|  |  |  |
| --- | --- | --- |
| Jamhuuriyadda Federaalka SoomaaliyaErgada Joogtada Soomaliyeed ee Qaramada Midoobey ee Geneva | C:\Users\Qunsilayadda\Desktop\ss.jpg  |  جمهورية الصوما ل الفيدرالية  البعثة الدائمة لجمهورية الصومال بمكتب الأمم المتحدة بجنيف وبالوكالات المتخصصة بسويسرا |

**Permanent Mission of the Federal Republic of Somalia to the United Nations Office at Geneva and other International Organizations in Switzerland**

 Ref: SPM/UNOG/0210/21 Thursday May 6, 2021

H.E. Ms. Ebyan Mahamed Salah

Ambassador, Extraordinary and Plenipotentiary of the Federal Republic of Somalia to

Switzerland and Permanent Representative to the United Nations Office and

Other International Organizations in Geneva.

**Presents:**

**Somalia’s 3rd Cycle Universal Periodic Review Statement.**

**Date: Thursday, May 6, 2021**

**14:30PM to 18:00PM.**

Thank you, Mr. Vice President,

Excellencies, distinguished colleagues, ladies and gentlemen,

Good afternoon,

It is an honor to be here today at Somalia's third cycle Universal Periodic Review session and on behalf of the Federal Republic of Somalia, I would like to present the official statement on Somalia’s UPR.

The Federal Republic of Somalia is a strong advocate for the promotion and protection of human rights as an inherent component of our democracy. In the past four years, Somalia has achieved significant milestones in the area of protection and promotion of human rights. The Federal Government of Somalia has successfully submitted three international treaty body State Party reports. Also, Somalia has ratified two additional international human rights treaties, namely the convention on the rights of the child and the convention on the rights of persons with disabilities. This has brought the total treaties that have been ratified by Somalia to six, we have three more treaties in the process of consultations, and we are optimistic that also these treaties will be signed and ratified in the coming years.

Despite the human rights challenges Somalia has faced over the past four years, the Government of Somalia have made significant positive steps forward. The Somali Government has demonstrated sustained focus on wide-scoped institutional capacity building and reforms, including security sector reform, which will consolidate our efforts to attaining sustainable peace and security for all in Somalia.

This is a momentous task that the Federal Government, in cooperation with the Federal Member States has been working on. In this context, the Government has also worked on ensuring that human rights are firmly anchored at the heart of the security sector reform and the rule of law priority areas.

Further progress was made, towards the establishment of a federal system of government and sound fiscal and monetary systems. This allows the government to better manage the national financial revenues and frameworks, which will increase the delivery of services. In this context, Somalia’s move towards debt relief and prospect of access to concessional financing is another significantly positive development for our country and people.

In the framework of the progress areas, sustained attention to human rights including protection and mainstreaming of rights-based approaches in the processes was imperative for Somalia. Overall, Somalia firmly asserts that, it is determined to consolidate peace, security and mainstreaming of the human rights priorities and principles. The Government is also working on developing a comprehensive Protection of Civilians policy framework, which will safeguard the position and protection of civilians in the context of security operations and actions.

A significant milestone reached by Somalia is the establishment of the Anti-Corruption Commission. A constitutionally mandated commission to address the issue of corruption and to put in place zero-tolerance policies to address this issue that requires sustained and concerted efforts from all stakeholders. This commission will also work with the Federal Member States to guarantee that the prevention of mitigation of corruption is jointly addressed at all levels of government and with all the relevant stakeholders.

**International Human Rights Mechanisms**

Currently, the Government is considering moving towards the ratification of treaties such as the United Nations Convention against Trans-national Organized Crime. However, these processes take time, and it is important to hold broad consultations and ensure that the public is cognizant of the value for Somalia to become a State Party. However, as also stated during the previous UPR session, Somalia is not in the position now to ratify the Rome Statute.

Engaging with and reporting on international human rights treaty bodies offers, a significant opportunity for an inclusive self-review of the human rights situation on the ground, which also helps to identify human rights areas for improvement. Although Somalia finalized human rights treaty body reports for the CRC, ICCPR and CAT, the backlog of reports, including for the CERD and ICESCR remain, and the Government intends to prioritise these key treaty State Party reports. In this context, the development process of at least one State Party reports of said conventions will be carried out by 2022.

Also, as the Government recognized that a more sustainable structure for treaty body reporting and engagement on the follow-up of human rights mechanisms is vital, it is setting up a dedicated unit within the Ministry of Women and Human Rights to function as a National Mechanism for Reporting and Follow-

up. The section will be charged with coordinating and preparing reports and engagement with treaty bodies, special procedures and the UPR. It will also track and follow-up on the implementation of human

rights treaty recommendations and obligations. It will work with relevant line ministries, parliament, judiciary, national human rights institutions and civil society organisations.

Additionally, Somalia has facilitated the country visits and closely cooperated with the independent expert on the human rights situation in Somalia. In the past four years, the independent expert has conducted at least four visits to Somalia, which have been all fully facilitated and supported. This increased engagement of international human rights mechanisms, demonstrates the commitment of Somalia in the protection and promotion of human rights. However, due to the Covid 19 and world travel restrictions, the current new Independent Expert plan to visit Somalia was postponed, and it will be re-schedule her visit to Somalia as soon as it is reasonable.

Recently, in April 19, 2021, Somalia ratified the Violence and Harassment Convention, 2019 (NO. 190) and six other International Labour Organization ILO conventions. Somalia has become the second country in Africa to ratify the International Labour Standards, seeking to end violence and harassment in the work place.

**COVID-19 and Human Rights**

The Somali Government and private sector have been forced to adjust the way work conducted, similar to countries around the world, to halt the spread of the impact of COVID-19 in our communities. For many of our citizens, however, this is an enormous challenge. While we encourage citizens to follow the government’s directives to maintain social distancing, we are aware that this is extremely difficult, especially in the internally displaced camps, in populated settlements and crowded urban areas.

There are many Government measures that are being put in place to keep our people safe from COVID-19, many of these measures may have a limiting effect on the enjoyment of human rights, such as the right to free movement and freedom of assembly. Different government institutions are working to safeguard that the enforcement of measures and limitations are within the confines of the law are balanced and proportionate to the purpose and aim, and the Government is urging citizens to abide by the lawful limitations imposed to curb the spread of COVID-19.

**Women’s political participation**

The Somali security institutions will play a key role in securing safe and fair elections. The Government is putting measures in place to ensure that female candidates and delegates are able to conduct their campaigns free from interference. To ensure the safety of women candidates and delegates the different Somali security institutions will coordinate their electoral security efforts, focusing special efforts and devising targeted measures to safeguard the women and their specific security needs. This will facilitate a level playing field for women to contest during the upcoming electoral process.

Somalia firmly believes that only when women candidates and delegates feel safe, will they be able to fully participate in this democratic process. The Minister of Women and Human Rights, Minister of Interior and Federal Affairs, Minister Internal Security, the Minister of Defence, Minister of Justice and all the institutions part of the National Electoral Security Task Force, have pledged and commit to fully safeguard the safety and security of female candidates and delegates during and after the upcoming 2021 electoral process in Somalia.

**Prohibition of Female Genital Mutilation (FGM)**

The Ministry of Women and Human Rights Development has developed an Anti-FGM Bill that will criminalize all types of FGM as well as focusing on educating the different communities on its harmful effects and how to work with the government in order to eliminate this harmful traditional practice. Also, Somalia is in the process of reviewing the Anti-FGM Zero Tolerance policy to give effect to and operationalize implementation of the Anti-FGM Law, once approved by parliament and enacted. Different Federal Member States have initiated dialogue at community level to discuss FGM, its effects and how communities can jointly address this practice to develop gradual social and behavioral change.

**Child Protection**

Somalia has made tremendous progress in the area of prevention of recruitment of child soldiers. The Government has development a vetting system through the National Intelligence and Security Agency (NISA) for children that defected from terrorist groups. The Ministry of Defense has continued the implementation of a national action plan on the recruitment and use of children and the action plan on killing and maiming of children in armed conflict. A Standard Operating Procedure is being developed in this regard. Clan elders and community leaders are also engaged to guarantee that the recruits are not persons that have previously committed serious crimes.

In this context, the Ministry of Defense is establishing a broad, comprehensive and effective vetting mechanism to certify that individuals responsible for serious abuses and Human Rights violations do not enter or remain in the security forces.

A Somali National Defectors Rehabilitation Program under the Ministry of Internal Security has been established and is working with civil society organizations on providing shelter to minors withdrawn from terrorist groups. Former child fighters have been successfully disengaged and handed over for rehabilitation and reintegration to their communities.

On children associated with armed groups or terrorist groups, the Government in cooperation with other line ministries is finalizing a strategy and operational framework on the prevention of child recruitment, release and reintegration of children associated with armed forces and groups.

**Freedom of Expression**

The Government of Somalia believes that targeting journalists and other human rights defenders is a serious crime that requires to be sustainably addressed by all involved actors. In 2018, the Ministry of Information has engaged the Attorney General’s office to open a line of communication regarding detained journalists, Civil Society Activists and human rights defenders. This special cooperation will allow rapid action to be taken in cases where there is suspicion that a journalist is detained. Advocacy from civil society organizations and Media Associations have played a key role and continues to do so, as this is encouraged by the Federal Government and the Federal Member States.

The Government is also planning to draft a policy to address attacks on and arbitrary detention of journalists. The Ministry of Information has also given a policy initiative regarding the killing of journalists and stated that these crimes will be seriously investigated by the government. Some Federal Member States have affirmed their commitment to enforce Article 20 of Provisional Federal Constitution, which guarantees the right to freedom of expression. There are coordinated efforts towards identification and reporting of violations, including training of Journalists on human rights-based reporting which began in June 2018.

**Penal Code review process**

The review and re-drafting of the Somali Penal Code and Penal Procedural Code have not been concluded for public consultations yet. Once finalized, the new penal code will be in line with international criminal code standards, protect fundamental and human rights and include provisions to combat all forms of crimes, especially against marginalized groups, such as children, women, minorities and displaced persons.

To supplement the provisions of the envisaged new Penal Code, especially on Sexual Offenses, the Government has, following wide consultations with stakeholders, formulated a Sexual Offenses Bill (SOB) which is currently with being reviewed, before re-submission to the Council of Ministers for discussion and endorsement.

This legislation is intended to address sexual crimes, improve SGBV victims’ access to justice and ensure perpetrators do not enjoy impunity. Once the Ministry of Justice finalizes the drafting of the new Penal Code, the Government will conduct a human rights review of the code, and ensure, among others, that human rights norms and standards is fully anchored in the code. The draft of the new Penal Code is expected to be ready in 2022.

**Forced Evictions**

The Somali Government acknowledges that forced evictions of Internally Displaced Perosns, or IDPs in short, continue to be a challenge as the land occupied by IDPs is legally owned by private citizens. However, the Government is working on the development of a mechanism within the framework of transitional justice and land policy reforms to address the IDPs eviction issue. In the meantime, the Government is sensitive to and fully aware of the plight of IDPs and is working to limit the frequency of forced evictions through sustained dialogue with landowners. A case in point is the forced evictions in which the Government and the Banadir Administration responded by appointing an independent committee to investigate the circumstances under which the evictions were conducted. The committee investigating evictions has presented its findings and also recommendations on measures to be put in place to circumvent forced evictions and mitigate the adverse consequences on the IDP communities.

**Right of Persons with Disabilities**

The Federal Government has acceded to the CRPD on October 2, 2018. Consequently, the ratification process has been initiated and the President has signed the ratification of the CRPD in August 2019. In parallel with the CRPD ratification process, the Government of Somalia has developed a legislation for the establishment of a Somalia National Disability Agency. This bill has been approved by both houses of Parliament and signed into Law by the President on 31st December 2018, and consequently the agency has been established in 2020. This process is closely followed by the initiation of the development process of the Somalia Disability Bill, which will address many of the challenges faced by persons with disabilities. Currently, this bill is undergoing a wide range of public consultations in the different community and with the all the relevant stakeholders.

In Conclusion,

The Federal Republic of Somalia is a strong advocate for the promotion and protection of human rights as an inherent component of our democracy. We look forward to continuing to play an active and constructive role in the mainstreaming of human rights in our legislation and policies. As a Member State of the Human Rights Council, we firmly believe that we have an important role in ensuring and safeguarding that human rights remain a vital priority for Somalia and the other esteemed Member States of the United Nations.

We would like to thank the Vice President and the Bureau for their outstanding support and guidance. For the delegates, we thank you for your kind participation, recommendations provided and concerns raised.

We have listened attentively and we will carefully consider your recommendations, which will be channelled to the Federal Government of Somalia for consultations and a final decision on which recommendations will be accepted. We thank you all for your valuable contributions to the Federal Republic of Somalia in this important global human rights peer review mechanism.