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Compilation on Somalia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. Somalia ratified the Convention on the Rights of Persons with Disabilities on 6 August 2019. At the regional level, Somalia ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa on 6 March 2020.³ Somalia has not ratified the Convention on the Elimination of All Forms of Discrimination against Women or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁴

3. The Independent Expert on the situation of human rights in Somalia called on Somalia to ratify the Convention on the Prevention and Punishment of the Crime of Genocide, the Rome Statute of the International Criminal Court and Additional Protocols I, II and III to the Geneva Conventions of 1949.⁵

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government of Somalia ratify the Convention on the Elimination of All Forms of Discrimination against Women and accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁶

5. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict recommended that Somalia be called upon to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child.⁷

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Somalia be encouraged to ratify the Convention against Discrimination in Education.⁸



7. UNESCO also recommended that the Government be encouraged to regularly submit comprehensive national reports for the periodic consultations on UNESCO education-related standard-setting instruments, and to share with UNESCO any relevant information in order to update the country profile maintained by the UNESCO Observatory on the Right to Education.⁹

III. National human rights framework¹⁰

8. The Independent Expert reiterated that finalizing the establishment of an independent and adequately resourced national human rights commission was of the utmost priority.¹¹ The Human Rights Committee requested Somalia to provide information on the measures taken to make the national human rights institution operational.¹²

9. The United Nations Assistance Mission in Somalia (UNSOM) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) recommended that Somalia support the establishment of the national human rights commission and the strengthening of the Office of the Puntland Human Rights Defender and the “Somaliland” Human Rights Commission to engage effectively on the right to freedom of expression.¹³

10. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict welcomed the commitments of Somalia to strengthen the protection of children affected by armed conflict and encouraged the continuing efforts. It commended the progress made in the drafting of a child rights bill aimed at transposing into national law the Convention on the Rights of the Child and stated that it looked forward to the enactment of the bill.¹⁴

11. The same office called upon the Federal Government to fully implement the action plans to end and prevent the recruitment and use, and the killing and maiming, of children, signed in 2012.¹⁵

12. The same office expressed concern over the proposed “law on sexual intercourse-related crimes” recently drafted by the parliament, and called upon the Federal Government to withdraw the bill and instead proceed, without further delay, with the reintroduction, examination and adoption of the comprehensive and survivor-centred draft sexual offences bill of 2018.¹⁶

13. The Secretary-General stated that the sexual offences bill, which would ensure that rape was no longer classified as a “crime against morality”, had not yet been approved. Following consultations on the bill by Islamic religious scholars, provisions intended to criminalize child marriage had been removed.¹⁷

14. The Secretary-General commended the Government on its commitment to implement a new national action plan on ending sexual violence in conflict with the support of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the United Nations system, and called for the enforcement of the zero-tolerance policy on sexual violence by the national security forces. The Secretary-General reiterated his calls for the Government to adopt and enact the sexual offences bill, ensuring that any amendments thereto were in line with international standards.¹⁸

15. UNHCR recommended that Somalia formally adopt the draft refugee act (2019), enhancing the protection of refugee rights; develop and adopt a national law transposing into national law the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); and accelerate efforts to implement the Kampala Convention, engaging federal institutions and local authorities of the regional states in collaboration with civil societies and the international community to work in a harmonized way to improve the protection of internally displaced persons in Somalia.¹⁹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁰

16. The Independent Expert stated that minority clans continued to be marginalized. Inter-marriage between members of minority and majority clans was treated with disdain. The minority clans were squatters, with no land rights or shelter; they could not even build toilets on the land they occupied. School dropout rates for children of minority clans were high, particularly for girls. Children from minorities and marginalized communities were allegedly bullied and often ended up in schools for minorities.²¹

17. UNESCO recommended that Somalia explicitly prohibit in national legislation any form of discrimination in education as defined in the Convention against Discrimination in Education.²²

18. The Independent Expert noted that one of the key issues that had emerged in meetings with civil society organizations was the absence of a legal framework for the protection of the rights of persons with disabilities, who in Somalia suffered discrimination and marginalization in many areas, such as access to employment opportunities.²³

19. The Independent Expert stated that Somali women and girls continued to face challenges in access to education and representation and participation in public life. She was concerned that despite the call for the equal participation of women in every aspect of institutional and national life contained in the Women's Charter for Somalia, and for women to occupy at least 30 per cent of the positions in the three branches of government, the private sector and independent commissions, women made up less than 25 per cent of federal and state institutions. Neither the electoral law enacted in February 2020 nor the Provisional Federal Constitution contained a minimum quota of 30 per cent for women's representation in decision-making positions at all levels of government. The male-dominated clan system, influenced by an interpretation of sharia law that limited women's participation, hindered progress.²⁴

2. Development, the environment, and business and human rights

20. In March 2020, Somalia reached a decision, under the World Bank and International Monetary Fund Heavily Indebted Poor Countries Initiative, that would allow Somalia to benefit from new types of financing. The Independent Expert encouraged the Somali authorities and international financial institutions to conduct a human rights impact assessment of any structural adjustment policies adopted or programmes established.²⁵

21. On 23 June 2020, the World Bank approved \$55 million in supplemental financing to help the Federal Government bridge the fiscal gap. The supplemental financing followed the approval by the Executive Board of the International Monetary Fund of a three-year financing package of \$395 million under the Extended Credit Facility and the Extended Fund Facility, in support of policies and reforms between the decision and completion points under the Heavily Indebted Poor Countries Initiative and in support of the implementation of the ninth national development plan.²⁶

22. The Independent Expert stated that the long-standing humanitarian crisis experienced by Somalia had been aggravated by three factors: the coronavirus disease (COVID-19) outbreak, desert locusts and climate change-related effects, including severe droughts and floods, which in 2020 had left 5.2 million people in need of humanitarian assistance. UNHCR made similar statements with regard to climate shocks and the three decades of protracted and newly arising armed conflicts and extreme poverty.²⁷ Those challenges had resulted in further displacement of populations and exacerbated existing inequalities, discrimination and protection gaps.²⁸

23. The Independent Expert urged the Federal Government and its partners to place human rights at the centre of the response to the COVID-19 pandemic and achieve sustainable development.²⁹

24. The Independent Expert noted that a water, sanitation and hygiene policy was pending approval by the Cabinet and referred to an initiative led by the Prime Minister to develop a national strategy for water resources management. She urged the Somali authorities to protect the rights of minority clans by strengthening the participation of local communities in improving water and sanitation arrangements.³⁰

25. In 2019, the Independent Expert urged the Somali authorities to build more wells to improve access to and the availability of clean water, reduce the level of resource-related clan conflict and limit the impact of droughts, floods and locusts on marginalized communities.³¹

26. An independent conflict analysis commissioned by the Peacebuilding Support Office of the Department of Political and Peacebuilding Affairs revealed that historic intercommunal conflicts, often fought over access to grazing land and water resources, were but some of the outstanding conflicts that required resolution. Interregional conflicts had taken on new dimensions with the emergence of federal member states. However, recent reconciliation initiatives had demonstrated the potential for long-running disputes to be managed through dialogue involving a broad range of stakeholders.³²

B. Civil and political rights

1. Right to life, liberty and security of person³³

27. The Independent Expert expressed concern about the continued volatility of the conflict in Somalia, which had resulted in unacceptable levels of civilian casualties.³⁴ UNSOM and OHCHR jointly issued reports in December 2017 and December 2020, documenting and assessing the toll of the conflict on civilians, with an attribution of acts to alleged perpetrators. In the first report, the organizations documented a total of 4,585 civilian casualties (2,078 killed and 2,507 injured) between 1 January 2016 and 14 October 2017; 60 per cent were attributed to Al-Shabaab, 13 per cent to militia, 11 per cent to State actors, 4 per cent to the African Union Mission to Somalia and 12 per cent to other and undetermined or unidentified actors. In addition, 729 civilians had been abducted by Al-Shabaab, of whom 403 were reportedly released. Al-Shabaab was also responsible for 86 targeted assassinations and executed 46 persons during the reporting period.³⁵

28. In the second report, UNSOM and OHCHR documented, between 1 January 2017 and 31 December 2019, a total of 5,133 civilians killed and injured in the context of the conflict (2,338 killed and 2,795 injured). They attributed responsibility for almost 70 per cent of the civilian casualties to Al-Shabaab, most victims of improvised explosive devices or executions carried out upon the order of self-appointed Al-Shabaab courts. About 13 per cent of civilian casualties were attributed to undetermined or unidentified perpetrators, 8 per cent to clan militias, 4 per cent to the Somali National Army, 3 per cent to the Somali Police Force, 2 per cent to the African Union Mission to Somalia, 1 per cent to air forces of some international military forces, 0.4 per cent to Islamic State affiliated groups, 0.4 per cent to the National Intelligence and Security Agency, and 0.1 per cent to Ahl al-Sunna wal-Jama'a. UNSOM and OHCHR also noted the limited accountability for civilian casualties, as investigations and prosecutions were rare.³⁶

29. The Independent Expert stated that between 1 August 2019 and 30 June 2020, the United Nations reported almost 800 security incidents leading to over 300 alleged unlawful killings or assassinations and almost 500 injuries of civilians during military operations. The killings and injuries had resulted from attacks by the parties to the conflict, aerial bombardments and inter-clan violence and had been attributed to Al-Shabaab, clan militia, Somali security forces, African Union Mission in Somalia elements and unidentified perpetrators. Those responsible for violations had seldom been held accountable, nor had the victims been awarded appropriate remedies, reparations or rehabilitation support.³⁷

30. UNSOM and OHCHR expressed concern about the continued application of the death penalty and related executions without legally required due process.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

31. The Independent Expert observed that the Somali justice sector encompassed the traditional *xeer* system, sharia law and a formal legal system.⁴⁰ Inadequate infrastructure and funding and the weak capacities of judicial personnel had had negative impacts on the institutional capacity of the courts, and representation of women in the judiciary remained low. The Independent Expert urged the authorities to accelerate efforts to provide victims with adequate remedies and reparations and to enhance peace and security.⁴¹

32. UNSOM and OHCHR noted that new federal member states were beginning to establish their own justice institutions, although most justice personnel lacked formal training. There were no oversight mechanisms and courts lacked the ability to enforce decisions. That, combined with a deep-rooted perception of corruption, undermined public confidence in the formal justice system. Many communities did not have access to the formal system and took their disputes to traditional justice mechanisms, including “courts” operated by Al-Shabaab in some areas.⁴²

33. The Independent Expert noted that the military court system continued to operate despite serious rule of law and human rights concerns, particularly in relation to the lack of fair trial and due process guarantees. The non-observance of those guarantees due to a lack of transparency of court proceedings, especially in death penalty cases, remained of great concern.⁴³

34. Traditional dispute resolution mechanisms continued to be used by communities due to their physical accessibility, low cost and legitimacy in the eyes of local participants. While such mechanisms had the potential to improve access to justice, they could also reinforce discrimination and perpetuate practices that did not comply with international human rights standards, in particular against women, girls and minorities.⁴⁴ Somalia had recommitted to modernizing and harmonizing the traditional dispute resolution system until formal systems were in place to secure access to justice.⁴⁵

35. The Independent Expert was concerned about the continued excessive use of force by the police against civilians, including alleged torture, beatings, threats, harassment and arbitrary arrests of civilians, especially journalists, human rights defenders and persons suspected of terrorism. She urged the Federal Government to accelerate measures to ensure accountability for police human rights violations and to take positive steps to build trust between police officers and communities. She also urged the Somali authorities to train the police, especially in the area of addressing sexual violence.⁴⁶

3. Fundamental freedoms and the right to participate in public and political life⁴⁷

36. Between August 2016 and February 2018, UNSOM documented 36 cases of human rights violations and abuses directly related to the electoral process, including killings and injuries, arbitrary arrests, intimidation of candidates, the failure to investigate and prosecute and the right to an effective remedy.⁴⁸ Women, persons of disabilities, smaller clans, minority communities and civil society groups had limited participation in consultations to determine the electoral model.⁴⁹ Political meetings by clans and other groups were banned or limited, restricting the possibility to organize or campaign. Media access to election-related events was restricted through the issuance of orders adducing security-related reasons by State authorities, including the Federal Government.⁵⁰

37. UNSOM and OHCHR noted that attacks, intimidation and other forms of harassment and interference by government security forces, Al-Shabaab and other actors often tended to silence journalists and other media workers, human rights defenders and political leaders, pushing them to self-censor on issues considered to be sensitive, including elections, corruption, human rights, and public demonstrations.⁵¹ From August 2016 to February 2017, UNSOM documented 90 cases of violations and abuses of the right to freedom of expression, including 55 arbitrary arrests and illegal detentions, and attacks on journalists and media workers that resulted in one death and 25 injuries, and the closure of five media outlets.⁵²

38. The Independent Expert received reports of alleged killings, physical attacks, arbitrary arrests and detentions without charges, acts of harassment and intimidation of journalists, and suspension of broadcasts aired by television stations and other media outlets by the Somali

authorities at the federal and state levels and by Al-Shabaab. Journalists and media outlets were routinely targeted for reporting on issues considered to be against the national interest. Most of the charges against journalists and media outlets were for spreading “false news”, which was criminalized in the Penal Code and punishable with imprisonment of up to six months, which was incompatible with international law. The Independent Expert urged the authorities to redouble their efforts to improve the safety and security of journalists and create an enabling environment in which journalists could operate in dignity, free from any abuse.⁵³

39. UNESCO had recorded the killings of 63 journalists since systematic reporting began in 2008. A large majority of the cases remained unresolved and impunity for killings of journalists remained high in the country.⁵⁴

40. UNESCO stated that the Provisional Federal Constitution of Somalia guaranteed the right to freedom of expression, including freedom of speech and the media (art. 18) and the right of access to information (art. 32).⁵⁵

C. Economic, social and cultural rights

1. Right to an adequate standard of living⁵⁶

41. The independent conflict analysis commissioned by the Peacebuilding Support Office of the Department of Political and Peacebuilding Affairs revealed that peacebuilding in Somalia took place in conditions of extreme poverty and vulnerability for a large majority of the population, with recurrent droughts and floods, large-scale displacement and high rates of unemployment among the factors complicating conflict dynamics.⁵⁷

42. The Independent Expert stated that human rights challenges persisted in respect of several vital economic, social and cultural opportunities and that economic disparities among marginalized and minority groups remained pervasive. Limited access to water, sanitation and land resources, exacerbated by the ongoing armed and clan conflicts and environmental disasters, including droughts, floods and desert locusts, left marginalized communities destitute.⁵⁸

43. The Independent Expert reported that, in the context of the COVID-19 pandemic, the price of basic items and commodities had spiked in various parts of the country, posing additional risks to food security for vulnerable populations, including internally displaced persons, persons with disabilities and persons living in poverty. The pandemic had also disrupted the flow of remittances, which was a major source of revenue for many.⁵⁹

2. Right to health⁶⁰

44. The Independent Expert took note of the efforts made by the authorities and development partners to develop the health strategy 2018–2020, the mental health strategy 2019–2023, the first Somali road map for universal health care, and national guidelines on the integrated management of neonatal and childhood illnesses and midwifery. Nonetheless, some children and mothers were disproportionately exposed to avoidable and treatable diseases. High costs, distance to health facilities and the need to seek consent had represented obstacles to access to health care. Somalia continued to record the highest maternal mortality rate in the region, due to low levels of family planning, female genital mutilation, limited care provided by and involvement of skilled birth attendants and inadequate access to emergency obstetric care.⁶¹

45. UNESCO noted that as the COVID-19 pandemic situation developed globally, the Ministry of Education had prepared a strategy note on COVID-19 preparedness and response on the basis of two possible scenarios, which were: (a) schools reopening; and (b) prolonged school closure.⁶²

46. The Independent Expert remained concerned that the ongoing conflict, droughts, floods and locust attacks had increased the vulnerability of the population to hunger, disease and malnutrition, thus overwhelming an already weak health-care system. She urged the authorities to move expeditiously towards the progressive realization of the right to health by enacting legal and policy frameworks, including the national health professional bill, and to

develop a national health policy, a strategy and a plan of action, with appropriate resources, equal to at least 15 per cent of the national budget, as recommended in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases.⁶³

3. Right to education⁶⁴

47. The Independent Expert noted that Somalia continued to have the lowest school enrolment rates in the world and a particularly weak education system.⁶⁵ Inadequate investment and discrimination limited access to education for women, girls, internally displaced persons, refugees and persons with disabilities.⁶⁶ Despite programmes to improve school management systems, the capacity of teachers and school feeding programmes to increase enrolment and retention of girls in schools, there continued to be a disparity in school attendance between boys and girls, due to the ongoing conflict situation, the lack of safety for girls, and harmful practices, such as female genital mutilation and early and/or forced marriage. Girls with disabilities, girls in farming and nomadic communities in rural and remote areas, pregnant girls and girls in camps for internally displaced persons and refugees faced compounded forms of discrimination. The high cost of fees made school unaffordable for poor families, particularly in rural areas.⁶⁷ The Independent Expert emphasized that it was important that the Government invest in an enhanced, coherent and comprehensive nationwide education system.⁶⁸

48. UNESCO observed that article 30 of the Provisional Federal Constitution guaranteed the right to free education up to secondary school, but it was limited in scope to citizens of Somalia and therefore did not apply to all within the territory. Article 11 contained a general provision ensuring equality and prohibiting discrimination.⁶⁹

49. UNESCO stated that the National Education Law of 2018 consisted of 138 articles covering all levels of education, from primary to tertiary. Under the law, everyone had the right to education. Basic education (primary and lower secondary levels) covered eight years, starting from the age of 6. Students older than the intended age could enrol if they had reasonable justification. Students over 14 years old in need of education could undertake a non-formal education. Those who had completed eighth grade or non-formal education might be admitted to higher secondary schools.⁷⁰

D. Rights of specific persons or groups

1. Women⁷¹

50. The Peacebuilding Support Office of the Department of Political and Peacebuilding Affairs noted that improvement in women's participation could be seen, but less so for progress in women's representation in decision-making bodies and in the country's peacebuilding and State-building processes. For example, women might have participated in community processes, such as serving on local community dispute-resolution committees, or engaging in community planning processes, economic development opportunities or vocational training opportunities provided by projects in the Peacebuilding Fund portfolio. However, women remained underrepresented at higher level decision-making, with low levels of representation in district, state and federal governance structures. For example, only 22 per cent of the representation on the district-level peace and stability committees were women; 24 per cent of parliamentary seats were filled by women despite a quota of 30 per cent; and only one member of the permanent committee of the federal parliament was a woman.⁷²

51. The Independent Expert noted that women continued to be subjected to sexual and gender-based violence, including conflict-related violence, female genital mutilation and early and forced marriage. Sexual and physical violence against women and girls was widespread, committed with near-total impunity.⁷³

52. The Independent Expert reported that 76 per cent of documented acts of rape occurred inside camps for internally displaced persons and 14 per cent in host communities. About 76 per cent of the female population justified domestic violence.⁷⁴

53. The Independent Expert noted that the United Nations had recorded hundreds of sexual violence incidents against women and girls, attributed to unidentified armed men, clan militiamen, Al-Shabaab elements and members of the Somali police and armed forces.⁷⁵ In most instances, families and victims preferred to complain to the traditional courts, where damages could be awarded to the male family member of the victim or the perpetrator could be requested to marry the victim in accordance with *xeer*.⁷⁶

54. UNSOM and OHCHR observed that the Somali legal system addressing sexual violence comprised sharia law, *xeer* and the formal justice system, although most cases were dealt with under *xeer* and sharia law. As currently practised, those systems often resulted in further victimization of women and girls, with no justice for survivors, and impunity for perpetrators. The National Action Plan on Ending Sexual Violence and Conflict provided a framework for tackling the issue of conflict-related sexual violence in Somalia. Puntland had promulgated the Puntland Sexual Offences Act of 2016 and the parliament of Somaliland had passed a sexual offences act in August 2018.⁷⁷

55. UNSOM and OHCHR recommended that the Federal Government ensure that victims, including of sexual and gender-based violence, received holistic support and assistance, including medical and social support, and access to remedies and full reparations.⁷⁸

56. The Independent Expert noted that harmful practices had continued unabated. Female genital mutilation, which 99 per cent of Somali girls and women aged 15–49 had undergone, continued to pose a risk to the health and well-being of those girls and women and constituted a violation of the rights of the child. The Independent Expert noted that the strategies implemented by the Somali authorities to overcome resistance by religious and traditional leaders who opposed the current age of marriage for girls appeared to be ineffective. She urged authorities to accelerate consultations and national dialogues on female genital mutilation with key stakeholders with a view to reaching a consensus on remaining obstacles, adopt the draft female genital mutilation and sexual offences bills, provide assistance to victims and implement a national programme to combat that harmful practice.⁷⁹

57. UNHCR stated that reported incidents indicated that intimate partner violence and domestic violence, sexual abuse, child marriage, female genital mutilation and rape featured among the most common forms of sexual and gender-based violence. Women, girls, older persons, child- and female-headed households, people with disabilities, marginalized clans and internally displaced persons were the most affected. Given the lack of access to justice, the fear of retaliation, stigmatization and discrimination and the culture of impunity, most cases of sexual and gender-based violence went unreported.⁸⁰

2. Children⁸¹

58. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that the situation of children affected by the armed conflict in Somalia had remained devastating since 2016, with the number of children affected by recruitment and use, abduction and rape and other forms of sexual violence exceeding numbers verified in other situations on the children and armed conflict agenda. Most of the grave violations against children had been committed by armed groups, with Al-Shabaab as the main perpetrator, but also by government security forces, including increasingly by the Somali Police Force and the regional forces of federal member states.⁸²

59. The same office noted that the trend had continued in the second half of 2019 and the first half of 2020. In 2019, the United Nations had verified 3,709 grave violations against 2,959 children (over 80 per cent boys). The recruitment and use of 1,442 boys and 53 girls, some as young as 8 years old, had been verified. Most violations were attributed to Al-Shabaab (1,169), followed by government security forces, including the Somali Police Force (100) and the Somali National Army (74). A total of 703 children (518 boys and 185 girls) had been killed (222) or maimed (481). The casualties were attributed to Al-Shabaab (252), government security forces, including the Somali National Army (43) and the Somali Police Force (35), as well as regional forces. The main causes of child casualties were improvised explosive devices, crossfire between armed forces and armed groups, gunshots and explosive remnants of war.⁸³

60. The same office stated that the responsibility for sexual violence, including rape, against 227 girls had been attributed to government security forces, including the Somali National Army (25) and the Somali Police Force (14), and to regional forces, mostly the Jubaland forces (16). Sexual violence against children was also attributed to Al-Shabaab (26) and clan militias (17). In 116 cases, perpetrators could not be identified. The majority of the 1,158 verified abductions of children in 2019 was attributed to Al-Shabaab (1,142); such abductions were mainly for the purpose of recruitment and use of children. Furthermore, many attacks on schools (64) and hospitals (12) had been verified, as were approximately 50 incidents where humanitarian access had been denied.⁸⁴

3. Minorities and indigenous peoples⁸⁵

61. UNESCO recommended that Somalia be encouraged to address the education needs of nomads and pastoralists through alternative basic education programmes designed to accommodate their lifestyles and to suit children from those communities.⁸⁶

4. Migrants, refugees, asylum seekers and internally displaced persons⁸⁷

62. UNHCR stated that Somalia had one of the largest populations of internally displaced persons in the world. Of the estimated 2.6 million internally displaced persons, 2.2 million lived in highly congested urban and semi-urban settlements across Somalia, mainly in Mogadishu, Baidoa, Galkayo, Bosaso, Kismayo and Burao. Internal displacement remained largely driven by conflict, worsened by floods, drought and periodic cyclones.⁸⁸

63. UNHCR stated that in addition to having made progress on a legal framework for internally displaced persons, Somalia had developed an important durable solutions initiative in support of its approach. In that respect, the Durable Solutions Unit of the Ministry of Planning, Investment and Economic Development, in coordination with relevant line ministries and the Office of the Prime Minister, had established a Durable Solutions Secretariat. It comprised 14 government institutions, which provided technical expertise and high-level strategic guidance and oversight to ensure that durable solutions initiatives were prioritized and implemented in line with the national development plan, the national social development road map and other relevant government frameworks and policies.⁸⁹

64. UNSOM and OHCHR stated that, according to estimates, about one fifth of the population of Somalia lived in conditions of internal displacement, facing various challenges in their enjoyment of civil, political, economic, social and cultural rights.⁹⁰

65. UNSOM and OHCHR also stated that there was a lack of participation of internally displaced persons in peacebuilding and State-building processes, and a sense of disenfranchisement. That suggested a significant disconnect between internally displaced persons and figures of authority in Somali society from the camp and settlement level upwards. It pointed to an overall lack of representation and of their absence in decision-making processes, which fuelled sentiments of not belonging and could contribute to further divide communities. Internally displaced persons did not feel empowered to exercise their rights to peaceful assembly or to form or join an association.⁹¹

66. UNSOM and OHCHR noted that internally displaced persons who were surveyed faced challenges common to most Somalis, including difficulty in obtaining adequate livelihoods, scarce access to services, security risks, lack of access to effective remedies for human rights abuses, and rigid gender structures. In addition, they faced obstacles that, although not unique to them, were exacerbated by their condition: loss of clan protection, vulnerability to predatory and exploitative practices, and marked insecurity of tenure punctuated by frequent forced evictions.⁹²

67. UNSOM and OHCHR stated that it was the responsibility of the Somali authorities at all levels, as the primary duty bearers, to actively engage with internally displaced persons to gain a better understanding of their level of participation in public and political affairs.⁹³

5. Stateless persons⁹⁴

68. UNHCR observed that, given the lack of mapping to date, the number of stateless persons or persons at risk of statelessness in Somalia was unknown. Gaps in national

legislation, nationality provisions that were discriminatory on the basis of gender, and administrative practices were increasing the risk of people becoming stateless.⁹⁵

69. UNHCR noted that, as of June 2020, the Government had appointed a focal point on statelessness, who had subsequently worked with UNHCR to develop terms of reference and a workplan. The focal point was working on information dissemination and awareness-raising, including preparations for a workshop designed for senior government officials and parliamentarians.⁹⁶

70. UNHCR noted that Somalia was a country of origin, transit and return. Persons of concern to UNHCR Somalia, including unaccompanied children, moved within mixed flows en route to Europe through the Sudan and Libya (northern route), to and from the Gulf countries (eastern route), or towards South Africa (southern route).⁹⁷

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Somalia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/SOindex.aspx.
- ² For relevant recommendations, see A/HRC/32/12, paras. 135.1–135.10, 135.15, 135.30–135.32, 135.37, 135.104 and 136.1–136.38.
- ³ A/HRC/45/52 and Corr.1, para. 7.
- ⁴ Ibid., para. 73.
- ⁵ A/HRC/36/62, para. 93.
- ⁶ UNHCR submission for the universal periodic review of Somalia, p. 5.
- ⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Somalia, p. 3.
- ⁸ UNESCO submission for the universal periodic review of Somalia, para. 13.
- ⁹ Ibid.
- ¹⁰ For relevant recommendations, see A/HRC/32/12, paras. 135.11–135.12, 135.14, 135.16–135.27, 135.105–135.107, 136.39, 136.42–136.43, 136.45–136.49, 136.51–136.56, 136.59, 136.102 and 136.120–136.121.
- ¹¹ A/HRC/45/52 and Corr.1, para. 49.
- ¹² CCPR/C/SOM/QPR/1, para. 4.
- ¹³ UNSOM and OHCHR, *Report on the Right to Freedom of Expression: Striving to Widen Democratic Space in Somalia's Political Transition* (2016), p. 34.
- ¹⁴ Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, pp. 2–3.
- ¹⁵ Ibid., p. 3.
- ¹⁶ Ibid.
- ¹⁷ S/2020/487, para. 44.
- ¹⁸ Ibid., para. 45.
- ¹⁹ UNHCR submission, p. 4.
- ²⁰ For relevant recommendations, see A/HRC/32/12, paras. 136.45, 136.58 and 136.61.
- ²¹ A/HRC/42/62, para. 96.
- ²² UNESCO submission, para. 13.
- ²³ A/HRC/39/72, para. 41.
- ²⁴ A/HRC/45/52 and Corr.1, paras. 74–76.
- ²⁵ Ibid., paras. 16–17.
- ²⁶ S/2020/798, para. 27.
- ²⁷ UNHCR submission, p. 2.
- ²⁸ A/HRC/45/52 and Corr.1, para. 18.
- ²⁹ Ibid., paras. 28–29.
- ³⁰ Ibid., para. 38.
- ³¹ Ibid., para. 39.
- ³² Peacebuilding Support Office of the Department of Political and Peacebuilding Affairs submission for the universal periodic review of Somalia, para. 5.
- ³³ For relevant recommendations, see A/HRC/32/12, paras. 136.63–136.73.
- ³⁴ A/HRC/45/52 and Corr.1, para. 31.
- ³⁵ UNSOM and OHCHR, *Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia* (December 2017), p. 5.

- ³⁶ UNSOM and OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017–31 December 2019*, pp. 1–2.
- ³⁷ A/HRC/45/52 and Corr.1, para. 31.
- ³⁸ UNSOM and OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017–31 December 2019*, p. 2.
- ³⁹ For relevant recommendations, see A/HRC/32/12, paras. 135.39–135.41, 135.57–135.60, 135.62–135.64, 136.50 and 136.90–136.101.
- ⁴⁰ A/HRC/45/52 and Corr. 1, para. 46.
- ⁴¹ Ibid., paras. 53–54.
- ⁴² UNSOM and OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017–31 December 2019*, p. iii.
- ⁴³ Ibid., para. 55.
- ⁴⁴ Ibid., para. 57.
- ⁴⁵ Somalia National Development Plan 2020 to 2024, p. 27.
- ⁴⁶ A/HRC/45/52 and Corr.1, paras. 51–52.
- ⁴⁷ For relevant recommendations, see A/HRC/32/12, paras. 135.67–135.73, 136.44, 136.93, 136.103–136.104, 136.106–136.112 and 136.114–136.116.
- ⁴⁸ UNSOM and OHCHR, *Securing Political Participation: Human Rights in Somalia's Electoral Processes* (August 2018), para. 24.
- ⁴⁹ Ibid., para. 26.
- ⁵⁰ Ibid., para. 27.
- ⁵¹ Ibid., para. 41.
- ⁵² Ibid., para. 42.
- ⁵³ A/HRC/45/52 and Corr.1, paras. 43 and 45.
- ⁵⁴ UNESCO submission, para. 11.
- ⁵⁵ Ibid., para. 3.
- ⁵⁶ For relevant recommendations, see A/HRC/32/12, paras. 135.74–135.75 and 136.117.
- ⁵⁷ Peacebuilding Support Office of the Department of Political and Peacebuilding Affairs submission, para. 5.
- ⁵⁸ A/HRC/45/52 and Corr.1, paras. 59–60.
- ⁵⁹ Ibid., para. 28.
- ⁶⁰ For relevant recommendations, see A/HRC/32/12, paras. 135.76–135.81 and 136.118.
- ⁶¹ A/HRC/45/52 and Corr.1, paras. 64–65.
- ⁶² UNESCO submission, fifth page.
- ⁶³ A/HRC/45/52 and Corr.1, paras. 66–67.
- ⁶⁴ For relevant recommendations, see A/HRC/32/12, paras. 135.84–135.89.
- ⁶⁵ A/HRC/45/52 and Corr.1, para. 61.
- ⁶⁶ Ibid., para. 59.
- ⁶⁷ Ibid., para. 62.
- ⁶⁸ Ibid., para. 63.
- ⁶⁹ UNESCO submission, para. 1.
- ⁷⁰ Ibid., para. 2.
- ⁷¹ For relevant recommendations, see A/HRC/32/12, paras. 135.17, 135.22, 135.28, 135.38, 135.43, 135.45–135.46, 135.58, 135.61–135.62, 135.65–135.66, 135.72–135.73 and 135.90–135.91.
- ⁷² Peacebuilding Support Office of the Department of Political and Peacebuilding Affairs submission, para. 11.
- ⁷³ A/HRC/45/52 and Corr.1, paras. 74 and 77.
- ⁷⁴ Ibid., para. 77.
- ⁷⁵ Ibid., para. 78, S/2019/884, para. 49, S/2020/121, para. 56, S/2020/398, para. 52, and S/2020/487, paras. 43–45.
- ⁷⁶ A/HRC/45/52 and Corr.1, para. 78.
- ⁷⁷ UNSOM, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia, 1 January 2017–31 December 2019*, annex 1.
- ⁷⁸ Ibid., p. 35.
- ⁷⁹ A/HRC/45/52 and Corr.1, paras. 80–81.
- ⁸⁰ UNHCR submission, p. 5.
- ⁸¹ For relevant recommendations, see A/HRC/32/12, paras. 135.47–135.49, 135.52–135.56, 135.58, 135.65, 135.77, 135.85–135.95, 136.88–136.89, 136.97 and 136.118–136.119.
- ⁸² Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 1.
- ⁸³ Ibid.
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- ⁸⁵ For relevant recommendations, see A/HRC/32/12, paras. 135.28, 135.97, 136.43 and 136.45.

⁸⁶ UNESCO submission, para. 13.

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⁸⁸ UNHCR submission, p. 1.

⁸⁹ Ibid.

⁹⁰ UNSOM and OHCHR, “Voices unheard: participation of internally displaced persons in peace and State building processes in Somalia” (September 2019), p. 4.

⁹¹ Ibid.

⁹² Ibid., para. 89.

⁹³ Ibid., para. 91.

⁹⁴ For the relevant recommendation, see A/HRC/32/12, para. 135.29.

⁹⁵ UNHCR submission, p. 1.

⁹⁶ Ibid., pp. 1–2.

⁹⁷ Ibid., p. 2.
