

Check against delivery



Statement of

Ms Isha Dyfan

Independent Expert on the Situation of Human Rights in Somalia

Human Rights Council 48th Session

Geneva, 6 October 2021



Distinguished President,

Excellencies,

Ladies and gentlemen,

I am honoured to address the Human Rights Council and present my second report on the situation of human rights in Somalia. The report covers the period from 1 July 2020 to 30 June 2021. I regret that for the second time in a row, I have been unable to undertake a visit to the country, in spite of positive cooperation with the Federal Government of Somalia on that front. This is primarily due to the COVID-19 pandemic and ensuing travel and movement restrictions, but also to some extent, to the unpredictable political and security situation in Somalia, which are of serious concern. Nonetheless, I have continued to monitor the situation remotely. This has been a very challenging year for the people of Somalia on a number of fronts.

I welcome the engagement of the Federal Government of Somalia and civil society actors in the third cycle of the Universal Periodic Review earlier this year. I look forward to working with them, along with other stakeholders, on the implementation of the 246 recommendations accepted by the Government.

However, I am concerned by the slow progress in the implementation of the new timetable for the electoral processes at the various levels. I am also disappointed that the Federal Electoral Law of 2020 did not include a 30 per cent minimum quota for women's representation, which is evidence of how deeply patriarchal the political system remains, despite the massive advocacy campaigns mounted by civil society groups, national and international stakeholders to ensure the full and meaningful participation and representation of women in the electoral process. I encourage the Somali authorities to move promptly towards the holding of inclusive, credible and transparent one-person-one vote elections.

The underrepresentation, or, in Somalia's case, the absence of women, persons belonging to minorities and marginalized communities, persons with disabilities and the youth in decision-making processes, completely undermines the legitimacy of these processes, and leaves them behind.

Mr. Vice President,

Despite the efforts from Somali security forces, with the support of AMISOM and international partners to secure the territory, improve compliance with international humanitarian law and human rights law, the situation remains dire. Attacks against the civilian population and objects are daily occurrences in Somalia.

I remain concerned by the high number of civilian casualties as a result of the ongoing armed conflict, frequent terrorist attacks and inter-clan conflict over access to and control of land, water and other resources. Thus far in 2021, the United Nations had documented 889 civilian casualties, with 401 civilians killed and 488 injured. Al-Shabaab is responsible for over 60 per cent of these civilian casualties, conducting indiscriminate attacks using weapons, including improvised explosive devices (IEDs) and other tactics to terrorize the population. Conflict related sexual violence and grave violations against children continue to be on the rise. The withdrawal of AMISOM forces, if not carefully managed, may create important security vacuums, which will continue to be exploited by Al-Shabaab, clan militias and other groups. I call on the United Nations and its partners to ensure that any support provided is compliant with the requirements of the United Nations human rights due diligence policy.

Journalists, media workers and human rights defenders continue to suffer from attacks against their physical integrity, including extrajudicial executions, arbitrary arrests and unlawful detentions and harassments. I regret the lack of progress by the Office of the Special Prosecutor in investigating and prosecuting those responsible for the alleged killings of over 50 journalists over the years.

The lack of concrete action and follow-up on the part of the Government on human rights has resulted in increased violations and abuses against civilians, emboldened perpetrators to continue with impunity and left survivors without access to justice and effective remedies. It has also further weakened the country's fragile institutions and infrastructures. I strongly urge the Somali authorities to swiftly adopt the protection of civilians policy and counterterrorism bill and to ensure their full compliance with international human rights norms and standards.

Excellencies,

Ladies and gentlemen,

The protracted delay in enacting human rights laws and policies and appointing members to crucial human rights institutions puts into question the political will of the Somali authorities to advance progress in the field of human rights. I am disappointed that despite many calls for the operationalization of the National Human Rights Commission, this matter remains pending.

I reiterate my calls for a review of the bill on Rape, Fornication and Other Related Offences in Somaliland and reversion to the original draft 2018 Sexual Offences Bill to comply with international human rights law and standards. The review of the 1964 Penal Code, which has been ongoing for more than five years without any significant progress, has now been postponed until 2022. This means that prosecutions of journalists under a law that undermines fundamental rights and curtails freedom of expression will continue, resulting in arbitrary arrests and unlawful detentions.

Mr Vice President,

The COVID-19 pandemic, desert locust infestation, and repeated climatic shocks, have exacerbated the humanitarian situation and also contributed to economic stagnation, leaving many, including persons with disabilities, those belonging to minority communities and marginalized groups, and youth and children bereft of social programmes and at risk of food insecurity. These have also exacerbated the water, sanitation and hygiene needs of the Somali population, which is central to enjoying the right to health and an adequate standard of living. The absence of safety nets for those in vulnerable situations further increasing the inequality gap. I call on the international community's continued support to fund the Humanitarian Response Plan and other relief efforts.

In my report, I have proposed a number of benchmarks and indicators to monitor progress in the improvement of the situation of human rights in Somalia. Somalia's road to reconstruction and the realization of the Sustainable Development Goals might be yet another broken promise if urgent action is not taken by the leadership. The international community has continued to support Somalia through its challenges as a sign of confidence in the resilience of the Somali people. It will be important for the Somali authorities not to squander this faith.

I reiterate my hope to visit Somalia before the first quarter of 2022 and thank the Government of the Federal Republic of Somalia, once again, for its support to my mandate.

I thank you for your attention.