the international treaties to which it was a party. That body of legislation served as the basis for the country's judicial system and thereby guaranteed the uniformity and predictability of legal processes. Furthermore, the Ministry of Justice was in the process of setting up a commission for legislative reform that would be tasked with, among other things, ensuring that all new and existing laws were compatible with the Covenant.

33. **A representative of Somalia** said that comprehensive training had been provided to strengthen the capacity of judicial and law enforcement personnel to interpret and enforce the law in a manner that was compatible with both the country's unique cultural composition and its international obligations. The content of that training was designed to ensure that officials were adequately informed not just about the application of the law but also about the principle of fairness, human rights and international standards.

34. The aim of the Judicial Training Institute, which had been established in 2022, was to improve the effectiveness and efficiency of the judiciary and strengthen its capacity to administer justice and promote the rule of law. The Institute provided judges, prosecutors and other judicial staff such as court clerks with training services ranging from a basic legal education to specialized instruction. As part of wider efforts to facilitate access to justice, over a hundred judges and prosecutors had been recruited by the judiciary in the previous three years alone.

35. **A representative of Somalia** said that the National Independent Human Rights Commission Establishment Act of 2016 had been drafted following consultations with various stakeholders, including United Nations agencies, and in accordance with recommendations emanating from the universal periodic review. That law provided for the creation of an independent, adequately resourced commission mandated to perform functions such as raising awareness of human rights, setting standards and parameters for the implementation of human rights obligations, monitoring the human rights situation in the

country, investigating human rights violations and ensuring that perpetrators were held accountable and justice was duly served.

36. A temporary selection panel composed of 19 members from different federal member states and sections of society had been formed to appoint the commissioners. The selection process adopted by the panel was transparent, inclusive and free from political interference, and the selection criteria had been carefully formulated to ensure equal representation. Consequently, four of the nine members of the Commission must be women and one of the members must be a person with disabilities. The Ministry of Women and Human Rights Development had overseen critical stages of the selection process to ensure that it met the standards of transparency and accountability set out in the Paris Principles.

37. **A representative of Somalia** said that, with the aim of qualifying for debt relief, his country had taken a series of measures based on a commitment to maintain macroeconomic stability, implement a poverty reduction strategy, put in place reforms to achieve fiscal stability and inclusive growth, enhance its governance structures and improve its debt management and social conditions. As a result of those steps, in December 2023 Somalia had received US\$ 5 billion under the Heavily Indebted Poor Countries Initiative. The reforms had also led to increased domestic revenue, an improved management of public finances and procurement, and enhanced institutional capacity.

38. The Government had taken a series of measures – ranging from filing legal actions to strengthening accountability frameworks in various institutions, agencies and ministries – aimed at combating corruption and promoting transparency, accountability and integrity within the public sector. Important strides towards those goals had also been made as a result of the implementation of the National Anti-Corruption Strategy 2020–2023. Under the Strategy, Somalia had ratified the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and the Arab Anti-Corruption Convention. The Ministry of Finance had also established a department to ensure that all public procurement procedures complied with the principles laid down in the Public Procurement, Concessions and Disposal Act. However, although the Anti-Corruption Commission had become operational, it had since been dissolved and was currently in the process of being reconstituted.

39. In recent years, a number of State officials had been investigated and prosecuted for corruption. They included several officials who had been arrested in 2023 and tried for their involvement in a high-profile case concerning the misuse of emergency funds set aside for the State's response to the coronavirus disease (COVID-19) pandemic. New legislation on the recovery of assets and the proceeds of corruption was currently under development, and the executive branch had submitted a bill on whistle-blower protection to Parliament.

40. **A representative of Somalia** said that the Government's recent efforts to combat corruption had been hampered by the absence of two vital institutions: a higher judicial council and an anti-corruption commission. In the context of the ongoing process of constitutional review, the National Consultative Council had decided that a federal judicial model should be developed and had mandated the establishment of the Higher Judicial Council in order to guarantee the independence of the judiciary. That body would also play an important role in ensuring corruption cases were brought to justice. The Anti-Corruption Commission had been dissolved owing to discrepancies in the legal process by which it had been established. However, the Minister of Justice had made a commitment to the Prime Minister that the Commission would be reinstated before the end of 2024. In the meantime, a special department within the Ministry of Justice was actively pursuing a range of anti-corruption measures.

41. **A representative of Somalia** said that the State party considered the fight against impunity to be one of the cornerstones of its human rights strategy. To that end, relevant substantive and procedural laws had been enacted and dedicated units within the Attorney General's Office had been established to carry out investigations and prosecutions. As a result, a number of government officials, including members of the national security and armed forces, had been brought to justice for offences committed against civilians, and the victims had been provided with adequate redress.

42. Article 111 of the provisional Constitution provided for the establishment of a truth and reconciliation commission. Unfortunately, the creation of that commission had been delayed while the Government concentrated on its campaign to reclaim territory under the control of Al-Shabaab. It was critical for the Government to liberate such territories so that traditional elders and leaders living in those areas could be represented on that body in accordance with the second paragraph of article 111.

43. **A representative of Somalia** said that a task force composed of senior professionals from the legal department of the Ministry of Justice, the courts, the Attorney General's Office, the Somali Bar Association and the Judicial Training Institute had been set up to review the Criminal Procedure Code. The aim of the process was to put forward amendments to the Code designed to ensure that it would be fully compatible with the obligations and principles set out in the provisional Constitution, domestic legislation and international law, as well as being consistent with the guiding principles of criminal law under sharia and reflective of current practices in Somali courts. The task force had prepared a report in which it had proposed 45 amendments to existing articles and 40 new articles setting out fundamental rights and freedoms, such as the right to be presumed innocent until proven guilty, the right to legal counsel, the right to be treated equally before the law and the right to be free from discrimination on the grounds of race, colour, tribe, ethnicity, age, culture, dialect, gender, birth, disability, religion, political opinion, occupation or wealth. The report also included amendments conferring on persons unlawfully deprived of their liberty the right to compensation and guaranteeing the anonymity of victims and witnesses in judicial proceedings.

44. **A representative of Somalia** said that the Ministry of Health had rolled out an essential package of health services as part of a broader strategy to provide comprehensive health services to all citizens but particularly those most in need. The work done by the Government with United Nations agencies and local and international non-governmental organizations to fight discrimination, including through awareness-raising campaigns, the creation of support networks and engagement with religious and community leaders, had led to greater understanding and support for all members of society, particularly those affected by HIV/AIDS.

45. **A representative of Somalia** said that there were no documented cases of individuals' having been arrested, detained or prosecuted under article 409 of the Penal Code specifically for having engaged in same-sex sexual activity. The Attorney General's Office had initiated no prosecutions on the basis of such activity alone; proceedings were brought only if other criminal conduct, such as sexual violence, was also alleged. Attracting public attention by, for example, disseminating private content on social media platforms gave rise to separate offenses. The Government condemned all acts of violence and terrorism committed by Al-Shabaab and corrected the misinterpretations of Islam propagated by Al-Shabaab through community outreach, collaboration with religious leaders and the media.

46. **A representative of Somalia** said that, following stakeholder consultations, a revised bill on sexual offences entitled the Sexual and Indecency Offences Bill had been submitted to Parliament for consideration. The Government was finalizing a bill on the prohibition of female genital mutilation which had been thoroughly reviewed by the religious elders and would soon be submitted to the Cabinet.

47. **A representative of Somalia** said that the Government worked with international and non-governmental organizations to fortify its mechanisms for responding to cases of conflict-related sexual violence. Relevant training had been provided to members of the military and judiciary and to health-care workers. The task force on sexual and gender-based violence established by the Attorney General's Office served as a mechanism for regular information-sharing and inter-agency collaboration in investigating and prosecuting cases involving such violence. As part of an effort to raise legal professionals' awareness of the relevant international standards, the Judicial Training Institute had developed a handbook for judges and prosecutors on the adjudication of cases involving gender-based violence.

48. **A representative of Somalia** said that any decision regarding a moratorium on the death penalty must be preceded by consultations with all sectors of society to ensure that sentencing alternatives were aligned with both Islamic principles and international human

rights standards. Somali law recognized *diya*, a traditional form of compensation for victims or their families in cases of murder, injury or property damage that served as an alternative to more severe statutory penalties.

49. **Mr. Santos Pais** said that he would be grateful for information on the religious freedoms enjoyed by followers of religions other than Islam and for further details regarding the negotiations held by the Government with the federal states, particularly Puntland and Somaliland. In the light of the delegation's statement that the Attorney General did not prosecute cases of same-sex sexual activity in the absence of other offences, he wondered whether there was a need to retain the offence in the Penal Code.

50. **Ms. Donders** said that she would appreciate detailed information on the content of the revised bill on sexual offences, including any protections that it contained for victims, and on the bill on female genital mutilation, particularly the forms of female genital mutilation that it would prohibit. She wished to learn about any measures being taken to address the high rates of maternal and infant mortality. She would also like to know whether it was true that no individuals had been prosecuted or convicted under the Penal Code for having had or having performed an abortion and, if so, whether it might not be preferable to amend the Code to legalize that conduct.

51. **Ms. Bassim** said that she would appreciate information on measures taken to promote women's political and economic empowerment and to combat discrimination against older persons, women, small children, persons with the coronavirus disease, persons with disabilities and members of other vulnerable groups. She would also like an update on the progress made by the State party under its national action plan on the women and peace and security agenda.

52. **Mr. Teraya** said that he would appreciate hearing the delegation's comments on the compatibility of the State party's laws on the use of force and firearms with international standards, the application in practice of articles 32 and 33 of the Code of Military Criminal Law, the compatibility of the legal provisions on the imposition of the death penalty with article 6 (5) of the Covenant, allegations regarding the swift enforcement of death sentences and the impact of an amnesty on efforts to fight impunity. Statistics on the use of the death penalty would be helpful. Had a moratorium on the death penalty been introduced?

53. **Mr. Gómez Martínez** said that he wished to know how the different sources of law were related to one another. For example, when judges hearing a case found that a statutory law was consistent with the Constitution but inconsistent with sharia law, how did they resolve the conflict? Did they apply to another authority to determine which law prevailed or did they decide that on some other basis?

54. **Mr. Helfer** said that he would like to know whether a principle of sharia law or a principle of international human rights law would prevail in cases where the two were found to be in conflict and could not be reconciled through interpretations of the relevant provisions.

55. **A representative of Somalia** said that the situations in terms of his Government's negotiations with Somaliland and Puntland were very different. Somaliland was a breakaway region. Negotiations between Somalia, which had consistently held that its territorial integrity was inviolable, and Somaliland had been attempted. Puntland, on the other hand, had never claimed not to be a part of Somalia. The government of the federal member state of Puntland was represented on the National Consultative Council.

56. The principle of federalism was clearly set out in articles 50 and 51 of the Constitution. Article 51 provided for negotiations concerning federal issues between the head of the Government of Somalia and the heads of the governments of the federal states. In addition, negotiations between the two levels of government were also held in intergovernmental forums.

The meeting rose at 6.05 p.m.