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Summary record of the 4084th meeting

Held at the Palais Wilson, Geneva, on Friday, 8 March 2024, at 10 a.m.

Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10.05 a.m.

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

Initial report of Somalia (continued) ([CCPR/C/SOM/1](#); [CCPR/C/SOM/QPR/1](#))

1. *At the invitation of the Chair, the delegation of Somalia joined the meeting.*
2. **The Chair** invited the delegation to continue to reply to the questions raised by Committee members at the previous meeting.
3. **A representative of Somalia** said that the provisional Constitution prohibited discrimination on 14 different grounds, including religion. It also enshrined the freedom to practise one's religion and prohibited the propagation of any religion other than Islam. Same-sex relationships were prohibited in conformity with the religious, cultural and moral principles of Somalia and were criminalized under the Penal Code.
4. Abortion was permitted solely when the mother's life was at risk. The Government had instituted a range of strategic frameworks and flagship initiatives to broaden access to primary health-care services with the aim of reducing maternal and child morbidity and mortality. Internally displaced persons and nomads still faced barriers in obtaining access to health care, however. The Government had worked with international partners to provide outreach services and mobile clinics. A number of programmes had been put in place to prevent gender-based violence and sexual violence.
5. Somalia had made progress in enhancing women's rights through the adoption of the Somali Women's Charter and a national action plan on the women and peace and security agenda in fulfilment of Security Council resolution 1325 (2000). The Government sought to promote the economic and social empowerment of women through initiatives focused on microfinance, entrepreneurship and marketing. Those efforts were supported by €10 million in funding from the European Union.
6. There was currently no moratorium on the death penalty, and no statistics were available on executions. With respect to the questions asked concerning amnesty, there was no specific amnesty law as such, although amnesties were provided for in the recently enacted counter-terrorism law.
7. Pursuant to the provisional Constitution, sharia always prevailed over all other sources of law.
8. **A representative of Somalia** said that a series of legislative and institutional reforms had been enacted to regulate the use of force and firearms by law enforcement agents. The Prime Minister had issued a decree prohibiting the carrying of weapons in the capital city. The submission of a bill on firearms to Parliament represented a critical step towards the establishment of a comprehensive regulatory framework in that regard. Law enforcement agents received extensive training on the judicious use of force and firearms. Article 127 of the Constitution mandated respect for the rule of law, democratic institutions and fundamental rights by security forces and stipulated that security agents must undergo training on the implementation of international treaties.
9. The Government took allegations of extrajudicial killings very seriously, and all such cases were investigated. Owing to a lack of evidence, however, it was not possible to comment on the specific cases that had been raised by the Committee. Police units undertook patrols and set up checkpoints in order to apprehend persons suspected of committing such killings, and all perpetrators were prosecuted. The Penal Code set out avenues for the prosecution of security agents and members of the armed forces who committed offences. Disciplinary measures such as summary dismissal could also be imposed.
10. **Ms. Bassim** said that she would welcome an update on the status of the counter-terrorism bill mentioned in paragraph 147 of the State party's report ([CCPR/C/SOM/1](#)). She would be grateful for information on the functions and responsibilities of the National Intelligence and Security Agency, as well as on its relationship with the other institutions that comprised the State party's security services. It was unclear to what authority the Agency was accountable. She would be interested to hear

the delegation's comments on reports of rights violations, including torture and extrajudicial executions, attributed to Agency officials and to allegations that the Agency operated secret detention centres where detainees, including women and children, had been subjected to inhuman and degrading treatment. Had any cases been reported of illegal or administrative detention?

11. She would welcome an update on the Government's efforts to combat piracy off the coast of the State party.

12. It would be helpful to receive updated data on all 68 prisons in the State party, since the report had provided some information only on Mogadishu Prison. The Committee was particularly interested in learning about health services and meals for detainees. She would appreciate clarification as to whether a juvenile court had been established and whether the principle of separation between adult and juvenile detainees was rigorously applied. Information on the situation of female detainees, including pregnant women and mothers of young children, would also be useful. She wished to know whether an independent mechanism had been established to monitor prison facilities and whether monitoring visits were subject to prior authorization by the Ministry of Justice and the Ministry of Internal Security.

13. She would welcome an account of the causes of internal displacement, including forced displacement, and details of how policies on internal displacement were linked to the Durable Solutions Initiative, the Recovery and Resilience Framework and the National Disaster Management Policy. She was curious about the status of the measures intended to incorporate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa into domestic law. It would be helpful to hear about any safeguards or procedures designed to protect people's human rights during evictions and about any plans to involve the private sector in the development of durable solutions for internally displaced persons.

14. **Mr. Teraya** said that he would be grateful for an update on the status of the review of the Penal Code and for clarification of whether the definition of torture, as set out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had been incorporated into the State party's criminal legislation. The delegation might provide an account of the preventive mechanisms that were in place to curb instances of torture and ill-treatment by members of the police, the National Intelligence and Security Agency and the armed forces. Details would be welcome on any prosecutions or convictions in connection with acts of torture or ill-treatment committed by persons acting in either an official or a private capacity. It would be useful to receive data on the incidence of offences investigated and prosecuted under articles 440, 455 and 458 of the Penal Code.

15. He was looking forward to hearing the delegation's response to the questions he had asked at the preceding meeting concerning the use of firearms by security forces against civilians in December 2018 and April 2019 and during opposition protests on 19 February 2021, on 11 August 2022 and in January 2023 in Las Anod. Clarification would be useful of the nature of the cooperative approach to the management of gatherings mentioned in paragraph 238 of the State party's report. He would appreciate a detailed description of the legislation that was in place to ensure compliance with the constitutional provisions on freedom of assembly, demonstration, protest and petition and of how the Government's approach to those issues was aligned with international standards, in particular article 21 of the Covenant. He would like to know what measures had been adopted to ensure the safety of journalists and human rights defenders who were reporting on such gatherings.

16. He wished to learn how the large number of registered political parties were able to make a meaningful contribution to the State party's political landscape. It was unclear whether the interplay between the political party system and the clan system gave rise to conflict.

17. It would be useful to receive an update on the status of the bill on citizenship, which he understood was intended to ensure equal nationality rights for women, and details of any obstacles that might be impeding its enactment into law. Updated information would also be helpful on the introduction of the biometric electoral registration system. Had it been completed? He would be interested to learn about the measures that the Government had

taken to ensure that the 30 per cent quota for women would be met in parliamentary elections and that persons with disabilities and internally displaced persons could participate in political processes. He would also like to know what the State party was doing to raise awareness of electoral processes, register voters and provide civic education to all boys and girls, including in regions recently reclaimed from Al-Shabaab.

18. **Ms. Donders** said that she would welcome an update on the status of the Disability Bill. It was her understanding that the bill transposed only part of the Convention on the Rights of Persons with Disabilities into national law. She wished to know which parts of the Convention would not be transposed and why. She would be interested to learn what laws and policies were in place to protect persons with disabilities from discrimination in all aspects of life; what measures had been taken to protect and promote the rights of people suffering from mental health disorders; and whether there were any targeted programmes to improve mental health care. The delegation was invited to address the Committee's concerns regarding the provision of certain types of social services without free and informed consent. She would like to learn how the State party went about increasing public awareness of disability issues, educated people on the rights of persons with disabilities, sought to curb stigmatization and prejudice, and promoted the societal inclusion of persons with disabilities.

19. It would be interesting to gain an understanding of how the State party promoted and protected freedom of the press and media independence and pluralism. She wondered what was done to ensure that media restrictions, including those based on sharia, were legitimate and did not constrain the freedom of expression of journalists and human rights defenders. Information on any plans to bring the State party's media legislation into line with international human rights standards would be appreciated. An update would also be welcome on the consultations in Somaliland concerning the amendment of the Press Act to make it more compatible with the country's international human rights obligations. It would be useful to learn how members of the National Media Council were appointed and how its independence and effective operation were ensured.

20. She wished to know what measures were being taken to effectively protect human rights defenders and journalists from attacks by State security forces and non-State actors and what was being done to ensure that cases involving such attacks were properly investigated and that the perpetrators were held accountable. Information on any such cases would be welcome. She wished to invite the delegation to respond to allegations concerning the misuse of laws to target journalists and human rights defenders. She was also interested in learning how the State party prevented the illegitimate curtailment of the freedom of expression of persons voicing critical views and what it did to protect such persons from the arbitrary application of the law to stifle criticism. She would appreciate an explanation of why journalists were often brought before military courts or civilian courts on charges based on laws that dated back to the military dictatorship. She wondered why the moratorium on the arrest of journalists, which the authorities had promised to institute in 2020, had not yet been put in place. She wished to learn more about the role and function of the Office of the Special Prosecutor for the investigation and prosecution of crimes against journalists, including whether it was an independent body with enforcement powers. She would like to know whether it was authorized to review the conduct of members of the Somali Police Force and how many cases of crimes against journalists it had dealt with. Did the State party provide training for law enforcement agents on the rights of media organizations and human rights defenders?

21. **Mr. Santos Pais** said that he would appreciate hearing about examples of the security sector reforms mentioned in the periodic report aimed at protecting the civilian population from sexual violence. He wondered how the State party was managing to hold members of the armed forces and Al-Shabaab accountable for crimes of sexual violence. He would appreciate learning about the investigations conducted, trials held and penalties imposed on perpetrators of such crimes. Information would be welcome on the reparation provided to victims, on the number of victims who had received reparation and the mechanisms that victims could use to seek support and access civil remedies.

22. With respect to civilian casualties resulting from Somali military operations, the delegation was invited to provide examples of the criminal investigations conducted, trials held and penalties imposed, along with an indication of the command level of the

perpetrators. He would like to know how many military officers had undertaken training on human rights and international humanitarian law and which topics that training covered. It would be useful to learn how many casualties resulting from operations conducted by foreign military forces the State party authorities were aware of and what measures had been taken to ensure that perpetrators were held accountable and duly punished. He wished to know how many complaints of such casualties had been reported to the Ministry of Justice by victims or their families and what kind of reparation and rehabilitation measures had been granted and to how many victims.

23. The delegation was invited to indicate whether a specific law was in place that regulated the State party's judicial structure and whether any changes to the judicial system were being considered. He would like to know what the hierarchical status of the Attorney General's Office was and whether it was an independent body. He would appreciate an indication of whether the Constitutional Court and the Judicial Service Commission had been established and, if so, what their main functions were. Were there specific legal provisions governing the appointment of judges and prosecutors, their career paths, promotions, disciplinary measures and the possibility of their removal? Information would be welcome on the gender balance among judges and prosecutors. He wondered what measures had been taken to secure equitable access to justice, strengthen public confidence in the judiciary and increase the capacity of the judiciary at the federal and state levels.

24. He would like to know how the system of legal aid worked in practice and would welcome recent examples of cases in which legal aid had been sought, granted and denied. He wondered whether a legal aid agency or office had been established, how many legal aid clinics were operational and in which areas of the country.

25. Information would be appreciated on the extent to which the transfer of cases involving serious crimes from military courts to civilian courts had been concluded in line with the road map prepared by the Ministry of Justice in 2019. Were military courts presided over by civilian or military judges? What procedural safeguards were in place for defendants in those cases? He wondered how the independence and impartiality of military courts was ensured, what kinds of appeals were available to defendants and whether sentences could be reviewed by a higher court. The delegation was invited to explain the procedural differences between military and civilian courts.

26. He would welcome an indication of how effective measures to prevent the recruitment of children into the Somali National Army had been and how many cases of such recruitment had been detected. It would be useful to know how many children who had allegedly been associated with Al-Shabaab had been detained, prosecuted by military courts and convicted, and how many had benefited from the National Programme for the Treatment and Handling of Disengaged Combatants and rehabilitation measures. He wished to learn of any complaints of abuses against children in detention, including ill-treatment and torture, by the National Intelligence and Security Agency. The delegation was invited to outline any further measures the State party intended to take to prevent the recruitment of children by Al-Shabaab.

27. He would like the delegation to confirm whether the draft legislation on children's rights was still awaiting approval by the Parliament and whether that bill provided for the protection of children from corporal punishment in public and private settings. He wished to know whether the Labour Code provisions relating to child labour had already been amended, which types of child labour were prohibited and what the minimum age for entering the labour market was. He wondered whether a labour inspection framework had been established and what the impact of labour inspections had been on child labour, particularly in the context of forced labour. What measures had been taken to ensure that both boys and girls completed their education?

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

28. **A representative of Somalia** said that efforts to eliminate Al-Shabaab had been intensified, vast swathes of territory had been liberated, and there had been a significant decrease in violent attacks on civilians as a result. The Counter-Terrorism Act was in force and served as a cornerstone for action in that area. In terms of security sector reform, broad programmes for disarmament and reintegration had been implemented. In addition, biometric registration, security force recruitment and payment processes had all been enhanced.

29. Extensive legal reforms bore witness to his country's staunch dedication to upholding human rights, with a focus on accountability for violations. Significant progress had been made in the development of legislation on a national independent human rights commission with a view to improving judicial capacity to effectively address violations. The training infrastructure had been enhanced and, as part of the security sector reform, security forces were undertaking human rights training. Somalia had participated in the universal periodic review of the Human Rights Council and collaborated with the United Nations Assistance Mission in Somalia.

30. Legislative measures, such as the Sexual and Indecency Offences Bill, had been developed to combat human rights abuses. Insurgents who committed violations were prosecuted. Security personnel involved in abuses were prosecuted in military courts. There was an amnesty programme for defectors. A comprehensive strategy coupled with continued international support was essential to achieving sustainable progress in terms of respect for human rights and the rule of law.

31. Somalia had stepped up the pace of action to combat piracy, and draft legislation had been developed that, once passed into law, would provide a legal framework for efforts in that area.

32. **A representative of Somalia** said that five alleged pirates were being prosecuted in the civilian courts. Those cases were the first legal proceedings brought against pirates in the country.

33. The Somali authorities had undertaken thorough investigations into alleged cases of civilian casualties occurring during military operations. Where such allegations had been substantiated, the authorities had ensured that appropriate remedies were made available, including comprehensive reparations to the victims' families. Some investigations had revealed no evidence of harm to civilians. Foreign military operations in Somalia were part of a broad-ranging effort to combat Al-Shabaab and to restore peace and security. African Union troops in the country and operations commanders received training on international humanitarian law and international human rights law. Investigations were carried out into any violations, and corrective or disciplinary action was taken. Guidelines were in place on rules of engagement, the use of force, zero tolerance for misconduct, indirect fire policy and the treatment of detainees.

34. A toll-free hotline had been set up for women and girls experiencing physical or sexual violence. The service was confidential and facilitated access to support and assistance. A comprehensive complaints mechanism involving several different authorities had been established to enable families and communities to report incidents involving civilian casualties. The mechanism had been developed on the basis of national and international law to ensure a robust approach for addressing reports of harm to civilians. A broad range of rehabilitation services were provided to victims through collaboration with United Nations agencies and non-governmental organizations. Victims were offered financial compensation as well as medical care, psychological support, legal aid and social reintegration services.

35. **A representative of Somalia** said that legislation to combat terrorism included the Counter-Terrorism Act and the Anti-Money Laundering and Countering the Financing of Terrorism Act, both of which were in line with the Covenant. The Financial Reporting Centre worked with law enforcement personnel to counter the financing of terrorism. National laws established the right to a fair trial, enshrined the principle of the presumption of innocence and guaranteed protection from arbitrary interference. The law on the National Intelligence and Security Agency provided that suspects must receive treatment that was in line with the Covenant and prohibited torture or cruel, inhuman or degrading treatment by any employees or other members of the Agency.

36. **A representative of Somalia** said that National Intelligence and Security Agency personnel were required by law to respect the human rights and freedoms enshrined in the Constitution and other national laws. The Agency was also committed to ensuring full compliance with the international treaties ratified by Somalia. The country's security forces were trained to respect the principles of professionalism, discipline and patriotism, the rule of law, democratic institutions, fundamental rights, the Constitution, and the principles of transparency, accountability and political neutrality. All Somali citizens had the right to be

considered for a position in the armed forces. Cases involving abuses of the human rights of civilians alleged to have been committed by members of the armed forces were tried before a civilian court.

37. The National Intelligence and Security Agency was responsible for protecting the interests of the public inside and outside the country. Its tasks included collecting, analysing and recording information relevant to the country's security and development. It prepared reports on the security situation in the country for the authorities; monitored and researched all activities, events and situations affecting the security of the Somali people both in the country and abroad; protected senior officials and places of national importance; combated terrorism and organized crime; and worked to preserve the security, reputation, independence, interests and dignity of the nation. The Agency also cooperated with international and regional institutions to promote stability and to detect and prevent major crimes and security threats. It provided advisory services on security matters to government authorities and members of the private sector.

38. **A representative of Somalia** said that administrative detention was prohibited by law, in line with his country's commitment to due process and the protection of individual rights. Any instance of deprivation of liberty was subject to strict legal scrutiny consistent with international human rights standards. The Attorney General's Office oversaw a unit for the inspection and supervision of police stations and prisons. That unit conducted regular inspections, ensuring the proper care and treatment of detainees and addressing any instances of arbitrary or illegal detention. The Attorney General's Office played an active role in supervising criminal investigations, thus reinforcing the accountability of law enforcement agencies. Measures were in place to ensure that pretrial detention was used sparingly and only when absolutely necessary. Those measures included prompt police investigations, strict time limits on the duration of custody before formal charges had been brought and an electronic case management system to expedite trials and ensure adherence to legal time limits. Nevertheless, greater public awareness was needed to empower individuals to uphold and seek their rights effectively. The right to habeas corpus was enshrined in the Criminal Procedure Code.

39. The provisional Constitution of Somalia prohibited all forms of torture and tasked the Ministry of Justice with ensuring the consistent enforcement of that prohibition. The Ministry had participated in a regional conference on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and was considering its ratification in order to strengthen the legal safeguards against torture. In addition, the Child Rights Bill included safeguards to protect children against torture, inhuman treatment and cultural practices that undermined their dignity. In partnership with the United Nations and civil society organizations, independent human rights committees had been established in the different states of the country. The committees played an important role in reporting human rights violations, including torture. The Ministry of Justice conducted regular prison inspections to prevent and address any occurrences of torture and ensure that detention facilities adhered to human rights standards. Torture was expressly prohibited in the law on the National Security and Intelligence Agency. Proposed amendments to the Criminal Procedure Code included provisions prohibiting torture. The Criminal Investigation Department and the Attorney General's Office, working alongside civil society organizations and the media, played a crucial role in preventing and ensuring accountability for such human rights violations. The Attorney General's Office prosecuted cases in which excessive physical punishment of children might constitute torture.

40. **A representative of Somalia** said that statistics on the prison population were unfortunately not available. However, the National Bureau of Statistics, established in 2022, was working to improve data collection procedures, and more information would be provided in the future. In order to strengthen oversight of places of detention, the Ministry of Justice had established a committee on which civil society was represented. Amendments to the Prison Act that would introduce a complaints mechanism for detainees were awaiting approval. A specialized gender and child protection unit had been established and was working with the police gender desk, civil society organizations and women-led initiatives on the monitoring of places of detention, including police holding cells and central prisons. The unit's mission extended beyond diversion programmes for juveniles and included the

provision of representation for individuals if their cases were brought to court. Various juvenile diversion policies were in place to ensure that children in conflict with the law received the necessary support. The authorities were dedicated to upholding the dignity and rights of all detainees and placed particular emphasis on providing the necessary support to vulnerable groups.

41. In order to conduct prison visits, monitoring groups needed to apply to the Ministry of Justice. The United Nations Office on Drugs and Crime international monitoring committee had visited a number of prisons in 2022 and the Mogadishu court complex in 2023.

42. **A representative of Somalia** said that the National Consultative Council had concluded an agreement on a new justice and corrections model that represented a significant step forward in the reform of the Somali judicial system. A detailed road map for the implementation of the new model had been drawn up. Legislation was being drafted that would make the Attorney General's Office an autonomous, independent body, improving the separation of powers within the judicial system. The military court system had jurisdiction over offences committed by military personnel and non-State armed groups. It also had jurisdiction over terrorism offences. The new justice model was designed to strengthen the independence of the judiciary and reinforce the rule of law. The membership of the Judicial Service Commission had been expanded to include representatives from state justice departments, civil society and the Ministry of Justice. Under the new model, procedures for approving and removing judges would be transparent, competitive and overseen by the Judicial Service Commission. The establishment of the Constitutional Court in 2016 had also strengthened judicial autonomy. Amendments to bring the relevant laws into line with the new justice model were under consideration.

43. Under the Organization of the Judiciary Act, the recruitment process for positions in the judicial branch involved a competitive public examination open to persons holding the relevant university degree who met the criteria for civil service appointments. The Attorney General's Office was part of the judiciary and hired prosecutors through an open competitive examination. Positions in the judiciary were advertised publicly, and 30 judges, 20 prosecutors and 30 clerks had recently been appointed. In 2024, 10 prosecutors and 10 clerks were to be appointed.

44. By law, legal aid was to be provided to persons who were unable to afford a lawyer, and a bill on legal aid was awaiting approval by the Parliament. The courts were committed to appointing legal counsel at no expense for individuals who could not afford legal fees.

45. A strategy for transitioning the trials of civilians from military to civilian courts was in the process of being implemented. It provided for legal reforms to clearly delineate the jurisdiction of military courts. Efforts were being made to reinforce the capacity of the civilian justice system for dealing with complex security-related cases and to realign Somali judicial practices with international human rights norms. The issues raised by the Committee required a detailed and thoughtful examination, and the State party was firmly committed to guaranteeing the right to a fair trial, to an adequate defence and to access to an appropriate appeal process. Those efforts extended to military courts, which had safeguards against government interference in place. The Government was committed to engaging with international counterparts and human rights bodies to refine its judicial mechanisms in order to meet the highest standards of justice and human rights.

46. **A representative of Somalia** said that significant progress had been made in establishing legal and policy frameworks to safeguard and advocate for the rights of persons with disabilities. The provisional Constitution enshrined the principle of equality for all citizens and explicitly banned discrimination on the basis of disability. It also provided for State support for individuals with disabilities to ensure their enjoyment of their social and economic rights. Somalia had ratified the Convention on the Rights of Persons with Disabilities in 2019 and had established the National Disability Agency to help to meet its obligations under that Convention. The Disability Bill, which would align national legislation with the Convention, was awaiting parliamentary approval. The 2019 national disability policy and the 2023 disability road map exemplified the holistic approach taken to disability issues. Legislation and policy on education established an inclusive educational framework

aimed at ensuring equal opportunities for children with disabilities. Critical progress had been made towards cementing the rights, freedom and security of persons with disabilities within the fabric of Somali society.

47. The National Health Professionals Council had been established and tasked with the registration and licensing of formal and informal health-care providers, including traditional healers, religious centres and medical professionals. The aim was to improve the standard of health-care services with the help of a comprehensive inspection regime. The Council stood in need of more qualified personnel to carry out its mandate fully. Regular assessments of health facilities were carried out by the authorities to ensure the delivery of high-quality care, and a third-party monitoring agency would be used to review and improve health services. In September 2023, a traffic officer had been prosecuted for torturing a person with disabilities. A number of security officials had also been prosecuted for killing civilians with disabilities.

48. As of the end of 2023, there had been an estimated 4 million internally displaced persons in Somalia. In response to that dire situation, measures had been taken to curb further displacement and to protect the rights and welfare of internally displaced persons. A comprehensive legal framework was in place to address the unique needs and challenges faced by internally displaced persons. That framework included the National Policy on Refugee-Returnees and Internally Displaced Persons. A bill had been approved by the Parliament and would be enacted in the near future which set out a robust legal structure for the protection of refugees in Somalia. Another bill concerning internally displaced persons was awaiting parliamentary approval.

49. **A representative of Somalia** said that any proposed legislation or law that was not in line with the provisional Constitution could be invalidated by the Constitutional Court. The fundamental right to freedom of expression was enshrined in article 18 of the provisional Constitution, which guaranteed the freedom to express, disseminate and access opinions and information through the media without restraint, while also ensuring the safety of the community. The delegation could not comment on the specific issues that had been raised concerning the Puntland Media Bill and the Somaliland Media Act.

50. **A representative of Somalia** said that a range of effective measures had been taken to protect human rights defenders, journalists and media workers. The Government had aligned its national law with international standards and had provided specialized training for the security forces and for legal professionals that highlighted the importance of free speech. It actively engaged with representatives of the media to support the rights of the press. A special prosecutor of the Attorney General's Office had been appointed to investigate and prosecute crimes against journalists, and a hotline had been set up for reporting such crimes. The Attorney General had publicly condemned the harassment of members of the press, a dedicated criminal investigation department had been established to lead investigations concerning attacks on the media, and efforts had been made to engage with journalists' associations to better understand the situation on the ground. The Office of the Special Prosecutor had, however, encountered challenges in navigating the nuances involved in carrying out special prosecutions, managing security risks and overcoming public fear of retaliation. Resourcing challenges had also been a factor.

51. Despite the pivotal advances that had been made, the Government recognized the need to go further in safeguarding the well-being of journalists and media workers and was cognizant of the fact that doing so would require a commitment on the part of all sectors of society and its international partners.

52. The Government was keenly aware of the challenges involved in balancing public safety with the right to freedom of expression. It had received credible reports that Al-Shabaab operatives had infiltrated certain media outlets, which had been used to glorify the group's activities and to spread disinformation, thus compromising the integrity of the media and posing serious national security risks. Some members of the media had thus faced prosecution for those reasons.

53. **A representative of Somalia** said that the provisional Constitution and national law ensured the rights to freedom of expression and to freedom of association and peaceful assembly without prior authorization.

54. **A representative of Somalia** said that, according to a 2023 report of the United Nations Secretary-General on children and armed conflict ([A/77/895-S/2023/363](#)), 1,094 children had been recruited and used by State and non-State forces, with the overwhelming majority of them having been recruited by Al-Shabaab. The Child Rights Bill, which had been endorsed by the Cabinet in 2023, focused on safeguarding children from involvement in armed conflict and on reintegrating recruited children back into the community. The Government had drawn up a five-year national action plan for children that took on board the concluding observations and recommendations issued in 2022 by the Committee on the Rights of the Child. The National Programme for the Treatment and Handling of Disengaged Combatants was designed to promote the rehabilitation and reintegration of persons who had left armed groups, including children, and was run in cooperation with various United Nations agencies. It provided psychological counselling, educational support and vocational training tailored specifically to meet such persons' needs.

55. The provisional Constitution guaranteed the right of every child to protection from armed conflict and explicitly prohibited the use of children in armed conflict. In terms of practical measures to avoid the involvement of children in armed conflict, the Government had established a biometric registration system for persons recruited into the armed forces, drafted the Child Rights Bill, established the Child Protection Unit in the Ministry of Defence and child protection units in military units, issued standard operating procedures for the reception of children separated from armed groups and endorsed a declaration on safe schools.

56. The Government repudiated baseless claims that it detained and prosecuted minors in military courts and mistreated them if they were reported to have links to Al-Shabaab. It prioritized rehabilitation and reintegration over punitive measures.

57. **A representative of Somalia** said that the Ministry of Religious Affairs had stepped up efforts to improve civic education in religious schools and had drawn up a curriculum that was being implemented throughout the country. In areas newly recovered from Al-Shabaab, the curriculum was designed to address the social and economic conditions that had led to child recruitment.

58. The Child Rights Bill had been approved by the Cabinet and the lower house of the Parliament, which had sent it back to the Cabinet for additional review. The bill had been drawn up by the Government, in consultation with stakeholders. A task force had been established in conjunction with non-governmental organizations and United Nations bodies to finalize the review. The bill was expected to be adopted in the coming months.

59. **Ms. Donders** said that, notwithstanding the adoption of laws to protect the rights of persons with disabilities, that objective was perhaps not so easy to achieve in practice. It was therefore vital to carry out awareness-raising and educational activities on the importance of respect for the rights of persons with disabilities and to combat stigmatization and prejudice against them.

60. In 2020, the Prime Minister had reportedly declared a moratorium on the arrest and detention of journalists. She would like to know why the moratorium had not taken effect. Freedom of expression could be curtailed only in compliance with the principles of proportionality and necessity, which required judicial oversight. How did the State party promote access to justice for journalists and human rights defenders?

61. **Mr. Teraya** said that the easiest way to address the lack of specific definitions of torture in the Constitution and national law would be to adopt a law containing such a definition. Did the Government intend to adopt such a law? He wished to underscore the difference between freedom of expression and freedom of assembly. In the course of the national reconciliation and rebuilding process, it would be crucial for the Government to ensure that respect for human rights would serve as a cornerstone for the nation-building effort.

62. **Mr. El Haiba** said that it would be of interest for the delegation to describe the measures taken by the Government to combat maritime piracy off the country's coastline, which seriously affected people living in the region. Another major problem along the country's coastline was the importation of hazardous waste by mafia organizations, which

adversely affected the right to life and health of children. What was the Government doing to address those problems?

63. **Mr. Carazo** said that he would like to know, in the light of the fact that Somalia had once been considered a failed State before embarking on an effort to achieve reconciliation and reconstruction, whether the international community had provided sufficient support to allow the Government to address the social, economic and political difficulties that it had faced in recent years.

64. **Mr. Santos Pais** said that he would like to know whether civilian or military rules of procedure were applied in trials of terrorism cases and whether the judges and prosecutors assigned to such cases were civil or military personnel. The Committee would also like to learn more about the measures taken by the Government to combat child labour, in particular in its worst forms.

65. In view of the fact that the current meetings were the first time that Somalia had come before the Committee and that its Government had demonstrated its commitment to human rights and its engagement with international human rights forums and mechanisms, he hoped that the authorities would continue to work with the Committee. The cultural and societal values that the delegation had mentioned during the dialogue were common to many regions of the world. In the Committee's experience, amendments to national laws could often help to bring about changes in societal values.

66. **Mr. Ndiaye** said that he would like to pay tribute to Yusuf Ismail, who had served as Ambassador in Geneva and had been the victim of an Al-Shabaab attack. It would be of interest to the Committee to find out what measures had been taken by the authorities in Somalia to preserve the memory of Somali victims of terrorism. He would also like to know whether customary law, which Somali people learned by heart and recited almost like poetry, was invoked as a source of law to better preserve and strengthen national unity and to combat extremism.

67. **A representative of Somalia** said that his delegation wished to express its deep gratitude to the Committee for the support and guidance it had provided at a time when Somalia was navigating a complex period of recovery and development. The Government was committed to implementing the Committee's concluding observations and hoped the Committee would take into account the country's unique post-conflict scenarios, its phase of development and the challenges it faced in building a more just society. The Government looked forward to maintaining a continuous dialogue marked by transparency and cooperation with the international community.

The meeting rose at 1.10 p.m.