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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Somalia

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The human rights situation in Somalia remains poor, although there have been considerable political and security changes during 2012. The African Union Mission in Somalia (AMISOM), with support from the Somali National Security Forces (SNSF), gained significant territory from the al-Qaeda-linked terrorist group al-Shabaab, who until recently controlled much of the southern area of Somalia. This has improved humanitarian access, but the humanitarian crisis remains dire and NGOs continue to experience difficulties gaining access to much of Southern Somalia.

The political landscape has changed since the end of the Transitional Federal Government on 20 August. President Hassan Sheikh Mohamud was elected on 10 September and a new Prime Minister and 10-member cabinet appointed. The new President is committed to improving security and justice in Somalia, including the protection of human rights. This greater political commitment is encouraging, but the government faces many of the same capacity problems as its predecessors. Life for the majority of Somalis has not changed and their human rights remain severely curtailed.

The UK has played a prominent role in mobilising international support for Somalia, most notably at the London Conference on Somalia on 23 February, which recognised the need to put human rights at the heart of the peace process. This was followed in March by a UN Human Rights Council resolution, sponsored jointly by the UK and Somalia, welcoming the conference, and in particular the communiqué language on human rights, and calling for improved UN support for efforts to end human rights abuses and combat impunity in Somalia. The UN Human Rights Council passed two further resolutions on Somalia in 2012: one in June extending the mandate of the Independent Expert and one in September encouraging the new government of Somalia to work with the Independent Expert to develop a human rights post-transition roadmap. On 26 September, the Foreign Secretary attended a mini-summit for Somalia at the UN General Assembly, where he announced that the UK would provide £10 million to support the immediate needs of the new government.

We will continue to support Somalia in 2013 by co-hosting a second conference on Somalia in May to coordinate international efforts to improve security and justice, and advance political reconciliation, public financial management and economic recovery.

In line with the Foreign Secretary's Preventing Sexual Violence Initiative, we aim to put the issue of sexual violence in conflict on the political agenda in Somalia during 2013. As the security situation improves over the coming year, we hope also to see greater access for humanitarian relief organisations and human rights monitoring in the country.

Freedom of expression and assembly

Somalia has become one of the most dangerous countries in the world in which to be a journalist. In 2012, 18 media workers were killed. There are reports of violence, threats and intimidation against other journalists. In most cases there has been little progress in finding or prosecuting those responsible. It is widely thought that al-Shabaab is behind many of the attacks, although clan disputes and political grievances have also been cited. The new government has given a commitment to end the culture of impunity, but the Somali security and justice system lacks the capacity to investigate cases competently or to prosecute the offenders. Many journalists have fled the country, and many that remain self-censor in order to avoid being targeted, reducing the availability of independent and unbiased information to the Somali people. The new President recognises the need to tackle this issue. Both the Foreign Secretary and the Minister for Africa have publicly condemned the persecution of journalists and strongly encouraged the Somali authorities to bring to justice those who are responsible.

Access to justice and the rule of law

Access to justice remains limited in Somalia. Law enforcement is largely conducted at local and clan level and is a mixture of three tiers of justice: jurisprudence inherited from colonial times, Sharia Law and clan or customary law. There is minimal oversight from the state. There are a few state courts in Mogadishu but the underlying legal framework is inadequate. There have been continued reports of serious abuses in al-Shabaab-controlled areas including summary executions, unlawful arrest, flogging, stoning and amputation. Gains by AMISOM and the SNSF have reduced the area controlled by al-Shabaab, but the new government has yet to provide viable policing and justice systems in their place. Embedding an effective system of justice across the country is one of the President Hassan Sheikh Mohamud's top priorities. DFID has been working through the Core State Functions programme to train, equip and deploy police officers, provide courts with trained prosecutors and defence lawyers and build a prison facility in Mogadishu. This is part of a £38 million programme to strengthen Somali justice institutions, which will run to 2015.

Conflict and protection of civilians

As al-Shabaab has lost territory to AMISOM and SNSF, they have increasingly reverted to terror tactics, notably the bomb attack on the President on 12 September, two days after his election. There are reports that they are also intimidating and terrorising populations close to al-Shabaab strongholds and in newly liberated areas.

The conflict, continued insecurity and extreme weather patterns have combined to produce a humanitarian crisis, with over two million people in need of urgent assistance. While the situation has improved significantly since the famine of 2011, malnutrition rates remain high, with an estimated 236,000 acutely malnourished children in the south and chronic food insecurity across the country. This has led to significant levels of displacement, with 1.36 million internally displaced people and 1 million Somali refugees across the Horn of Africa, including some 500,000 Somali refugees living in Kenya. Congestion in refugee camps across the region means that

vulnerable groups such as women and unaccompanied children have little protection, and women suffer high levels of gender-based violence.

Somalia is a dangerous country for aid agencies to work in, with al-Shabaab still exercising control over large areas of south Somalia where aid workers are frequently kidnapped. This makes aid delivery impossible in parts of the south. Al-Shabaab has committed serious human rights abuses against the Somali population, including targeted killings, executions and torture. In areas that they control, they also impose harsh restrictions on freedom of movement and other basic rights.

Both sides in the conflict have been responsible for civilian casualties. AMISOM troops have had training on international humanitarian law, which included in particular the need to protect civilians. On 6 August, the UN and the transitional government signed an action plan committing the Somali National Armed Forces, allied militia and military groups under its control to end the killing and maiming of children and to uphold international law and safeguard the rights of citizens in Somalia. This followed the signing by the transitional government and the UN in July of the first action plan, to end the recruitment and use of children by the Somali National Armed Forces.

Women's rights

Somalia is one of the worst countries in the world to be a woman. Female genital mutilation is almost universal, domestic violence is commonplace and there are many cases of rape and sexual violence (with 70% of those reported occurring among internally displaced populations). The societal stigma attached to sexual violence and rape prevents many women from reporting these crimes. Lack of access, statistics and monitoring data also make it difficult for the international community to establish the full extent of the problem. Most cases which are reported are dealt with under clan or Sharia Law rather than in the state courts. Women face widespread discrimination and are routinely excluded from educational and economic opportunities. There were, however, small signs of improvement in 2012. Women comprise 13% of MPs in the new parliament. Fawzia Yusuf H Adam was appointed Deputy Prime Minister and Foreign Secretary, becoming one of two women in the 10-member cabinet. The President is committed to improving women's rights in Somalia. But this new level of representation will need to translate into concrete action to have any real impact on the lives of women across the country. The Foreign Secretary's Preventing Sexual Violence Initiative will have particular relevance to women in Somalia.

Piracy

Thanks to effective countermeasures, there was a decline in the number of successful pirate attacks in 2012 compared to 2011. However, this trend is reversible and piracy continues to be a major problem, threatening global maritime trade and involving increasing levels of violence. The average length of time for which a hostage is detained is currently 453 days. The UK is a major contributor to international measures against piracy, including providing support for naval operations off the coast of Somalia.

Long-term instability, lawlessness and lack of effective governance in the Somali region all encourage piracy, which in turn undermines development efforts in Somalia. The UK is working with the UN Office on Drugs and Crime (UNODC), UN Development Programme (UNDP) and International Maritime Organization (IMO) to tackle the problem at source, including work on development with local coastal communities. Together with the UNODC, we are also undertaking project work on prisons, prosecutions and transfer agreements. We continue to invest in Somalia, and the region, to support the prosecution and incarceration of pirates in conditions that meet international standards. This feeds into wider UK efforts to improve access to justice and the rule of law in Somalia.

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