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Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Somalia

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In 2014, the human rights situation in Somalia remained of grave concern. Civilians continued to be killed, wounded and displaced, with violations and abuses committed by all sides of the ongoing internal conflict. There were numerous reports of sexual violence and violations against children, and access to justice was severely restricted. Female Genital Mutilation (FGM) is practically universal, with some estimates putting FGM prevalence as high as 97.8%.

Impunity remains the core issue underlying the majority of human rights violations and abuses in Somalia. The FCO's primary human rights objective for Somalia in 2014 was to support the Federal Government of Somalia (FGS) to implement its commitment to build effective institutions that respect human rights, with a particular focus on preventing sexual violence.

There is cause for cautious optimism. The Ministry for Women and Human Rights Development, created in December 2013, is responsible for driving forward human rights reforms in Somalia. It consulted widely on a post-transition roadmap for human rights, and legislation to establish a national human rights commission is being readied for parliamentary agreement. The FGS was also an active participant in the Global Summit to End Sexual Violence in Conflict in London in June, and was supported by the UK in the launch of a detailed

Somali National Action Plan on ending sexual violence. In 2014, forces from the African Union (AMISOM) and the Somali National Army liberated several population centres from the control of the extreme fundamentalist group Al Shabaab in 2014. However, it should be noted that this progress will only impact FGS-controlled areas.

At the end of 2014, political instability in Somalia slowed government progress, including on the passing of key human rights legislation. The formation of a new government early in 2015 is a chance to reinvigorate the legislative agenda. In 2015, the UK will be keen to see delivery begin on those processes started in 2014 – the formation of the national human rights commission; implementation of the action plans on ending sexual violence, and the post-transition roadmap for human rights; and improved stabilisation in areas liberated from Al Shabaab, with citizens enjoying the rights and freedoms afforded by law and access to justice.

Elections

The Interim South West Administration elected their president in November. The vote was generally considered to have been representative of clan composition. The UK now urges the new leadership to demonstrate full inclusivity, of all communities, in the remaining steps of the process and in the creation of the regional assembly. Presidential and legislative elections are scheduled for 2016, with an electoral law scheduled to be passed in 2015. Efforts underway to empower women in politics and ensure women have a voice are welcome, and the UK will look for ways to support this in the lead-up to the 2016 elections.

Elections in Somaliland are also scheduled for 2015, and the Department for International Development (DFID) has provided initial support for their preparation, including for the participation of disabled persons.

Freedom of Expression and Assembly

Five local journalists are thought to have been the subjects of targeted killings in 2014, down from a peak of 12 during 2012. Somalia remained second on the Committee to Protect Journalists Impunity Index for the fourth year in a row. The actors behind such killings remain largely unidentified with few successful investigations or prosecutions into these and other attacks.

Concern persisted over government suppression of media freedoms, with closures of radio stations and arrests of journalists considered to be critical of government. Local media organisations and unions complained about unfair targeting of journalists. There were similar concerns with the Somaliland Administration. The UK, alongside international partners and the UN, continued to call on the FGS and Somaliland authorities to prevent impunity for crimes against journalists, and protect media freedom – the UK will monitor the proposed new media law in Somalia closely.

Access to Justice and the Rule of Law

Somalia's military courts were granted temporary powers to try all offences committed in areas declared under a state of emergency in 2011. However, access to these courts is restricted, making it difficult to confirm whether defendants have received a fair trial and been able to prepare a defence. The state justice system remained challenged by limited qualified staff and capacity to manage an increasing caseload. Corruption remained widespread, though efforts by the Ministry of Justice and Constitutional Affairs (MoJCA) to draft anti-corruption legislation were encouraging. The independence of the judiciary was also a key concern, and the UK will continue to engage with the FGS on the impact of the establishment of the Judicial Service Commission and new legislation on the organisation of the judiciary.

The UK continued to support the development of the Somali justice system through DFID's £52 million Core State Functions Programme which runs from 2012-16, working with partners including the UN and International Development Law Organisation.

In 2014, DFID supported expanded access to justice in Somalia through mobile courts and legal assistance projects. These have reached over 10,000 people, a third of these female, and many of whom were victims of sexual and genderbased violence (SGBV). DFID also supported SGBV referral centres. During 2014, the UK co-chaired the federal level peacebuilding and state-building working group for justice, under the New Deal Framework, at which representation from legal civil society and the regions gradually increased. The MoJCA recruited a significant number of qualified staff and advisors. The new Policy and Legal Drafting Unit and Joint Implementation Support Unit facilitated stakeholder consultations on draft legislation, including on the constitutional court and judicial service commission, and developed detailed justice plans that include the development of the justice sector in the regions and at the local level. Somaliland and Puntland also advanced their justice sector plans and are incrementally expanding the reach of state justice institutions. DFID provided technical assistance to a range of institutions in Somaliland, including the Attorney General's Office, High Judicial Council, and nascent Bar Association, in coordination with wider UK support in training judges and prosecutors.

Death Penalty

Somalia's use of the death penalty continued to be of concern. 13 executions were reported to have been carried out in Mogadishu between January and August, with several reports of public executions carried out in the presence of children. The UK is fundamentally opposed to the use of the death penalty and has raised our concerns with the FGS. We will continue to encourage the FGS and Puntland administration to suspend death penalty sentences and establish a moratorium on the death penalty, and encourage the government in Somaliland to formalise the de facto moratorium in place there.

Conflict and Protection of Civilians

AMISOM operations to liberate parts of Somalia from the extremist Al Shabaab militant group led to fears of increased civilian casualties and humanitarian impact of the conflict. Internal displacement, and negative impact on activity during the planting and harvest seasons, exacerbated food shortages. The UN Office for Coordination of Humanitarian Affairs (OCHA) estimated that 857,000 Somalis were in crisis, with a further two million struggling to meet their own minimal food requirements. Through DFID, the UK put in place a £145 million multi-year humanitarian programme, which provides for both emergency response and protection of livelihoods.

Following the offensive, the FGS focused on the stabilisation of newly recovered territories. Ensuring local political settlements are in place and securing peace are vital to consolidating stability. The UK committed over £3.5 million for infrastructure, training and outreach. A more secure and stable environment also led the UN Human Rights Council to begin repatriations of Somalis from Kenya for the first time in 23 years. However, the durability and sustainability of returns remains uncertain, and the risk of forced repatriation from Kenya increased with recent legislation to limit the number of refugees that Kenya is prepared to host.

In light of AMISOM's efforts to restore freedom to Somalia, it was particularly concerning that a Human Rights Watch report, released in September, detailed allegations of 21 cases of sexual abuse and exploitation by AMISOM peacekeepers. The reported high levels of sexual violence carried out by men in uniform, including the Somali National Army and AMISOM, remained deeply troubling. The African Union (AU) confirmed its zero tolerance policy on misconduct or abuses in peace support operations, and investigations started in November; we look forward to their outcomes in early 2015, and will continue to work with the AU, and countries contributing troops, in order to improve their capacity to prevent and prosecute these crimes. The UK already supports predeployment training programmes for AMISOM on prevention of sexual violence, international human rights laws, and best practice in assisting women and children in the aftermath of violent conflict; we also provide support to the AU's Gender Peace and Security Programme.

Women's Rights

The President of the FGS, Hassan Sheikh Mohamoud, reiterated his commitment to women's rights during the November visit of the AU Special Envoy on Women, Peace and Security, Ms. Bineta Diop. He stated that, "women's rights and protection are a key priority in the agenda of the government of Somalia." In April, a UN Team of Experts on Sexual Violence in Conflict released a draft report and recommendations with a view to creating a national action plan to tackle sexual violence in Somalia. The plan was presented at the Global Summit to End Sexual Violence in Conflict in London, which enjoyed the attendance of a large and diverse delegation from the FGS.

A steering committee, bringing in key donors, government departments and UN bodies to ensure coordination, was formed to deliver the action plan. We look forward to the first meeting of that committee early in 2015, and the UK will continue to push for full and fast implementation. Somalia has the highest rate of FGM in the world, with an estimated 95% of girls undergoing the practice. The FGS attended the Girl Summit in July and, along with the government of Puntland, signed the Girl Summit charter.

Puntland approved a policy to end FGM and is working to put it into law. The FGS is in the process of producing a Sexual Offences Bill that will address FGM and SGBV. The UK is working closely with the FGS to develop a national action plan on the eradication of FGM and, following that, a long-term strategy for implementation. Somaliland is delaying signing the charter, despite consistent support from the UK.

At the High Level Partnership Forum in Copenhagen, a side event on increasing women's political participation was co-chaired by Minister Diriye and DFID Minister, Baroness Northover. The event had strong support from both the President and the Ministry of the Interior, and provided a mandate for the Ministry of Women and Human Rights Development to work toward constitutional and electoral reform that favours increased participation by women in all levels of decision-making. The UK will continue to support this work.

Minority Rights

The Somali population, for the most part, shares a common language and religion. However discrimination along clan lines is widespread. Members of minority clans or communities that do not have clan structures, or have been displaced, are especially vulnerable. The UK will continue to push the FGS, the administrations of Somaliland and Puntland, and federal regional administrations to increase efforts to ensure fully inclusive legislatures and governments that are representative of the whole of the Somali people.

Children's Rights

There are longstanding concerns about the use of children in armed conflict (CAAC) in Somalia, with reports of children being used on both sides. The UN Secretary General's most recent annual report on CAAC, released in May, documented 1,293 cases of recruitment and use of children in conflict in Somalia during 2013. Over 900 of these cases were perpetrated by Al Shabaab, although other cases involved the SNA and government-associated militia.

The former Foreign & Commonwealth Office Minister for Africa, Mark Simmonds, has raised the issue with the Somali President and, during the Global Summit to End Sexual Violence in Conflict, hosted a ministerial roundtable on CAAC. This was attended by the UN Special Representative of the Secretary-General for CAAC and FGS ministers, who underlined their commitment to end the recruitment and use of children in armed conflict.

Somalia was one of only three countries not to have ratified the Convention on the Rights of the Child. However, on 25 September, the Somali President announced that the FGS would ratify the convention, and a law was passed in the Somali parliament on 13 December, bringing the provisions in the convention into FGS law. It is due to be formally ratified in early 2015. Regrettably, though, Somalia put a reservation on articles 14, 20 and 21, in order to review them for compliance with Sharia law.

Other Issues

Piracy

Piracy fell to its lowest level since 2006, and no merchant vessels have been attacked by pirates since 2012. However, 30 hostages remain in captivity. We donated £1 million in 2014 to the UN Office on Drugs and Crime's (UNODC) Maritime Crime Programme Horn of Africa (MCP-HoA), to develop FGS capabilities to manage their own coastline and maritime zones. This included maritime and criminal justice capacitybuilding initiatives. MCP-HoA assists Somalia with upgrading its prisons and courts with the aim of ensuring that Somali pirates convicted in other countries can serve their sentences in their home country, where they can access their own culture, families, and appropriate skills training during their prison sentence. UK funding helped to build a new prison in Hargeisa (Somaliland) and the refurbishment of Garowe prison (Puntland), which was officially opened in April. Under UNODC's Piracy Prisoner Transfer Programme, 91 prisoners have already been transferred to the prison. In addition, a further £500,000 was contributed to a UNODC programme to create a new secure facility in South Central Somalia.

This publication is part of the [2014 Human Rights and Democracy Report](#).