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**Statement of
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Distinguished President,

Excellencies,

Ladies and gentlemen,

It is an honour for me to address the Human Rights Council and present my first report on the situation of human rights in Somalia. As many of you know, I was appointed by this Council as Independent Expert on the situation of human rights in Somalia in March, right in the middle of the COVID-19 pandemic that the world has had to grapple with. As such, I was unable to undertake a mission to Somalia, as is customary. My report is therefore based on online consultations that I held with various interlocutors and desk review. I wish to thank all those who have shared their views with me and guided me through this work, as well as the Government of Somalia for their cooperation thus far.

I would like to begin by expressing my condolences to the Government and people of Somalia for those killed in the various terrorist attacks and pay tribute to the valiant efforts by the Somali National Army and AMISOM to restore peace and security across the country.

Madam President,

This year, the protracted armed conflict and chronic humanitarian crises, have been compounded by the COVID-19 pandemic and the desert locust infestation. These various shocks have placed an unbearable burden on Somalia's already fragile infrastructure and institutions. I wish to recognize the work of humanitarian actors and health workers, operating under frequent threats due to the particularly complex security situation, but most importantly on the enjoyment of basic human rights, including economic, social and cultural rights, by the people of Somalia, in particular those most at risk of being left further behind.

While commending the efforts of the Somali authorities and its international partners to address the pandemic amid the prolonged armed conflict and humanitarian crisis, I am concerned that some of these measures have seriously undermined the enjoyment of human rights. There have been reports of attacks against health-care and aid workers, excessive use of force by law enforcement agencies resulting in the death of civilians, violations of the right to freedom of expression and opinion and an increase in sexual and gender-based violence and forced evictions during the pandemic.

Madam President,

Excellencies, ladies and gentlemen,

I regret that progress towards the establishment of the National Human Rights Institution remains stalled. However, I welcome the recent appointment of a Special Prosecutor to investigate and to follow up on the killings of journalists to bring to justice those who organized, planned and carried out the killings of journalists. This is a positive step in the right direction, however, I remain concerned at the allegations of attacks, arbitrary arrests and detention without charges, acts of harassment and intimidation of journalists, suspension of broadcasts aired by television stations and other media outlets by the Somali authorities and Al Shabaab. While the amendments to the 2016 media law, which were recently signed by the President, can be considered an improvement, I remain concerned that certain provisions curtail freedom of opinion and expression and fall short of international human rights norms and standards.

On progress towards gender equality, I am encouraged to see that women's representation in Parliament has reached 24 per cent. However, much remains to be done to address the deeply-rooted patterns of prejudice, discrimination and violence to which women and girls continue to be subjected to on a daily basis. Indeed, since finalizing my report, there have been some troubling developments, in particular in the area of addressing sexual and gender-based violence. I have continued to hear of incidents of rape and other forms of sexual violence against, women, girls and boys, occurring for the most part, with impunity, forcing victims and their families to turn to other avenues which seem to provide a semblance of justice, but in reality continue to fuel violence, in a country where the death penalty remains in application.

Madam President,

I am extremely concerned by the dismissal by the Federal Parliament of the 2018 Sexual Offences Bill in favour of a deeply flawed alternative—The Law on Sexual Intercourse Related Crimes— whose provisions allowing for child marriage and forced marriage are negatively impacting on the rights of girls and women to the enjoyment of the highest attainable standards of physical and mental health and to education, as well as their well-being. I, together with eight of my fellow mandate holders, have sent a communication to the Somali authorities in that regard. A similar worrying legislation, the Rape, Fornication and Other Related Offences Bill, has recently been passed by the House of Representatives in Somaliland. It is unacceptable to continue to invoke custom, tradition or religious considerations to justify violations against the rights and dignity of women and girls.

These developments are regrettably signs of possible regression by the Somali Authorities from their commitment to international human rights law. Protecting women and children and safeguarding respect for freedom of opinion and expression, including by ensuring accountability for human rights violations perpetrated against human rights defenders, journalists and widening the restrictive environment under which they operate, are critical, especially as Somalia prepares for its upcoming elections.

Excellencies, ladies and gentlemen,

The Federal Government has set out a vision for moving Somalia along a path towards becoming a just, stable and prosperous nation. I take note of the recent agreement between the Federal Government of Somalia and Federal Member States on the electoral process, and encourage further dialogue to ensure that all outstanding issues, including the need to ensure the meaningful participation of women, youth, minorities and persons with disabilities, be resolved as a matter of priority.

In my report, I have highlighted seven areas which could form the basis for preliminary considerations for benchmarking a transition plan over the next four years that the Government of Somalia could consider. These include: (a) promoting security, peace and reconciliation for the protection of civilians in conflict; (b) strengthening the rule of law, accountability and transitional justice; (c) ensuring respect for freedom of opinion and expression, assembly and association; (d) promoting women's rights and gender equality in all aspects of society; (e) ensuring respect for children's rights in the context of armed conflict and promoting juvenile justice and youth empowerment; (f) promoting the right to water and sanitation, women and children's health and access to quality education; and (g) protecting the rights of internally displaced persons, refugees, persons with disabilities and minorities. The plan should take into account the priorities outlined in the National Development Plan and the various commitments made by the Somali Authorities at the national and international levels.

It is only through respect for human rights, democracy and the rule of law that Somalia can make meaningful progress towards its peace and sustainable development agenda. I encourage the international community to continue supporting Somalia through this journey, as well as this mandate.

I thank you for your attention.