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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Somalia

The human rights situation in Somalia has continued to be dominated by the ongoing armed conflict in the country. Civilians have been killed, wounded and displaced, with reports of violations and abuses committed by all sides to the conflict including by Al Shabaab (an Islamist insurgent group), government security forces, and the African Union Mission in Somalia (AMISOM). Populations under Al Shabaab control have suffered serious abuses including arbitrary justice, and harsh restrictions on basic rights. Although there has been political progress in Somalia during 2013, we also remain concerned at the numerous reports of sexual violence, targeted killings of journalists, and violations against children. Impunity for violations and abuses has remained a problem, often due to poor access to the fledgling official justice mechanisms and weak rule of law institutions. We are continuing to support the Federal Government of Somalia as they take forward their plans to rebuild government institutions and capacity.

The security situation remains volatile. For much of the year, AMISOM, with support from the Somali National Security Forces (SNSF), has retained hold of key towns and routes in South Central Somalia. However, Al Shabaab, which remains in control of much of the rural areas, has increasingly resorted to asymmetric attacks. As a consequence, there have been a number of attacks on high-profile civilian targets this year in Mogadishu, including the UN compound, a courthouse, a restaurant, and against Turkish aid workers. Attacks in other areas of Somalia have included a violent raid on a police station in Beledweyne. Al Shabaab also claimed responsibility for the attack on the Westgate Mall in Kenya. All these attacks have resulted in civilian casualties.

Somalia received considerable international attention during 2013, with the Somalia Conference in London in May, co-hosted by the UK and Federal Government of Somalia, and the Brussels Conference on Somalia in September, co-hosted by the EU and Federal Government. These conferences delivered action plans for Somalia's new armed forces, police forces, justice system, and financial management; and in Brussels a New Deal Compact was agreed between Somalia, its regions, its parliament and the international community. In total, donors pledged over £1.8 billion to support these priorities, of which the UK contributed nearly £170 million in May, and a further £50 million in September.

In September, the UN Security Council extended AMISOM's mandate, and sanctioned a temporary uplift in troop numbers. All additional troops will receive human rights training. Once in place, these extra troops should give new impetus to the fight against Al Shabaab.

In parallel, the Federal Government of Somalia has made ambitious commitments on human rights. It has pledged to build accountable and effective institutions that respect human rights, specifically endorsing an extensive UN Human Rights Council resolution in September which outlined detailed commitments to improve human rights. However, the planned National Human Rights Council has yet to be established, and the human rights road-map for Somalia requires further work before publication. It will be vital for the Federal Government to make real progress against their commitments over 2014.

As well as co-hosting the Somalia Conference in London in May, the UK has continued to work with Somalia to improve its human rights record. At the May conference, the Federal Government of Somalia and the UN signed a communiqué committing themselves to work together to tackle sexual violence in Somalia. In December, the UK facilitated a visit by a UN team of sexual violence experts. The UK has continued to invest in human rights pre-deployment training for AMISOM and supports the EU training mission in Somalia, which is working to build and train the SNSF.

In 2014, we want to see a sustained improvement for people in Somalia; we will continue to champion work on preventing sexual violence, and push the Federal Government to implement its human rights commitments.

Freedom of expression

Somalia continues to be one of the most dangerous places in the world to be a journalist. At least six journalists and media workers were killed this year, with continuing reports of further targeting and harassment. The Federal Government came under harsh criticism in February after a journalist was sentenced to one year in prison for tarnishing state institutions, as a result of interviewing a woman who claimed to have been raped by government soldiers. Although the journalist was subsequently released, the case demonstrated key flaws in the Somali response and process for investigating crimes, and it highlighted poor attitudes towards freedom of the media within the Somali authorities.

In Somaliland, publication of independent newspaper “Hubaal” was suspended following a court order, and the authorities subsequently jailed the paper’s manager and editor, raising concerns over freedom of the press. Both men were later released and the paper allowed to re-open, following a presidential pardon.

Despite promises by the government of Somalia to investigate targeted killings of journalists, there has been little progress to date. Of the 18 cases of journalists killed in 2012, only one case has led to a prosecution. Adan Sheikh Abdi was found guilty of the murder of Hassan Yusuf Absuge, and sentenced to death. The trial itself raised a number of concerns regarding due process. However, the sentence was carried out in August after the accused lost his appeal.

There have been efforts to reform the 2007 Media Law. A draft bill is due to go before Parliament in 2014. The UK has supported the development of this law by funding a consultation among exiled journalists in the UK, where many of Somalia’s largest broadcasters are headquartered.

Access to justice and the rule of law

As a result of years of conflict, access to justice and rule of law in Somalia is limited. Informal structures such as clan or customary law and Sharia courts provide justice in place of, or in parallel with, government institutions. People living in areas under Al Shabaab control continue to suffer harsh restrictions on their basic rights as well as arbitrary justice, targeted killings, and executions.

Justice and the rule of law formed part of the Federal Government of Somalia's six-pillar policy outlining their immediate priorities. The Somalia Conference in May welcomed the Federal Government's four-year plan to create an accountable, effective and responsive police service for Somalia; and the two-year justice action plan setting out immediate priorities for assistance. The Department for International Development (DFID) continues to work through the Core State Functions Programme, to increase access to justice for 15,000 people by 2015. By the end of 2013, 9,000 people had been reached, including 3,000 women.

Death penalty

Military courts in Somalia continue to hand out death sentences, which are carried out by firing squad. At least four soldiers and four civilians have been sentenced to death and executed by military courts in Somalia this year, with some reports indicating that the figure is closer to 27 in total. The UK opposes the death penalty and continues to raise concerns with the Federal Government in public and private.

Conflict and protection of civilians

The ongoing conflict in Somalia continues to have negative consequences for civilians. Both sides have been responsible for human rights abuses and violations, and harm to civilians caught in the crossfire. There is limited credible reporting of abuses by AMISOM. The UK has supported the research and development of a Civilian Casualty Tracking Analysis Response Cell (CCTARC) that AMISOM is due to establish in 2014. CCTARC will provide monitoring of AMISOM's impact on civilians and the capacity for AMISOM to respond to civilian complaints.

As a result of the conflict, over 1.1 million people are internally displaced, with a further one million Somali refugees in the region. The UN estimates that the number of people in crisis and emergency situations has fallen to 870,000 in 2013, from over two million in 2012. However, one in seven children under five is malnourished, and food security continues to be a concern. Internally displaced people and refugees remain vulnerable to insecurity, forced eviction and sexual violence. A report by Human Rights Watch in March 2013 brought international attention to the role of some camp managers in diverting assistance and abusing their own position, at the expense of those in settlements for the displaced. On 14 August, Médecins Sans Frontières closed their 22-year medical aid operations in Somalia citing brutal attacks against their staff, and a lack of condemnation by Somali authorities. This has left a considerable gap in health care provision in Somalia. Humanitarian actors continue to face obstacles in gaining access to vulnerable people, and attacks on their staff.

However, there have been some indications that the situation in parts of Somalia has improved. 10,000 people returned to their villages of origin in 2013. The UK announced a £145 million four-year humanitarian package of support to Somalia in May, and is supporting humanitarian efforts with a contribution of £9 million to the Common Humanitarian Fund; £3 million to the International

Committee of the Red Cross for livelihoods, health and protection activities; £2.5 million to the UN Children's Fund (UNICEF) for the purchase of therapeutic nutritional foods; £1.8 million to the World Food Programme for nutrition support; and £2 million to the UN Refugee Agency for returns of internally displaced persons. In 2014, the UK will consider further allocations to partners for resilience, nutrition, and livelihoods programmes.

Freedom of religion or belief

The majority of reports of the persecution of religious minorities in Somalia relate to human rights abuses by Al Shabaab. Approximately 99.8% of Somalis are Muslims and Islam is recognised as the official state religion in Somalia's provisional constitution. Without specific protections, minority religious groups are placed in a vulnerable position. The UK has called on the Federal Government to ensure the rights and freedoms of all minority groups in Somalia.

Women's rights

Reported cases of sexual violence and rape continue to be widespread throughout Somalia. Reports from UNICEF indicate that in 30-50% of cases the victims are children. Internally displaced women and children are the most vulnerable to these crimes. Female genital mutilation continues to be commonplace throughout Somalia.

The Federal Government of Somalia has reiterated its commitment to combating sexual violence. Given the ongoing security situation, there are limits to the government's capacity to respond throughout Somalia; however, a number of high-profile cases this year have highlighted issues with the government's response to reports of rape. In February, a woman alleging rape by government soldiers and the journalist who interviewed her were both arrested and sentenced to a year in prison, before being acquitted. Serious concerns, including harassment of the victim, mismanagement and opacity, were also reported by Human Rights Watch surrounding investigations carried out by the Somali government and AMISOM after a woman reported rape by AMISOM soldiers in August.

Preventing sexual violence was a key theme of the Somalia Conference held in London on 7 May. The UN and the Somali President signed a joint UN-Somalia communiqué committing to work together to tackle this issue. A team of UN experts visited Somalia in December and will make detailed recommendations for the Somali government and international partners to take forward in early 2014.

In December, the UK announced that it would spend £1 million on projects to prevent sexual violence across South Central Somalia, focusing on the provision of basic services. Projects will provide training and capacity building, including health workers, psychosocial, legal, and economic support; and raising awareness through education. In addition, we are providing dignity kits for victims who fled their homes without basic items such as clothing and toiletries and are living in deplorable humanitarian conditions. The UK Government is committed to empowering girls and women in Somalia to play a role in their society. DFID's programme includes work to increase access to justice for female victims of violence; to improve access to health services for girls and women; and to help girls receive an education and women to find work.

Children's rights

According to reports from the UN Assistance Mission in Somalia (UNSOM), there have been 763 documented violations perpetrated against children in Somalia since June including abduction, recruitment, killings, and maiming. 206,000 children under five suffer from acute malnutrition. Over one third of reported rape cases involve victims who are children. There are no good record-keeping systems in place in Somalia so establishing age, and therefore whether or not an individual is a child, can be extremely difficult.

The Federal Government of Somalia has pledged to ratify the Convention on the Rights of the Child, and the UN is working with them towards this goal. In September, the Federal Government of Somalia launched a campaign to get one million children into education in a three-year programme supported by the UN. The UK continues to encourage the Federal Government of Somalia to ensure children and their rights are protected.

Other issues

Piracy

Piracy is now at its lowest level since 2006 and, with an improved rate of conviction for piracy-related offences, the prison population in Somalia, Somaliland and Puntland has grown in recent years. The UK provided £2,928,697 from 2011-12 to reform prisons and courts across the whole of Somalia through funding the UN Office on Drugs and Crime's Counter Piracy Project (CPP). The CPP focuses on fair and efficient trials and imprisonment in regional centres, humane and secure imprisonment in Somalia, and fair and efficient trials in Somalia. It assists Somalia with upgrading its prisons and courts with the aim of ensuring that Somali pirates convicted in other countries can serve their sentences in their home country, where they can access their own culture, families, and appropriate skills training during their prison sentence. UK funding has helped build a new prison in Hargeisa, Somaliland. A refurbished prison in Garowe, built using UK donations, will be opened officially in April 2014.