**Statement of**

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**Third Committee**

**New York, 24 October 2018**



**Honorable Chairperson**

**Your Excellencies,**

**Ladies and gentlemen,**

It is my pleasure, to present my report on the situation of human rights in Somalia to the Committee.

I have previously presented similar reports to the Human Rights Council , since September 2014. Those reports highlight the progressive improvements in the human rights situation in Somalia.

During the current reporting period, the Federal Government embarked on the process of adopting a permanent constitution ahead of the one-person one-vote elections scheduled for 2020. It should be noted that Somalia is currently governed by a Provisional Constitution, adopted on August 12, 2012.

The Federal Government is working to consolidate the national security framework, which is key to the future stability of the country, notwithstanding the political challenges between the two levels of government. Recently, leaders of Federal member states suspended cooperation with Federal Government on 8 September 2018. This is a matter of concern, which needs resolution at the earliest.

**The Economy**

The Somali economy continued to record significant gains. The adoption of a national development plan, a national budget, and the creation of a National Economic Council, indicates improvement in government policies and the economy. According to the former Head of UNSOM, Michael Keating, domestic revenue collection is increasing. Financial management in the country is improving. These measures could ensure that Somalia accesses international funding for its development.

**Fifth Mission to Somalia**

During the period under review I undertook my fifth mission to Somalia, from 25 April to 4 May 2018, and held consultations with ministers and officials of the Federal Government in Mogadishu, and the Federal Member States of Hirshabelle, Galmudug and Puntland. I also met the leadership of the United Nations Mission in Somalia-UNSOM, and the African Union Mission in Somalia – AMISOM, and members of civil society.

The objectives of the mission are set out in my report. I highlight the plight facing women and young girls, in particular the endemic problem of sexual and gender based violence and the problem of abductions and forced recruitment of children by Al Shabaab.

**Positive developments and challenges**

The fact that Somalia conducted its electoral process in 2016/17, which brought to power President Mohamed Abdullahi Mohamed Farmajo, was a major achievement, bearing in mind the fact that Al Shabaab had threatened to disrupt them. The electoral process was a major success. It recorded an increase in the number of women in Parliament in Somalia from 14 % in 2012 to 24.7% in 2016, hence advancing the rights of women to participate in public affairs.

Women’ role in the governance of Somalia has been enhanced with the recent appointment of two women to key positions, namely Madame Zakia Hussein to be the Deputy Federal Commissioner of Police, and Madame Amina Said as Chief of Staff at Villa Somalia.

Yet, rights of women continue to suffer. Sexual and gender-based violence is prevalent. Cases of rape are reported regularly against women and girls, mostly affecting minority clans and IDPs. Rape is allegedly committed by youths, by armed men, some unidentified, but also members of the uniformed services.

The absence of proper justice system and legislation, or lack of capacity to investigate and prosecute means that many cases go unpunished. Impunity is rampant. Unfortunately, in some cases the intervention of traditional elders renders the justice system inapplicable.

A few recent reported examples, include the rape of a 14 year old girl by an Al Shabaab fighter in Galmudug, the rape at gun point of a 15 year girl by a policeman in Qaardho, the rape of a pregnant woman by an SNA soldier in a village in Lower Shabelle, and the rape of an 11 year old girl by a Jubaland policeman in Kismayo. All these cases are conflict-related sexual violence. In most of these cases the perpetrators were either not arrested, or if arrested as in the case of Qaardho, the perpetrator was released and the matter resolved by clan elders.

FGM/Cutting continues to exist in-spite of advocacy by Government and civil society. Recently, it was reliably reported that young girls aged between 5 and 11 in different parts of Somalia, were subjected to FGM/Cutting. Several of the victims suffered severe bleeding, and some reportedly died.

Efforts towards adoption of legislation to address sexual and gender-based violence has been gaining pace. Puntland and Somaliland have already adopted legislation. The Federal Cabinet adopted the Sexual Offences Bill on 30 May 2018. However, the bill still faces opposition from religious leaders, after it was presented to the Federal Parliament.

The rights of the child continue to suffer in spite of Somalia’s accession to the Convention on the Rights of the Child and the current attempts to domesticate the convention. Al Shabaab engages in forced recruitment of children as young as 9 years. Recently, I received reports that Al Shabaab forcibly recruited 300 boys aged between 5 and 11 years in Lower Shabelle. This highlights the problem of lack of protection and security in areas where Al Shabaab still operates.

Children who have escaped or have been captured from Al Shabaab are undergoing rehabilitation programmes in Mogadishu and Garowe, with the support of UNICEF. I commend UNICEF and the civil society organisations that are conducting these programmes.

The recruitment of children into the security forces is also worrisome.

The right to life continues to suffer. Explosions of improvised devices of various descriptions continue to kill innocent civilians, government and public officials. On 14 October this year, Somalia marked one year since the bomb blast that killed and maimed the largest hundreds of civilians, since conflict started almost thirty years ago.

Recently, Al Shabaab attacked the headquarters of a government ministry in Mogadishu killing many more people. Al Shabaab administers draconian measures, including decapitation, in areas under its control. It has targeted people who participated in the electoral process, as well as those it accuses of cooperating with the authorities.

Innocent civilians have died during military operations by AMISOM forces. Increasingly many innocent civilians are killed through attacks by drones or unidentified aircrafts.

Inter clan fighting continues to account for many deaths, because of the traditional manner of resolving disputes within the clan system.

The existence of the death penalty in Somalia, is still a major challenge. On a positive note, through advocacy enabled Somalia to abandon its practice of public executions in Mogadishu.

A number of measures however have been adopted by the government to enhance human security, and protection of human rights. The reform of the Security and Justice is key to restoring law and order in the country. The UNDP has been involved in the process of rolling out mobile courts mainly in South Central Somalia, where justice infrastructure had been destroyed.

The Joint Human Rights Programme, conceived by the Ministry of Women and Human Rights with support from UNSOM, UNDP and UNICEF, to address the resource constraints and challenges in the human rights front is now under implementation. The programme has been funded but will need to be sustained in order to strengthen the capacity of the Federal Government to deliver on its commitments and to promote and protect human rights. I commend Sweden, Norway and Denmark for contributing to this Joint Programme. Sweden has also supported the establishment of forensic lab in Puntland, which helps investigations in SGBV cases.

In Puntland a pilot project for the reform of the traditional justice system, the *xeer,* is ongoing, and is aimed at ensuring that decisions adopted by traditional elders are recorded and can be executed through the justice system.

**Honourable Chairperson, Your Excellencies**

The process of establishment of the National Human Rights Commission, is ongoing. I have urged the government to operationalise it at the earliest, allocate it with adequate resources and guarantee its independence in accordance with Paris Principles.

The right to freedom of expression and opinion in Somalia continues to suffer, because of the rampant cases of arbitrary arrest, detention without trial, harassment and acts of intimidation against journalists, committed by security forces and agencies at the Federal and member States levels.

Reported cases of assassinations of journalists, have been a subject of my previous reports. The case of the recent killing of one journalist has been a subject of a communication to the Federal Government by myself and the Special Rapporteur on the Freedom of Expression and opinion. I have always urged the government to conduct investigations and prosecute the perpetrators of these crimes.

On the humanitarian front, I must commend the Humanitarian actors for their impressive response to the triple disasters that hit Somalia in 2017/18, namely drought, famine and floods. The number of internally displaced persons increased from 1.1 million in 2017 to 2.1 million by the first quarter 2018. The humanitarian community ensured that the famine did not claim human lives, through comprehensive preparedness and adequate provisioning.

IDPs however continue to face uncertainty, marginalisation, hardships and lack of security. Internally displaced persons in and around Mogadishu were forcefully evicted from their settlements in December 2017. They have no tenure over the land they occupy, nor sustainable livelihoods. There is a need to ensure that internal displacement in Somalia is addressed comprehensively, including the need to address the land question

**Conclusion**

It is now accepted that the National Security Architecture of 17 April 2017 and the Transition plan adopted in December 2017, places the primary responsibility for Somalia security to the Somalia national forces. These are homegrown initiatives. International support is critical for the success of the transition plan which is based on the progressive transfer of security responsibilities from AMISOM to Somalia security institutions with clear timelines.

On 30 July 2018 the UN Security Council adopted Resolution 2431(2018), which authorises AMISOM to maintain the deployment of its forces to May 31 2019, but also to reduce the level of uniformed AMISOM troops and AMISOM police by 28 February 2019.This is aimed at ensuring that Somalia will be ready to assume its full responsibilities after the transition is over in 31 December 2021.

I wish to congratulate all the international partners for the support they have continued to give to Somalia. I wish to commend the African Union, AMISOM and the African troop and police contributing countries for their sacrifices in Somalia.

I commend AMISOM for taking responsibility to ensure the protection of civilians against sexual exploitation and abuse, the introduction of human rights officers, compliance to IHL and human rights, and ensuring that it adheres to Civilian Casualties Tracking, Analysis and Response Cell (CCTARC) for civilian casualties during operations.

I call upon the international community to ensure that, it gives all the necessary financial and technical support to enable Somalia’s justice, and law and order institutions to run properly.

Have said the above, I wish to echo what the former UNSOM Chief, Michael Keating told the Security Council during his final briefing, on Somalia. He stated the following; ***“Rule of law is weak. A Justice and Correction Model is close to being agreed but capacity remains very limited. The government lacks the means to ensure that judgements are implemented; too often, people turn to Al Shabaab instead.”***

I have been cautioning about the lack of capacity in Somalia on several occasions in my previous reports.

My human rights mandate in Somalia relates to capacity building and technical cooperation. I will have failed in my duty if I do not highlight my worry, that a haste departure from Somalia before adequate capacity is achieved in the justice, and the law and order sector, could be a recipe for disaster.

The maintenance of law and order, establishment of a capable judiciary is key to a stable Somalia.

I wish to conclude by commending Somalia for being elected to the Huma Rights Council. I believe that she will use her membership to enhance human rights protection in Somalia.

I commend Somalia for acceded to the Convention on the Rights of Persons with Disabilities a few days ago.

**Honorable Chairperson, distinguished ladies and gentlemen,**

I do hope that my report to this Committee will contribute to the various efforts by the international community to ensure that Somalia does not again revert to the failed state status that it has endured for almost 30 years.

Thank you for your attention.