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Civil society report on the implementation of the International Covenant on Civil and Political Rights in

Somalia

138th session of the Human Rights Committee
June 2023

Submitted by: SWCCA, SAFDI, SYFN, MCA, WCC, SOWDO, SWLA and WHRDC



Supported by:

I. Table of Contents

<i>I. Introduction</i>	<i>3</i>
<i>II. Joining organisations.....</i>	<i>4</i>
<i>III. Replies of Civil Society to the List of Issues</i>	<i>5</i>
a. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant.....	5
b. Constitutional and legal framework within which the Covenant is implemented (art. 2)	8
c. Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26).....	10
d. Harmful practices and sexual violence (arts. 2, 3, 6, 7 and 26).....	13
e. Maternal and infant mortality and voluntary termination of pregnancy (arts. 3, 6 and 7).....	17
Persons with disabilities (arts. 2, 7, 9, 10 and 26)	18
f. Participation in public affairs (arts. 19 and 25).....	21
<i>IV. Sources</i>	<i>24</i>

I. Introduction

Somalia, a nation located in the Horn of Africa, has been beset by numerous challenges in regards to human rights issues. This report has been compiled to highlight some of the key concerns facing Somalia such as sexual violence, harmful practices, gender inequality, maternal mortality, abortion, disability, and use of force.

The past two decades of armed conflict, resulting in the breakdown of State and governance structures, institutions, the rule of law, and political instability have created a complex political, socio-economic and security environment. There have been significant human rights violations reported ranging from unlawful or arbitrary killings, including extrajudicial killings, torture, or cruel, inhuman, or degrading treatment or punishment by the government, harsh and life-threatening prison conditions, arbitrary arrest or detention, political prisoners, serious problems with the independence of the judiciary, and serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm. Other abuses include enforced disappearances or abductions, torture, physical abuse or punishment, and unlawful recruitment or use of child soldiers, to serious restrictions on freedom of expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions, censorship, and enforcement of criminal libel laws. In addition, there are substantial interferences with the freedom of peaceful assembly and the freedom of association. There is inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting members of national/racial/ethnic minority groups; and the existence of the worst forms of child labour.

Sexual violence remains a significant problem in Somalia, affecting women and girls across the country. Conflict-related sexual violence such as rape and sexual slavery continues to be a major concern. Armed groups, including Al-Shabaab, have been accused of committing widespread sexual violence against women, often using it as a weapon of control and intimidation. A recent UN report highlighted the alarming levels of sexual violence in Somalia, documenting cases of sexual assaults targeting women and girls, especially in conflict-affected areas. The report emphasized the urgent need for improved protection measures and access to justice for survivors.

Somalia continues to grapple with harmful practices such as female genital mutilation/cutting (Female Genital Mutilation/Cutting) and child marriage. These practices have severe consequences on the well-being and rights of women and girls. FGM/C remains prevalent, despite efforts to combat it, and child marriage rates remain high. For instance, a study conducted by UNICEF revealed that over 90% of Somali women aged 15-49 had undergone FGM/C. Additionally, child marriage rates were found to be alarmingly high, with approximately 45% of Somali girls being married off before the age of 18.

Gender equality remains a significant challenge in Somalia. Women still face discrimination and limited access to education, employment, and decision-making positions. Traditional norms and patriarchal structures continue to hinder progress towards gender equality. Women's representation in political and decision-making roles remain low. In the 2021 parliamentary elections, women constituted less than a quarter of the seats, highlighting the persistent gender gap in political participation.

Somalia faces high maternal mortality rates, with limited access to quality healthcare services and skilled birth attendants. Unsafe abortions contribute significantly to the maternal mortality burden, as restrictive laws and lack of access to reproductive health services result in clandestine procedures. According to the World Health Organization (WHO), Somalia has one of the highest maternal mortality ratios globally, with an estimated 732 deaths per 100,000 live births.

Persons with disabilities in Somalia face significant challenges, including limited access to education, healthcare, employment opportunities, and social inclusion. They experience stigma, discrimination and physical barriers that exacerbate their marginalization. Disabled individuals in Somalia often struggle to access basic services and face barriers to participation in society. They frequently experience exclusion from education and employment opportunities, reinforcing their cycle of poverty and vulnerability.

Somalia continues to grapple with security concerns and the use of force by various actors, including state security forces and armed groups. Human rights violations, such as extrajudicial killings, arbitrary arrests, and torture, have been reported. Amnesty International released a report in 2022 All parties to Somalia's conflict continued to commit serious violations of international humanitarian law with impunity. Al-Shabaab increased its unlawful attacks against civilians. Conflict along with severe drought caused by lack of rain led to the displacement of over 1.8 million people and a new wave of humanitarian crisis. Internally displaced people faced significant human rights violations; women and girls were particularly exposed to gender-based violence. The government increased the health budget but healthcare provision remained poor and access to water, sanitation and food was severely inadequate. Freedom of expression was restricted, and journalists were attacked, beaten and arbitrarily arrested and prosecuted. Media houses were suspended. In Somaliland, authorities severely restricted the rights to freedom of expression, peaceful assembly and association.

Addressing the human rights challenges in Somalia requires concerted efforts from the government, civil society organizations, and the international community. Protecting and promoting human rights, particularly in the areas of sexual violence, harmful practices, gender equality, maternal mortality, abortion, disability rights, and use of force, should be prioritized to foster a more inclusive and equitable society in Somalia. The tone of this report is formal and objective.

II. Joining organisations

This joint report is prepared by:

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III. Replies of Civil Society to the List of Issues

a. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

Issue 1: *Please report on the main significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the ratification of the Covenant, and especially in the last 10 years. Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and to raise awareness about the Optional Protocol, in particular among those who believe that their human rights under the Covenant may have been violated.*

Comments from Civil Society:

In January 2022, the Government adopted a national action plan to implement the joint communiqué to address conflict-related sexual violence, though delays persist in enacting adequate legislation to prevent and address sexual violence. With the support of UNSOM, Jubbaland authorities conducted a consultative workshop with religious leaders and clan elders on the Sexual Offences Bill, at which concerns were expressed regarding the age of marital consent. In May, the Government finalized a policy on human rights, urging compliance by the armed forces with the prohibition of sexual violence under international law. Arrests of members of the security forces and civilians led to convictions in at least 16 cases, including for rape and gang rape.

The FGS is determined to consolidate peace, security and development, which are critical in the promotion and protection of human rights. The FGS has a range of key priorities and has sought to sequence efforts as efficiently as possible: a key priority has been to establish strong citizen responsive and accountable governance structures, including institution-building, legislative frameworks and transparent and accountable financial systems being prioritized. Due to the on-going threat of Al Shabaab, an acceptable and accountable set of security institutions have been accorded priority support by the international community. These priorities are being underpinned by the human rights approach and compliance with established international norms and standards of security imperatives in conflict and humanitarian situations. The 2012 provisional constitution states that federal police, overseen by civilian leadership in the Ministry of Internal Security, have responsibility for law enforcement and maintenance of order within the country. Many parts of the country remained outside government control, with the insurgent terrorist group al-Shabaab contesting government control. The African Union Transition Mission in Somalia, under civilian African Union leadership, and the Somali National Army, under civilian leadership in the Ministry of Defence, are the primary internal security providers. Civilian authorities did not always maintain effective control over the security forces. There have been reports that members of the federal and state security forces committed numerous abuses.

According to a 2021 [Human Rights Report](#) on Somalia, excluding instances of Sexual Gender Based Violence perpetrated by family members, perpetrators of rape were predominantly government forces, militia members, and individuals dressed in uniforms that appeared to be part of the government law enforcement or military, and that in these cases, the rapes were most often perpetrator close to checkpoints which are believed to be controlled by local militias. Very few arrested within militia and armed forces have been made, and [in one case](#), a

female law enforcement officer was beaten by her colleagues and commander for attempts to pursue a sexual violence case investigation.

While the army arrested some members of the security forces accused of such crimes, impunity has been the norm. The report indicates that most rapes of local civilians in some parts of South-Central Somalia took place at checkpoints or in farms and villages close to checkpoints, which many locals believed were under the control of local militias.

The formal legal system consistently fails to address sexual violence and allows perpetrators to go unpunished. Both Somalia and Somaliland criminal justice systems are based on a penal code adapted from the Italian civil law penal code used in colonial Somalia, which was drafted before the 1960s and has never been revised. Even though the law criminalizes rape and provides penalties, which range from five to fifteen years in prison, neither the federal government nor Somaliland's regional government are effectively enforcing this law because this legal framework is further undermined by the pluralist nature of the Somali region's justice system, which allows customary and sharia courts to preside over most cases dealing with SGBV.

In Somalia, the [Sexual Offenses Bill](#) was passed by the council of ministries and sent to the Federal parliament in 2018, but after two years, it was repealed. The House debated a new bill in 2020 that attempted to replace the original Sexual Offenses Bill. The newly drafted Bill (Sexual Intercourse and Related Crimes Bill) allows for child and forced marriage, among other violations of women's rights.

In August 2018, Somaliland President Muse Bihi signed the [Rape and Sexual Offences Act](#) into law amidst criticism from the country's religious leaders. The law aimed to reduce rape and gender-based violence. Almost immediately after signing the 2018 law, Somaliland's president bowed to criticism from the country's religious leaders, who claimed the new legislation violated Islamic law, and allowed them to revise it. He sent it back to the House of Representatives, which passed the revised version in 2020. It is now in the process of being passed by the upper house and signed into law by the president.

Puntland (a federal member state) passed the SOB in August 2016 criminalizing a variety of sexual offenses, including abuse, sexual violence and harassment, exploitation, and internet-related offenses. However, there is no follow through from the government and law enforcement.

Long-standing efforts by women's rights activists and civil society organizations to push Somalia including Somaliland to pass laws protecting women and girls and end impunity have oftentimes been met with backlash, particularly from religious groups, leaving survivors of sexual violence without access to justice.

Recommendations:

The State party should:

- Ensure that new and current military personnel receive appropriate training in human rights and humanitarian law, including strict prohibitions on rape and other sexual violence.
- Collaborate with the CSOs to implement mitigation measures and recommendations made as part of efforts to implement the secretary-general's Human Rights and Due

Diligence Policy as a means of improving Somali security force compliance with international law.

- To approve the Sexual Offenses bill that has been long promoted by women's rights activists/organizations and civil society in Somalia.
- End impunity for agents of the security apparatuses and hold militarized perpetrators and others accountable for the crimes of sexual violence.
- Subject the perpetrators of sexual violence to the statutory court ruling and limits and control the interventions of customary courts in cases of sexual violence.

Issue 2: *Please report to what extent the State party is in a position to guarantee the rights protected by the Covenant in those areas not subject to its effective control, such as Somaliland and Puntland, as well as areas controlled by Al-Shabaab.*

Comments from Civil Society

The Somalia Provisional Constitution of the Federal Republic of Somalia 2012, as amended in 2016 provides for the creation of National Human Rights Bodies that includes the establishment of a Human Rights Commission that is independent of State control, and has adequate resources to carry out its functions effectively. The functions of the Human Rights Commission shall include the promotion of knowledge of human rights, and specifically Shari'ah, setting implementation standards and parameters for the fulfilment of human rights obligations, monitoring human rights within the country, and investigating allegations of human rights violations. (Art. 41).

Populism, intolerance, failure to compromise and political volatility of the wider region, means political consensus in Somalia is always fragile. Both Puntland and Somaliland have their own constitutions and political agenda and most importantly, they all envision Somalia's future differently with their differences stemming from the deep-rooted trust deficit. Al-Shabaab control and self-centred approach to governance makes protection of human rights in these areas difficult because of failure to effectively manage the complex political dispensation of the country.

Recommendations:

The State Party should:

- Increase the implementation of international human rights mechanisms outcomes;
- Promote peace and security through early warning, prevention and protection of human rights in situations of conflict as well as insecurity;
- Increase accountability through strengthening rule of law and accountability for human rights violations;
- Enhance and promote the protection of civic space and people's participation;
- Establish a framework for cooperation between Jubaland, Hirshabelle, Galmudug, South west and Puntland states and the FGS in relation to investigating, documenting and follow up on human rights violations and conducting advocacy campaigns meant to promote human rights in the entire Somalia;
- Allow the Independent Expert (IE) on the Human Rights situation in Somalia to conduct the yearly visits to the affected areas to monitor and document human rights issues.

b. Constitutional and legal framework within which the Covenant is implemented
(art. 2)

Issue 3: *In the light of article 40 of the Provisional Constitution of Somalia, please clarify the status of the Covenant within the national legal order, in particular whether its provisions take precedence over national laws and whether provisions of the Covenant are given full effect in the domestic legal order, including in those areas not subject to the control of the Federal Government. Please also provide information on the coexistence of the statutory law alongside with the customary legal system and Sharia law and how it complies with the Covenant. Please provide examples of cases in which the Covenant has been invoked or applied by national courts and information on the measures taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public at large.*

Comments from Civil Society

Somalia is a civil law country with a pluralistic legal tradition with the interaction of Shari'ah, Statutory law and Xeer (Customary law). The Federal Constitution is the supreme law after Shari'ah, binding the government and guiding all legislative and policy decisions of the government. According to the Provisional Constitution Article 40 (4), the fundamental rights set out within the Constitution “does not deny the existence of any other rights that are recognized or conferred by the Shari'ah, or by customary law or legislation to the extent that they are consistent with Shari'ah and the Constitution”.

The government of Somalia has always renewed its commitment to the promotion and protection of human rights. This is demonstrated by significant positive changes to the constitutional, legal and policy framework and practices. The Federal Ministry on Women and Human Rights Development coordinates and mainstreams the government's human rights agenda and supports the implementation of Somalia's international and regional human rights commitments. Lack of access to a fair and equitable justice system is one of the most pressing problems confronting Somalia on its path towards stability and reconstruction. Rebuilding Somalia's formal justice system is a highly challenging, complex, and long-term undertaking. In fact, there have not been any effective formal justice institutions in the country for over two decades. Alternative justice mechanisms remain the main providers of justice services for lack of formal justice institutions. However, these justice mechanisms can be discriminatory particularly against women, youth and minority clans. While there have been signs of progress, the absence of robust and competent institutions has contributed to a climate of insecurity and impunity. Several assessments of the justice system in Somalia have found that judges and prosecutors lack adequate skills to effectively administer criminal trials in line with Somali laws and procedures, particularly with respect to safeguarding the rights of the accused.

Federal and regional authorities continued to intimidate, attack, arbitrarily arrest, and at times prosecute journalists, including by using the country's outdated penal code. Somalia continued to rely on military court proceedings that violated international fair trial standards. Key legal and institutional reforms stagnated. The review of the country's outdated penal code stopped; there was no movement on the passing of federal legislation on sexual offenses or on key child's rights legislation. The government also failed to establish a national human rights commission; the appointment of commissioners has been pending since 2018.

The United Nations Assistance Mission in Somalia (UNSOM) recorded at least 899 civilian casualties, including 441 killings, between late November 2020 and late July; a marked increase compared to the same reporting period the previous year.¹

After the parliament extended the presidential term on April 25 2022 by two years, armed confrontations between security forces linked to different political factions in various districts of Mogadishu, the capital, resulted in the displacement of between 60,000 and 100,000 people, according to the United Nations. Federal and regional military courts continued to sentence people to death and carry out executions despite serious due process concerns. Puntland executed 21 men convicted by military courts of Al-Shabaab membership and there were killings on June 27 2022, in three separate locations.²

The Federal Government has developed several laws to strengthen human rights protection. These include the draft legislation on Sexual Offences, Anti-Female Genital Mutilation (FGM), Child Rights, Juvenile Justice, Education, and Disability, which will domesticate Somalia's obligations under the international instruments it has ratified.

Unfortunately, most of the legislations are still drafts, and they are not enacted in the country.

Somalia Civil Society has taken part in all the review cycles of the Universal Periodic Review (UPR) since 2015. Somalia submitted its voluntary UPR mid-term review report detailing the progress made on the implementation of the second cycle recommendations, including significant accomplishments on the civil and political rights obverse.

Recommendations:

The State party should:

- Ensure that international assistance efforts are grounded in a broad-based dialogue to reach a consensus between Somali political leaders and the Somali public on the need for harmonization of Somalia's formal and informal legal codes, including previous state laws, clan xeer and shari'a, in accord with basic international human rights standards;
- Adopt the draft legislations mentioned above;
- Ensure a 'bottom-up' perspective. Legal empowerment and confidence-building of the Somali public is also required, including legal clinics, legal aid, translation and dissemination of laws and judicial procedures, and coordination with community-based justice initiatives (e.g. 'vigilante group' community watch groups and local human rights NGOs);
- Establish a stable political environment for justice. The establishment of a plan of action to address priority transitional justice issues should be promoted.

Issue 4: *Please provide information on the measures taken to make the national human rights institution operational. Please also provide information on the National Human Rights Commission law (2016) and whether it complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).*

¹ <https://www.hrw.org/world-report/2022/country-chapters/somalia>

² <https://www.hrw.org/world-report/2022/country-chapters/somalia>

Comments from Civil Society

In 2015 and 2016 the Ministry of Women and Human Rights (MoWHRD) conducted consultations with stakeholders on CEDAW to familiarize them with the Convention and their respective rights and obligations therein. These consultations have set the stage for local initiation of the process of accession to CEDAW by the time of making the full report. This process has already commenced. Subsequent to the foregoing consultations, in 2016 the Minister for Women and Human Rights Development held consultations with the Chairperson of CEDAW to discuss the work of the Committee and Somalia's steps towards ratification as well as advocacy efforts and preparatory work towards ratification of the Convention. A CEDAW benchmarking study tour of Egypt is planned for the first quarter of 2019 for purposes of understanding, from a comparative perspective, of other countries' experiences with the accession and ratification processes so as to inform Somalia's own process. We don't know if that has taken place. To this day, CEDAW has not been ratified by Somalia.

The Somali Sexual Offences Bill makes great strides toward protecting Somali women and girls from violence by criminalizing different forms of sexual violence in accordance with internationally accepted standards. The bill sets out clear duties for police, investigators and prosecutors and provides specific protections for vulnerable groups such as children, people with disabilities and internally displaced people. It lays out a process to investigate the cases and prosecute perpetrators.

Somalia's justice system remains in a very nascent state. While Federal Member States (FMS) have started establishing their justice systems, it has been done mostly in a disjointed manner without a political agreement on federal justice architecture (Justice and Corrections Model). The justice system, particularly in the FMS, lacks the minimum administrative, financial and professional capacities. Court decisions are rendered with scant rationale, generally referring to sharia law without elaboration.

Recommendations:

The State Party should:

- Ensure enabling legislations (Sexual Offence Bill, FGM Bill) that are important to ensuring application of international human rights norms on the ground and are crucial to address core protection issues
- Ensure a central role for the national human rights institution in building a culture of human rights, while reinforcing the rule of law and in their direct engagement in work related to civil and political rights as well as economic, social and cultural rights.
- Ratify CEDAW.

c. Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)

Issue 7: *In the light of article 11 of the Provisional Constitution, please clarify if there is comprehensive legislation that (a) provides a clear definition of and criminalizes direct and indirect discrimination; (b) contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation, gender identity and disability; and (c) provides effective remedies for victims. Please describe the measures taken to combat and prevent acts of discrimination, stigmatization and violence against*

persons belonging to ethnic minorities and minority religions, as well as persons with HIV/AIDS. Please comment on the practice of prohibiting inter-clan marriages by local custom.

Comments from Civil Society

Gender stereotypes and gender inequalities have been developing over decades; any initiatives to remedy those inequalities must be strategic and longterm oriented. It is also crucial to avoid a limited interpretation of gender equality, as only referring to anti-discrimination measures. Absence of discrimination is not sufficient to promote gender equality, but should rather be accompanied by concrete activities and positive measures contributing to substantive equality, equal opportunities, equal access to opportunities, and equivalent results.

- Example: Despite some progress, women's representation in political and decision-making roles remains low. In the 2021 parliamentary elections, women constituted less than a quarter of the seats, highlighting the persistent gender gap in political participation.
- This is the story of a case which happened early this year. The survivor died on 27 May 2023 due to the consequence of the gang rape. The young woman was raped by a group of unknown men. Despite reporting the incident to the authorities, no action was taken, and she faced social stigma and discrimination within her community and legislation. The rape happened in the Lafoole district in the Lower Shebelle region in Somalia. A 32-year-old woman and a mother of 6 kids who was in search of employment opportunities, particularly cloth washing was reportedly raped by a group of 20 men. The Survivor used a public Bajaj (Rickshaw) transportation but unfortunately, there were 3 unknown men inside the Bajaj, and they kidnaped her from Daynile district and took her to a wooden house in the forest of Lafoole district and **20** unknown men gang brutally raped her together the perpetrators were armed and drug abusers. This heinous crime has shocked the community and highlights the vulnerability of women in our society. The survivor has suffered tremendously from this incident and Suspicious Fistula and she is using diapers all the time which is very uncomfortable for her. Hani (not her real name) was left physically and emotionally scarred by the attack. Her husband and children were devastated by what had happened, and the entire community was outraged as a result of the incident her husband divorced her. Hani was left to live with the trauma of the attack, her community was left feeling hopeless and she has not got the justice and supports she deserved. Even though she was taken to MCH in Lower Shebelle which gave her some medicine and she did not get any other assistance. She passed away on 27 May 2023.

Recommendations:

The State party should:

- Develop and implement a comprehensive strategy to eliminate harmful practices and stereotypes that discriminate against women, including through more awareness-raising campaigns for community and religious leaders and the general public and by prosecuting and adequately punishing perpetrators.

Issue 9: *Please provide information on measures taken to tackle gender inequality, including information on the National Gender Policy adopted in 2016 and information on specific legislation in force addressing this issue. Please also inform about steps taken to implement the United Nations Somalia Gender Equality Strategy 2018–2020. Please indicate all the measures taken to ensure in*

practice that women are represented in elected positions and in political and public life, especially in decision-making positions.

Comments from Civil Society

Gender equality and women's empowerment are among the major challenges facing Somalia. The country ranks 4th last on the UNDP Gender Inequality Index with a score of 0.776 (where the maximum score of 1 denotes complete inequality).³

Somalia has long been a patriarchal society, where men hold most of the power and women face significant discrimination and gender-based violence. While progress has been made in recent years towards promoting gender equality, significant challenges remain. Women face barriers to accessing education, employment, and political participation. In terms of political representation, for example, women are severely underrepresented in the country's government and decision-making bodies. Despite a commitment to a 30% quota for women in the 11th Parliamentary elections (2021-2022), the representation of women in the House of the People remains low at around 20%, which is lower than the figure of 24% in 2016.

The agreed quota of 30% has yet to be achieved. Out of a 25-minister cabinet, there are only five female ministers. There is also a notable absence of women in higher levels of government with no women holding the title of director general or head of department. In fact, at the moment, there is not a single female director general in any of the ministries including the Ministry of Women and Human Rights Development. The absence of strong legislation and gender policies contributes to limiting women's participation in politics and decision-making. It is also worth mentioning that the 4.5 power sharing formula disregards women's quotas and lacks gender mainstreaming in power distribution among clans.

In general, women's access to justice in Somalia is restricted within all judicial systems including the formal, clan-based, and sharia-based systems. A traditional dispute resolution mechanism is used to resolve complex cases such as rape and other forms of sexual violence against women. Within this mechanism, a handful of money (compensation) is exchanged between the victim's and the perpetrator's families. This is done without the consent or the presence of the victim. In some situations, a survivor is married off to her rapist, the individual who destroyed her dignity. This practice is called "eliminating grievances" and is used in an attempt to protect family honor.

In terms of economic empowerment, women's access to employment in both the public and private sectors remains low despite the fact that women represent a large proportion of the population. Because husbands were killed, or have failed to take care of the household, a significant number of women in the society have been forced to assume responsibility for their families. Many women have set up street vending businesses and have become the key breadwinners in their households.

Increased in sexual violence and sexual exploitation of female employees and jobseekers is also quite common and is enabled by a culture of blaming and stigmatizing survivors and the growing influence of misogynistic interpretations of Sharia law that have gained traction in Somalia, as Islamist militants have been expanding their sphere of influence by leveraging the vulnerability caused by food insecurity and lack of income-generating opportunities.

Recommendations:

The State party should:

³ <https://www.undp.org/somalia/genderequality>

- Tackle some of the most recurrent aspects of discrimination through its work on policy and advocacy and well as direct support to women in key areas such as politics and the media
- Provide assistance to women's mobilisation and networking efforts
- Mainstreaming gender into development planning and budgeting and financial assistance to women pursuing qualifications in the justice sector.
- Set up programmes to reduce conflict and violence against women, established one-stop centres for women victims of abuse, and supports women's economic empowerment, including in IDP camps and host communities, through training and grants.

d. Harmful practices and sexual violence (arts. 2, 3, 6, 7 and 26)

Issue 10: *Please clarify if the Sexual Offences Bill has been enacted and its impact, including number of complaints filed and registered; investigations and prosecutions undertaken; convictions handed down; and sanctions imposed on perpetrators. In this regard, please also explain if rape is still considered as a "crime against morality". Please provide information on the implementation of the National Action Plan on Ending Sexual Violence in Conflict and other measures taken to support the fight against sexual violence, including measures for the protection, care and support of victims of sexual violence during the ongoing armed conflict. Please comment on reports that attribute most of the conflict-related sexual violence to State agents, militias associated with clans and unidentified armed men, and provide information on the training provided by the State party to police, military, hospital and judicial personnel on the issue of sexual violence.*

Comments from Civil Society

In Somalia, the situation of women and girls in the IDP camps and other informal settlements not only undermines their social economic autonomy and human rights but also places them at risk of sexual violence (SV) and has interrelated components of gender inequality.

The massive number of recorded incidences of Gender-Based Violence (GBV) in 2021 continued to increase in 2022, especially for sexual violence and Intimate Partner Violence (IPV), due to multiple displacements, flooding, droughts and armed conflicts. An estimated 4.3 million people have been affected by natural disasters and armed conflict, while some 554,000 have abandoned their homes in search of water, food, and pasture in December 2021. The number of people requiring humanitarian assistance in 2022 has been estimated to 7.7million.

Women and girls, including adolescents and female-headed households, are those most affected by GBV (for 95% of the reported incidents in 2019, 76% of which are displaced). GBV continues to occur everywhere.

Trends in 2019 show that 65% of reported incidents occur at the survivors' residences, while other incidents occur on the streets, at markets/shopping centres, at perpetrators' residence, and in camp settings. Rape; sexual assault; physical assault; forced marriage; denial of resources, opportunities or services; and psychological/emotional abuse are types of GBV most frequently reported. Somali women have to contend with the unbearable pain of being victims of sexual and gender-based violence. Exacerbated by conflict, civil war and the rise of terrorist groups, Somalia has become a very difficult place to be a woman and to survive. UNFPA 2019 statistics show that 56% of reported GBV incidents are Physical Assault, 14% are Rape, 13% are Sexual

Assault, 6% are Psychological/Emotional Abuse, 7% are Denial of Resources, and the remaining 4% per cent are Forced/ Early Marriage.

In 2022, 14 per cent of women and girls who reported GBV cases on the Gender Based Violence Information Management System (GBVIMS) platform have been raped compared with 12 per cent in 2021. 98 per cent of Somali women and girls have undergone FGM. According GBVIMS1 data in 2022, 50 percent of women have been subjected to Intimate Partner Violence (IPV) in 2022, compared with 43 per cent in 2021.

A recent assessment by Care indicated that 44% of people said concerns around GBV and women's safety had increased since the onset of drought and COVID19. Also, 26% of women and girls feared violence at home, and 20% of girls reported facing pressure from parents for early marriage as a means of coping with the crises. Vulnerability to Sexual Exploitation and Abuse (SEA) increases dramatically during food crises and drought.

The law criminalizes rape of a woman and provides penalties of five to 15 years in prison for violations. There is no law regarding rape of a man. Military court penalties for rape include death sentences. The government does not effectively enforce the law. There are no federal laws against spousal violence, including rape. Government forces, militia members, and individuals wearing what appeared to be government or other uniforms raped women and girls. While the army arrested some security force members accused of such rapes, impunity was the norm.

In Lower Shebelle, Somali National Army (SNA) soldiers and civilians gang-raped Sahra Ali Mohamud, age 15, who later died at the hospital in Marka on November 2021. Women and girls in Somalia are subject to high levels of human suffering, deprivation and grave violations of their right to live their lives free from violence, torture, and discrimination. Somalia has not been able to override the conflict and transform the rigid discriminatory gender and social norms that subordinate women and adolescent girls across every sphere of human development. The character of the conflict in Somalia has in some ways reinforced, and even normalized, the increased gender inequalities rooted in tradition and culture. While the conflict has enabled closer attention to be paid to women's need for livelihood support, it has not necessarily translated into a transfer of decision-making power. Deeply-rooted traditional gender and social norms continue to exclude, devalue and deprive women and adolescent girls of access to rights, opportunities and resources and help perpetuate gendered disparities and inequalities. The staff in the judiciary system have limited capacity building for the investigation and precaution of the perpetrators. The other challenge is that traditional elders are not supporting the formal justice.

There has been controversy surrounding the development of new legislation in Somalia addressing sexual offences, at a time when incidences of rape and other sexual violence have become rampant and impunity is pervasive. Two different bills on sexual offences have been drafted by different sources. However, the content and implications of each bill have not been adequately explained in public, leading to tensions fed by confusion and misapprehension rather than informed discussion. The Ministry of Women and Human Rights on the one hand, and House of the People of Somali Federal Parliament on the other, have developed two separate bills focusing on sexual offences. The original bill, the Sexual Offences Bill 2018, was introduced by the Executive and approved by the Council of Ministers in 2018. The bill had been developed following five years of wide-ranging consultations with women, civil society, religious leaders, and the international community. It was rejected on 8 August 2020 by Parliament, on the tabling of a new parliamentary bill known as the Sexual Intercourse and

Related Offences Bill 2020. This new version of the bill dangerously erodes the human rights of the most vulnerable as it still allows child marriage. The bill generalizes and does not clarify what constitutes rape. This deeply and totally contradicts the provisional federal constitution of Somalia while at the same time undermining Somalia's commitment to the international conventions and statutes that it has signed. The new bill diminishes a key number of basic human rights and decreases the amount of protection available for survivors of sexual offences with regard to confidentiality, privacy, and some of the evidence allowed in courts. This comes at a time when there have been an increased number of sexual offences in the country. Specifically, there has been an increase in the number of rape cases against minors over the past 6 months. The bills contain some significant differences, including: how each defines rape; proposed sentencing; the level of detail on the rights of victims and defendants; the conduct of investigations; and the role of different investigating bodies.

Some MPs specifically criticized the name of the bill itself saying that words like "sexual offences" should be removed and not be used at all in this context. Another MP cited that there is no need for such a bill and that rape cases should be handled with Sharia law. It is worth noting that a woman currently chairs the parliamentary human rights committee and that its female members (2/3 of the committee) support the new amended bill. This came as a shock to local civil society organizations.

Somalia has not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) despite the efforts of CSOs at both the community and national level. In 2015, the Somali CEDAW technical advocacy committee was established in Mogadishu with representation from members of the directors from all line ministries but no representation from a single CSO.

Recommendations:

The State party should:

- Enact the Sexual Offences Bill 2018 into law to protect the rights of victims of sexual offences in Somalia and act as a deterrent against such crimes.
- Ensure the Ministry of Women and Human Rights and Parliament conducts a careful review to identify precisely which elements of each bill are valid, important and have the potential to be consolidated.
- Conduct public participation on the Sexual Offences Bill
- Ratify CEDAW and come up with action plans to domesticate and implement.
- Enact and enforce laws and policies that contribute to achieving gender equality and women's human rights, particularly in marginalized communities (IDPs).
- Eliminate laws, policies, and practices, including early and forced marriages that are harmful to women and girls.

Issue 11: *Please describe the measures taken to eliminate harmful traditional practices. Given the extremely high rate of early and forced marriage and female genital mutilation, please indicate any steps taken towards the adoption of a law and a comprehensive strategy to address the problem and provide further information on all measures taken to overcome resistance to such a bill, including among traditional and religious leaders.*

Comments from Civil Society

Traditional cultural practices reflect values and beliefs held by members of a community for periods often spanning generations. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. These harmful traditional practices include female genital mutilation (FGM); forced feeding of women; early marriage; the various taboos or practices which prevent women from controlling their own fertility; nutritional taboos and traditional birth practices; son preference and its implications for the status of the girl child; female infanticide; early pregnancy; and dowry price. Despite their harmful nature and them violating international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practising them.

According to UNICEF data, 98% of females in Somalia are subjected to FGM.⁴ The occurrence of FGM in Somalia is one of the highest in the world. Religious and cultures beliefs contribute to the continuation of the practice despite constant public awareness campaigns. In all three UPR consultation meetings, participants acknowledged that IDP camps and rural areas are hotspots where the practice is commonplace. However, it was also understood that a significant drop in FGM practice had been reported in major urban areas. Even so, much work still needs to be done to completely eradicate this harmful practice. A representative from the Ifrah Foundation, one of the leading local organizations founded by prominent FGM survivor, Ifrah Ahmed, explained how their campaign is changing the attitude of communities toward the practice while at the same time pushing for strong anti-FGM laws and policies. In 2018, following the death of a 10 year old girl in central Somalia, the Attorney General announced Somalia's first prosecution of an FGM case. It was a big deal and welcomed by many activists and anti-FGM campaigners. Nevertheless, nothing concrete was gained. The draft anti-FGM bill has been under discussion for a while but many conservative, religious and traditional leaders are campaigning against this progressive and protective bill.

The economic and political subordination of women, perpetuate the inferior status of women and inhibit structural and attitudinal changes necessary to eliminate gender inequality.

Recommendations:

The State party should:

- Provide education to girls;
- Invest in building the evidence base with sex, age and other vulnerabilities disaggregated data on girls without parental care in order to develop evidence-based policies and programs and budget;
- Reinforce multi-sectoral child protection systems to make services available to all girls at increased risk of abuse, violence and exploitation, particularly those already in vulnerable circumstances;
- Put in place laws and policies forbidding the practices mentioned above;
- Adopt legislative measures to prohibit these practices, including providing for adequate sanctions, combined with other legal & policy measures, including social measures;

⁴ <https://www.care-international.org/news/care-concerned-about-continued-and-increased-fgm-practices-somaliasomaliland>

- Take measures that addresses the root causes of harmful practices, capacity building at all levels and protective measures for women and children who have been victims of harmful practices.

e. Maternal and infant mortality and voluntary termination of pregnancy (arts. 3, 6 and 7)

Issue 12: *In view of the very high rates of maternal mortality and early pregnancy, please provide updated statistical data on maternal and infant mortality. Please also provide information on the measures taken to improve access to health services and to information on sexual and reproductive health, in particular for women belonging to ethnic minorities and those living in remote areas. Please also provide information on the application of article 15 of the Provisional Constitution and indicate if the mentioned provision allows for legal abortion when carrying a pregnancy to term would cause the woman substantial suffering, particularly if the pregnancy is the result of rape or incest or if it is not viable. Please also indicate if abortion is criminalized and the number of women convicted of intentionally terminating their pregnancies and the penalties imposed, as well as the number of persons convicted of performing an abortion.*

Comments from Civil Society

Somalia ranks 6th globally, with one of the highest maternal mortality rates (MMR) of 692 per 100,000 live births in the world (Somalia Health Demographic Survey report, 2020⁵). Most of these deaths are preventable. Many women suffer major complications due to pregnancy or child-related illnesses. Many die or suffer near misses due to lack of access or lack of knowledge of health services. Delay in seeking medical care is one of the most significant factors contributing to maternal deaths in Somalia. This is largely due to cultural beliefs and practices, lack of knowledge about complications and the benefits of modern health care services, and women's low status in society.

Due to a poor health care system and limited access to health services, the lifetime risk of maternal death in Somalia is among the world's highest at 1 in 22. Statistics show that the maternal mortality ratio in Somalia is 692 deaths per 100,000 live births. This is a major concern and shows huge gaps in the country's health care system. There are a limited number of mother and child care hospitals in the country and therefore, most expectant mothers go to Traditional Birth Attendants (TBA). It is worth mentioning that the majority of these TBAs do not have proper training or the necessary tools to safely deliver infants. Much of the country has little or no access to medical services so in the most remote villages; traditional birth attendants handle all deliveries. Conditions are often unsanitary and birth attendants don't have the capacity to deal with complications that may arise. "Over 700 maternal deaths per 1000 are reported in Somalia each year, many of which are avoidable cases. This shows how serious the situation is. What we fail to realize, however, is that this amounts to a violation of a woman's basic rights to life and health," said one of the representatives from the Banadir Regional Administration's department of health.

According to the Somali Health Democracy⁶ (SHDS), 68 per cent of mothers received no antenatal care, and only 32 per cent of births were delivered with the assistance of a skilled health-care provider, with access strongly associated with education levels and wealth. The United Nations Population Fund (UNFPA) attributed these shortcomings to the high cost of health care and

⁵ <https://www.care-international.org/news/care-concerned-about-continued-and-increased-fgm-practices-somaliasomaliland>

⁶ https://somalia.unfpa.org/sites/default/files/pub-pdf/FINAL%20SHDS%20Report%202020_V7_0.pdf

distance to health facilities. Additionally, the practice of seeking consent from a spouse or male relative presented a cultural barrier to seeking care.

Recommendations:

The State Party should:

- Increase access to maternal healthcare: Somalia need to prioritize the expansion of maternal healthcare services in both rural and urban areas. This can be achieved by building more healthcare facilities, training and hiring more healthcare professionals, and increasing the availability of medicines and medical supplies.
- Improve infrastructure: The provision of better roads, communication systems and transportation networks in rural areas can ensure that medical supplies and experts reach those who need access to healthcare services.
- Educate women on reproductive health: Somalia should prioritize educating the women and girls on the importance of reproductive health, family planning and contraception. Women who have access to information and services on family planning are more likely to make informed decisions about their reproductive health.
- Increase access to reproductive health services: The government should increase access to reproductive health services and family planning services to help women make informed decisions about their reproductive health.
- Improve nutrition: Poor nutrition can lead to maternal and infant deaths during childbirth. The government should take necessary measures to address malnutrition and ensure all expectant mothers receive proper nutrition during and after childbirth.
- Sensitization campaigns: The government should work with the media to deliver messages that sensitize people on the importance of maternal health and safe childbirth as a way of improving maternal and child health outcomes in the country.
- Increase access to emergency obstetric care: In addition to maternal healthcare services, the government must prioritize the availability of emergency obstetric care and neonatal care services to prevent maternal and infant mortality.
- Coordination and Funding: The government should coordinate efforts to tackle maternal health issues and improve the budget allocation for maternal and child health services. Infectious diseases, lack of funding, and poor infrastructure currently contribute to high maternal and infant mortality rates, so these issues should be addressed with urgency to prevent further incidence.

Persons with disabilities (arts. 2, 7, 9, 10 and 26)

Issue 23: Please provide information on the nature and impact of measures adopted to prevent and effectively protect persons with disabilities against discrimination. Specifically, please provide information on the steps taken to ensure that social services are provided on the basis of free and informed consent and that persons with disabilities are protected against arbitrary deprivation of liberty, in line with article 9 of the Covenant and with the Committee's general comment No. 35 (2014) on liberty and security of person, in particular its paragraph 19. Please indicate whether there is an independent inspection mechanism to oversee the quality of care and supervision in mental health, social welfare institutions and religious healing centres. In this regard, please respond to reports that people with mental disabilities are beaten and

slapped, verbally abused and confined in dark rooms for most of the day, and about reports alleging that persons with disabilities are sometimes chained or restrained in their own home setting. Please also describe the measures adopted to ensure that all complaints of ill-treatment and abuse committed against persons with disabilities are investigated, that the alleged perpetrators are prosecuted and punished and that the victims receive full compensation.

Comments from Civil Society:

The condition of individuals with disabilities is not commendable, with women and young girls being particularly susceptible to social discrimination on account of their gender and disability. Numerous girls and women with disabilities are subject to violations, including restricted access to basic necessities such as education, employment, healthcare and their freedom to choose their partner, and in extreme cases even death. Young girls with disabilities often fall victim to unreported harassment in educational institutions, with many abandoning their studies due to the hindrances posed by their disability. Institutional barriers within decision-making frameworks limit the meaningful participation of people with disabilities in political discourse, exacerbating their marginalized status. A draft bill for the National Disability Establishment Agency, which has been in existence for four years, remains unpassed by the Somali president, preventing the commission's formation. Although Somalia ratified the Convention on the Rights of Persons with Disabilities four years ago, comprehensive policies remain unimplemented, making it tough for people with disabilities to achieve inclusion - a group that remains one of the most vulnerable within the country. The formal tone underscores the gravity of this issue.

There are a number of cases of women who are suffering from mental illnesses due to unwanted pregnancy and they don't know the father of baby. It might be the result of rape and taking advantage of her situation. There is no center caring for those victims with their children in Somalia.

Factors that highly contribute to mental or psychological disorders in Somalia is the effect of poverty and unemployment of the population. Unofficial statistics of the unemployment rate in Somaliland's working age population is estimated to be more than 80%. No data are available for Puntland and South Central,

Many Somalis with mental illnesses are socially isolated. The pain of this isolation is felt intensely because Somali culture is traditionally communal and family oriented. While a person with mental illness may be ostracized from the community, their fear of stigma may be even more powerful. Whether the ostracism is created by the community or self-imposed due to anticipated negative responses, the social isolation creates a profound worsening of the mental illness. This social isolation can be very disorienting and can make the process of healing very difficult. In fact, even without prior mental health problems, isolation from the community alone can contribute to the development of depression. The situation of mentally ill people is worsened by the fact that Somalis believe that once a person becomes mentally ill, they will never recover. A Somali proverb says that a mentally challenged person can only improve but never recover (nin waashay wuu ladnaaday mooyee wuu bogsaday maleh).

There are traditional healers, Due to the lack of proper medical treatment and facilities and the huge need for them, the communities are faced with several kinds of traditional healers where some of them allegedly treat mental disorders. Each treatment has its own rituals, rationale, procedures and complexity that is not easy to explain. Amongst the rites used in dealing with mental related problems are:

- Koranic treatment;

- Mingis (originally from the north, pagan origin but blended with some Islamic believes similar to Ethiopian rite of Saar);
- Dawo Somali (traditional medicine with herbal and natural infusions);
- Sharax (officiated on the coastal region, Arabic origin);
- Borane (similar to Mingis in the area of Juba, Lower Shabelle)

The important role of mental health legislation should be taken into high consideration for any future mental health interventions and strategies for Somalia. Limited data is available on mental disorders prevalence and mental health facilities. The scenario becomes more and more worrying when it comes to assessing and drawing conclusions on the regional, national, and local mental health framework. According to WHO's Mental Health Human Rights Booklet, a comprehensive and well conceived mental health policy should address critical issues such as:

- Establishment of high quality mental health facilities and services;
- Access to quality mental health care;
- Protection of human rights; • Patients' right to treatment;
- Development of robust procedural protections;
- Integration of persons with mental disorders into the community; and
- Promotion of mental health throughout society.

None of the abovementioned systems are in place in Somalia. Indeed, no mental health policy is available and drafted by any of the Somalia zones. As the 'Mogadishu and South Central Somalia' WHO-AIMS Report (2009) confirmed, Mogadishu and South Central Somalia have no mental health policy. A mental health strategic plan and an emergency/disaster preparedness plan for mental health are also missing. The civil war caused the collapse of all public/private institutions.

Public education and raising awareness are an integral part of any mental health intervention. The mentally ill are often hidden and kept away from the community because of social stigma, alleged aggressiveness, and the powerlessness of the family.

There is also a lack of human resources: only four psychiatrists were reported to work in the Forlanini mental health Hospital in Mogadishu. Even before the outbreak of the civil war, no clinical psychologists or psychiatrist social workers were present in the country. The situation has worsened in the last 20 years.

Recommendations:

The State Party should:

- Create and enforce laws that protect persons with disabilities against discrimination in all aspects of life, such as education, employment, and healthcare.
- Increase public awareness campaigns on disability issues to educate people on the importance of respecting and promoting the rights of persons with disabilities.
- Take measures to ensure that public places, buildings, and transportation are accessible to persons with disabilities. These efforts would enable persons with disabilities to have easier access to places and services.
- Prioritize inclusive education and emphasize the importance of providing specialized programs and services to persons with disabilities at all levels of education.

- Provide support services that empower persons with disabilities to be self-sufficient and independent members of society. These services include vocational training, job placement, and access to assistive technology.
- Provide funding and support to disability organizations to help them advocate for the rights of persons with disabilities and provide services to their members.
- Ensure accountability: the Somalia government should establish an independent agency that specializes in enforcing disability rights laws and holding accountable those who violate these laws.
- Somali local authorities need to put in place human rights oriented mental health policies, strategic plans and laws to ensure that effective treatment, prevention and promotion programmes are made available to all people who need them.

f. Participation in public affairs (arts. 19 and 25)

Issue 30: *In the light of the planned 2021 elections based on direct suffrage, please describe all measures to ensure the holding of free, reliable and transparent elections. In this regard, please provide information on the process of registering Somalis for the elections and how it complies with article 25 of the Covenant. Please also provide information on the recent enactment of the Elections Bill and its contents, in particular whether it covers the issue of corruption and complies with article 25 of the Covenant. Please comment on the human rights violations and abuses committed during the 2016–2017 electoral process and measures taken to investigate, prosecute and punish the perpetrators as well as measures to prevent such occurrences in the upcoming election.*

Comments from Civil Society

The extent of women's participation in politics and women's access to decision-making can be seen as the key indicators of gender equality in a society. Gender equality in decision-making is to be viewed in the context of whether women are in the position to make or influence public decisions on the same footing as men. The 1995 Beijing Platform stresses that equality in decision-making is integral to the advancement of women's rights and that women's equal participation in decision-making is not only a question of simple justice or democracy, but also a necessary condition for women's interests to be taken into account. Women's participation in Somali politics has traditionally been low, and a controversial topic in the country. Somali society typically ascribes to more conservative notions of a woman's role in family and community life, rarely envisioning a position of political leadership in a maledominated system. This has been changing, but there's a long road ahead. Politics is just one indicator of the larger dynamics regarding women's empowerment in Somali society. In the 2016/17 selection process for a new parliament, Somalia enacted a 30% quota for women's participation. Of the 329 prospective members for both houses of parliament, at least 99 should have been women.

Generally, Somali women have been limited represented at all levels of government administration since the Somali Republic was established in 1960. In 2012, As Somalia ended the transition period, women were promised 30% representation in all sectors of government. Yet this remains a gentlemen's agreement and the gender quota remains excluded from the provisional constitution. This lack of incorporation of the gender quota is reflected in the uneven representation of women in parliament in the last three indirect elections, in 2012 (14% representation); 2016 (24% representation), and 2021/22 (20% representation).

Women and girls, especially those in the IDP camps have remained unrepresented in social, economic and political arenas due to weaknesses associated with Somalia or complete lack of /limited non-gender sensitive policies, lack of economic capacity, cultural limitations and domestic burdens and clan-based representation system. Due to weaknesses associated with Somalia or a complete lack of non-gender sensitive policies, women have remained victims of serious neglect and abuse within societies and families.

Gender equality remains a significant challenge in Somalia, with women facing discrimination and limited access to education, employment, and decision-making positions. Traditional norms and patriarchal structures continue to hinder progress towards gender equality.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of historically marginalized groups in the political process, and they did participate. Cultural factors, however, limited their participation.

Political Parties and Political Participation: The provisional federal constitution states that every citizen has the right to take part in public affairs, and this right includes forming political parties, participating in their activities, and seeking election for any position within a political party. An agreement reached in 2020 by the National Consultative Council of the federal government and Federal Member State leaders on a model and timeline for federal parliamentary and presidential elections during the year stated no political parties would be participating.

The draft election bill⁷ would give the public, for the first time in over 50 years, the chance to directly elect representatives. The bill endorses the proportional representation system, which empowers the majority party or largest coalition in parliament to choose the president.

Even if the parliament approves the election bill as written, though, it would violate the provisional constitution, said the deputy speaker of the upper house of parliament, Abshir Mohamed Ahmed. He said the constitution holds that the two houses of parliament — Lower (275 seats) and Upper (54) — choose the president.

The constitution also does not recognize the proportional representation system.

The Somali leaders of Somalia's National Consultative Council reached political agreement on May 27 2023, agreed with the NCC leaders to adopt universal suffrage elections for the coming regional and national elections, in which that country holds a one vote one person electoral systems. The NCC leaders has demolished the 4.5 clan system that has been practiced in the past three decades. Clan based power sharing and indirect elections had impeded Somalia's attempt to achieve a successful transition to democracy.

The NCC is abolishing the office of the prime minister and will have a vice president. The vice president will hold direct popular elections and rule without interference from the parliament for the duration of the term. Women were not consulted and involved in this NCC agreement and there is no specific agreement about women political participation.

The Civil Society had a conference on 3rd May 2023 and underlined the importance of the Assembly meetings of National consultation for decision-making on issues to be directed to politics in the country which is the basis for the implementation of the federal system of government.

It is unblemished that the decisions of the National Consultative Council Meetings are not based on real data collection, assessment of the country's situation, and consultations with

⁷ https://somalia.unfpa.org/sites/default/files/pub-pdf/FINAL%20SHDS%20Report%202020_V7_0.pdf

federal and state government agencies, as well as allowing the suggestions and views of Civil Society Organizations. The meeting of the members of the Civil Society Organizations produced suggestions and views that carry the public's attention and be addressed to the dignitaries of the two houses at the federal level, which is as listed below.

1. Civil Society Organizations are welcoming the country's elections based on the system written in the constitution of one person and one vote.
2. To give priority to the completion of the draft constitution.
3. That the members of both houses of the Somali Parliament should not rush approval of this agreement with broad consultation and adaptation to the country's situation made from it.
4. First of all, a consistent election law should be made describing how the members of the committee arrived.
5. That the honorable members of both houses consider how the provisions of this agreement should be inclusive and at the same time protects the rights of Somali citizens.
6. To protect the democracy on which our government is based, we must not sanction the constitution at the federal and state levels to have an inclusive political consultation and agreement.
7. Ensuring women's quota and representation in the Banadir region should be given Priority and obstacles before the discussion of changes in the political system Parliament.

Recommendations:

The State Party should:

- Prioritize to enforce the 30% quota and include gender quota in the government structures in the draft constitution.
- Ensure the full and equal participation of women in all public and private decision-making including the economic, legal, social, and political life of their communities as well as control over their own finances and resources. Take temporary special measures to secure equality of outcomes that address both the public and private spheres of women's lives.
- To establish women platforms about women political participation.

IV. Sources

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