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Human Rights and Democracy Report 2015 - Human Rights Priority Country update report: July to December 2016 - Somalia

1. Somalia

Despite some progress, Somalia remains among the lowest performing countries across nearly all human rights indicators. July to December 2016 has been characterised by deterioration in security linked to the ongoing electoral process, and an associated increase in human rights abuses and violations.

A landmark electoral process to nominate a new Somali Parliament and President within 2016 made substantial progress, but was delayed by parties using it to address longstanding grievances. A new but incomplete parliament was inaugurated on 27 December, and is expected to elect a new President in early 2017. Women won 24% of all parliamentary seats. While falling short of the 30% target to which Somali leaders committed, this represented a significant and hard-won increase from 14% women's representation in the previous parliament. Allegations of corruption are being addressed by independent Somali electoral bodies. The electoral process engaged 14,025 delegates selected by 135 clan elders as part of a more inclusive and credible process than in 2012. Once completed, it will mark a stepping stone to one-person-one-vote elections in 2020. There was some progress at the legislative and institutional level. The UK provided ongoing support to the Ministry of Women and Human Rights Development to build capacity of Federal government institutions to enshrine and protect human rights principles. On 14 August, the Somali president signed the Human Rights Commission Bill, to establish an independent Human Rights Commission.

Violations of Freedom of Expression represent a growing concern, including the harassment, detention and killing of journalists by state and non state actors. In October 2016, Somalia was again ranked by the Committee to Protect Journalists as "the worst place in the world to be a journalist" citing the high numbers of journalists killed without subsequent convictions. The situation remains difficult for human rights defenders. At the UN's Human Rights Council on 28 September, the UK called on the Somali authorities and other actors to promote and protect these universally recognised rights and to investigate and swiftly bring to justice those who violate these freedoms or threaten those who exercise them.

Broader access to Justice in Somalia remains a concern, and Somalia continues to apply the death penalty. In November, a military court sentenced 2 Islamic State fighters to death but these sentences have not yet been

carried out. Throughout the year the UK coordinated with the EU and other partners to lobby the Federal Government of Somalia and regional authorities including Somaliland against the imposition of the death penalty.

Concern continues over the number of children in armed conflict. The visit in July of the UN Secretary-General's Special Representative kept the issue in the spotlight. While provisions are made to protect children's rights in federal law, the lack of a juvenile justice system and clear legal framework and procedure for dealing with the young, alongside differing levels of protection in regional states, means children are often tried and treated as adults.

Following a successful operation by Puntland security forces against Al Shabaab in March, a taskforce comprising of Puntland Authorities and UN agencies determined in November that 54 children were being held in Garowe prison. Of these, 26 children were aged 14 and under. The task force also determined that an additional 9 children had been sentenced to death and were being held in Bosaso Prison. The UK coordinated with EU and UN to lobby the Puntland government in the strongest terms against the imposition of the death penalty and to request the immediate transfer of children to a rehabilitation facility. 28 children (including all those below 15 years old) were transferred to a rehabilitation centre in Mogadishu and the UK and partners will continue lobbying in 2017 to ensure the release of the remaining children.

Somalia faces an increasingly severe humanitarian crisis, exacerbated by ongoing drought. Puntland and Somaliland remain the most severely affected. 5 million people are now in need of assistance, over one million of whom are Internally Displaced Persons (IDP). Approximately one million people in Somalia face a humanitarian and emergency crisis and almost four million people face food security stress (UNOCHA report, December 2016). DFID's multiyear (2013-2017) Humanitarian and Resilience programme has increased from £169m to £179m in response to the drought and refugee returns from Kenya. An additional £10m was made available in December for drought response in 2017.

Work to address the specific needs of IDPs and refugee returnees to Somalia from Dadaab in Kenya continued. £17m was provided in 2016 to UN and NGO partners offering a range of services including Cash, Shelter and Livelihoods.

There were frequent reports of civilian casualties attributable to all sides in the ongoing conflict and more localised conflicts between clan militias. Al Shabaab attacks, including assassinations, increased during this period. August saw a further Al Shabaab beach attack in Mogadishu that killed 9 civilians, an attack on local government in Puntland killing 20, and a truck bomb killed 22 civilians close to the presidential palace. In December, Al Shabaab attacked the National Theatre. A total of 45 significant attacks took place in 2016. Fighting broke out between militias in Galkayo in October and caused a large number of civilian deaths and casualties. The media regularly reported on extra judicial killings by all parties.

Sexual violence against women, particularly those from minority and IDP communities remains widespread. The Sexual Offences Bill will not be passed until after the electoral process. UK funding continued to support referral pathways for victims of sexual violence in Mogadishu and, in December, the UK ran workshops to identify opportunities and challenges for stigma reduction among sexual violence survivors. In the former reporting period AMISOM introduced new measures to counter sexual exploitation by its troops following a 2015 inquiry report. In September the African Union Peace and Security Council expressed satisfaction with AMISOM deployment of investigative teams in relation to alleged violations.

2. Somaliland

Human rights violations are markedly less common and severe in Somaliland, but the thematic concerns remain broadly the same. The Human Rights Centre annual report released in December documented issues including: use of the death penalty; unwarranted deportation of individuals; use of military courts to try civilians; unlawful detention; police ill-treatment and over-crowding in police stations.

The Somaliland government in September indefinitely postponed the already delayed parliamentary elections due in March 2017 to allow further time for the parliamentary seat allocation formula to be revised. The UK was party to an international community statement released on 16 September, expressing concern that the delay was without a clear legal or constitutional basis, and risked Somaliland's democratic credentials and accountability. The UK continues to call on the President of Somaliland to set out a clear process and timeline to achieve more inclusive seat allocation and political representation, and to hold Parliamentary elections.

Preparations for Presidential elections in March 2017 continued. With UK and international support, biometric voter registration was conducted and completed on 20 September. This will support a more inclusive and legitimate election, in which every Somalilander aged 16 and upwards/ of eligible age will continue to have the opportunity to vote. Further Ministerial reshuffles in August and December increased representation of western and eastern clans in the pre-electoral period.

Freedom of expression, in particular the arrest of journalists and the closure of independent media continued to be a concern, despite the re-opening of 2 previously closed media outlets (Hubaal and Xog Ogaal). The Foreign and Commonwealth Office (FCO) Permanent Under Secretary raised the importance of a free media with the President while in Hargeisa in September. The UK continues to provide training to the government alongside wider support to the media, to improve the relationship between them.

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