

**Flygtningenævnets baggrundsmateriale**

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**End of mission statement by Ms. Isha Dyfan, Independent Expert on the  
situation of human rights in Somalia on her third country visit**

9 May 2024

Dear members of the press,

Ladies and gentlemen,

Good morning and thank you for coming.

I am happy to be back here, and I wish to thank the Government of the Federal Republic of Somalia for accepting my request to visit and the excellent cooperation extended to me during the visit.

I express my deep appreciation to the United Nations Assistance Mission in Somalia (UNSOM), particularly the Human Rights and Protection Group (HRPG), for facilitating the visit, providing logistics as well as other support to ensure the smooth running of the visit.

I am profoundly grateful to all those who helped make this visit possible.

Ladies and gentlemen,

This is my third official visit to Somalia since my appointment by the Human Rights Council in May 2020. During this five-day visit, I had fruitful discussions with a cross-section of government officials, including the Acting Minister and State Minister for Women and Human Rights Development, the Inter-Ministerial Technical Working Group on Human Rights, the members of the Human Rights Committee of the Federal Parliament, the Secretary General of the National Independent Electoral Commission as well as the Senior Legal Advisor for the Office of the Prime Minister, the Senior legal Advisor for the office of the Attorney General and the Deputy Police Commissioner. I also met representatives from UNSOM and ATMIS as well as representatives of the Human Rights Working Group, humanitarian organizations, journalists and media organisations and civil society.

During my meetings with authorities, I discussed the progress achieved by the Government since my last visit in November 2023 and challenges encountered to advance the promotion and protection of human rights in Somalia. The discussions focused on the constitutional review process, legislative and institutional developments, the protection of civilians in the light of the ATMIS drawdown as well as violations of the rights of women and children. The humanitarian, economic and social situation as well as progress on the key benchmarks and indicators outlined in my previous reports were also discussed.

On the efforts made by the Government, I commended the successful vote on amendments to the first four chapters of the Provisional Constitution of the Federal Government of Somalia by members of the bicameral federal parliament. However, I expressed concerns about the lack of consensus among political actors regarding the changes. I call on all parties to prioritise dialogue to build consensus in order to safeguard these positive developments towards enhancing the promotion of democracy, rule of law and human rights in Somalia.

On key provisions in the amended constitution, I welcomed the fact that both the age of majority as 18 years and that the full prohibition of female genital mutilation (FGM) were maintained. I wish to call upon the authorities to ensure that any future amendments to the constitution are in strict compliance with Somalia's international obligations as well as human rights principles and standards.

With regard to the participation of women in political and public life, I understood that there is a political agreement on women's quota which would be included in the primary legislation on elections. I urge the Federal Parliament to ensure that clear provisions and specific mechanism to protect women quota are included in the text.

I noted that the National Action Plan (NAP) on Women, Peace and Security has been localised at states levels and a steering committee has been established to coordinate implementation and secure funding to advance the implementation of the Action Plan.

I am also encouraged by the establishment of a women's committee, comprising of representatives from the Federal Government, Federal Member States, the Benadir region, and representatives of civil society that is tasked in representing women's interests in the National Consultative Council (NCC), as part of national decision-making processes.

Regarding ongoing human rights reforms, I am encouraged by the Federal Government efforts to align Somalia's legislative and institutional framework with international human rights standards. In this regard, I noted that the bills on Offenses of Rape and Indecency, Juvenile Justice, National Disability, and Child Rights are at different stages of consideration and are expected to be passed by the end of the year. The Government is focused that key pending legislation such as the Penal Code, Civil Code, and Anti-Trafficking bills will be addressed to achieve comprehensive legal and institutional reforms.

The continued application of the death penalty and related executions is disturbing. I again raised the issue of a moratorium on death penalty with the Government to which they said that it will be considered.

While I welcomed the formalisation of the Inter-Ministerial Technical Working Group on Human Rights whose mandate is to coordinate the Government's efforts to mainstream human rights across various sectors and ensure coherence and consistence in human rights policies and initiatives, I expressed concern at the delay in the operationalization of the National Human Rights Commission which

is necessary to ensure judicial independence and accountability. I urged the Federal Government to address as a matter of priority the political challenges affecting the operationalization of the Commission, to enhance protection of human rights in the country.

Ladies and gentlemen,

With regard to the security situation in the country, Somalia continues to face serious challenges. Civilians, especially women and children, continue to bear the brunt of deadly attacks carried out by Al-Shabaab. Joint military operations by Somali security forces and local clan militias also had an impact on the civilian population and infrastructure. I strongly condemn the continued deadly attacks perpetrated by Al-Shabaab and urge the Government to take all steps to ensure the protection of civilians, and for armed groups to comply strictly with the obligations applicable to them under international humanitarian and human rights law. It is also important that the Government takes concrete actions to prosecute State officials involved in human rights violations, ensuring that those responsible were held accountable and that the survivors of such violations were adequately compensated.

I noted that the drawdown of the African Union Transition Mission in Somalia (ATMIS) is ongoing. As of 30 April 2024, the first two phases of the drawdown were completed with the withdrawal of 3000 troops and the handing over of 7 Operating Bases. The modalities of the third phase that is scheduled to be completed by June 2024 with the withdrawal of 4000 troops are being discussed. In this context, I welcomed the holding of the Somali Security Conference at the United Nations Headquarters in New York in December 2023, which delineates the Government's strategic priorities and roadmap for the security sector over the next six years, including the requirement for international support. A proposed meeting between the Federal Government of Somalia, African Union and UN is expected this May in that regard.

Ladies and gentlemen,

I also discussed with the authorities, the endemic problem of sexual and gender-based violence, in particular the deplorable allegations of rapes and gang rapes combined with homicides and the lack of accountability for perpetrators. In this context, I reiterated the need to take all necessary measures to strengthen capacity for investigation and prosecution of sexual and gender-based violence and to promote a safe environment where victims and survivors can report crimes without any fears of reprisals or stigma and to ensure that victims are protected, have access to justice and effective remedies.

With regard to the rights of children, I noted that the Federal Government of Somalia has launched several critical initiatives to protect the rights of children during armed conflicts. These include measures to prevent the recruitment and use of children as soldiers, implementing age verification processes, and biometric registration within the Somali National Armed Forces (SNAF) to ensure compliance.

According to humanitarian and protection stakeholders, 4 million children are affected by the conflict situation as well as the impact of climate change. Children represent 60 to 70 % of the IDP and other vulnerable populations. Most important challenges facing by vulnerable communities, include forced eviction and its impact on children as well as inadequate clearing of mines and hazardous materials in liberated areas that put children at risk. It was also reported that there is limited access to hard-to-reach areas to provide services to vulnerable populations.

I noted slow progress in the implementation of the National Action plan on Children and I wish to call upon the Federal Government to take measures to promote and protect women and children rights.

I continue to follow-up developments on protection of minority and marginalised groups and persons with disabilities. I understand that the National Disability bill

is being debated in Parliament. I also noted the drafting of the National Digital Inclusion Policy which emphasizes the recognition and support of marginalized groups within Somalia, including women, youth, rural communities, the urban poor, the elderly, people with disabilities, internally displaced persons, refugees, and medium, small, and micro-enterprises, ensuring that these groups are integrated into the digital economy. However, I remained concerned about reports of harassment of religious minorities.

Ladies and gentlemen

During my meeting with civil society organisations, I remained dismayed by the continuing restrictions on civic space, including harassment, arbitrary arrest and detention and imprisonment of journalists and media workers leading to self-censorship. While I am encouraged by the appointment of the Somali National Media Council members in an effort to enhance the media landscape, I have also received concerns that the process was not in accordance with the media law. A safe and inclusive civic space is essential to good governance, rule of law, and can help to reduce and prevent violence.

Before concluding my remarks, I would like to mention the humanitarian situation. Somalia's overall humanitarian situation remains precarious. I learned with sadness that the Gu rainy season, which just started has already threatened thousands of people across the country, exacerbating the country's struggles with climate change. The weather forecasts for the coming days are likely to increase vulnerabilities, including protection risks and an already critical outbreaks of cholera and diarrhea, which have already afflicted over hundreds of individuals this year.



I urgently appeal to the international community for support to strengthen its humanitarian response and reinforce long-term resilience against future disasters in Somalia, and for such response to take into consideration the specific protection concerns of women and girls, often disproportionately affected.

On the economic and social rights, I commended the Federal Government for the \$4.5 Billion debt relief. I raised the critical need for increased investment in health and education sectors while continuing to strengthen human rights and rule of law mechanisms as pathway to peace and security.

I would like to conclude by calling upon the international community to continue its assistance to Somalia towards:

- strengthening the Federal and State institutions, and the justice and security sector;
- addressing the negative effects of climate change on the populations, in particular ensuring access to basic social services such as water supply, health delivery and education for all children.

The findings of my visit and other recommendations, will be presented in a comprehensive report to the United Nations Human Rights Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session.

Thank you for your attention.