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Situation of human rights in Somalia

Report of the Independent Expert on the situation of human rights in Somalia*

Summary

The present report is submitted pursuant to Human Rights Council resolution 48/22, adopted on 11 October 2021, and covers the period from 1 July 2021 to 30 June 2022. During the reporting period, the Independent Expert on the situation of human rights in Somalia, Isha Dyfan, undertook an official visit to the country from 28 March to 2 April 2022, and two consultative visits to Nairobi from 29 to 30 November 2021 and from 3 to 7 April 2022, where she engaged with several actors working in or on Somalia.

The Independent Expert conducted extensive consultations with senior government representatives, including the Permanent Representative of the Federal Republic of Somalia to the United Nations Office at Geneva, and the ministers responsible for women and human rights development, justice, and the environment. She also engaged with representatives of United Nations agencies and programmes, and of regional intergovernmental organizations, and consulted widely with civil society and directly with marginalized and minority communities.

In the present report, the Independent Expert provides an update on progress achieved to date by the authorities of Somalia on the seven key benchmarks mentioned in her preceding report,¹ on the basis of political and security developments and the humanitarian situation in the country.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

¹ [A/HRC/48/80](#).



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 48/22, adopted on 11 October 2021, by which the Council extended the mandate of the Independent Expert on the situation of human rights in Somalia for one year, and requested that the Independent Expert submit a report to the Council at its fifty-first session and to the General Assembly at its seventy-seventh session.
2. The present report covers the period from 1 July 2021 to 30 June 2022. It is focused on assessing the situation of human rights in the country against the benchmarks for progress in improving the situation of human rights. It should be read in conjunction with the preceding report of the Independent Expert, presented to the Human Rights Council at its forty-eighth session.²
3. The report was shared with the Government of Somalia, in accordance with established procedure.
4. The Independent Expert welcomes the constructive engagement of the Government of Somalia with the Office of the United Nations High Commissioner for Human Rights, and with international human rights mechanisms, in particular the Human Rights Council at its forty-eighth session. At that session, the Permanent Representative of the Federal Republic of Somalia to the United Nations Office at Geneva was elected to serve as one of four vice-presidents on the bureau of the Council, representing the Group of African States, from 7 June 2021 until the end of that year;³ and the Council adopted the report of the Working Group on the Universal Periodic Review on Somalia on 1 October 2021.⁴ The Independent Expert also welcomes the Government's engagement with human rights treaty bodies, particularly with the Committee on the Rights of the Child at its ninetieth session, on 10 May 2022.

II. Activities of the Independent Expert

A. Country visit

5. The Independent Expert undertook an official visit to Somalia from 28 March to 2 April 2022, the focus of which was economic, social and cultural rights. She visited the capital, Mogadishu, and undertook a field mission to Baidoa in South-West State, where she met with government representatives, including the Minister of Women and Human Rights Development, the Minister of Justice and the Minister of Environment, and Members of Parliament, in order to gain their views and opinions on the current security and drought situation, the right to freedom of expression, health care, elections, women's representation, reconciliation and the peace process, alternative dispute resolution, disability and minority issues, and the main obstacles facing women and children.
6. The Independent Expert also held meetings with representatives of the United Nations Assistance Mission in Somalia (UNSOM), the African Union Mission in Somalia (AMISOM) and United Nations agencies. She consulted with civil society and non-governmental organizations (NGOs), and journalists with whom she discussed the progress made on the political, social, economic and humanitarian fronts.
7. The Independent Expert expresses her appreciation to the Government of Somalia for the excellent assistance and cooperation extended during the preparation and conduct of her visit, and to the government officials with whom she met. The Independent Expert also wishes to thank the Special Representative of the Secretary-General for Somalia and Head of UNSOM, the Deputy Special Representative of the Secretary-General, the Resident and

² [A/HRC/48/80](#).

³ See <https://www.ohchr.org/en/hr-bodies/hrc/bureau-15th-cycle>.

⁴ [A/HRC/48/11](#).

Humanitarian Coordinator, and the UNSOM Human Rights and Protection Group, for engaging in an open and frank dialogue, and facilitating her visit.

B. Consultations

8. On 29 and 30 November 2021, the Independent Expert held initial consultations with numerous stakeholders relevant to her mandate, in Nairobi, including representatives of the United Nations and the African Union, members of the diplomatic corps, and representatives of civil society and relevant international and regional organizations. On 2 and 3 December 2021, the Independent Expert met with representatives of civil society in Kampala.

9. The Independent Expert held a second round of consultations, with members of the diplomatic corps and representatives of national and international NGOs, in Nairobi, between 3 and 7 April 2022.

10. The purpose of the consultations was to broaden the Independent Expert's understanding of the situation of human rights in Somalia, to explore how the international community can support Somalia in the implementation of the set of benchmarks and indicators for the improvement of the situation of human rights proposed in her report, and to build strategic alliances with key international stakeholders for more effective technical assistance to Somalia in the field of human rights.

C. Other activities

11. In carrying out her mandate, the Independent Expert received information from diverse sources, including the Government of Somalia, civil society and institutions, and United Nations agencies. On the basis of the information received, the Independent Expert and the Special Rapporteur on extrajudicial, summary or arbitrary executions issued two joint communications, on 2 and 4 August 2022, on alleged extrajudicial executions and excessive use of force by security personnel while directing traffic,⁵ with the aim of engaging in dialogue with the Government.

12. The Independent Expert also attended the twenty-seventh and twenty-eighth annual meetings of special procedure mandate holders, from 31 August to 3 September 2021 and from 6 to 10 June 2022, in Geneva. The meetings served as a forum for dialogue, increasing understanding of the working methods of mandate holders and helping to find solutions to problems affecting them.

13. On 6 October 2021, the Independent Expert presented her report on the situation of human rights in Somalia during the forty-eighth session of the Human Rights Council, and on 7 October 2021 she attended a virtual side event on the margins of the Council session, entitled "How broken institutions and archaic laws hurt media freedoms in Somalia". On 25 October 2021, the Independent Expert addressed the General Assembly at its seventy-sixth session, in New York.

14. On 17 February 2022, the Independent Expert gave a keynote lecture on the African human rights system, with a particular focus on the situation in Somalia, at the University of Calgary in Canada.

III. Recent developments in the country

15. Although the Independent Expert notes a few positive developments, she remains concerned about peace, security, and humanitarian challenges that persist in the country.

⁵ See communications SOM 2/2022 and SOM 3/2022, which will be made available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

A. Political developments

16. After months of delay, the Federal Parliament of Somalia elected Hassan Sheikh Mohamud as the new President by a decisive margin on 15 May 2022, to replace the outgoing President, Mohamed Abdullahi Mohamed.⁶ While the Independent Expert welcomes the successful completion of the electoral process and the peaceful transition of power, she expresses concern that a one-person, one-vote election was not held, as provided in the Provisional Constitution of the Federal Republic of Somalia.⁷

17. The Independent Expert welcomes the election of the first female Deputy Speaker of the Lower House (House of the People) of the Federal Parliament of Somalia, on 28 April 2022.⁸ While women were elected to 54 of the 275 House of the People seats, corresponding to 20 per cent of the seats,⁹ the Independent Expert regrets that the 30 per cent minimum quota for women's representation was not met.

18. The Independent Expert also welcomes the swearing-in of the newly elected members of the Lower House (House of the People) and the Upper House (Senate) of the Federal Parliament of Somalia on 15 April 2022, and looks forward to the appointment of a new Cabinet.

19. The Independent Expert regrets the decision of the Government of Somalia to declare the Deputy Special Representative of the Chairperson of the African Union Commission for Somalia, Simon Mulongo, persona non grata, on 4 November 2021.

B. Security situation

20. The security situation remains worrying in Somalia, with frequent deadly attacks against civilians, particularly by Al-Shabaab and other armed groups, despite the presence of Somali security forces and international forces. According to the Secretary-General's report covering the situation in Somalia between 1 February and 6 May 2022, 236 security-related incidents were recorded in the country, with Al-Shabaab as the main perpetrator.¹⁰

21. On 23 March 2022, Al-Shabaab militants infiltrated Aden Adde International Airport in Mogadishu and attacked the SafeLane Global compound, resulting in at least six casualties, including five foreign nationals and one Somali police officer. On the same day, Al-Shabaab carried out a deadly attack in Lama Galaay, a military base in the town of Beledweyne around 300 km north of Mogadishu. A total of 156 casualties – 48 killed and 108 injured, including a woman parliamentarian – were recorded by the UNSOM Human Rights and Protection Group.

22. On 16 May 2022, the President of the United States of America signed an order authorizing the redeployment of United States troops to Somalia to support the Government's efforts to counter Al-Shabaab.

23. While welcoming the recent establishment of the African Union Transition Mission in Somalia (ATMIS) to assist with the protection of civilians and the fight against Al-Shabaab for a period of one year,¹¹ the Independent Expert calls on United Nations entities to continue providing support to ATMIS and Somali security forces, in compliance with the human rights due diligence policy on United Nations support to non-United Nations security forces.

⁶ See <https://edition.cnn.com/2022/05/16/africa/somalia-elects-new-president-intl/index.html>.

⁷ Art. 42 (2) (g) of the Provisional Constitution of the Federal Republic of Somalia, adopted on 1 August 2012.

⁸ See <https://somaliguadian.com/news/somalia-news/somalia-parliament-elects-first-woman-as-deputy-speaker/>.

⁹ [S/2022/392](#), para. 2.

¹⁰ *Ibid.*, para. 13.

¹¹ Security Council resolution 2628 (2022).

C. Humanitarian situation

24. The humanitarian situation in Somalia remains dire and highly complex, due to the devastating impact of conflict, insecurity, floods, drought, desert locust infestation and the coronavirus disease (COVID-19) pandemic. Following four consecutive failed rainy seasons, an estimated 7.1 million people, 45 per cent of the total population, are acutely food-insecure. For the first time since 2017, the Integrated Food Security Phase Classification has confirmed pockets of food insecurity (phase 5) affecting more than 213,000 people.¹²

25. The Independent Expert is deeply concerned at the increasing numbers of internally displaced persons, due to drought and conflict. According to the Office for the Coordination of Humanitarian Affairs, the number of people affected by drought has risen from 4.9 million in March 2022 to at least 7 million in July 2022, of whom nearly 918,000 are displaced and in urgent need of shelter, food, water and access to health-care services.¹³ In the first week of June 2022, approximately 29,058 newly displaced individuals arrived in Mogadishu because of the worsening drought situation.¹⁴

26. As at December 2021, there were approximately 3,400 recorded IDP sites across Somalia, 85 per cent of which were informal settlements on private land and about 90 per cent of which were in urban areas.¹⁵ Forced evictions are common on the IDP sites. Between January and April 2022, approximately 38,200 people were reportedly forcefully evicted from IDP settlements in the Daynile, Kahda and Hiliwa districts.¹⁶ The Independent Expert is concerned that these evictions affect the poor, who are the most vulnerable, thereby putting further stress on them and limiting their ability to integrate into social structures.

27. During the reporting period, increasing drought fuelled by climate change and the continuing conflict has led to increasing rates of food insecurity and malnutrition. According to the United Nations Children's Fund (UNICEF), the drought is having its worst effects on children, with 400,000 at risk of severe acute malnourishment.¹⁷ Since January 2022, an estimated 2,300 cases of malnutrition, including 11 deaths, were reported in the Baidoa, Afgooye and Marka districts in South-West State.¹⁸

28. On 1 February 2022, fifty NGOs warned of a deepening humanitarian crisis in Somalia and called upon all donors to urgently fund the current humanitarian appeal.¹⁹ Following this alert, on 12 April 2022, four United Nations agencies issued a joint appeal in response to the drought emergency calling for immediate funding to enable a scaling-up of life-saving assistance in Somalia.²⁰ To date, \$621 million of the target of \$1.46 billion total funding required for the 2022 Humanitarian Response Plan has been met.²¹ While welcoming the decision of the World Bank to approve \$143 million in International Development

¹² Office for the Coordination of Humanitarian Affairs, "The cost of inaction", July 2022, p. 2, available from <https://reliefweb.int/report/somalia/somalia-cost-inaction-july-2022>.

¹³ Office for the Coordination of Humanitarian Affairs, "Somalia: drought situation report No. 6", 20 April 2022, available from <https://reliefweb.int/report/somalia/somalia-drought-situation-report-no6-20-april-2022>.

¹⁴ ECHO Daily Flash, "Somalia – extreme drought and displacement", 15 June 2022, available at <https://reliefweb.int/report/somalia/somalia-extreme-drought-and-displacement-dg-echo-un-ocha-unhcr-ingos-echo-daily-flash-15-june-2022>.

¹⁵ See https://data.unhcr.org/en/situations/cccm_somalia.

¹⁶ Office for the Coordination of Humanitarian Affairs, "Somalia: drought response and famine prevention plan", May–December 2022, p. 10.

¹⁷ See <https://www.voanews.com/a/drought-related-malnutrition-kills-at-least-500-in-somalia-6646407.html>.

¹⁸ Office for the Coordination of Humanitarian Affairs, "Somalia: drought response and famine prevention plan", May–December 2022, p. 11.

¹⁹ See <https://reliefweb.int/report/somalia/joint-statement-donor-community-ngos-call-upon-donors-urgently-fund-somalia-drought>.

²⁰ See <https://www.wfp.org/news/joint-fao-ocha-unicef-wfp-press-release-drought-emergency-somalia>.

²¹ Office for the Coordination of Humanitarian Affairs, "Somalia: drought response funding overview", 14 July 2022.

Assistance financing²² and the commitment by the United States Agency for International Development (USAID) of an additional \$476 million to fund the humanitarian needs of Somalia,²³ the Independent Expert calls upon the international community to urgently redouble its efforts to support Somalia.

29. Compounding the dire consequences of the ongoing drought are restrictions by Al-Shabaab on humanitarian assistance. However, between January and March 2022, the number of recorded incidents of denial of humanitarian access was low,²⁴ possibly attributable to a tightening of security by the Government and reduced risk exposure by partners during the extended election period. The Independent Expert calls upon the Government to take all appropriate steps to ensure the safety and security of United Nations humanitarian personnel of specialized agencies, and of all other personnel engaged in humanitarian relief activities, and to facilitate the safe and efficient delivery of humanitarian assistance.

IV. Assessment of the human rights situation against the benchmarks for progress in improving the situation of human rights

30. During the period under review, the Independent Expert continued to monitor progress on achievement of the seven benchmarks for progress in the human rights situation and the related indicators set out in her previous report.²⁵ These benchmarks represent the minimum human rights standards required to address the human rights concerns identified by her.

31. While implementation of existing programme activities by international partners in collaboration with some federal and State institutions continued, the Independent Expert did not observe any significant progress in establishing policy, institutional or legal frameworks for the protection of human rights.

32. The political stalemate and the weak State institutions, including security forces, have not only deepened physical insecurity for civilians but have jeopardized prospects for human security and threatened the fabric of Somali society. The high numbers of civilian casualties, the increasing number of incidents of violence against women and children, the growing hunger, and the malnutrition and abject poverty of youth, minorities and marginalized communities and persons with disabilities are overwhelming, due to conflicts, the impact of the COVID-19 pandemic and recurring drought, exacerbated by the existential threat of climate change. This situation illustrates the interdependence and indivisibility of civil and political rights and economic, social and cultural rights in the context of the conflict and climate disaster, which could lead to imminent famine and long-term humanitarian disaster.

33. The Independent Expert suggests that the upcoming political dispensation and the funding that will be released from gaining heavily indebted poor country status will provide the Government with an opportunity to prioritize the triple nexus of human rights protection and a humanitarian and development approach to realize the rights of Somalis.

²² See <https://www.worldbank.org/en/news/press-release/2022/06/22/world-bank-to-support-somalia-s-drought-response-through-cash-transfers-to-500-000-households>.

²³ USAID press release, “United States provides \$476 million in urgent food, humanitarian and development assistance to the people of Somalia amid worst drought on record and looming famine”, 24 July 2022, available at <https://www.usaid.gov/news-information/press-releases/jul-24-2022-united-states-provides-476-million-urgent-development-assistance-somalia>.

²⁴ Office for the Coordination of Humanitarian Affairs, “Somalia: humanitarian access overview – quarter 1 (January–March 2022)”, 17 July 2022.

²⁵ [A/HRC/48/80](#), paras. 68 and 74.

A. Benchmark 1: Promoting security, peace and reconciliation for the protection of civilians in conflict

34. Somalia remains an extremely fragile State, with prolonged crisis, characterized by intermittent conflict and attacks perpetrated by armed groups. As a result, over the past four years, almost 31 per cent of the national budget was allocated to the security sector.²⁶ Despite this, security still remains one of the main challenges in Somalia.

35. The Independent Expert regrets that throughout the period under review, disproportionate and indiscriminate attacks have been carried out by all parties to the conflict, inflicting harm on civilians and on civilian objects. During the period from 1 February to 6 May 2022, UNSOM recorded a total of 428 civilian casualties, with 167 persons killed and 261 persons injured – a 134 per cent increase compared to the 183 civilian casualties recorded during the previous period.²⁷ Of the 428 civilian casualties, 325 (76 per cent) were primarily attributed to Al-Shabaab militants using person- and vehicle-borne improvised explosive devices, 51 (12 per cent) to unidentified actors, 34 (8 per cent) to clan militias and 18 (4 per cent) to State security forces, clashes between clan militias and Da'esh, and Da'esh attacks.²⁸ Most of the attacks were targeted at AMISOM and Somali security forces, politicians, the media and civilians.

36. On 3 May 2022, Al-Shabaab carried out a complex attack with two vehicle-borne improvised explosive devices on the ATMIS forward operating base in Ceel Baraf, Shabelle Dhexe, resulting in the deaths of and injuries to several peacekeepers.²⁹ On 17 June 2022, dozens of people were reportedly killed in fierce fighting between residents backed by forces of the Government of Somalia and Al-Shabaab militants in the town of Adado in central Somalia.³⁰

37. In response to the attacks, forces of the Government of Somalia and the United States Africa Command continued conducting airstrikes against Al-Shabaab. On 3 June 2022, they conducted an airstrike against Al-Shabaab militants after the latter attacked partner forces in a remote location near Beer Xaani, Somalia.³¹ Although reports indicate that there were no civilian casualties, it was extremely difficult to verify this information.

38. On the other hand, AMISOM military operations have resulted in civilian deaths, and some incidents have led to internal investigations. On 14 November 2021, a Ugandan court martial established in Mogadishu found five Ugandan soldiers serving with AMISOM guilty of killing seven civilians in Goloweyn on 10 August 2021. Two of the soldiers were sentenced to death and the other three were each sentenced to 39 years in prison.³²

39. During the reporting period, the number of grave violations against children decreased in Somalia. Between July 2021 and March 2022, the United Nations verified over 2,248 incidents of grave violations affecting 1,866 children (1,414 boys and 452 girls),³³ as compared to the same period between July 2020 and March 2021 where there were 4,200 violations affecting 3,226 children (2,540 boys and 686 girls). These violations were attributed to Al-Shabaab, unknown armed elements, clan militias, and federal and State security forces.³⁴ On 25 November 2021, a large explosion outside a school in Mogadishu

²⁶ See <https://amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>.

²⁷ S/2021/723, para. 1 (the reporting period is 8 May to 31 July 2021); and S/2022/392, para. 51.

²⁸ Ibid.; and S/2021/944, para. 35.

²⁹ S/2022/392, para. 22.

³⁰ See <https://www.voanews.com/a/somali-forces-kill-dozens-of-al-shabab-terrorists-in-central-somalia-/6622177.html>.

³¹ See <https://www.africom.mil/pressrelease/34456/somali-us-forces-engage-insurgents-in-support-of-the-federal-government-of-somalia>.

³² See <https://reliefweb.int/report/somalia/court-martial-finds-amisom-soldiers-guilty-killing-civilians-goloweyn>.

³³ Country task force on monitoring and reporting on grave violations against children in armed conflict.

³⁴ See S/2021/944.

reportedly killed at least eight people and injured 17 others, including students. Al-Shabaab claimed responsibility for the attack.³⁵

40. Between 1 January and 31 March 2022, UNSOM verified five incidents of conflict-related sexual violence, involving four women and one girl, all victims of rape. Two out of the five victims, including one internally displaced woman, had been raped and then killed.³⁶ Between 1 April to 30 June 2022, three incidents of conflict-related sexual violence were verified through the monitoring, analysis and reporting arrangements. Two out of the three survivors, all rape victims, were aged 9 and 12 years, and the third was an internally displaced woman, consistent with the pattern that people on the move, particularly women and children, remain the most vulnerable to conflict-related sexual violence. Most of the incidents were attributed to unidentified perpetrators, Al-Shabaab, clan militias, police forces in Puntland and Jubbaland, and government security forces.

41. In August 2021, the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict warned about the alarming increase in sexual violence in Somalia and called upon all perpetrators to cease these violations.³⁷

42. The Independent Expert welcomes the fact that the joint communiqué of Somalia and the United Nations on the prevention of sexual violence, of 7 May 2013,³⁸ as reinforced by Security Council resolution 2628 (2022),³⁹ has been incorporated into the 2021–2025 Somalia National Action Plan for the Implementation of the Somali Women’s Charter and of Security Council resolution 1325 (2000) on women, peace and security.

43. The Independent Expert also welcomes the continued efforts by United Nations partners and NGOs in collaboration with the Ministry of Women and Human Rights Development to provide training and capacity-building to government officials in the Ministry of Defence and the national army, lawyers, civil society organizations and clan elders, to strengthen the protection of children, and to raise awareness and promote the collection of information about the plight of children affected by conflict.

44. In some areas, communities under the auspices of clan elders have resolved disputes by applying customary rules and norms. According to reports, a land dispute in Hiraan Region between the Jejele and Makane clans that had resulted in the killing of several persons was concluded through a dialogue process that was financially supported by the United Nations.⁴⁰ The Independent Expert calls on all sides to the conflicts, the Government and civil society to jointly accelerate efforts towards peace and reconciliation as a priority for development.

45. In December 2021, the Federal Government convened a consultative meeting of the Somalia Transition Plan Strategic Steering Committee to assess progress made in implementing the Somalia Transition Plan and to outline priorities for the first quarter of 2022 including force generation, improved joint planning between Somali security forces and AMISOM, the acceleration of capacity-building efforts in the federal member states and the completion of Operation Badbaado I in Shabelle Hoose.⁴¹

46. The Independent Expert notes that the Security Council adopted its resolution 2628 (2022) on 31 March 2022 reconfiguring AMISOM into ATMIS for a period of one year. The new mission will assist with the protection of civilians and the fight against Al-Shabaab and

³⁵ See <https://apnews.com/article/africa-somalia-mogadishu-al-qaida-al-shabab-91ae010f4484ed24dd67e301b716f944>.

³⁶ [S/2022/272](#), para. 46.

³⁷ See <https://news.un.org/en/story/2021/08/1097142>.

³⁸ See https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communique/joint-communique-of-the-republic-of-somalia-and-the-united-nations-on-the-prevention-of-sexual-violence/Somalia_Joint_Communique_SVC_May_2013.pdf.

³⁹ See para. 14 (e).

⁴⁰ [S/2021/723](#), para. 27.

⁴¹ [S/2022/101](#), para. 63.

will operate until the end of 2024, after which all responsibilities will be handed to the Somali security forces.⁴²

B. Benchmark 2: Strengthening the rule of law, accountability and transitional justice

47. In Somalia, justice is provided not only by the formal system, but also by the informal system, which applies a mixture of unwritten laws, in particular customary and sharia law. Article 2 of the Provisional Constitution of 2012 not only provides that Islam is the religion of the State, but goes further to declare that no law can be enacted that is not compliant with the general principles and objectives of sharia.⁴³

48. During her visit to Somalia, the Independent Expert received reports that the formal justice system continued to face many challenges, including a lack of personnel, infrastructure, equipment and funds. As a result, the alternative dispute resolution centres, supported by the Somalia Joint Rule of Law Programme, play a major role in the adjudication of disputes, with elders applying sharia and customary law to decide civil claims cases such as land and family disputes. On the basis of this, it appears that traditional mechanisms continue to be the first port of call for many communities, owing to their accessibility.

49. While acknowledging the rationale behind the establishment of the alternative dispute resolution centres as a measure to address the deficit in the functioning of the statutory courts, the Independent Expert expresses concern that such systems do not always adhere to international human rights standards and may not be serving justice in the interests of marginalized and minority groups given the influence of the clan system in Somali society. Furthermore, the Independent Expert notes that the continued use of the traditional system transfers individual criminal responsibility from the alleged perpetrators to their clans, contributes to impunity and makes it impossible to target and designate individuals and entities under the United Nations sanctions regime. She further notes that investment in the alternative dispute resolution centres may inadvertently be shifting valuable resources away from accelerating the development of the formal justice sector. As the United Nations Development Programme (UNDP) Rule of Law Programme concludes in 2022, the Independent Expert looks forward to an independent evaluation of the delivery of justice by the alternative dispute resolution centres to inform the new United Nations Joint Rule of Law Programme for Somaliland.

50. Formal judicial systems have yet to be extended to areas controlled by Al-Shabaab as well as to Baidoa, Afgoye and the newly recovered areas. Al-Shabaab continues to enforce a strict version of sharia law in areas under its control, which includes death sentences for certain offences, the sentence of stoning to death handed down to a married women accused of adultery, and amputating the hands of thieves.⁴⁴

51. The Independent Expert notes with concern the continued application of the death penalty. On 22 April 2022, three male civilians and one member of the South-West State Police Force were publicly executed by members of the security forces in Burhakaba district, Bay Region, on suspicion of being affiliated with Al-Shabaab. The execution was reportedly carried out after a government official issued the order to carry out their execution without due legal process.

52. Al-Shabaab has also carried out executions in areas that it governs in the country. On 6 October 2021, Al-Shabaab reportedly executed two men by firing squad in public in Kamsuuma, southern Somalia. The men were reportedly sentenced to death by an Al-Shabaab court for sexually abusing a 5-year-old boy and being a member of the Jubbaland army.

⁴² Security Council resolution 2628 (2022), para. 23 (a).

⁴³ Provisional Constitution of 2012, art. 2 (3).

⁴⁴ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2021 Country Reports on Human Rights Practices: Somalia, 12 April 2022.

53. According to a report by Amnesty International, recorded executions rose from at least 11 in 2020 to at least 21 in 2021; the recorded number of death sentences handed down during 2021 was over 27, and the number of people known to be under the death sentence at the end of 2021 was more than six.⁴⁵

54. At the same time, the Independent Expert remains concerned at allegations of killings of individuals when law enforcement officers are directing traffic. On 26 March 2022, a 16-year-old girl was reportedly shot and killed by a police officer from the Somali Police Force who opened fire to disperse a traffic jam in Boondheere district, Mogadishu. On 28 April 2022, a male civilian was reportedly shot and killed by a Puntland Darwish officer who allegedly opened fire to disperse a traffic jam in Bossaso, Bari Region. Reports indicate that while in some instances investigations are opened, no arrests have been made so far.

55. The Independent Expert remains encouraged, however, by the policy on the Darwish police and by the discussions with the Government and international partners on weapons and ammunition management to curtail abuse.⁴⁶

56. The Independent Expert notes that conditions in prisons and detention centres in Somalia and “Somaliland” remain unacceptable and far below international human rights standards. Overcrowding, poor sanitary conditions, lack of access to health care and inadequate food and water persist in prisons throughout the country, including in areas controlled by Al-Shabaab.⁴⁷ Outbreaks of diseases are common, and family and clan are expected to meet the cost of health services; juveniles and adults are held together in the same cell.

57. During an official visit to Somalia, the Independent Expert received reports that in order to lessen prison overcrowding, the arrest of young people is limited and children in conflict with the law are sent to rehabilitation centres. Government authorities requested skills training to rehabilitate prisoners. The United Nations and international partners provided support for repairs to infrastructure, and training workshops for personnel, including in “Somaliland”, on advocacy, management, and administrative skills, to help prevent violations of human rights in prisons, which unfortunately needs to be scaled up to meet the enormous need.⁴⁸

C. Benchmark 3: Ensuring respect for freedom of opinion and expression, assembly and association

58. Freedom of opinion and expression, assembly and association are the hallmark of the Ninth National Development Plan of Somalia, in line with rights protected by the Provisional Constitution of 2012. Some legislative reforms on media freedoms have taken place over the years, however practices by parties to the conflict, Somali security forces, clan elders and politicians fail to protect these rights.

59. Statistics reported by the Somali Journalists’ Syndicate and the Somali Media Association for January to April 2022 indicate 37 cases of journalists being arrested and detained throughout Somalia and “Somaliland”. In its annual report of 2021, the National Union of Somali Journalists documented two cases of killings of journalists and 63 cases of physical attack, harassment, unlawful arrest, detention, torture, cyberbullying and threats against journalists and four media houses.

60. On 5 September 2021, a producer at Goobjoog Media was filmed being dragged through the streets by Somali police while he covered the protest demanding justice for the killing of a former intelligence officer. He was reportedly held for a few hours at the Hodan

⁴⁵ Amnesty International, *Death Sentences and Executions 2021*, 24 May 2022, p. 11.

⁴⁶ See [S/2022/101](#).

⁴⁷ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2021 Country Reports on Human Rights Practices: Somalia, 12 April 2022.

⁴⁸ See [S/2021/944](#).

police station.⁴⁹ On 13 April 2022, police in “Somaliland” arrested at least seven journalists as they covered a prison scuffle in the region’s capital, Hargeysa.

61. Most of the violations were allegedly by State security forces, including the National Intelligence and Security Agency, Somali police forces, and security officers from the states of Puntland, Galmudug, South West State, Hirshabelle and Somaliland, as well as politicians. It has been suggested that most of these arrests and detentions led to release without charge and were designed to harass and intimidate the journalists. In some instances, it has caused journalists and media houses to self-censor to save their lives.

62. The Independent Expert notes that two years after the appointment of a special prosecutor in September 2020 to investigate the killing of a journalist, no one has been held accountable. On the International Day to End Impunity for Crimes against Journalists, in November 2021, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression warned that impunity emboldened perpetrators. She reiterated that States had an obligation to conduct prompt, impartial, thorough, independent and effective investigations into all crimes against journalists, online and offline.

63. Some government authorities complained about lack of professionalism by journalists both online and offline resulting in inaccurate reporting on security issues during conflicts and increasing stigmatization of individuals. Recently, the National Union of Somali Journalists and the Federation of Somali Journalists organized training workshops in collaboration with international partners aimed at improving the practice of journalism and protecting freedom of opinion and expression in Somalia. Nevertheless, journalists continued to be arrested and held without charge or bail for lengthy periods and to be prosecuted under the Penal Code of 1964.

64. The Independent Expert urges the Government to finalize the review of the Penal Code of 1964 and, in the meantime, to establish a moratorium on charging journalists under this Code until it is amended and to release those charged under this law without delay, or to charge the journalists in court immediately.

65. The rights to freedom of peaceful assembly and of association are protected by the Provisional Constitution of 2012, however these rights are severely curtailed by the Government, especially in recent years as a measure to stop the spread of the COVID-19 pandemic. The Federal Ministry of Internal Security continued to require that it approve all public gatherings, citing security concerns such as attacks by Al-Shabaab suicide bombers.⁵⁰ In December 2021, police in the capital, Mogadishu, dispersed protesters supporting the Prime Minister, who remained defiant as a political impasse continued in the country.

D. Benchmark 4: Promoting women’s rights and gender equality in all aspects of society

66. The Provisional Constitution of 2012 provides for the participation of women in public affairs and inclusion “in an effective way” in all national institutions.⁵¹ It also provides for the protection of all women workers from sexual abuse, segregation and discrimination in the workplace, and outlaws female genital mutilation.⁵² However, inequality in Somali society is entrenched, reinforced by clannism robbing women of equal participation in public life, access to justice, health care, equal opportunities to education, employment, and protection from economic and political violence.

67. At the end of a long and gruelling electoral process, the House of the People only delivered 20 per cent representation of women, a total of 54 women out of 275 seats – 4 per cent less than in the preceding Parliament. Despite advocacy for greater representation of women, the 30 per cent quota for women was not achieved.

⁴⁹ See <https://www.hrw.org/world-report/2022/country-chapters/somalia>.

⁵⁰ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2021 Country Reports on Human Rights Practices: Somalia, 12 April 2022.

⁵¹ Provisional Constitution of 2012, art. 22.

⁵² Ibid., art. 24.

68. Furthermore, the elections were marred by violence and political assassinations. UNSOM reported that on 23 March 2022, Al-Shabaab launched two suicide attacks in Beledweyne, central Somalia, ahead of the parliamentary elections, killing 48 civilians including two candidates, one male and one female, and a Member of the outgoing Parliament (House of the People), and injuring 108 others. An investigation was ordered, but no one has been charged at the time of drafting the present report.

69. Violence against women and girls, including sexual violence, increased in the context of the continuing COVID-19 pandemic, the recurring drought exacerbated by climate change, and political violence. Some incidents of domestic violence were perpetrated by family members, neighbours or intimate partners, while others occurred at camps for internally displaced persons, when women and girls went to fetch water or to the market, resulting in women's socioeconomic deprivation.

70. There was also an increase in female genital mutilation during the last two years of pandemic. A specific Female Genital Mutilation Bill has been drafted and presented to the Somali Cabinet, but it has yet to be endorsed, a process that will ultimately require the support of prominent religious leaders and institutions. In 2021, reports of a 13-year-old girl who died after undergoing female genital mutilation shocked the nation and the world at large and showed clearly why the practice should be stopped.⁵³ NGOs have launched programmes in the states of Somaliland, Puntland and Galmudug training girls in leadership and as advocates to raise awareness of the harmful practice, and empowering girls.

71. The Government of Somalia has adopted a national action plan to address conflict-related sexual violence and has established centres for women associated with Al-Shabaab for economic self-sustenance.⁵⁴

72. Securing access to justice through the current legal system remains a significant challenge and cases tend to be resolved through the clan system, where male clan elders apply customary law and practice and sharia law, and in most instances do not protect women's rights. Local and international NGOs working to combat gender-based violence in Mogadishu, Puntland, Jubbaland and South-West State continue to implement programmes to assist women to prosecute cases in statutory courts for violence against women, and others are assisting in formulating policies, disseminating information, conducting training and providing paralegal support to survivors.⁵⁵

73. Although maternal mortality rates have reduced globally, Somalia has the sixth-highest rate in the world, at 692 per 100,000 live births, according to the Somali Health and Demographic Survey report of 2020. Most of these deaths can be prevented, by delaying the first pregnancy, stopping harmful practices such as female genital mutilation, and ensuring timely access to obstetric care.⁵⁶

74. Women's health has deteriorated and is threatened, especially in rural areas under Al-Shabaab control. Al-Shabaab blocks roads, thereby preventing women from accessing health-care facilities or preventing NGOs from operating in the areas that they control. The Independent Expert received information that some public and private hospitals had improved their service delivery; for example, the Director General of Banadir Hospital, a government hospital in Mogadishu, had won an award for her service to the community for reducing maternal mortality at that hospital.

75. No legislative progress has been made in the period under review to advance gender equality and empower women in Somalia.

⁵³ See <https://reliefweb.int/report/somalia/despite-rise-fgm-over-last-2-years-covid-care-young-girls-champion-somalia-offer-hope>.

⁵⁴ See <https://hornobserver.com/articles/1604/Somalias-capital-Mogadishu-the-UN-Empowers-Survivors-of-Conflict-Related-Sexual-Violence>.

⁵⁵ See <https://www.legalactionworldwide.org/where-we-work/somalia/somali-legal-aid-network/>.

⁵⁶ See <https://reliefweb.int/report/somalia/despite-rise-fgm-over-last-2-years-covid-care-young-girls-champion-somalia-offer-hope>.

E. Benchmark 5: Ensuring respect for children’s rights and promoting youth empowerment

76. Somalia ratified the Convention on the Rights of the Child in 2015, but the Child Rights Bill is yet to be passed and Somali children continue to suffer from different forms of violence and exploitation and to be deprived of schooling. In addition, children in Somalia are at extremely high risk of impacts from the climate crisis due to their exposure and vulnerability to environmental shocks. According to UNICEF, children in Somalia are the fourth most vulnerable in the world,⁵⁷ due to high levels of exposure to soil and water pollution and riverine flooding; UNICEF calls for investments in social services, particularly in child health and nutrition as well as in water, hygiene and sanitation to safeguard them from the impacts of climate change. The situation is particularly dire among displaced and refugee children. In many areas, children do not have access to schools, and nearly two thirds of the school-age population is out of school, leading to the risk of child labour, which is prohibited by the Provisional Constitution of 2012.

77. Girls continue to face additional obstacles, such as early marriages, especially in areas controlled by Al-Shabaab, where the group recruits students as fighters and abducts girls and young women, leading to lower school attendance.⁵⁸ The Independent Expert notes the controversy over the age determination of children, and the Government’s commitment to international human rights law and the Provisional Constitution of 2012, which sets 18 years as the age of majority. The Government’s capacity to provide effective education countrywide remains weak, with the gap partially filled by NGOs and non-State actors.⁵⁹ The Independent Expert urges the Government of Somalia to invest in the human rights of children and build the human capacity of the next generation as it implements its reform agenda.

78. Young people have unfortunately not featured much in the national and state electoral processes, despite advocacy from international and local partners to include youth in the 27 May 2022 agreement on elections and wider State-building efforts. The Independent Expert welcomes the collaboration between the United Nations and the Ministry of Youth and Sports, and the development of the second National Youth Policy and of the National Youth Action Plan 2022–2026 issued in March 2022, to tackle barriers that perpetuate the exclusion and marginalization of youth and promote conditions to advance young people’s rights and opportunities. Information received by the Independent Expert revealed that cultural barriers prevented youth involvement in nation-building.

79. The Independent Expert also welcomes the dozens of wide-ranging capacity-building initiatives, including UPSHIFT social innovation boot camps, and small business start-ups funded by the international community, as well as similar activities taking place in “Somaliland” aimed at empowering Somali youth at the subnational level and for local resilience. The Independent Expert recommends the acceleration of legislative measures, such as the passing of the Juvenile Bill by the new Parliament, to enhance constitutional guarantees for young people.⁶⁰

F. Benchmark 6: Promoting economic, social and cultural rights – improved access to health care, water, sanitation, hygiene and an adequate standard of living

80. Economic, social and cultural rights include the rights to decent work, an adequate standard of living, housing, food, water and sanitation, social security, health and education.⁶¹ Those who suffer violations of the right to food or water are typically those who are poor,

⁵⁷ See <https://www.unicef.org/somalia/press-releases/children-somalia-extremely-high-risk-impacts-climate-crisis-unicef>.

⁵⁸ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2021 Country Reports on Human Rights Practices: Somalia, 12 April 2022, p. 42.

⁵⁹ Ibid.

⁶⁰ S/2021/723, paras. 32–35; S/2021/944, paras. 29–31; and S/2022/101, paras. 33–36.

⁶¹ International Covenant on Economic, Social and Cultural Rights.

vulnerable, and experience a rights deficit generally. Securing access to both food and water is reinforced by securing access to housing, health care and a livelihood. The fulfilment of a wide range of socioeconomic rights is, in turn, reinforced by a robust protection of civil and political freedoms, which allow those who are vulnerable to demand information, to participate in decision-making and to access basic goods essential to a dignified life.⁶²

81. The economy of Somalia, like most others, contracted during the COVID-19 pandemic, with the Federal Government struggling with budget deficits as the World Bank predicted a reversal of the country's economic gains, especially as there was a reduction of tax revenue.⁶³ By September 2021, the economy was expected to rebound from the negative impacts of COVID-19, at a rate of 2.4 per cent.⁶⁴ The delayed electoral process threatened to derail heavily indebted poor country status and the payment of funds by the International Monetary Fund to Somalia, leaving the reform agenda and the situation of vulnerable populations in jeopardy.

82. Somalia has some of the lowest health indicators in the world. The Government spends only 2 per cent of its budget on health-care services⁶⁵ – a budget that is unlikely to satisfy the Government's obligation to provide the population with the enjoyment of the highest attainable standard of physical and mental health, including the improvement of all aspects of the environmental crisis precipitated by climate change.

83. Recently, the World Health Organization (WHO) launched an emergency health response plan for drought in Somalia, calling for early action to protect health and save lives by cushioning Somalia from severe forms of disease and malnutrition.⁶⁶ In another development, the Ministry of Health and Human Services of the Federal Government of Somalia, WHO and the Italian Agency for Development Cooperation are continuing their collective effort to improve the resilience of health systems by using a secondary hospital-based care approach in underserved states to contribute to the humanitarian-development-peace nexus in Somalia.⁶⁷ The Independent Expert notes that these initiatives provide Somalia with an opportunity to prioritize and expand its efforts towards realizing the rights of Somalis to health care.

84. Somalia has been facing food and water crisis because of the continuing conflict, recurring drought, floods, locust infestation and climate change. Farmers have been unable to grow crops or tend their cattle due to damage to soil for farming and to grazing lands. Surface water resources have significantly deteriorated, with wells drying up, causing millions of people to flee their homes in search of food, shelter and water in camps for internally displaced persons, especially in Al-Shabaab-controlled areas where humanitarian access is obstructed.⁶⁸

85. An analysis of the impacts of the ongoing drought in the eastern Horn of Africa carried out by the World Food Programme, covering the period 2020–2022, found that Somalia had widespread crop failures, the worst seasonal harvest on record, with production reduced by more than 70 per cent, and that 80 per cent of people had exhausted their food stocks.⁶⁹

86. According to a study by Oxfam and Save the Children, climate change fuels hunger among vulnerable populations; it is estimated that every 48 seconds, a person dies from

⁶² See https://www.ihrb.org/pdf/Right_to_Food_and_Water_Dependencies_and_Dilemmas.pdf.

⁶³ [S/2021/723](#), paras. 16–19; and [S/2021/944](#), paras. 12–14.

⁶⁴ See <https://www.worldbank.org/en/news/press-release/2021/09/14/somalia-s-economy-rebounding-from-triple-shock>.

⁶⁵ See <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>.

⁶⁶ See <https://reliefweb.int/report/somalia/who-regional-director-eastern-mediterranean-officially-launches-who-emergency-health>.

⁶⁷ See <https://reliefweb.int/report/somalia/who-and-italian-agency-development-cooperation-seek-improve-resilience-somalia-s>.

⁶⁸ See the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 55.

⁶⁹ See <https://docs.wfp.org/api/documents/WFP-0000136035/download/>.

hunger in Somalia, Kenya and Ethiopia,⁷⁰ a situation second only to conflict. In April 2022, a joint statement by United Nations agencies sounded the alarm about a drought emergency leading to famine in many parts of Somalia. The statement emphasized that children under the age of 5 would be among the most vulnerable as the drought worsened.

87. The Independent Expert welcomes the efforts by the United Nations to increase its reach to vulnerable populations by providing nutrition for children, in responding to the measles outbreak and mental health issues, and in constructing water points in drought-affected areas.⁷¹ The Independent Expert notes the UNDP programme on sustainable natural resources management for inclusive economic growth to enhance integrated environmental governance, including of land, water, and marine resources, and on the restoration of landscapes and ecosystems, to facilitate the participation of vulnerable communities in these initiatives, as an encouraging step forward.⁷² She notes that the Government has an obligation to ensure that food is available and accessible for all Somalis.⁷³

88. More than thirty years of persistent conflict have ruined the economic infrastructure of Somalia and forced a generation of people from their homes. Most live in camps for internally displaced persons, set up on private and public lands, and are subject to forced evictions by landowners and property owners.⁷⁴ In July 2022, 12,301 individuals were forcibly evicted across Somalia, bringing the total of forced evictions since January 2022 to 92,269.⁷⁵ Such evictions and displacement are a hindrance to durable solutions and increase vulnerability, as reported by the Office for the Coordination of Humanitarian Affairs.⁷⁶

89. The Independent Expert welcomes an initiative, in November 2021, in which South-West State issued 4,305 title deeds to landowners in the new Barwaaqo Integrated Settlement, in Baidoa, as part of a government-led durable solution effort supported by the United Nations, an example of public and private partnership to facilitate the settlement and reintegration of displaced communities. The Independent Expert calls on the Somali authorities to respect their international commitments reiterated in the Ninth National Development Plan and protect the rights of Somalis to adequate housing.

90. The Provisional Constitution of 2021 protects labour rights, including by prohibiting child and forced labour, and discrimination in the workplace, however the Independent Expert notes that the Government does not enforce these laws effectively.⁷⁷ The Federation of Somali Trade Unions reported that labour relations had improved in 2021. A case filed in the Federal Supreme Court by a Somali worker, who had been dismissed by Favori LLC, the operator of Aden Adde International Airport, succeeded when the judges found in favour of the appellant.⁷⁸ The Independent Expert welcomed the judgment of the court and calls for the execution of the judgment to ensure accountability and to remedy the situation of workers.

G. Benchmark 7: Protecting the rights of persons with disabilities, minorities and marginalized communities

91. The preliminary results of a recent disability inclusion study by the International Organization for Migration, of the IDP sites in Kismaayo, found that 20 per cent of the respondents were persons with disabilities, who had acquired their disability as a result of

⁷⁰ See <https://www.oxfam.org/en/press-releases/one-person-likely-dying-hunger-every-48-seconds-drought-ravaged-east-africa-world>.

⁷¹ Office for the Coordination of Humanitarian Affairs, "Somalia: drought situation report No. 4", February 2022.

⁷² See [DP/DCP/SOM/4](#).

⁷³ Universal Declaration on Human Rights, art. 25.

⁷⁴ See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8425757/>.

⁷⁵ See <https://evictions.nrcsystems.net/riskmap.php>.

⁷⁶ See <https://twitter.com/OCHASom/status/1437015979758919685?s=20>.

⁷⁷ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2021 Country Reports on Human Rights Practices: Somalia, 12 April 2022.

⁷⁸ *Favori LLC v. Abshir Hasan Abdulle* (references [MS/SH/45/2021-BG](#) and [MS/SH/44/2021-BX](#)), Federal Supreme Court (Labour Section), 25 November 2021.

conflict and displacement, and who faced attitudinal, institutional and environmental barriers in their day-to-day lives.⁷⁹

92. The Independent Expert reiterates her concerns about discrimination against persons with disabilities and persons belonging to minorities and marginalized communities, as highlighted in her last report, and regrets that no meaningful progress has been made to protect their rights during the period under review. Persons with disabilities participated in the ongoing electoral process as voters and not as candidates. The United Nations Disability Inclusion Strategy of 2019 could ensure that people with disabilities are included in society on an equal basis in United Nations programmes, leaving no one behind.⁸⁰ The Independent Expert welcomes the Government's embrace of the National Durable Solutions Strategy 2020–2024, which focuses on interventions and pays special attention to the specific concerns and perspectives of persons with disabilities, seeking to involve them in existing government and community structures rather than establishing parallel ones.

93. Persistent advocacy has drawn attention to the inadequate human rights protection and humanitarian assistance for minorities and marginalized groups in Somalia. Civil society groups, minority clans and some national opposition groups called for the abolition of the 4.5 formula, by which political representation is divided among the four major clans and the marginalized and minority clans combined share the remaining 0.5, underrepresenting the real size of these groups. A one-person one-vote system at the next elections, as an inclusive form of democracy, could optimize representation of these groups, as illustrated in the test case in Puntland. Although it is alleged that minority communities are in a worse situation in "Somaliland" than elsewhere, a minority youth serves as Deputy Chair of the Somaliland Human Rights Commission.⁸¹

94. Members of minority and marginalized communities continue to experience violence and lack of protection from clans and the Government alike. In employment, they face discrimination even when they are the most qualified, they face evictions and confiscations of their lands by majority clans, they cannot obtain a remedy through formal or informal institutions of justice, and they suffer disproportionately from the effects of drought and climate change. Women and girls, and persons with disabilities, from minority and marginalized communities experience double discrimination and are unable to access education, decent work and training opportunities. The presence of the international community has helped to advance the cause of minority and marginalized communities around the country. However, a bill on minority rights was rejected by Parliament. The Independent Expert recommends greater integration of minority and marginalized groups into the mainstream of society, including in public and private institutions, in order to be able to access social service delivery.

V. International assistance and cooperation

95. In line with international human rights law and international humanitarian law, Somalia has enjoyed several years of international assistance from States through multilateral and bilateral agreements for the fulfilment of its human rights obligations in the security, humanitarian and development sectors.⁸²

96. Somalia has cooperated with the international community by continuing to engage with the United Nations system, the African Union and the Intergovernmental Authority on Development, and with international financial institutions.

97. United Nations and NGO partners' technical assistance for capacity-building activities continued throughout the election stalemate when legislative and policy work could

⁷⁹ International Organization for Migration, "Disability inclusion study: IDP sites in Kismayo, Somalia", December 2021, p. 4.

⁸⁰ See <https://reliefweb.int/report/somalia/living-disabilities-no-barrier-living-dignity-and-pride>.

⁸¹ United States Department of State, Bureau of Democracy, Human Rights and Labor, 2021 Country Reports on Human Rights Practices: Somalia, 12 April 2022.

⁸² See <https://www.ohchr.org/en/special-procedures/ie-foreign-debt/international-standards>. See also the Charter of the United Nations, art. 1 (3).

not be pursued.⁸³ Some international partners suspended budgetary support to Somalia following delays in the electoral process, while others remained engaged.⁸⁴ The World Bank and the International Monetary Fund have resumed their activities with Somalia, assisting it to reach the completion point under the Heavily Indebted Poor Countries Initiative.

98. The 2020 Mutual Accountability Framework report for Somalia remains the main programme of international assistance and cooperation by States that have taken steps individually or collectively to support the full realization of the rights recognized in international human rights instruments.

99. Recognizing that international cooperation for the realization of all human rights places an obligation on the Government, the Independent Expert calls for the ratification and full implementation of international human rights treaties, the adoption of appropriate legislative and policy measures, and the implementation of the recommendations accepted during the country's universal periodic review.⁸⁵ She also urges the international community to sustain its support for the road to recovery in Somalia, amid a multitude of global crises.

VI. Conclusions and recommendations

100. The Independent Expert takes note of the security transition arrangements from AMISOM to ATMIS and the recent election of Hassan Sheikh Mohamud as President on 15 May 2022. These recent developments signal the return by Somalia to a path of reform.

101. The seven benchmarks relied on the ongoing legislative processes being completed within a year because the issues concerned were at the end stages of development. Unfortunately, delayed elections left no room for progress on these issues. The finalization of the outstanding legislative and policy actions would be carried over to the new Parliament and Government. These include the constitutional review process, bills relating to women's and children's rights, the establishment of the Judiciary Commission, as well as the appointment of commissioners to the National Human Rights Commission.

102. After having initiated some legal, policy and institutional framework upon which a new democratic State with a commitment to human rights could thrive, including efforts at reaching the decision point under the Heavily Indebted Poor Countries Initiative, Somalia is at a crossroads. The triple nexus and the humanitarian durable solutions approaches hold a promise to reach those most left behind, to leverage multiple opportunities simultaneously, and to harness efficiencies and cooperation among all stakeholders.

103. There also exists an opportunity on the part of the Government to put an end to politically motivated arrests and detentions of journalists, and to the targeting of media houses.

104. The Independent Expert calls on the new Government to prioritize economic, social and cultural rights in order to address the devastating health impacts of the COVID-19 pandemic, to prioritize education and training to harness critical human capital, and to address hunger and famine exacerbated by climate change. The National Development Plan for 2020–2024 offers all stakeholders an opportunity for progress in achieving the indicators of the seven benchmarks.

105. Guided by international human rights law and standards binding upon Somalia, the Independent Expert makes the following recommendations to the Government in relation to each benchmark.

⁸³ See [S/2021/723](#), [S/2021/944](#) and [S/2022/101](#).

⁸⁴ See <https://www.hrw.org/world-report/2022/country-chapters/somalia>.

⁸⁵ [A/HRC/48/11](#).

1. Benchmark 1: Promoting security, peace and reconciliation for the protection of civilians in conflict

106. The Independent Expert recommends that the Government:

(a) Continue to train the national security forces, including police forces and other security organs, in line with Security Council resolution 2628 (2022), on international human rights law, international humanitarian law and refugee law, and conduct an annual assessment of the progress towards achieving a 20 per cent improvement over the course of the implementation of this benchmark;

(b) Provide the police force with sufficient funds and resources, including proper equipment and training, to enable it to protect civilians, and enhance its ability to effectively investigate and apprehend alleged perpetrators of human rights violations;

(c) Continue to strengthen national and local reconciliation mechanisms so as to ensure a secure environment such that clan violence is investigated and perpetrators are held accountable, thereby strengthening the overall security and accountability framework in the country;

(d) Establish a civilian casualty recording system for the Somali armed forces, as provided in Security Council resolution 2628 (2022), to understand the situation on the ground, and inform decisions for prevention and response;

(e) Conduct prompt, thorough, impartial and independent investigations into allegations of unlawful killing, injury and sexual violence against civilians, and publish in full the reports of investigative committees and the disciplinary measures taken against members of security forces found guilty of perpetrating these acts;

(f) Conduct a national dialogue on adopting a moratorium on the use of the death penalty, pending abolition;

(g) Continue to require that international forces, regardless of their rank or nationality, fighting in Somalia be held accountable for civilian casualties to which they contributed, by conducting prompt, thorough and impartial investigations, and paying reparations for deaths and injuries caused to the civilian population.

2. Benchmark 2: Strengthening the rule of law, accountability and transitional justice

107. The Independent Expert recommends that the Government:

(a) Review the 2018 Jowhar agreement on modalities for an integrated statutory justice and corrections system in Somalia, with a view to linking it into the New Policing Model by 2024.

(b) Finalize the constitutional review process and adopt a new constitution that complies with international human rights norms and standards by the end of 2023;

(c) Establish a federal justice act to regulate and manage the justice sector, including enforcement powers;

(d) Establish a national human rights commission;

(e) Ensure the independence and transparency of the judiciary so as to reduce corruption and build confidence in the legal system;

(f) Accelerate progress on the pending bills so that they are adopted by the end of 2023, in particular the 2018 Sexual Offences Bill, as approved by the Cabinet, the Female Genital Mutilation Bill, the Juvenile Justice Bill and the Child Rights Bill, in line with human rights law and standards;

(g) Increase the budget for the justice sector with a view to promoting and achieving a gender-responsive approach and provide sufficient human resources capacity;

(h) Expand and increase the diverse local peace committees on transitional justice, guided by the principle of accountability for grave human rights violations and by the amnesty legislation.

3. Benchmark 3: Ensuring respect for freedom of opinion and expression, assembly and association

108. The Independent Expert recommends that the Government:

(a) Ensure a safe and enabling environment for journalists and media workers, and condemns resolutely all attacks against them;

(b) Release journalists, media workers and human rights defenders who remain in detention;

(c) Declare a moratorium on the use of the Penal Code of 1964 against journalists and media practitioners, and review the law and make appropriate amendments by 2023;

(d) Set up a national mechanism consistent with the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity⁸⁶ to combat the harassment and targeting of journalists and media workers;

(e) Refrain from intimidating, harassing and detaining journalists, media workers and human rights defenders, and ensure that such acts perpetrated by national security forces and non-State actors are thoroughly investigated, prosecuted and compensated and that reparations are awarded;

(f) Ensure that all acts of human rights violations and abuses perpetrated against journalists and human rights defenders by security agencies, police and other State and non-State actors, such as intimidation, harassment, killings, and arbitrary arrest and detention, are thoroughly investigated, prosecuted and compensated and that reparations are awarded;

(g) Review the amended media law of 2020 in line with the international obligations of Somalia to uphold human rights standards, by the end of 2023.

4. Benchmark 4: Promoting women's rights and gender equality in all aspects of society

109. The Independent Expert recommends that the Government:

(a) Take urgent measures towards signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and harmonize national laws with these instruments to better protect women and girls, by 2024;

(b) Undertake a comprehensive review of domestic legislation with a view to identifying and abolishing discriminatory provisions against women and girls by 2024;

(c) Urgently adopt the Sexual Offences Bill of 2018, as approved by the Cabinet;

(d) Increase access to justice for women and legislate the 30 per cent quota for women in elected and appointed positions, including in the recruitment of women to professional and administrative staff positions in the federal State justice system;

(e) Integrate gender issues and human rights in training courses with the aim of strengthening the capacity of judicial officers and security forces by the end of the plan period;

(f) Remove all barriers that prevent women's full participation in political and public life, including by establishing a road map for the implementation of the

⁸⁶ See https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf.

Somali Women's Charter, and by realizing the 30 per cent quota for women's representation and participation in electoral processes and a means to achieving it;

(g) Increase the enrolment and retention rates of girls at all educational levels and employment and training opportunities for women by 2 per cent annually for the duration of the plan.

5. Benchmark 5: Ensuring respect for children's rights and promoting youth empowerment

110. The Independent Expert recommends that the Government:

(a) Adopt a comprehensive Child Rights Bill, in line with the Convention on the Rights of Child, by the end of 2023;

(b) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child;

(c) Ensure that every child deprived of his or her liberty for alleged association with armed groups has the right to prompt access to legal and other appropriate assistance, and comply with the 2014 standard operating procedures for the reception and handover of children separated from armed groups;

(d) Invest in a nationwide education system by the end of 2023 and ensure universal and equal access to and completion of primary education by all children, and eliminate the existing gap between girls and boys;

(e) Increase enrolment and improve retention rates of girls by allocating appropriate budgetary resources;

(f) Continue to increase the number of skills development centres to empower youth across Somalia and intensify efforts to promote and ensure their access to employment opportunities, internships, vocational training and apprenticeships;

(g) Systematize and establish a quota for the participation of youth in all aspect of political, peace and security processes;

(h) Ensure the disaggregation by sex and age of all data related to children in the education, health and other sectors, in order to include a gender perspective in the planning, implementation and monitoring of such programmes;

(i) Prioritize strategic investment in the health and education sectors, and the empowerment of children and youth, in order to harness and accelerate the demographic transition.

6. Benchmark 6: Promoting economic, social and cultural rights – improved access to health care, water, sanitation, hygiene and an adequate standard of living

111. The Independent Expert recommends that the Government:

(a) Fulfil the commitment to improve access to integrated health and nutrition services through the Basic Essential Package of Health Services by increasing the government budget allocation by 15 per cent, as recommended in the 2001 Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases;

(b) Accelerate the construction of 100 water wells and catchment areas for the collection and storage of water in rural areas, schools and domestic settings, in order to improve access to water, sanitation and hygiene by 20 per cent in 2024;

(c) Immediately adopt a moratorium on forced evictions, and provide adequate compensation and viable relocation or local integration options to reduce evictions by 50 per cent by 2024;

(d) Adopt the revised Labour Code, conduct inspections and produce an annual compliance report on labour standards by public and private entities in the furtherance of accountability;

(e) **Implement the National Durable Solutions Strategy.**

7. Benchmark 7: Protecting the rights of persons with disabilities, minorities and marginalized communities

112. The Independent Expert recommends that the Government:

(a) **Adopt comprehensive legislation prohibiting all forms of discrimination against persons with disabilities, minorities and marginalized communities, and promote and protect the exercise of their rights, by 2024, by accelerating the removal of barriers that prevent these groups from the full enjoyment of their rights;**

(b) **Adopt the National Disability Law and operationalize the National Disability Agency by the end of 2023, in order to improve the legal protection of persons with disabilities;**

(c) **Take all necessary measures to eliminate discrimination against minority clans and marginalized communities, and establish quotas to promote their participation and representation in political structures and decision-making bodies.**
