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### Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari

#### *Summary*

Somalia has reached a critical juncture in its tortuous history of the past two decades. After enduring one of the most painful humanitarian crises during this period, the country is now poised to turn a new page. It is hoped that, by the time the present report is submitted to the Human Rights Council, the road map to end the transition from a dark past to a brighter future in Somalia will culminate in the inauguration of a new, elected Government in Mogadishu. In the present report, the Independent Experts seeks to describe the developments in the military, political and diplomatic spheres over the past one year, as well as the humanitarian and human rights situation in Somalia. He concludes the report with recommendations for the Government of Somalia, both present and future, and for the international community, to take advantage good use of the gains made through the combined efforts of all the stakeholders to create a new Somalia, where there is rule of law and respect for human rights for all.

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## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 17/25, in which the Council, inter alia, renewed the mandate of the Independent Expert on the situation of human rights in Somalia for one year, and requested him to report to the Council at its twenty-first session. The present report covers the period from September 2011 to early August 2012.

2. The Independent Expert undertook his eighth field visit to Somalia and Kenya from 15 to 25 April 2012. He visited Nairobi, Hargeysa in Somaliland, Garoowe and Boosaaso in Puntland, and Mogadishu, the federal capital of Somalia. With the support of a military convoy provided by the African Union Mission in Somalia (AMISOM), the Independent Expert was able to spend two days and nights in Mogadishu and to travel twice through the city to meet with the Prime Minister, the Minister for the Interior and other senior officials

3. In Nairobi, the Independent Expert held meetings with the Special Representative of the Secretary-General for Somalia, Augustine Mahiga, and the Chief of Staff, Hasmik Egian, who provided him with useful insights into the challenges faced by the United Nations in moving the road map to end the transition in Somalia forward. He received extensive briefings from the Human Rights Unit of the United Nations Political Office for Somalia (UNPOS), the Joint Constitution Unit, the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP) and the Human Rights Working Group of the European Union.

4. In Mogadishu, the Independent Expert held wide-ranging discussions with the Prime Minister of the Transitional Federal Government, Abdiweli Mohamed Ali, who reiterated his commitment to bring the transition to a successful conclusion despite the security challenges. The Independent Expert also met the Minister for the Interior and National Security, Abdisamad Mohamed Hassan, who briefed him on the overall military and security situation in South-Central Somalia and the Government policy on Al-Shabaab defectors and prisoners of war. The Mayor of Mogadishu apprised the Independent Expert on the difficult security challenges his office faced in providing basic services to people living in liberated areas. The meeting with the technical Working Group on Justice and Corrections, at which the Attorney-General was also present, helped the Independent Expert to understand the grim picture that exists in the country as a result of the collapse of the justice and correction system.

5. In Mogadishu the Independent Expert received useful briefings from representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs, UNICEF, the United Nations Mine Action Centre and the United Nations Population Fund (UNFPA), as well as the Deputy Humanitarian Coordinator. He was also briefed by the AMISOM Force Commander and the Deputy Special Representative of the African Union Chairperson on the military front.

6. The Independent Expert met with journalists and human rights defenders of Mogadishu. He learned how they constantly took risks working in one of the most dangerous cities of the world.

7. In Somaliland, the Independent Expert met with Ministers and senior officials of the Government. In Puntland, he participated in the closing ceremony for the adoption of the new Constitution of Puntland, held in Garoowe. He later met with the President, members of his Cabinet and others. During his visit to Bossaso in Puntland, he observed first-hand the situation of internally displaced persons and the problems they faced.

8. The present report is based on the information obtained by the Independent Expert during his talks with the many interlocutors mentioned above. He also consulted recent publications and media reports on developments in Somalia, and received written communications from individuals drawing his attention to important human rights issues.

## **II. Background**

9. According to recent UNHCR information,<sup>1</sup> Somalia generated the third-highest number of refugees in the world, after Afghanistan and Iraq. The number of Somali refugees in the region had exceeded 1 million. They were mainly hosted in Kenya, Yemen, Ethiopia, Eritrea, Djibouti, the United Republic of Tanzania, Uganda and Egypt. Almost 1.36 million internally displaced Somalis within the country were settled mainly in the South-central region. A total of 44,734 Somalis sought refuge in neighbouring countries in the first five months of 2012, while another 39,000 were internally displaced, mainly in South-central Somalia.

10. Somalia was the country in the Horn of Africa most affected by the ongoing drought, widely regarded as the worst in 60 years. In a country devastated by two decades of civil war, consecutive seasonal rain failures have led to scarcity and extremely high food prices. Some 3.7 million Somalis were estimated by UNHCR to be in urgent need of humanitarian assistance. Increasingly, Somalis are leaving their homes, walking thousands of kilometres in search of food, most of them ending up in settlements for the internally displaced inside Somalia and in refugee camps in Kenya and Ethiopia, in conditions of extreme malnourishment.

11. According to the Emergency Relief Coordinator, the humanitarian situation in Somalia is critical and needs to remain high on the agenda of the international community. Although famine conditions are no longer present, large numbers of people are still in crisis and the situation could worsen quickly. The April-June rains began late and were distributed unevenly. As a result, the harvest was likely to be smaller and later than usual. People in southern Somalia were likely to experience emergency levels of food insecurity later in 2012.<sup>2</sup>

## **III. Key developments**

12. Two important developments took place in the country during the reporting period: one, relating to the security situation, was the withdrawal of Al-Shabaab from Mogadishu in early August 2011; the other was the adoption of a road map for Somalia to end the transition period on 20 August 2012.

### **A. Security situation**

13. The withdrawal of Al-Shabaab from Mogadishu represented a significant political and security development that had a direct bearing on the human rights situation in Somalia. The cessation of traditional warfare was almost immediately reflected in a change in the type of injuries treated at the main medical facilities in Mogadishu. It also allowed

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<sup>1</sup> See the UNHCR Population Movement Tracking Mogadishu Monthly Dashboard, May 2012. Available from [www.unhcr.org/4fec227b9.html](http://www.unhcr.org/4fec227b9.html).

<sup>2</sup> See <http://reliefweb.int/report/somalia/emergency-relief-coordinator%E2%80%99s-key-messages-somalia-5-july-2012-issue-number-9>.

Mogadishu to be brought under the authority of the Transitional Federal Government, which provided it with an opportunity to serve the people better.

14. Despite the withdrawal of Al-Shabaab from Mogadishu, however, heavy armed clashes between AMISOM, the Transitional Federal Government and allied forces against Al-Shabaab continued elsewhere through December 2011 and January 2012. The clashes were mainly confined to the city's outer districts. Thereafter, the frequency and effectiveness of insurgent attacks started to decline as pressure mounted from reinforced Government and AMISOM forces, culminating in a successful mid-February incursion towards the Afgooye corridor. This extended Government and AMISOM influence beyond Mogadishu, which continues to be the case.

15. An additional element in the conflict was the more visible return of Ethiopian troops. By concentrating heavy combat elements in the border towns, they drove Al-Shabaab out from important strongholds, including from the key city of Baidoa. Al-Shabaab responded by changing their tactics, with a combination of conventional warfare, as well as asymmetrical attacks, causing fatalities and contributing to ongoing instability.

16. The arrival of Kenyan forces in October 2011 was another new development. They were officially brought under AMISOM control on 6 July 2012. They played an important role, including through air strikes, in capturing recovering territories in the south-central region from Al-Shabaab, who tried to hinder their in military advances by hit-and-run attacks.

17. The emergence of multiple fronts, coupled with internal divisions, defections and loss of foreign fighters, began to weaken Al-Shabaab forces. During the reporting period, AMISOM and Somalia security forces extended their territorial control over most of central and southern Somalia, and were poised to capture Kismaayo.

18. The troop strength of AMISOM stood at approximately 9,800 troops in sector 1 (Mogadishu). Approximately 4,660 troops from Kenya were deployed in sector 2 (southern Somalia), bringing the total current troops strength to approximately 14,460. With the arrival of an additional 2,500 troops from Burundi and Uganda to be deployed in sector 3 (Baidoa and central Somalia), and another 600 troops from Djibouti deployed in sector 4 (Beledweyne and eastern Hiraan), AMISOM strength was expected to soon reach its mandated ceiling of 17,731.

19. As a result of the increased strength of AMISOM forces, the freedom of movement of people in Mogadishu improved significantly. This was possible largely through the disposal of landmines, explosive remnants of war and improvised explosive devices throughout Mogadishu.

20. Regular training of AMISOM forces on humanitarian law and human rights law yielded positive results, including with regard to the prevention of conflict-related sexual violence. Public perception and approval of AMISOM appeared to increase significantly. According to observers, military operations of February 2012 in the Afgooye corridor showed that measures taken by AMISOM to minimize civilian casualties by choosing specific routes of attack and requiring multiple verifications of targets were largely successful.

21. There were also positive developments in the strengthening of the National Security Forces. A coordination committee was formed to review the code of conduct, future logistic installations, payroll data, gender mapping and the veterans' pension scheme, and to organize distribution of military vehicles and equipment. The Independent Expert is, however, concerned that capacity-building of the Security Forces remained constrained by the limited ability of the Government to pay and equip troops.

22. There were also improvements in the police forces. With support from donors, those attending refresher courses at the Mogadishu Police Academy were paid stipends. Training allowances were paid to others. Efforts to clear arrears in the salaries of police forces also progressed well, though more funds were required to make them up to date.

## **B. Road map to end the transition**

23. The road map to the end of the transition period was mandated by the Kampala Accord of June 2011, under which the leaders of the executive and the legislative branches of the Government agreed to extend the transition period by a year, until 20 August 2012. Formally adopted at a consultative meeting of Somali stakeholders held in Mogadishu on 6 September 2011, the Accord is aimed at improving security in Mogadishu and other areas in southern Somalia; finalizing and adopting the National Security and Stabilization Plan; pursuing national reconciliation and outreach; finalizing and adopting the draft Constitution; implementing institutional reforms in transitional federal institutions; and organizing the elections of the President, Speaker and Deputy Speakers prior to 20 August 2012.

24. The implementation of the key goals of the road map included efforts by the Transitional Federal Government to reach out to a number of regional administrations. Consultations aimed at finalizing the constitution-making process culminated in two Somali national consultative constitutional conferences, held in Garoowe, in Puntland, from 21 to 23 December 2011 (Garoowe I), and from 15 to 17 February 2012 (Garoowe II).

25. Garoowe I resulted in a set of agreed principles on the structure, size, basis of representation and selection criteria for a new federal parliament, and the adoption of a new federal Constitution by a national constituent assembly, including the mandate, size and selection criteria of the members thereof.

26. Garoowe II resulted in consensus on the nature of the federal structure of Somalia, including the status of the capital city, Mogadishu; the structure of the federal executive, as well as the related elements of an electoral system design; and on operationalizing the Garoowe I principles relating to the constitutional adoption process and the new federal Parliament. Garoowe II further decided that women would occupy at least 30 per cent of seats in Parliament and in other bodies set up to end the transition, namely, the national constituent assembly and an interim independent electoral commission.

27. The Constituent Assembly was duly established and inaugurated in Mogadishu on 25 July 2012. It met until 2 August, with the participation of 825 elders from 18 regions across the country. It was agreed that, in the current security situation and pending the organization of a direct referendum and elections, the traditional elders would be the source of electoral legitimacy and representatives of the people in approving a provisional Constitution and forming a new Parliament in order to end the current transition. The proportion of women appointed to the Assembly was however only 24 per cent, well below the target of 30 per cent set in Garoowe II. The Assembly adopted the provisional Constitution of Somalia on 1 August.

## **C. Somaliland**

28. A number of important developments took place in Somaliland during the reporting period. The Somaliland National Human Rights Commission became gradually operational. Though not fully compliant, it was close to the spirit of the Paris Principles. The UNPOS Human Rights Unit assisted the Commission in carrying out an assessment of its strengths and weaknesses as a baseline for the development of its future strategy. The proposed

placement of the Commission under the Ministry of Justice, however, raised concern about its likely effect on the Commission's independence. The Independent Expert conveyed his concerns thereon to the Minister for Justice, Hassan Ahmed Aided, whom he met during the mission.

29. The regional authorities continued to take progressive steps towards strengthening the justice and security sectors. In June 2011, the Ministry of Justice launched, with the support of UNDP, a national justice strategy, which sought to harmonize traditional law (*Xeer*), religious law (sharia) and formal justice policy, to strengthen the capacity of the judiciary and to ensure their independence in conformity with human rights standards. It led to the dismantlement of the regional committees, which had caused serious human rights violations in the past. There was, however, concern about certain patterns of intimidation, arrest and detention of journalists to curb freedom of expression and opinion and the rights of media. In July 2011, the Ministry of Justice, with the support of UNODC, conducted a study on the situation of detainees in Somaliland. According to the study, 70 per cent of prison inmates were sentenced by first instance court without the opportunity to appeal against their conviction.

30. The study showed that, among prison inmates, the majority were on remand or prolonged detention without charges, including one prisoner who was held in remand for four years. It concluded that the pretrial rights of inmates had been violated and neglected by relevant authorities. The main reasons for these violations included lack of coordination between police forces, custodial corps, the Attorney-General's Office, lawyers and courts, as well as the fact that existing prison administration legislation was outdated and incompatible with the Somaliland Constitution and international human rights standards.

31. The Independent Expert discussed the above concerns with the Minister for Justice, who informed him that, given that the rights to freedom of expression, opinion, press, association and assembly were guaranteed by the Somaliland Constitution, no journalist could be arrested without a warrant unless they went beyond their rights. He regretted that most journalists had no academic background in the field, lacked professionalism and were primarily keen to broadcast sensitive information. The Minister sought technical assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to develop a comprehensive media law that was compliant with human rights standards.

32. The Independent Expert was apprised of efforts by the Somaliland authorities to combat piracy. He learned from UNODC that Somaliland had made progress in eradicating piracy in its coastal area. He was informed about the arrest off the waters of Seychelles of alleged Somali pirates, who were charged with piracy, convicted and subsequently transferred to serve prison sentences in Somaliland under an agreement between the two sides. During his visit to Hargeysa Central Prison, the Independent Expert spoke with the convicted pirates, who were sentenced to terms of 10 to 20 years of jail. The prisoners complained about the denial of due process in that they had not been given the right to appeal under Seychelles law. The Independent Expert passed on this complaint to the Minister for Justice, who stated that Somaliland was satisfied about the fairness of the trials as it had sent a representative to Seychelles to monitor them. He had also asked the Human Rights Unit to look into the matter.

33. The Independent Expert conveyed his dismay to the Minister for Justice that, despite his earlier calls, both young girls and boys were still being put in jail for disobedience to their parents. The Minister acknowledged that secular tradition and customary practices would not disappear overnight; however, since the inception of the current regime in 2010, efforts had been made to adopt and apply a juvenile law. As a result of awareness-raising campaigns for parents, the number of cases had dropped significantly. He added that the Government had established a special section for the rehabilitation of children within the Ministry of Justice to deal with children in conflict with the law.

## D. Puntland

34. In Puntland, the Independent Expert visited Garoowe and the port city of Bossasso. In Garoowe, he was invited by the President of the Puntland State of Somalia, Abdirahman Mohamud Farole, to participate in the ceremony organized for the ratification of the transitional Constitution of Puntland by the regional constituent assembly. He subsequently met with President Farole and his Vice-President, Mr. Abdisamad. He held meetings with the Minister for Justice, the Minister for Security, the Chief of Justice and with Members of the High Judicial Council, as well as with the Police Commander and civil society organizations. He also visited the Garoowe Central Prison.

35. The Independent Expert complimented the President on the achievements of his Government since their previous meeting, in 2011. He acknowledged the President's efforts in initiating and supporting a democratization process and moving towards a multiparty political system, demonstrated by the establishment of an electoral commission, which had facilitated the process leading to the enactment of a law on political association and the ratification of the transition Constitution. He also acknowledged the security challenges that Puntland faced in the light of reports of Al-Shabaab elements entering its territory as they fled from south-central Somalia. He emphasized, however, the need to accord suspects due process and their fair trial rights in accordance with the Puntland Constitution.

36. The Independent Expert commended the Puntland authorities for the gender-neutral language adopted in the recently ratified Constitution. He raised concerns, however, that some of its provisions did not comply with international human rights standards and principles. He expressed the hope that the concerns raised by UNPOS on certain articles would be addressed with a view to strengthening the Constitution.

37. In November 2011, the Puntland legislature passed the Human Rights Defender Act, although a human rights defender has yet to be appointed. The Independent Expert urged the President to operationalize the Office for the Promotion and Defence of Human Rights in Puntland by ensuring a transparent selection process for a suitable individual to occupy the position, for instance through a public call for applications.

38. The Independent Expert conveyed his concern to the President about the practice of the appointment and dismissal of judges, which, left to the exclusive discretion of the executive and the legislature, was likely to affect the independence of the judiciary. He hoped that measures would be taken to ensure that such decisions were taken in consultation with an independent legal authority. He suggested the involvement of the High Judicial Council in reviewing and recommending appointments and the dismissal of judicial officers. He also appealed to the President to consider abolishing the death penalty or at least to commit to a moratorium on all executions, in keeping with the commitments made by Somalia during the universal periodic review.<sup>3</sup>

39. The Independent Expert also conveyed his concerns to the Puntland authorities about the enactment of the Circumcision law, which outlawed pharaonic circumcision but allowed other forms of female genital mutilation. He urged that the law be amended to prohibit all forms of female genital mutilation in accordance with article 18(2) of the Constitution of Puntland, which guaranteed every person the right to the protection of their body and integrity, and also in accordance with international human rights standards. A commitment in this regard was made during the universal periodic review for Somalia in 2011.

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<sup>3</sup> A/HRC/18/6.



40. The Independent Expert was informed that, in July 2012, President Farole had signed the Puntland Political Associations Act into law. This permitted the establishment of political parties in Puntland not allowed in the past.

## **E. Sool, Sanaag and Cayn regions**

41. The Independent Expert was informed about the formation in northern Somalia of a semi-autonomous federal State of Somalia bringing together the Sool, Sanaag and Cayn regions, known as “Khatuumo State”, by a group of politicians, diaspora figures, elders and religious leaders from the Dulbahante subclan of Darod, who met in Taleeh in January 2012. The territory is claimed by both Somaliland and Puntland. The “Khatuumo administration” announced that it supported the unity of Somalia. The President of the Transitional Federal Government initially announced the recognition of Khatuumo State, but this was subsequently withdrawn.

42. It should be mentioned that the Dulbahante clan was central to the politics in the territorial dispute between Puntland and Somaliland over Sool and Sanaag. Divided loyalties within the subclan between Somaliland and Puntland often caused instability in the region and tension between the two authorities, although both Puntland and Somaliland tried to accommodate Dulbahante representation within their respective administrations. Since the emergence of Khatuumo State, citizens (especially in the Sool region) apparently expressed support for the new State in public demonstrations, which the Somaliland security forces reportedly suppressed, using force that led to a number of deaths.

43. The political and security situation in the region remained tense. During the reporting period, clashes occasionally broke out between Somaliland forces and armed groups aligned to Khatuumo State, leading to numerous deaths and civilians casualties. On 26 January 2012, fighting reportedly broke out between Somaliland forces and the Dulbahante clan militias in a village near Buuhoodle, in Cayn. This resulted in several deaths and casualties. In February 2012, fighting flared up again between Somaliland forces and forces aligned to the Khatuumo administration near the border town of Buuhoodle, resulting in deaths and casualties among the civilian population and forcing some residents to flee.

44. During his visit to Somaliland, the Independent Expert discussed the situation with Harshi Abdi Hassan, the Minister in the President’s office, who informed him that President Silanyo was committed to dialogue and had called for a peace conference in this regard. Moreover, preliminary talks were under way to find a political solution. He added that the talks between the Minister for Justice with a leader of Khatuumo in Djibouti and the envisaged conference in Abu Dhabi were headed in the right direction.

45. In response to the concern expressed by the Independent Expert about allegations of repression by Somaliland security forces of unarmed people who were exercising their right to peaceful demonstrations, the Minister denied the allegations, stating that there were people who were against the Government, which had the responsibility to maintain public order. He added that, unlike other Somali regions, there was no dominant clan in these territories, as all clans had a mixed population. He stated that Sanaag had been pacified, but there were still some gaps in Sool, taking advantage of which anti-peace forces had attacked the Somaliland army.

46. At the request of the Independent Expert to allow the UNPOS Human Rights Unit and other human rights organizations to monitor alleged human rights violations in the region, the Minister agreed to allow, facilitate and organize such visits. The Independent Expert drew the attention of the Minister to the work of Humanitarian Dialogue, an independent agency in Geneva that helped promote dialogue between conflicting parties.

47. The Independent Expert had raised the same issue with the President of Puntland and Vice-President Abdisamad Ali Shire, who was from the Sool region. Both claimed that the territories belonged to Puntland and they were therefore opposed to the formation of a new State. On 21 January 2012, the day of the demonstrations, the Vice-President of Puntland allegedly stated that Puntland had the constitutional right to liberate Las Anod from Somaliland, and asked Somaliland forces to leave the Sool region.

48. In further developments, on 4 June, militias loyal to Khatuumo State captured a checkpoint manned by Puntland security forces and occupied Tukaraq village. Elders and community leaders from both sides entered into negotiations on 12 June to avert a conflict between the two sides. On 16 June, Somaliland forces advanced into Tukaraq, forcing the Khatuumo militias to withdraw. After a few hours, however, Somaliland forces retreated to their base in Laascaanood, in the Sool region, after which Puntland army forces took control of Tukaraq. On 18 June, reports indicated that at least 120 security personnel from different sectors of Puntland security forces deserted and joined Khatuumo State militia. According to reports, the deserters were met and welcomed by members of the Khatuumo administration and residents in the area.

49. The Independent Expert subsequently learned that the President of Somaliland and a Sool, Sanaag and Cayn leader had met in Dubai on 27 June 2012 and agreed to resolve the problem, and to end all human rights violations resulting from the conflict in the region. The Independent Expert would like to draw the attention of the international community to the developments in the Sool, Sanaag and Cayn regions, which had potential to get out of hand.

## **IV. Developments in the field of human rights**

### **A. Right to life**

50. The end of active combat in Mogadishu brought improvement to the situation of civilians living in the capital. The number of weapon-related casualties had decreased significantly as against those of 2011, when in May alone 1,590 people were admitted to Mogadishu hospitals with weapon-related injuries, 735 cases being children under 5 years. Against this, the number of casualties stood at about 500 people in the course of the month of January 2012, with 43 cases involving children under the age of 5.

51. The prohibition of direct fire and the identification of no-fire zones by AMISOM also contributed to the reduction of civilian casualties. The introduction of a civilian casualty tracking cell by AMISOM was expected to contribute to a further reduction.

52. The number of injuries or loss of life resulting from unconventional warfare, violence and insecurity remained very high. Al-Shabaab had publicly stated its intention to continue such attacks and claimed responsibility for the October 2011 attack in Mogadishu, which killed about 70 people, many of them students applying for scholarships, and in February 2012, which killed 15 people near the Muna Hotel.

53. The high number of strikes by Al-Shabaab was indicative of its disregard for the rules of war traditionally embedded in Somali culture. It had reportedly announced that it would continue to use improvised explosive devices, a tactic that accounted for a significant percentage of casualties. On 27 February, for example, such a device exploded during a football game in Wardhigley District, killing five people and injuring 12.

54. Outside Mogadishu, military operations by Ethiopian and Kenyan forces reportedly caused civilian casualties. One example was an airstrike conducted on Jilib, where, at the end of October 2011, a missile hit a camp for internally displaced persons, killing five

people, including a woman and three children, and injuring 45. Kenyan forces denied responsibility for the incident, while Médecins Sans Frontières, which was present at the location and treated the wounded, publicly attributed the incident to Kenyan actions.

55. Reports of civilians being assassinated by Al-Shabaab accused of collaborating with the Transitional Federal Government also abound. In February 2012, in Baidoa, a man who was washing clothes for a Government minister was shot and killed after evening prayer. Al-Shabaab had warned the population not to support the Transitional Federal Government forces or their allies. On the other hand, suspected Al-Shabaab members were also reportedly being arrested by the Government and its allies, though there was no clarity with regard to the procedure and the status of the detainees.

56. Al-Shabaab had reportedly beheaded civilians in the Galguduud region, central Somalia, between 11 and 13 June following the pull-out of Ethiopians and troops of the moderate Islamic group Ahl al-Sunna wal-Jama'a from the city. Ten people were reportedly beheaded because suspected of spying for their enemies. Reportedly, all victims were men, accused of welcoming Ethiopian and Ahl al-Sunna wal-Jama'a forces to the town. The *muezzin* of a mosque was also among the victims.

57. Unknown assailants shot and killed the Attorney General of the Sool region under Somaliland administration, making him the second judge to be killed in northern Somalia in less than a month. Unknown gunmen armed with pistols opened fire on the judge as he was watching a football match at a location in Laascaanood, the capital of the Sool region.

58. On 30 June, a prosecutor based in in Gaalkacyo, in the Mudug region, was killed as he was going home. As at the end of July, no suspects had been arrested in connection with the incident. In another incident, on 2 July, a former deputy Police Commissioner was killed in Garoowe. No suspects were arrested in connection with the killing. Some media sources believed that the motives for the assassination were political.

59. On July 17, the Special Representative of the Secretary-General condemned the murder in Mogadishu of a former Minister for Trade, allegedly by Al-Shabaab. The former Minister and a current Member of Parliament, Mohamed Abdinur Garweyne, were killed and at least six others wounded by a car bomb in Mogadishu. Media reports link the murder to the former Minister's meeting with the United Nations monitoring group concerning corruption allegations.

## **B. Right to food**

60. Though conflict is a key factor for displacement in Somalia, information collected by UNHCR<sup>4</sup> indicate that, in more recent times, an increase in internally displaced persons and refugees could be attributed to problems in access to minimum food supplies. In May and June, some 6,000 Somalis reportedly moved because of food insecurity resulting from meagre seasonal rains mainly in the Bay, Lower Juba and Bakool regions. For the first half of 2012, UNHCR recorded 13,000 such displacements. In the Lower Juba region, people are also reportedly moving to nearby towns in search of water and pasture. There were similar displacements in and around the region bordering Ethiopia.

61. In recent months, some 157,000 Somali refugees have taken shelter in Ethiopia. Since the beginning of June 2012, Somali refugees have continued to arrive in increasing numbers (on average, almost 1,200 new arrivals every week). They cited growing physical

<sup>4</sup> See the UNHCR Population Movement Tracking Mogadishu Monthly Dashboard, May 2012. Available from [www.unhcr.org/4fec227b9.html](http://www.unhcr.org/4fec227b9.html).

and food insecurity as their reasons for flight, including fear of forced recruitment by Al-Shabaab. Many new arrivals came with all their belongings, including donkey carts and whatever livestock they still possessed.

### **C. Forced displacement**

62. In February 2012, the anticipation of fighting in the Afgooye corridor owing to offensives by AMISOM and Transitional Federal Government troops against Al-Shabaab triggered the movement of about 22,000 people from Afgooye into Mogadishu where, according to UNHCR, around 185,000 internally displaced persons had already taken refuge, an extra burden on the meagre existing basic services, such as water and sanitation.

63. In addition, the Transitional Federal Government ordered evictions in order to reclaim 93 long-term occupied public buildings in Mogadishu. While the need to put such buildings to public use and to take advantage of rehabilitation promised by the international community was understandable, it was clear that alternative solutions should have been found to avoid making people homeless. At the time of reporting, the United Nations was working with the Government to develop a policy on internally displaced persons to contribute to durable solutions.

64. In Somaliland, the Government's policy of fighting any Al-Shabaab activity led to many official statements criticizing immigration from southern Somalia as being mainly responsible for the insecurity. On 11 September 2011, the Government of Somaliland announced that it would expel some 100,000 illegal immigrants within 30 days.

65. During his meeting with Somaliland authorities, the Independent Expert expressed his concern at the forced repatriation of Somalis from the south-central region, as well as of Ethiopian, Eritrean and other refugees and asylum seekers, as it might put some of them at risk upon return. The Minister for Justice informed him that Somaliland had always offered hospitality to Somalis from the South and central regions and other African migrants. During the drought of 2011, Somaliland sent a group of ministers to Mogadishu to provide emergency aid to their "brothers and sisters" in Somalia. Moreover, Somalis came from various parts of Somalia to settle down and study in Somaliland universities. The capital city was, however overwhelmed, its huge population further extenuated by the drought situation. As a result, Somaliland could not afford to receive a greater influx of refugees and asylum seekers.

### **D. Violence against women**

66. People living in camps remained vulnerable. Cases of sexual violence against internally displaced women and girls were reported and documented by United Nations teams. As noted, however, by the Special Rapporteur on violence against women ),<sup>5</sup> its causes and consequences, who visited Somalia in December 2011, the exact number of cases was not known owing to the lack of a standardized database used by all protection partners in Mogadishu. After the Special Rapporteur presented her report to the Human Rights Council at its twentieth session, the Independent Expert thanked her for her important recommendations, which he felt would provide guidance to the Somali leadership.

67. Victims of sexual and gender-based violence in camps for internally displaced persons identified "Somali armed men in khaki uniforms" as the perpetrators. Few cases

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<sup>5</sup> See A/HRC/20/16/Add.3.

were reported to the police owing to the perceived futility of reporting, stigma or fear of retaliation. Few victims sought medical attention because of the costs involved. The Transitional Federal Government established a task force on violence against women, and the United Nations supported the Government in implementing measures to prevent and respond to the phenomenon.

68. Sexual exploitation and abuse by AMISOM was also reported, in spite of their prohibition by the AMISOM Code of Conduct. To prevent and respond to this phenomenon adequately, AMISOM should develop its engagement with the local population and strengthen its prevention and response mechanisms. The Independent Expert was informed that AMISOM lacked public information and an awareness strategy, an external reporting system and a victim assistance programme. In view of the authorized increase of troops to 17,000, these gaps should now be addressed.

## **E. Protection of children**

69. The Independent Expert was informed that the United Nations was continuing its efforts to address violations of children's rights in Somalia. The country task force on monitoring and reporting, created in accordance with Security Council resolution 1612 (2005), continued to document cases of grave violations in this regard. Of particular concern was a pattern of children being increasingly caught in direct attacks and crossfire owing to the intensification of military activities against Al-Shabaab.

70. The Independent Expert further learnt that the country task force was following up on the commitments made by the Government during the visit of the Special Representative for Children and Armed Conflict in 2010. On 7 January 2012, the Government announced the introduction of strict measures to prevent the recruitment and use of child soldiers. It also expressed its readiness to enter into dialogue for the preparation and implementation of time-bound plans of action within the framework of Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

71. At a workshop held on 6 and 7 March in Mogadishu and organized by the Transitional Federal Government and the United Nations, a draft plan of action was adopted for the release and re-integration of child soldiers from Government armed forces.

72. At the margins of the meeting of the International Contact Group on Somalia, held in Rome on 2 and 3 July 2012, the Minister for Defence and Deputy Prime Minister of Somalia, Hussein Arab Isse, signed a plan of action to end the recruitment and use of children by the Somali National Armed Forces. Concrete steps should be taken by the Government of Somalia to ensure a child-free national army.

73. The positive developments on the Government side were, however, overshadowed by reports that Al-Shabaab militants were forcibly recruiting children. According to reports, the Al-Shabaab militia in Galguduud region took approximately 100 children, aged 12 years and younger, and had sent them to Koranic schools, where they were reportedly taught about jihad and nothing else. According to local residents, when the children returned home, they recited jihad poems and abused those who fought Al-Shabaab. It was, however, reported that, in recent months, Al-Shabaab had lost control of many towns in the Galguduud region.

74. The situation of juveniles in detention centres in Somaliland remained a matter of concern. An assessment conducted in August 2011 by the Ministry of Justice of Somaliland found that, of a total of 104 children in prison at the time, 10 per cent were female. A total of 59 per cent of all children in prisons were convicted by courts mainly for rape, drug possession and gang-related offences, as well as for other minor offences, while the remaining 41 per cent were on remand. The assessment concluded that the juvenile justice

law, which called for the establishment of children's courts, pretrial detention centres and rehabilitation centres remained unimplemented.

## **F. Freedom of expression and the media**

75. Democratic freedoms, including the freedom of opinion and expression, were restricted throughout Somalia. In such a repressive environment, all parties, State or non-State, sought to control and restrict the scope of freedom of opinion and expression on grounds ranging from protection of the national interest, State security through to public morality. It affected the work of, inter alia, journalists, who in all parts of Somalia were subjected to harassment, intimidation, unlawful or arbitrary arrest and detention at the hands of both Government authorities and/or militia groups. Several journalists received threats to life or were assassinated because of their work and the information they disseminated.

76. In Somaliland, the authorities maintained tight control over the media. There was only one State-controlled radio station, which operated under strict Government guidelines. The Government of Somaliland had consistently prohibited the establishment of private FM stations. At the end of 2011 and in January 2012, a spate of arrests and harassment of journalists was reported, with the notable case of 21 journalists arrested on 15 January while protesting against the closure of a television station.

77. In Puntland, despite the President's stated commitment to greater openness, the media still faced restrictions in their coverage of political and security issues. A prominent radio journalist and member of the National Union of Somali Journalists was shot dead by three men in Gaalkacyo on 2 May 2012. No arrests for the killing have been reported. In another incident, on 24 May, a journalist working with Radio Shabelle was shot dead by four unknown assailants. This recent assassination brought the number of journalists assassinated in Somalia since the beginning of 2012 to six.

78. On 3 March 2012, the police raided the premises of Codka Nabadda, a private radio station broadcasting from Boosaaso, Puntland, confiscated radio and other equipment and closed down the station. The station director was arrested and remained in detention, without charge, until the end of April. The raid was reportedly conducted following a news story broadcasted by the radio station, in which it was reported that clashes had erupted between the Puntland administration and militants affiliated to Al-Shabaab near the Galgala area (Bari region).

79. On 5 March 2012, equipment belonging to reporters of Universal TV and Raxanreeb online radio and to a photographer for the Eastern Television Network were confiscated by the security officers working for the Puntland Deputy Security Minister. This incident apparently took place after the journalists covered a press conference called by General Abdullahi Said Samatar. The equipment was returned several days later. The General, who is a former Minister for Security, has political ambitions and intends to run for presidential office.

80. While the Constitution of Puntland guarantees the right to freedom of expression, the Media Law of 1999 prohibited the media from disseminating, inter alia, reports that threatened or damaged the security, economy, dignity and general interests of Puntland. Anyone who acted contrary to these provisions was liable to prosecution. A clear definition of what would threaten or damage the security of Puntland was not provided and, as such, the law was open to abuse.

## G. Treatment of prisoners

81. During his visit to Somalia, the Independent Expert visited several detention centres in Puntland and Somaliland. He found that, in a significant number of cases, detentions were either unlawful or arbitrary, with prisoners detained without a legal basis. He was also shocked to find women and girls detained for “disobeying” their parents or husband. Detention conditions were close to inhumane, and water and sanitation were frequently lacking. Ventilation was poor, with only small slits for windows. Prisons were overcrowded and stifling hot. Inmates slept on bare floor. The principle of separation between juveniles and adults, criminals and others was not always respected. Most inmates in Puntland and Mogadishu were accused of such serious crimes as murder, piracy or having links with al-Shabaab; for a significant number of cases, however, detentions appeared to be either unlawful or arbitrary.

82. The Independent Expert was unable to visit the prison in Mogadishu because of security reasons. He was subsequently informed, however, that a team composed of UNODC, the OHCHR/UNPOS Human Rights Unit and UNICEF had made an assessment of the Mogadishu Central Prison and held meetings with Government officials from various institutions within the criminal justice sector, including representatives of the Ministry of Justice, Religious Affairs and Endowment, Custodial Corps, and the judiciary. Members of the assessment team had also consulted with representatives of civil society and interviewed prisoners detained at the Mogadishu Central Prison. This is a welcome development.

## V. Other developments

83. The reporting period also witnessed greater engagement by the international community to take the road map forward. A number of important meetings were held, including the meeting of the Intergovernmental Authority on Development, held in January 2012; the meeting of the International Contact Group on Somalia, held in Djibouti on 5 and 6 February 2012; the London Conference on Somalia, held on 23 February 2012; the Istanbul Conference on Somalia, held on 31 May and 1 June 2012; a meeting of the International Crisis Group, held on 2 and 3 July 2012 in Rome; and the Dubai meeting on 27 and 28 June 2012. The aim of the meetings was primarily to move the road map forward, bring the recalcitrant parties together, help resolve disagreements, offer support for the implementation of the road map and warn “spoilers” of adverse consequences.

84. Another important development was the signing of a memorandum of understanding by the Transitional Federal Government and OHCHR, on 11 May 2012. The memorandum aims at helping the Government to fulfil its commitment to uphold human rights and the rule of law in Somalia, to bring an end to the culture of violence and impunity, and to establish accountability.

## VI. Conclusions and recommendations

85. **Recent developments in Somalia indicate that the country has reached a turning point in its tortuous recent history. Efforts by all concerned, including the United Nations, the African Union, AMISOM and the international community, have helped Somalia to move towards peace and normalcy. Whether this will actually be achieved within the time frame laid down by the road map depends on the leadership and people of Somalia. There are indications that the road map has progressed steadily in recent months. Challenges remain, however. The deadline of 20 August**

2012 will have passed by the time the present report is submitted to the Human Rights Council.

86. The Independent Expert is both hopeful and wary about the prospects of a successful transition in Somalia. He hopes that the Transitional Federal Government, transitional federal institutions and the people of Somalia realize that if the momentum gathered to date towards the goals so painstakingly developed in recent years is lost, Somalia risks another long period of uncertainty and chaos. Not only could international support, generated over the years, be lost, but the consequences of the failure would likely strengthen the hands of those who have benefitted from conflict and instability. The Independent Expert is wary about the machinations of many elements in Somalia who are not keen to see the success of the road map and/or who believe that their personal or group interests would be better served by continued instability. Unless the majority of the people of Somalia are united against these “spoilers” and show their determination to foil their efforts, the latter might indeed have the last say. This is a danger that everyone must guard against.

87. Only the determined efforts of all concerned can ensure a positive outcome in both the pre- and post-transition periods. Both the current Government and its successor must, through its actions, take the lead in establishing in the minds of the people the benefits of the rule of law over continued conflict, chaos and confusion. Without the whole-hearted support of the people, the change expected cannot be achieved.

88. As stated in earlier reports, the Transitional Federal Government holds the key in this regard. The Government can win over the minds and hearts of the people by changing the way they have lived their lives in recent years without any rule of law and authority to turn to in their hour of need. This can only be achieved by convincing them that the Government cares for their welfare, is aware of their human rights needs and keen to restore their dignity.

89. Unfortunately, with a long history of political machinations and in-fighting among ever changing groups of people holding power in Mogadishu, ordinary people have lost faith in their leadership. As a result, many have sought protection from their clans or local warlords in return for allegiance to them. The Transitional Federal Government must do whatever necessary to change the perception that people have of it.

90. Apart from improving the security situation for the people, in which much progress has been achieved in recent months, the Transitional Federal Government must prepare the ground for the post-transitional Government to pursue the process of change in Somalia, not only politically and economically but also socially. It should recall that average Somalis see their Government as more interested in grabbing and abusing power, indulging in corruption to amass wealth, sowing disunity and dissension among people to keep them divided, while remaining utterly oblivious to their welfare. Much of this might not be true and people might not understand the difficulties that the Government has had to face. The Independent Expert does not subscribe to all these allegations as he is convinced about the commitment of many of the leaders of the transitional Government to turn a new and more hopeful page for Somalia, but he recognizes how deep-rooted these views are.

91. In order to change this general negative perception, the Transitional Federal Government should consider developing another road map to give the people a clear picture of how it seeks to improve the human rights situation in the country, with a timeline for each activity. For too long, the people of Somalia have forgotten how life could be different in a State where the rule of law prevails, good governance is not



only a slogan but a practice by the Government, and where human rights are promoted and protected by it.

92. The proposed human rights road map must move the focus of human rights in Somalia beyond civil and political rights to include economic, social and cultural rights. While the rights to due process, freedom from illegal and arbitrary detention, freedom from torture and cruel treatment, access to justice, the right to due process, the right to a fair pre-detention procedure and the right to a lawyer must be emphasized and people must be helped to understand that these are their constitutionally guaranteed rights, an ordinary Somali citizen faced with hunger, thirst and the deprivation of basic requirements of life would perhaps be more keen to hear about the enjoyment of the right to food, water and sanitation, health, education and the like. The road map must clarify how the Government proposes to go about realizing them.

93. The human rights road map could be developed with the help of thematic mandate holders under the special procedures system. The Government of Somalia could consider inviting these mechanisms to identify the various needs in the respective fields. The Independent Expert believes that the mandates of a significant number of mandate holders are of relevance to the situation of Somalia.

94. The Independent Expert wishes to remind the Government that human rights encompass the gamut of human existence, and attention to all of them is important for human dignity and quality of life. The Government could prioritize the implementation plan in the respective areas with help of the mandate holders. This would send a positive message to the international community and move them to assist the Government in the realization of these rights.

95. By the time the present report is presented to the Human Rights Council, the road map to end the transition in Somalia will be completed and a new post-transitional Government for Somalia in office. Many of the recommendations made herein will therefore fall upon the new Government to implement. The Transitional Federal Government should, however, prepare the ground for the post-transitional Government to build upon. The international community and the United Nations will, of course, have a very important role to play during the interim and post-transitional periods.

#### **A. Transitional Federal Government and transitional federal institutions**

96. The Independent Expert urges the Transitional Federal Government to develop a human rights road map with a time frame for the implementation of each activity and assigning specific responsibility to members of the Government. This should be developed in a process that is inclusive, participatory and transparent. Ideas and recommendations could be sought from all Somali citizens, particularly in identifying priorities. OHCHR and thematic mandate holders could also help in this regard.

97. The Independent Expert is concerned about reports that unscrupulous groups are attempting to garner support for candidates in the coming elections by offering them money or threatening them. Such attempts must be resisted at all costs. If they succeed, a basic objective of democracy and human rights underlying the road map will be defeated. The Independent Expert urges all relevant parties to work together with the Government in this regard.

98. The Independent Expert believes that the human rights road map would be best built upon good governance and the rule of law, which should therefore be a key priority of the Government.

99. The Independent Expert urges the Government to make special efforts to ensure that law enforcement and other Government bodies are properly trained and strictly ordered to ensure respect for human rights and human dignity in their dealings with the Somali people. Their success in this regard would spur international support for such initiatives.

100. The Independent Expert urges the Government to investigate all targeted killings and assassination attempts against journalists and human rights defenders, as well as against Members of Parliament, Government ministers, other senior officials and ordinary citizens.

101. The Independent Expert urges the Government to use existing laws rather than emergency decrees to prosecute and try civilians for criminal offences in liberated areas, as has been alleged in recent times. It should make a clear separation between the jurisdiction of exceptional military courts and regular civilian tribunals and courts of justice.

102. The Government should adhere to its commitment not to recruit children for military activities. A credible and verifiable mechanism to check compliance must be established.

103. The Government should pay particular attention to the education and health needs of the population, which have been badly affected during the entire crisis. This is an area where the international community would be keen to support any committed effort of the Government.

104. The Independent Expert urges the Government to implement the recommendations accepted during the universal periodic review, in particular those relating to the promotion of women's rights and to addressing violence against women. It should also pay special attention to all other recommendations made by the Special Rapporteur on violence against women, its causes and consequences.<sup>6</sup>

105. The Independent Expert urges the Government to ratify all core human rights instruments to which it is not yet a party.

106. The Government should consider paying special attention to improving the judicial and correctional sectors, as many years of neglect have seriously affected their quality and capacity. The absence of mechanisms to bring perpetrators to justice and to hold them accountable has contributed to the prevalence of a culture of impunity, which is a scourge that should be removed from Somali society. It is equally important that the appalling detention conditions seen all over Somalia be improved.

## **B. Somaliland**

107. The Independent Expert urges the Somaliland authorities to secure for all its citizens the right to freedom of opinion and expression in accordance with fundamental principles set forth in the Constitution of Somaliland. Anyone held in detention should be brought before a court and charged in accordance with the law, or released. Family members of detainees should be informed of their whereabouts and permitted to visit them in detention.

108. The use of force, including lethal force, by Somaliland security forces in the Sool, Sanaag and Cayn regions must comply with human rights standards. The

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<sup>6</sup> See A/HRC/20/16/Add.3.

response of law enforcement agents to protests must comply with the international requirements of necessity and proportionality in the use of force, in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

109. The Independent Expert urges Somaliland to abide by its international obligations under international and regional refugee laws and UNHCR guidelines. Somaliland should refrain from the forced repatriation of Somalis from south-central regions, as well as of African refugees and asylum seekers.

110. The Independent Expert urges the Government and Parliament of Somaliland to prohibit the imprisonment of youths simply for disobedience to their parents. While taking into account customary law, parents should have full responsibility for provide their children under the age of 18 with the best possible education and face the challenges in this regard.

### C. Puntland

111. The Independent Expert urges the Puntland authorities to take appropriate measures to stop the pattern of attacks on judges and prosecutors, as well as on businessmen and religious leaders. A continuation of this trend will have a serious impact on the rule of law and the administration of justice in Puntland. The Independent Expert is also concerned about the dismissal without charges of 21 judges at the request of the Chief of Justice. This increases a vacuum and tensions in the administration of justice.

112. While the hospitality shown by Puntland to internally displaced persons from South-Central Somalia is commendable and the need for Puntland to prevent terrorist acts by Al-Shabaab is understandable, the Independent Expert is concerned about the mass arrests made at checkpoints without due process of young people coming from South-central Somalia, and therefore urges that any action taken in this respect be consistent with Puntland's obligations under international and African human rights standards.

113. The Independent Expert encourages the Government of Puntland to operationalize the Office of the Human Rights Defender and to appoint its President in a transparent manner, following broad consultations with all stakeholders, including civil society organizations. OHCHR and the Human Rights Unit could provide technical assistance to the Office to ensure that it acts in compliance with the Paris Principles.

### D. International community

114. The primary attention of the international community in the two weeks before the transition period comes to an end should be to ensure that the elections scheduled in the road map are successfully held. The Independent Expert suggests that AMISOM forces be empowered to deal with any signs of wrongdoing in the electoral process.

115. The international community should consider supporting all credible efforts made by the Government for the promotion and protection of human rights in Somalia. It should in particular support a stronger focus of the Government on economic, social and cultural rights. Specific consideration should be given to the promotion of the right to education, given that almost two generations of Somali children have been denied the benefit of education owing to the protracted conflict.

Special attention must be given in this regard to the needs of vulnerable groups, including minorities, women and internally displaced persons.

116. In areas of South-central Somalia that have gradually come under the control of the Government, there is a need to provide communities with prompt, substantive support. At the same time, opportunities to consolidate development in more stable regions demand additional resources. There is particular need to promote the rule of law, greater access to justice, the accountability of police services and the viability of corrections systems.

117. The international community should support the launching of a national and global awareness-raising campaign on the situation of Somali women and the establishment of specific funding channels to support local women's organizations for the protection of women's rights and assistance to victims of sexual and gender-based violence and discrimination in Somalia.

118. The Independent Expert calls upon international donors to support programmes under the protection cluster of the Consolidated Appeals Process. This cluster has in the past been underfunded, which has had a negative effect on human rights-related programmes.

119. The international community must guard against what the Special Rapporteur on violence against women called the "fragmentation of international assistance" to Somalia.<sup>7</sup> The Independent Expert would like to draw the attention of the United Nations to this issue as well.

120. The international community should provide financial and technical assistance to Somaliland authorities, who are making progress in the area of democratization, good governance and the rule of law. The strategy for the justice sector was a major achievement that should be implemented in a timely and appropriate fashion.

121. The international community should provide Puntland authorities with support to eradicate piracy. In this regard, an integrated strategy that combines local and international measures aimed at addressing the root causes on land, including livelihood and job opportunities, vocational training and awareness-raising, as well as illegal fishing and the dumping of toxic waste, should be implemented.

## **E. United Nations system**

122. The relocation of UNPOS to Mogadishu should lead to an increase in the engagement of its Human Rights Unit in human rights monitoring and public reporting, as well as capacity-building programmes and awareness-raising in Mogadishu and other areas in Somalia. The United Nations must provide the Unit with sufficient capacity, both in human and financial resources, to be able to carry out its mandate effectively. OHCHR should in particular pay more attention and provide additional support to activities in areas highlighted in the present report, in particular regarding the situation in the Sool, Sanaag and Cayn regions.

123. In the light of the recent developments in the implementation of Security Council resolutions 1888 (2009) and 1960 (2010), the United Nations should deploy an adequate number of women's protection advisers to the UNPOS Human Rights Unit, thus strengthening its capacity to monitor, document, report and respond to sexual violence-related violations and protection concerns.

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<sup>7</sup> Ibid., paras. 76 – 80.

124. The memorandum of understanding on technical cooperation signed by the Government and OHCHR is a good beginning to improve the promotion and protection of human rights in Somalia. It provides an umbrella under which the Government may seek guidance and assistance from OHCHR to improve different aspects of human rights issues.

125. As the use and recruitment of children for military purposes remains a major concern, the United Nations must monitor closely the implementation of the Government's policy of not recruiting children into the Somali National forces. It should also ensure implementation of the joint security plan relating to the reintegration of children from armed entities into civilian life.

126. OHCHR should consider organizing a workshop with the participation of lawmakers and members of the judiciary, as well as experts in both Islamic and international law, to address the question of the harmonization of Somali laws, in particular between Islamic and sharia law and customary and international human rights and humanitarian law. Such a workshop might include, among others, the holders of mandates on such thematic issues as torture, enforced disappearances, summary and extrajudicial killings, violence against women, and freedom of expression and opinion, as well as selected members of the Transitional Federal Government and Parliament.

127. The United Nations must pay special attention to helping the Government to re-establish a legitimate justice system in Mogadishu and South-central Somalia. A specific, coordinated assessment of the justice and corrections sectors and the development of a nationally-owned strategy for the re-establishment of a functioning apparatus are essential to rebuild the country.

128. The institutions of the United Nations should bear in mind that, in Somalia, there is a widespread perception that a substantial amount of international assistance provided by the international community to Somalia is spent on missions and on supporting humanitarian activities and capacity-building programmes, very little of which has touched the lives of ordinary people. The United Nations should conduct public relations exercises and make other efforts to remove this perception, which affects the impact of its work and the safety of United Nations personnel.

129. The United Nations and donor agencies should be encouraged to assist the Government in providing long-term assistance to internally displaced persons, especially women and children. The Organization should assist the Government in ensuring the provision of adequate lighting and security, and geographically accessible police stations, as well as access to appropriate health care and schooling facilities, adequate shelter and food.

130. United Nations agencies and their partners should integrate the relevant universal periodic review recommendations into their planning and programming and provide the Government with the technical and financial support necessary to implement them.

131. UNODC should do more to raise the terrible conditions of detainees in Somalia to international standards and ensure compliance with the Standard Minimum Rules for the Treatment of Prisoners.

132. The Independent Expert encourages OHCHR and UNPOS to provide advisory services to the Puntland authorities to develop a media law that is compliant with international human rights standards.