

**Human Rights Council****Fifty-seventh session**

9 September–9 October 2024

Agenda item 10

Technical assistance and capacity-building**Report of the Independent Expert on the situation of
human rights in Somalia, Isha Dyfan****Summary*

The present report is submitted pursuant to Human Rights Council resolution 54/32 and covers the period from 1 July 2023 to 30 June 2024.

During the reporting period, the Independent Expert on the situation of human rights in Somalia, Isha Dyfan, conducted two official visits to the country, the first from 6 to 19 November 2023 and the second from 5 to 11 May 2024. In addition, she held consultations in Ethiopia and Uganda from 26 September to 6 October 2023 and in Nairobi from 11 to 16 May 2024, as part of which she engaged with various stakeholders to broaden her understanding of the security, human rights and humanitarian situation in Somalia from a regional perspective.

In the present report, the Independent Expert provides updates on the progress achieved by the Federal Government of Somalia in the implementation of the seven benchmarks set out in her preceding reports in the light of political, security and human rights developments and the humanitarian situation in the country.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 54/32, in which the Council extended the mandate of the Independent Expert on the situation of human rights in Somalia for a period of one year and requested that the Independent Expert submit a report to the Council at its fifty-seventh session and to the General Assembly at its seventy-ninth session.
2. In the present report, the Independent Expert outlines the significant developments that occurred in Somalia from 1 July 2023 to 30 June 2024 and provides updates on the progress made in the implementation of the benchmarks and indicators for the improvement of the human rights situation in Somalia, as set out in her previous reports.¹
3. The Independent Expert conducted two official visits to Somalia during the reporting period, the first from 6 to 19 November 2023 and the second from 5 to 11 May 2024, the objectives of which were to assess the human rights situation in the country, follow up on discussions regarding the Government's achievements, priorities and challenges and engage with Somali authorities on the progress made on the benchmarks and indicators outlined in her previous reports in order to provide the Human Rights Council with realistic, achievable options on how the mandate could be adjusted to support the Government in achieving its human rights priorities. She visited the capital, Mogadishu, and undertook field missions to Beledweyne (the capital of Hiraaan Province, in Hirshabelle State) and Hargeysa (the capital of "Somaliland", a self-declared nation State).
4. During her visits, the Independent Expert held meetings with a cross section of government officials and representatives of the United Nations Assistance Mission in Somalia (UNSAM), the African Union Transition Mission in Somalia (ATMIS) and United Nations entities. She consulted humanitarian organizations, journalists and media workers, as well as civil society organizations, to discuss developments on the political, security, human rights, economic and humanitarian fronts.
5. The Independent Expert expresses her appreciation to the Government of Somalia for the excellent cooperation extended to her during the preparation and conduct of her visits and for the frank and constructive discussions that she had with government officials.
6. From 26 September to 6 October 2023, the Independent Expert held consultations with various stakeholders in Ethiopia and Uganda, including representatives of the United Nations, the African Union and the Intergovernmental Authority on Development (IGAD), members of the diplomatic corps and representatives of civil society. She held a second round of consultations in Nairobi from 5 to 11 May 2024, where she met with representatives of the United Nations Office at Nairobi, United Nations entities, civil society organizations and academic institutions. The purpose of the consultations was to broaden the Independent Expert's understanding of the human rights situation in Somalia from a regional perspective, explore how the international community could support Somalia in the implementation of the benchmarks and indicators for the improvement of the situation of human rights, and build strategic alliances with key international stakeholders for more effective technical assistance to Somalia in the field of human rights.
7. The Independent Expert is grateful to the Governments of Ethiopia, Kenya and Uganda for allowing her to conduct consultations in their countries and to all stakeholders for their valuable insights.
8. The present report is based on information received following a call for contributions on the human rights situation in Somalia, issued in April 2024,² and information made available by several sources, including the Government of Somalia, UNSAM, ATMIS, IGAD, United Nations entities, journalists and media workers, civil society organizations and academic institutions. In addition, official reports, open sources and other relevant materials were consulted.

¹ [A/HRC/45/52](#), para. 94; and [A/HRC/48/80](#), paras. 61–74. See also [A/HRC/51/65](#) and [A/HRC/54/32](#).

² See <https://www.ohchr.org/en/calls-for-input/2024/call-contribution-situation-human-rights-somalia>.

9. In accordance with established procedure, the report was shared with the Government of Somalia on 9 July 2024. As at 12 August 2024, the date on which the report was finalized, the Independent Expert had not received comments from the Government.

II. Recent developments in the country

A. Political developments

10. Significant efforts were made by the Federal Government of Somalia during the period under review to rebuild international relationships, promote security and enhance legal and institutional frameworks so as to create a better environment for boosting economic growth.

11. On 24 November 2023, Somalia was admitted to the East African Community, depositing its instrument of ratification in March 2024.³ On 1 December 2023, the Security Council voted to lift the three decades-long arms embargo on Somalia.⁴ On 12 December 2023, the Federal Government convened a security conference in New York to present its security sector development plan, outlining its priorities, its vision for the security sector over the following six years and its requirements for international support. The conference marked a milestone in the country's journey towards peace and security. The candidature of Somalia for a non-permanent seat on the Security Council for 2025–2026, for the East Africa subregion, was endorsed by the African Union Executive Council in February 2024.⁵ Somalia was elected to the Security Council on 6 June 2024.⁶

12. Another significant development on the political front was the approval of amendments to the first four chapters⁷ of the provisional Constitution of 2012 by the bicameral Federal Parliament on 30 March 2024. On 31 March 2024, the President, Hassan Sheikh Mohamud, endorsed those amendments. The provisional Constitution had been under review for nearly a decade. Among other provisions, the amendments introduce a “one-person, one-vote” election system, replacing the clan-based formula that had traditionally been used to organize elections; provide for direct presidential election; and authorize the President to appoint and dismiss the Prime Minister without parliamentary approval. The changes provide for a five-year term for constitutional bodies and establish a multiparty system with three national political parties.⁸ While the Independent Expert welcomes the adoption of the amendments to the first four chapters of the provisional Constitution, which have paved the way for strengthening democracy and the rule of law, she expresses her concern about the lack of consensus among political leaders, including former Presidents of Somalia Mohamed Abdullahi Farmaajo and Sharif Sheikh Ahmed, regarding the changes. The Federal Government's decision to move ahead with the amendments has raised political tensions, notably with Puntland, which announced on 31 March 2024 that it would act independently until there was a federal government with a constitution approved by a public referendum in which Puntland had participated.⁹ There were reports of discontent in other federal member states, such as South-West and Jubbaland, and calls from civil society, opposition parties and the international community to ensure public and effective consultations during the process. The Independent Expert calls upon all parties to prioritize

³ East African Community, “Somalia finally joins EAC as the bloc's 8th partner State”, press release, 4 March 2024.

⁴ See Security Council resolution 2714 (2023).

⁵ Security Council Report, “Somalia: briefing and consultations”, 18 February 2024.

⁶ United Nations News, “Pakistan, Somalia, Panama, Denmark and Greece elected to UN Security Council”, 6 June 2024.

⁷ The first four chapters are entitled “Declaration of the Federal Republic of Somalia”, “Fundamental rights and the duties of the citizen”, “Land, property and environment” and “Representation of the people”.

⁸ Security Council Report, “June 2024 monthly forecast”, 1 June 2024.

⁹ Reuters, “Somalia's Puntland refuses to recognise federal government after disputed constitutional changes”, 31 March 2024.

dialogue to build consensus in order to safeguard those positive developments towards enhancing the promotion of democracy, the rule of law and human rights in Somalia.

13. The Independent Expert expresses her concern that some of the suggested changes to the provisional Constitution that have been temporarily shelved, such as the proposal regarding changes to the age of majority, could prove harmful in terms of the protection of human rights.¹⁰ The Independent Expert notes the absence of provision for a minimum 30 per cent quota for women's representation in the Federal Parliament. While she welcomes the introduction of a new provision, in article 47, on ensuring women's participation in legislative assemblies and political parties, with quotas regulated by laws enacted by the Federal Parliament of Somalia, she urges the Federal Government to ensure that the laws that the Federal Parliament enacts include provision for the minimum 30 per cent quota for women. The Independent Expert welcomes the full prohibition of female genital mutilation in the text. She reiterates her call to the Government to pass the bill on combating female genital mutilation without delay. She regrets the absence of a provision allowing Somali women to pass citizenship to their children. She notes the deferment, for the purpose of further consultations, of the adoption of provisions regarding the right to life¹¹ and freedom of religion.¹² The Independent Expert calls upon the authorities to ensure that any future amendments to the provisional Constitution are in strict compliance with the international obligations of Somalia and human rights principles and standards.

14. In "Somaliland", on 20 April 2024, the Somaliland National Electoral Commission announced that joint presidential and political party elections in "Somaliland" would be held on 13 November 2024. The announcement followed the adoption of electoral laws in February 2024.

15. In Puntland, on 8 January 2024, the members of the parliament re-elected Said Abdullahi Deni as the sixth President of Puntland and Ilyas Osman Lugatoor as Vice-President of Puntland.

16. In May 2024, following four days of discussions in Mogadishu, the National Consultative Council issued a communiqué describing an agreement on efforts to intensify the fight against Al-Shabaab and support the Government in assuming security responsibilities post-ATMIS and emphasizing the need for constitutional amendments in relation to "one-person, one-vote" elections.

17. Another significant development on the political front related to tensions between Ethiopia and Somalia following a memorandum of understanding signed between Ethiopia and "Somaliland", which reportedly granted Ethiopia the right to use 20 km of the northern, Red Sea coast of "Somaliland" in return for diplomatic recognition. The Federal Government of Somalia denounced the agreement as a violation of its sovereignty. On 2 January 2024, the Federal Parliament of Somalia passed a law nullifying the memorandum of understanding signed by Ethiopia and "Somaliland".

18. These tensions grew further, with the National Security Adviser of Somalia stating that Ethiopian troops deployed in the country should leave by the end of 2024 unless Ethiopia scrapped a disputed port deal with the breakaway region of "Somaliland". He suggested that Ethiopian troops would not be part of the African Union follow-on mission that would likely take over from the ATMIS mission after December 2024.¹³ The departure of Ethiopian National Defence Forces may have several security implications. It may significantly weaken the security of regions in South-West State, including Bay and Bakool, and increase vulnerability to Al-Shabaab.¹⁴ In addition, the withdrawal of Ethiopian National Defence

¹⁰ In one of the proposed amendments, it is stated that the term "child" refers to a person under the age of 15 years of maturity, while the age of responsibility is 18 years, as defined in the law of Somalia.

¹¹ Provisional Constitution of 2012, art. 13.

¹² *Ibid.*, art. 17.

¹³ Jubbaland and South-West States reportedly opposed this position, underscoring the vital role that Ethiopian forces play in maintaining security within their respective territories. See Security Council Report, "Somalia – briefing and consultations", 22 June 2024.

¹⁴ Non-ATMIS Ethiopian forces are in Baidoa reinforcing Ethiopian ATMIS forces. In addition, non-ATMIS Ethiopian forces are based in eight locations in Bakool Region; in most of these locations, the Ethiopian National Defence Forces is the sole provider of security.

Forces from South-West State could lead to increased border security challenges for Somalia. With fewer troops to secure the border between the two countries, arms smuggling, infiltration by foreign fighters and other illicit activities would become more likely.

19. On 5 May 2024, the Minister for Foreign Affairs and International Cooperation sent a letter to the Security Council formally requesting the termination of the mandate of UNSOM following a review of the strategic priorities of the Government of Somalia and stating that, going forward, the Government would no longer request a mandate renewal for Security Council resolution 2705 (2023). In the letter, he requested the swift conclusion of the necessary procedures for the termination of UNSOM by the end of October 2024. On 9 May 2024, in a subsequent letter, the Minister for Foreign Affairs and International Cooperation said that the Government stood ready to engage with all relevant stakeholders in preparation for the complex transition process within the appropriate time frame. The authorities expressed their support for the contributions of UNSOM and requested that a joint technical team be established to determine the best modalities and timelines for the transition. In the letter, they emphasized that the eventual objective of a smooth transition could be approached through distinct phases and reiterated their request for the initiation of a planning process at the earliest convenience of the Security Council.¹⁵

B. Security situation

20. The security situation in Somalia remained volatile during the reporting period. The armed conflict between the Government of Somalia and Al-Shabaab continued to have a serious impact on civilian populations, which continued to bear the brunt of the conflict across central and southern Somalia.

21. Between July 2023 and May 2024, according to the Human Rights and Protection Group of UNSOM, 801 civilian casualties (352 killed and 449 injured) were recorded. Al-Shabaab was responsible for 404 of the casualties and unidentified elements for 138, while 118 were attributed to the Somali security forces. Clan militias were responsible for 141 of the casualties.

22. From January to May 2024, a total of 166 improvised explosive device attacks were recorded, resulting in 300 casualties. For example, on 23 September 2024, a truck bomb explosion in the town of Beledweyne in central Somalia killed at least 18 people and injured 40 more. On 29 September 2023, a suicide bombing inside the Bar Bulsho tea shop in Mogadishu, near the presidential palace, killed at least seven people. On 14 March 2024, Al-Shabaab conducted a complex attack involving two vehicle-borne improvised explosive devices, targeting the SYL Hotel in Mogadishu. As a result of the incident, 4 individuals were killed and 30 injured. On 6 April 2024, several civilians were injured when a suicide vehicle-borne improvised explosive device detonated in Balcad town, Shabelle Dhexe Region. The explosion severely damaged Balcad District Hospital and the main market in the town. On 28 April 2024, a bombing in Mogadishu killed six Hormuud Telecom employees.

23. Somali National Army military operations have raised concerns about civilian harm and violations of international human rights law and international humanitarian law. Indeed, the period under review was marked by an increase in the use of armed drones by Somali forces and their international allies, adversely affecting civilians, which raised questions regarding respect for international humanitarian law and international human rights law. For example, according to civil society organizations, on 18 March 2024, 23 civilians (14 children, 5 women and 4 men) were killed and 17 others injured in military strikes during Somali military operations supported by Turkish drones in Shabelle Hoose Region.

24. Civilians continued to be adversely affected by inter-clan conflicts, which were exacerbated by dwindling access to natural resources. On 8 June 2024, violent fighting between clans in Caabudwaaq District (Galguduud Region) reportedly killed at least 55 people and injured another 155.¹⁶ That was the second such incident in 2024, fuelled by

¹⁵ S/2024/426, para. 12.

¹⁶ Reuters, "Fighting between central Somalia clans kills at least 55, residents say", 10 June 2024.

long-standing tensions over grazing land and revenge killings. The authorities of Galmudug State deployed security forces, while elders and local authorities initiated negotiations. The President of Galmudug State appointed a state-level interministerial committee to coordinate with the traditional clan elders to resolve the situation.

25. In this context, while the military offensive carried out by the Somali security forces and allied clan militias known as “community defence forces” succeeded in recovering some areas and settlements in the third quarter of 2023, the conflict seems to have become bogged down following the setbacks faced by the Somali forces in 2024 during the offensive campaign. Holding recovered areas proved increasingly challenging, in some cases even leading to the retreat of forces from towns that had initially been recovered.

26. The involvement of “community defence forces” in military operations alongside the Somali security forces raises serious concerns. In areas with a history of clan-based or resource-based conflicts, it may lead to militias competing for power or prioritizing the security of members of their own clan over other, more vulnerable groups. This may cause instability, affecting the civilian population, lead to or renew historical grievances and undermine security gains made at the expense of Al-Shabaab. The involvement of “community defence forces” is concerning in terms of command-and-control arrangements during military operations and accountability for violations of human rights.

27. Against this backdrop, it is worth mentioning that the first ATMIS drawdown, of 2,000 troops, concluded in June 2023, during which six forward operating bases were handed over and one was closed. The second ATMIS drawdown, of 3,000 troops, was concluded in January 2024 and resulted in the handover of seven forward operating bases and the closure of two others. While discussions are ongoing regarding the completion of the third phase of the ATMIS drawdown, slated to reduce troop numbers by a further 4,000, leading towards a final exit on 31 December 2024, in a letter of 16 May 2024 to the Peace and Security Council of the African Union, the Government of Somalia requested a revised timeline for the drawdown of those 4,000 ATMIS troops, which had been foreseen for June 2024 in Security Council resolution 2710 (2023). In the letter, the Government sought a phased drawdown, whereby 2,000 troops would leave Somalia by the end of June 2024. It envisaged that the second batch of troops would exit by September 2024, although the exact number of those troops was expected to be determined by Somalia and the African Union on the basis of the troop requirement for the follow-on mission.¹⁷ The Independent Expert stresses the need to avoid allowing the lack of continuity to create a vacuum and the need to ensure that the departure of ATMIS troops is not exploited by Al-Shabaab and other armed groups.

C. Human rights situation

28. The human rights situation remained a matter of concern during the reporting period. On a positive note, the Independent Expert welcomes the consideration by the Human Rights Committee of the initial report of Somalia under the International Covenant on Civil and Political Rights in March 2024. She is encouraged by the Government’s efforts to ratify the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention. She notes that the Government is in the process of drafting legislation on trafficking in and smuggling of migrants, which constitute a key challenge for the country.

29. The Independent Expert welcomes the formalization of an interministerial technical working group on human rights, which is mandated to coordinate the Government’s efforts to mainstream human rights across various sectors and ensure coherence and consistency in human rights policies and initiatives.

¹⁷ Security Council Report, “June 2024 monthly forecast”, 1 June 2024. At its 1217th meeting, held on 20 June 2024, the Peace and Security Council of the African Union expressed strong support for the request by the Federal Government of Somalia for a phased approach to the phase 3 drawdown of ATMIS, with 2,000 troops to depart by the end of June 2024 and the remaining 2,000 to exit at the end of September 2024.

1. Civil and political rights

(a) Arbitrary arrest and detention and extrajudicial executions

30. The Independent Expert expresses her concern regarding reports of arbitrary arrests, detentions and extrajudicial executions by the Somali security forces. For example, on 2 March 2024, a civilian man was killed and three civilian women were injured when members of the Somali Police Force reportedly opened fire to disperse a group of people from the Abgaal/Hawiye clan protesting in central Mogadishu. On 21 May 2024, members of the Somali Police Force reportedly detained a number of civilians from the Abgaal/Hawiye clan for allegedly engaging in a violent protest. On 26 May 2024, in Caabudwaaq District, Galmudug Region, members of the Galmudug Police Force executed a civilian man convicted of the murder of another civilian man from the same clan who had been sentenced to death on 25 May 2024 in Caabudwaaq town. No defence lawyer had represented him in court, and he had not been given the chance to appeal. On 14 May 2024, also in Mogadishu, a civilian woman was reportedly shot and killed by a member of the Somali National Army who had fired to break up a traffic jam. While investigations were opened in some cases, no arrests have yet been made.

(b) Freedom of expression

31. The protection of the right to freedom of opinion and expression remains a major concern for the Independent Expert. She continues to receive reports of the intimidation, harassment, arrest and arbitrary detention of journalists and media workers, leading to self-censorship.

32. For instance, on 1 April 2024, a journalist was arrested and held incommunicado for several days by the Jubbaland Intelligence and Security Agency in Luuq District, Gedo Region. He was released on 8 April 2024 without having been charged or brought before a court. On 17 April 2024, another journalist was arrested and detained overnight by the National Intelligence and Security Agency at the Godka Jilicow detention centre after he had broadcast in-depth and critical reports on his social media channel. The Independent Expert urges the Government to investigate all cases of the intimidation, harassment, arrest and arbitrary detention, or killing of journalists, media workers and others expressing critical views and prosecute the perpetrators of such offences.

33. The Independent Expert continues to be disturbed by the persistent practice of referring to articles of the Penal Code of Somalia¹⁸ to censor, punish and prosecute journalists in a manner that is contrary to the principles established in the provisional Constitution with regard to the media and journalism. She urges the authorities to review the Penal Code and other pieces of national legislation to ensure that they are in line with international standards on freedom of expression. Freedom of expression is one of the essential foundations of a democratic society.

(c) Death penalty

34. Somalia was one of the five countries with the highest number of executions in 2023.¹⁹ According to Amnesty International, 38 executions were recorded in Somalia in 2023.²⁰

35. The Independent Expert is concerned about allegations that executions have been carried out in some cases without legal representation for the accused or the possibility of

¹⁸ These are articles 215 (subversive or anti-national propaganda), 269 (insult to a political, administrative or judicial body), 321 (instigation to disobey the law), 326 (intimidation of the public), 328 (publication or circulation of false, exaggerated or tendentious news capable of disturbing public order), 452 (3) (defamation when the act is committed by means of the press) and 505 (non-observance of the orders of the authorities). Some of these offences carry prison sentences of several years in length.

¹⁹ The five countries were China, the Islamic Republic of Iran, Saudi Arabia, Somalia and the United States of America. See Amnesty International, "Global: executions soar to highest number in almost a decade", 29 May 2024.

²⁰ Ibid.

appeal.²¹ She reiterates her call to the Government to consider a moratorium on the death penalty and echoes the recommendation of the Human Rights Committee that the scope of crimes for which the death penalty is applicable should be restricted.²²

(d) Children's and women's rights

36. The Independent Expert is extremely concerned about the situation of women and girls in Somalia and the significant impact that the security and humanitarian situation continues to have on their human rights, including the persistence of sexual and gender-based violence, including conflict-related sexual violence, and in particular alleged rapes and gang rapes combined with homicide, as well as the lack of accountability for perpetrators.

37. Between July 2023 and May 2024, 19 incidents of conflict-related sexual violence were recorded through the monitoring, analysis and reporting arrangements of UNSOM. Most of the perpetrators were unknown armed actors. This statistic may not reflect the full extent of gender-based violence for several reasons, including cultural taboos, stigmatization, fear of reprisals, insecurity, barriers to humanitarian access and inadequate care services.

38. In view of the worrying situation of women and girls in Somalia, the Independent Expert is concerned that, despite recommendations received within the framework of the universal periodic review, Somalia has still not ratified the Convention on the Elimination of All Forms of Discrimination Against Women or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Independent Expert calls upon the Government to take all measures necessary to strengthen its capacity for the investigation and prosecution of sexual and gender-based violence, to promote a safe environment in which victims and survivors can report crimes without any fear of reprisal or stigma and to ensure that victims are protected and have access to justice and effective remedies.

39. In addition to sexual and gender-based violence, the Independent Expert is concerned about the recurrence of female genital mutilation practices. She commends the State of Galmudug for approving an anti-female genital mutilation bill, a key step towards a full ban on female genital mutilation in the region, and calls upon the Federal Government to take bold action to eliminate such practices.

40. Regarding the rights of children, in respect of 2023, the United Nations verified 2,283 grave violations against 1,802 children (1,349 boys and 453 girls), including 401 children who were victims of multiple violations.²³ From January to April 2024, the country task force on monitoring and reporting on grave violations against children verified 769 grave violations against 614 children (454 boys and 160 girls), including 138 children (125 boys and 13 girls) affected by multiple violations; 13 incidents of attacks on schools and 2 on hospitals; and 2 incidents of denial of humanitarian access. Al-Shabaab and unknown perpetrators continue to be responsible for the majority of violations, representing 71 and 17 per cent, respectively. In addition, 10 per cent are attributed to the Somali security forces, 4 per cent to clan militias, 2 per cent to Da'esh and 1 per cent to "community defence forces".²⁴

41. According to humanitarian and protection stakeholders, 4 million children are affected by the conflict situation and the impact of climate change. The numbers of children out of school and children in street situations are growing. Children represent 60 to 70 per cent of internally displaced persons and other vulnerable populations. The most important challenges faced by vulnerable communities include forced eviction and its impact on children and the inadequate clearing of mines and hazardous materials in liberated areas, which put children at risk.

²¹ See <https://www.ungeneva.org/en/news-media/meeting-summary/2024/03/examen-de-la-somalie-au-comite-des-droits-de-lhomme-sont>.

²² The death penalty is currently applicable for crimes including intentional homicide, bearing arms against the State, war crimes and the misuse of State secrets. See *ibid*.

²³ *A/78/842-S/2024/384*, para. 163.

²⁴ *S/2024/426*, para. 62.

42. The recruitment and use of children in armed conflict remains a serious human rights concern. While Al-Shabaab remains the main perpetrator of such violations, the recruitment of children by “community defence forces” participating alongside the Somali National Army in military operations against Al-Shabaab was also documented.

43. The Independent Expert wishes to point out the issue of children and young adults from the diaspora being sent to re-education or cultural rehabilitation centres known as “*dhaqan celis* centres”. The young people sent to these centres are reportedly detained for months or years and are subjected to abuse of all kinds, such as beatings, solitary confinement and psychological and sexual abuse.²⁵ The Independent Expert recalls the legal obligation of Somalia to ensure that these centres are regulated and that children or young people are not at risk of violence and abuse, in line with the country’s international human rights obligations. She urges the Government to finalize the bills on juvenile justice and child rights, which are at different stages of consideration.

(e) Rights of persons with disabilities, minorities and marginalized communities

44. The Independent Expert remains concerned about persistent reports of discrimination against and the exclusion of persons with disabilities, minorities and marginalized groups. Military operations and attacks by Al-Shabaab continue to increase the prevalence of disability, with a limited response from the Government. Disparities in access to basic services (education, employment, health care, clean water, sanitation and land) and non-participation in State-building decisions constitute two of the challenges preventing these communities from enjoying their rights. The Independent Expert urges the authorities to take concrete steps to ensure the protection of these vulnerable groups.

2. Economic, social and cultural rights

45. The confluence of the conflict and climate change has significantly exacerbated the precarity of living conditions, posing challenges to the full enjoyment of economic, social and cultural rights. In the context of the present report, the Independent Expert will focus on the right to adequate food and the right to the highest attainable standard of physical and mental health.

(a) Right to adequate food

46. Thousands of people continue to face food insecurity and loss of livelihood in Somalia. The situation is exacerbated by the ongoing conflict, drought, floods and resultant displacement.

47. According to the Integrated Food Security Phase Classification analysis published in February 2024, approximately 3.4 million people across Somalia were projected to face crisis or worse levels of acute food insecurity between April and June 2024. Notably, most internally displaced persons were projected to continue facing crisis outcomes due to limited income-earning opportunities and potential flooding in sites for internally displaced persons.²⁶ In addition, poor households that accrued large debts through harmful coping mechanisms during the 2020–2023 drought crisis will continue to experience food consumption gaps from having to sell much of their harvest to repay them.²⁷

(b) Right to health

48. Access to health care remains challenging for thousands of Somalis, notably in conflict areas. The ongoing outbreak of acute watery diarrhoea/cholera in Somalia is spreading, with increasing numbers of cases being reported in Hirshabelle, Puntland and South-West States. The number of cases reported since the start of 2024 is three times higher

²⁵ Nino Omer, “Somali ‘rehab’: re-education camps where children are locked up, beaten and abused”, *The Guardian*, 12 March 2023.

²⁶ Integrated Food Security Phase Classification, “Somalia: ICP acute food insecurity and acute malnutrition analysis. January–June 2024”, 14 February 2024.

²⁷ United States Agency for International Development, “Somalia: complex emergency”, fact sheet No. 2, 1 April 2024.

than the average number of cases reported for the same period over the previous three years, according to the World Health Organization (WHO). As at 18 March 2024, over 4,383 cases have been recorded, with 54 associated deaths, in 32 districts, giving an overall case fatality rate of 1.2 per cent, which is above the WHO threshold for emergencies.²⁸ About 62 per cent of the deaths were among children under 5 years of age.²⁹

49. The health sector in Somalia faces a critical shortage of financial resources, skilled professionals and adequate infrastructure, which curtails the ability to expand and maintain health services. The Federal Government acknowledges the critical need for increased investment in the health sector, which currently accounts for only 1.3 per cent of total government expenditure. This is significantly below the 15 per cent target adopted within the framework of the African Union.

D. Climate change and human rights

50. Somalia is extremely vulnerable to climate change, the impact of which continues to pose risks to the lives, health and livelihoods of, and enjoyment of human rights by, the population. Changing climate patterns intensify drought, floods and desertification, which, in turn, leads to food insecurity, conflict over resources and displacement, with a resultant impact on the rights to life, health and food and standards of living for both individuals and communities.

51. Somalia is still recovering from the drought of 2023, the worst in decades, which was followed, between October and December 2023, by heavy rains and floods as a result of the El Niño phenomenon. In 2024, owing to the heavy rains that the country has continued to experience, the situation has not improved, with a considerable impact on the enjoyment of the rights of thousands of Somalis. Displacement remains widespread, with millions of people forced to abandon their homes and live in dire conditions in displacement sites. Women and children make up more than 80 per cent of those displaced and face significant protection risks, which are heightened by pre-existing inequities.³⁰

52. Measures were taken by the Government to combat and mitigate climate change and prevent its impact on human rights. For example, on 6 December 2023, Somalia joined the Taskforce on Access to Climate Finance, leading to increased commitments from vertical climate funds and bilateral donors on increasing the country's access to funding for climate adaptation and mitigation.

E. Humanitarian situation

53. The overall humanitarian situation in Somalia remained precarious during the period under review. From October to December 2023, heavy *deyr* rains and floods were recorded across Somalia. In 2024, the *gu* rainy season (April to June) has also already threatened thousands of people across the country, exacerbating its struggles with climate change.

54. According to the Office for the Coordination of Humanitarian Affairs, in June 2024, the rains affected some 268,359 people and killed 10. Destruction of farms, public infrastructure and other livelihood assets has also been reported. The number of people displaced rose significantly to 81,000, from the 38,700 reported on 19 May 2024, after the Shabelle River broke its banks in Beledweyne District, displacing 42,600 people in surrounding areas.³¹

55. Across Somalia, the heavy rains and flash floods have resulted in the loss of livelihoods, including livestock and cropland, damaged small businesses, destroyed infrastructure, including shelter, water sources, latrines and schools, and damaged roads. In

²⁸ Office for the Coordination of Humanitarian Affairs (OCHA), "Somalia: 2024 AWD/cholera outbreak", flash update No. 2, 24 March 2024.

²⁹ Ibid.

³⁰ See <https://www.unocha.org/somalia>.

³¹ See <https://reports.unocha.org/en/country/somalia>.

addition, 5,899 hectares of agricultural land have been flooded, jeopardizing food security. According to humanitarian partners, at least 770,000 people could be affected by the end of the *gu* season. In addition, damage to water sources and water, sanitation and hygiene facilities is exacerbating the cholera outbreak. At least 10,647 cases and 120 deaths have been reported in seven states as at 13 May 2024, according to WHO.³²

56. Further adverse weather events are likely to increase vulnerabilities, including protection risks and already critical outbreaks of cholera and diarrhoea, which have already afflicted hundreds of individuals in 2024.

57. The Protection and Return Monitoring Network led by the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 1,793,000 internal displacements in Somalia from July 2023 to May 2024. The leading causes of displacement in the country were floods, conflict and insecurity, and drought.³³ As of May 2024, the estimated number of internally displaced persons in Somalia was 3,861,643. In addition, there were 95,181 refugee returnees, 18,699 refugees and 20,776 asylum-seekers in Somalia as of May 2024.³⁴

58. Recurrent forced evictions have aggravated the already dire situation of internally displaced persons in Somalia, forcing them to live in constant insecurity of tenure. In 2023, 207,851 forced evictions were recorded in the country, a 10 per cent increase compared with the 188,186 recorded in 2022.

59. In November 2023, the Federal Government declared a state of emergency and appealed to the international community for humanitarian assistance.³⁵ Together with the Federal Government, humanitarian partners continue to support people affected by seasonal rains and flash floods and have provided some form of assistance to at least 157,000 people. However, the 2024 Humanitarian Needs and Response Plan for Somalia, which requires \$1.6 billion, is only 21.9 per cent funded (as at 4 June 2024). Additional funds are urgently required to meet the needs of affected people.³⁶

III. Updates on the progress made in the implementation of the benchmarks and indicators for improving the human rights situation

A. Benchmark 1: promoting security, peace and reconciliation for the protection of civilians in conflict

60. Several security-related actions were taken by the Federal Government aimed at addressing the security situation, promoting reconciliation and enhancing the protection of civilians during the period under review.

61. The launch of the national reconciliation framework by the Prime Minister on 30 April 2024 is one example of a measure that marks a significant milestone in the country's journey towards peace, unity and progress.

62. The Federal Government is spearheading the development of the Joint Police Programme II, which will be launched in July 2024 and run until 2026, to strengthen the professionalism and capacity of the police. The initiative will bolster security, foster community trust through human rights-based approaches and advance gender equality in policing. Galmudug, South-West and Hirshabelle States have enacted state police laws in line with the New Policing Model and the National Security Architecture, and a federal police bill is being drafted.

³² OCHA, "Somalia: situation report", 4 June 2024.

³³ See <https://unhcr.github.io/dataviz-somalia-prmn/index.html>.

³⁴ See <https://data.unhcr.org/en/situations/horn/location/192>.

³⁵ Somali Dispatch, "Somalia: National Disaster Management Agency declared a state of emergency", 13 November 2023.

³⁶ OCHA, "Somalia: situation report", 4 June 2024.

63. With the support of international partners, the Federal Government has implemented key stabilization efforts to strengthen the rule of law in newly liberated areas in Galmudug and Hirshabelle. These efforts include constructing local administrative offices and police stations and deploying security forces to maintain law and order. These initiatives align with the objectives of the Joint Police Programme II by extending the reach of law enforcement and government services to areas previously under insurgent control, thereby fostering a more stable and secure environment for the local population.

64. The Government reported that it had established an inter-agency task force comprising representatives of the Somali National Army, the National Intelligence and Security Agency and the Somali Police Force to manage conflicts in Hirshabelle and Galmudug States.

65. The Independent Expert commends the efforts made to provide training on international human rights and international humanitarian law to the Somali National Army with the support of some international partners. However, she notes that efforts to train the Somali National Army remain ad hoc. She calls upon the authorities to institutionalize training on international human rights and humanitarian law within the Somali National Army. She underscores the importance of developing a regulatory framework relating to the use of force by the police and rules of engagement for the Somali National Army, which would need to be followed by dissemination and robust awareness-raising efforts. She stresses the importance of implementing and applying strong human rights compliance and accountability frameworks and ensuring that victims of human rights violations are adequately compensated. Lastly, the Independent Expert reiterates the call to remove policing functions from the mandate of the National Intelligence and Security Agency and conduct a review of the relevant law.

B. Benchmark 2: strengthening the rule of law, accountability and transitional justice

66. On 12 December 2023, the Federal Government, the United Nations Support Office in Somalia (UNSOS) and ATMIS signed a revised tripartite memorandum of understanding. This memorandum of understanding outlines the modalities for the provision by the United Nations of non-lethal support to the Somali security forces engaged in joint or coordinated operations with ATMIS. On 7 March 2024, UNSOS and the Federal Government formally endorsed the terms of reference for a Federal Government of Somalia-UNSOS human rights due diligence policy administrative mechanism. This dedicated forum will serve as a vital platform to enable UNSOS and the Federal Government of Somalia to collaborate and discuss the implementation of the recommended human rights due diligence policy mitigation measures for the Somali security forces receiving UNSOS support.

67. Lack of accountability, including for violations of human rights, remains a major issue, coupled with the weakness of the justice system. The Independent Expert calls upon the Government to finalize the justice sector strategy for 2024–2029 and for provision for meaningful investments in establishing effective rule of law institutions and improving access to justice to be included in the federal budget.

C. Benchmark 3: ensuring respect for the freedoms of opinion and expression and of assembly and association

68. On 14 March 2024, the Council of Ministers appointed the members of the new Media Council in an effort to enhance the media landscape. However, the Independent Expert was made aware of concerns that the process had not been carried out in accordance with the Media Law, according to which the Media Council was supposed to have been created through a clear and transparent process and to consist of three representatives of public media, three representatives of private media and three members of civil society.

69. Specialized training sessions provided for members of the security forces and legal experts on the significance of freedom of expression and the rights of media workers and training sessions and workshops for journalists and media organizations are reported to have been held.

D. Benchmark 4: promoting women's rights and gender equality in all aspects of society

70. In April 2024, the President of Somalia honoured women officers from the military, the police and other security services, as part of efforts to empower women and advance their roles in areas traditionally dominated by men.

71. To ensure the effective execution of the national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security, launched on 5 September 2022, the Ministry of Women and Human Rights Development established a steering committee tasked with providing the Government with strategic advice on proper implementation methods and leading efforts to secure the funding necessary to support relevant initiatives. The Independent Expert is concerned that, while the national action plan includes the joint communiqué between Somalia and the United Nations on the prevention of sexual violence, no progress has been made in developing a separate action plan to implement the activities provided for in that joint communiqué. This has resulted in a serious gap, and activities to counter conflict-related sexual violence have not progressed.

72. The Ministry of Women and Human Rights Development has established a women's committee, consisting of representatives of the Federal Government, federal member states and the Banadir Region. The committee is tasked with representing women's interests in the National Consultative Council and plays an essential role in integrating women's perspectives into national decision-making processes. The Independent Expert expresses her regret that the committee does not include any women from civil society and minorities.

73. The Independent Expert commends the passage by the Cabinet of the offences of rape and indecency bill on 28 December 2023. However, she is concerned about the following provisions of the bill, which do not comply with the provisional Constitution of Somalia and international human rights instruments:

(a) The bill does not contain a harmonized definition of a child. While article 3 sets the age of majority at 18 years, some articles provide that certain crimes are punishable only if committed against a person under 15;³⁷

(b) The definition of rape is limited to a physical invasion of the human body using force and excludes consent as an element of the crime;

(c) Coercion is defined in the bill on the basis of the use of force. It is silent on other forms of coercion, such as threats to the victim's family;

(d) Indecency is defined as an action contrary to sharia, and the description of the criminal act and the punishment foreseen for it are vague. This creates a risk of multiple interpretations, making the implementation of the provision unpredictable and potentially discriminatory.

E. Benchmark 5: ensuring respect for children's rights and promoting youth empowerment

74. The Federal Government reported having launched several initiatives to promote the rights of children.

75. For example, child protection units have been established both at the Ministry of Defence and within the command centres of the Somali National Army. They are dedicated to enforcing the country's national and international commitments to child protection and coordinating effective responses.

76. The child rights bill initially approved by the Cabinet was returned to the Government by the lower house of the Federal Parliament for additional consultations.

77. In terms of youth empowerment, among other measures, the Federal Government has taken steps to establish the National Youth Council. The successful launch of the National

³⁷ See arts. 10, 11, 14 and 17.

Youth Conference has provided a vital platform for youth engagement, and vocational training has been provided to 1,525 young people.

F. Benchmark 6: promoting economic, social and cultural rights – improved access to health care, water, sanitation, hygiene and an adequate standard of living

78. A significant milestone was achieved by the Federal Government in December 2023, with the securing of \$4.5 billion in debt relief from international financial institutions and creditors. Consequently, Somalia can now access new external funding, such as grants, foreign investment and concessional loans, to finance its development agenda. This includes investments to improve living standards, reduce poverty and bolster the country's economic growth. The Independent Expert highlights the importance of increasing investment in the health and education sectors while continuing to strengthen human rights and rule of law mechanisms as a pathway to peace and security.

79. The Independent Expert notes the national anti-corruption strategy, which is focused on strengthening public sector financial management, and welcomes the country's accession to the United Nations Convention against Corruption.

80. On 29 May 2024, the Executive Board of the International Monetary Fund completed the first review of the country's Extended Credit Facility arrangement. The decision allows for an immediate disbursement of about \$10 million to Somalia to support its economic policies and reforms.

81. The Federal Government reported having developed various initiatives aimed at enhancing the health and well-being of Somalis. This includes the adoption of the Reproductive, Maternal, Newborn, Child and Adolescent Health Strategy for 2024–2028.

82. In the water sector, the Government reported the preparation of a groundwater map and the drilling of sustainable deep boreholes along the borders between Somalia and neighbouring countries, in particular in vulnerable areas. Efforts are under way to supply electricity to 585 items of infrastructure in the country, including 205 health centres and 380 educational facilities, aimed at enhancing service delivery and improving citizens' livelihoods.

83. Somalia is implementing the national durable solutions strategy for 2020–2024, which is aimed at creating a supportive environment that enables internally displaced persons, refugees, asylum-seekers, refugee returnees and vulnerable host communities to gain access to equitable and non-discriminatory durable solutions.

G. Benchmark 7: protecting the rights of persons with disabilities, minorities and marginalized communities

84. The national disability bill was presented to the lower house of the Federal Parliament. The Independent Expert notes the drafting of the national digital inclusion policy, which emphasizes the recognition of and provision of support for marginalized groups in Somalia, including women, young people, rural communities, poor people in urban areas, older persons, persons with disabilities, internally displaced persons and refugees, as well as microenterprises and small and medium-sized enterprises, ensuring that they are integrated into the digital economy.

IV. Conclusions and recommendations

A. Conclusions

85. **Somalia has continued to engage with international human rights mechanisms and has pursued bilateral and multilateral relations with key international partners in Africa, Europe, the Middle East and the Americas, such as Türkiye, the United**

Kingdom of Great Britain and Northern Ireland and the United States of America, with a focus on nation-building, security, economic development and tackling climate change.

86. The Independent Expert commends the efforts made by the President to transform Somalia into a country at peace with the world and itself, as exemplified by the admission of Somalia to the East African Community; the reaching of the Heavily Indebted Poor Countries Initiative completion point, resulting in the release of \$4.5 billion to the country; the lifting of the arms embargo; and the country's election to the Security Council for 2025–2026.

87. Those developments notwithstanding, the security situation remains very volatile due to the ongoing armed conflict between the Government and Al-Shabaab, Da'esh and other armed groups, with the Government experiencing significant setbacks on the battlefield, including the loss of territories that had been considered recovered. Deadly inter-clan conflicts persist. In addition, drone attacks have intensified, exposing civilians to increasing violence, displacement and lack of physical protection. Amid those events, the ATMIS drawdown is due to be completed by the end of 2024, potentially leaving behind a security vacuum.

88. The Independent Expert is encouraged by the steps taken by the Federal Government to align the country's legislative framework with its international human rights obligations. Those efforts are in line with the commitments made by Somalia to mark the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights in December 2023.

89. The Independent Expert notes the approval by the bicameral Federal Parliament of amendments to the first four chapters of the provisional Constitution of 2012. However, she regrets that the juvenile justice bill, the national disability bill, the child rights bill and the anti-female genital mutilation bill have been pending, at various stages, for several years.

90. The Independent Expert expresses her regret that, despite the efforts made by the Government and stakeholders to address sexual and gender-based violence at the federal level, the bill on the offences of rape and indecency could not be passed, and the Government has not developed an action plan to implement the activities of the joint communiqué on the prevention of sexual violence under the action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security. The Government has not ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa to strengthen the protection of women in Somalia. The Independent Expert calls upon the Government to make the changes required to ensure that the pending legislation is compliant with international human rights standards, prevent legislative delays and promote a safe environment in which victims and survivors can have access to justice and effective remedies.

91. The Independent Expert urges the Federal Government to finalize the child rights bill, which was returned to the Cabinet by the lower house of the Federal Parliament for further consultations with stakeholders, halt forced evictions, comply with the human rights due diligence policy in relation to all United Nations support and put in place a comprehensive programme to prevent children from joining armed groups in order to survive.

92. Persistent violations of the rights of journalists and media workers continue to hinder free expression and encourage self-censorship and misinformation and limit public education. The Independent Expert calls upon the Government to foster a free and independent press.

93. While recognizing the challenges faced by persons with disabilities, minorities and marginalized groups, limited progress has been made in addressing them. Since its creation in 2020, the National Disability Agency has faced resource constraints, affecting its ability to fund essential programmes that facilitate mobility, education, employment and access to social services for persons with disabilities. In addition, there

are concerns regarding the displacement of minority clans and marginalized groups, leading to loss of land, property and cultural heritage, which underscores the need for robust legal and policy frameworks to ensure their inclusion in political and public life and to address systemic poverty. The Federal Government is encouraged to initiate a national campaign aimed at transforming societal attitudes and practices associated with the “4.5 system” of governance. Such efforts should be complemented by constitutional, legal and policy reforms to eradicate discrimination.

94. While the Independent Expert is encouraged by the Government’s proposal to address discriminatory laws to advance human rights reforms in an inclusive and comprehensive manner through establishing a national law reform commission, she is concerned that similar commitments to establish a judiciary commission, a national human rights commission and an anti-corruption commission have all been pending for years, across successive Governments, delaying the formation of institutional mechanisms to carry out essential human rights work. The Government is therefore urged to prioritize and expedite the creation of these institutions as a basis on which to rebuild confidence in rule of law mechanisms for realizing the rights of Somalis.

95. The Independent Expert acknowledges the enormous challenges that the Government faces in progressively improving access to health care, water, sanitation, hygiene and an adequate standard of living in the context of the ongoing conflict situation, the effects of climate change in terms of drought and flooding and the shortfall in financial resources and skilled personnel. The debt relief granted to Somalia under the Heavily Indebted Poor Countries Initiative paves the way for increased expenditure in these areas.

96. The Independent Expert observes that State- and political institution-building has largely stalled. The meetings of the National Consultative Council have reduced in number, thereby undermining the cohesion and efficiency of that mechanism for deliberating on issues of national interest, including collective efforts to fight Al-Shabaab. Furthermore, tensions generated by the process and outcome of the constitutional review between the Federal Government and federal member states have heightened political mistrust and exclusion, causing Puntland to announce its decision to withdraw its recognition of the Federal Government of Somalia. In addition, the memorandum of understanding signed between “Somaliland” and Ethiopia, which granted Ethiopia the right to use 20 km of the northern, Red Sea coast of “Somaliland”, has posed additional challenges to the full integration of “Somaliland” into Somalia and exposes major cracks in federalism in the country. The Independent Expert calls upon the Government to make the efforts necessary to enhance coordination, cohesion and stability in the country.

97. The dual crises of armed conflict and the impact of climate change on the human rights situation in Somalia have remained cyclical over the years, limiting progress on the humanitarian front, especially in rural areas of Somalia and those under Al-Shabaab control. It is important to note that, as the number of humanitarian crises around the world increases, the funds available to respond adequately to all the humanitarian needs become scarce. The international community must assist Somalia in securing access to climate change adaptation funds to support climate change resilience.

B. Recommendations

98. The Independent Expert welcomes the developments made in addressing the benchmarks. While some of the indicators have been addressed in preparation for implementation, others have not been addressed at all, and still others have been only partially addressed, with work ongoing. While some progress has been made, more remains to be accomplished.

99. In response to the request of the Human Rights Council, in its resolution 54/32, that the Independent Expert include in her report options on possible adjustments to the scope of the mandate in order to better respond to the technical assistance needs of

the Federal Government of Somalia, the Independent Expert suggests that the mandate be adjusted to include the following elements:

(a) To enhance, in the light of the UNSOM transition, the provision of assistance to Somalia to build momentum in support of the development of legislative and institutional frameworks with a view to strengthening key human rights mechanisms;

(b) To continue to support the Government with the further implementation of the benchmarks and indicators;

(c) To emphasize the importance of coordination among international partners in providing support to build the country's capacity;

(d) To ensure and promote a holistic and integrated approach to the human rights and security dimensions.

100. In view of the above, the Independent Expert urges the Government, in cooperation with its international partners and stakeholders, to implement the recommendations set out below.

1. Benchmark 1: promoting security, peace and reconciliation for the protection of civilians in conflict

101. The Independent Expert recommends that the Government:

(a) Continue to train the national security forces in line with Security Council resolution 2628 (2022);

(b) Continue and strengthen cooperation with the United Nations on the human rights due diligence policy on United Nations support to non-United Nations security forces and implement mitigation measures recommended in that context;

(c) Harmonize efforts and provide the Somali Police Force and other rule of law agencies with sufficient funds and resources, including proper equipment and training and the necessary legal and institutional framework to enable it to promote and protect human rights and improve its investigation and prosecution capabilities, including with regard to sexual violence crimes;

(d) Remove policing functions from the mandate of the National Intelligence and Security Agency and conduct a review of the relevant law;

(e) Continue to strengthen national and local reconciliation mechanisms to reduce clan violence and establish a civilian casualty tracking system to ensure accountability, in line with paragraph 11 of Security Council resolution 2628 (2022), and publish the results to ensure transparency;

(f) Establish and institutionalize a transparent system for mitigating civilian harm;

(g) Conduct a national dialogue on adopting a moratorium on the death penalty, ensure that the death penalty is considered only for grave crimes with strict respect for due process and uphold the human rights obligation not to sentence children to death;

(h) Continue to emphasize that all bilateral forces fighting in Somalia, regardless of their rank or nationality, are bound by international law and must conduct prompt, thorough and impartial investigations, hold perpetrators accountable and pay reparations for deaths and injuries caused to civilians.

2. Benchmark 2: strengthening the rule of law, accountability and transitional justice

102. The Independent Expert recommends that the Government:

(a) Implement the new justice and corrections model by 2026 and finalize the constitutional review process by the end of 2026, ensuring effective and public consultation;

(b) Establish and conduct a fair and transparent process for selecting, evaluating and appointing members of the Judicial Service Commission, the national human rights commission, the constitutional court and the Anti-Corruption Commission to reduce corruption and build confidence in the legal system;

(c) Accelerate the adoption, by the end of 2026, of the anti-female genital mutilation bill, the juvenile justice bill and the child rights bill, in line with international human rights law and standards, and adopt legislation for the protection of all persons from sexual violence that complies with the international human rights obligations of Somalia;

(d) Increase the budget for the justice sector, with a view to promoting and achieving a gender-responsive approach, and provide sufficient human resources capacity;

(e) Ensure that procedures for a fair trial are respected in all cases;

(f) Ensure that all law enforcement operations comply with relevant international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials, and that law enforcement officials undergo appropriate training.

3. Benchmark 3: ensuring respect for the freedoms of opinion and expression and of assembly and association

103. The Independent Expert recommends that the Government:

(a) Protect journalists and media workers and promote an independent press;

(b) Declare a moratorium on the use of articles of the Penal Code of 1964 that are not in line with human rights obligations on freedom of expression to criminalize legitimate activities linked to journalism;

(c) Ensure that human rights violations and abuses perpetrated against journalists and human rights defenders by security actors and non-State actors are thoroughly investigated and prosecuted and that compensation and reparations are awarded;

(d) Review, by the end of 2026, the amended Media Law of 2020 and ensure that the establishment of the Media Council is in line with international human rights standards.

4. Benchmark 4: promoting women's rights and gender equality in all aspects of society

104. The Independent Expert recommends that the Government:

(a) Take urgent measures, by 2026, towards ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and harmonize national laws with these instruments to better protect women and girls;

(b) Undertake, by 2026, a comprehensive review of domestic legislation, with a view to repealing laws that are discriminatory against women and girls;

(c) Increase access to justice for women and apply the 30 per cent minimum quota for the representation of women in elected and appointed positions, including in professional and administrative staff positions in the federal and state justice systems;

(d) Implement the road map established in 2023 to advance the Somali Women's Charter and ensure the provision of the necessary resources to achieve it;

(e) Empower women by increasing the enrolment and retention of girls in schools by 2 per cent annually and increasing business and job training opportunities for women.

5. Benchmark 5: ensuring respect for children’s rights and promoting youth empowerment

105. The Independent Expert recommends that the Government:

- (a) Adopt a comprehensive child rights bill, in line with the Convention on the Rights of the Child, by the end of 2024;
- (b) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child;
- (c) Establish rigorous screening procedures to ensure that no one under the age of 18 is recruited into the armed forces;
- (d) Ensure that all children deprived of their liberty for alleged association with armed groups are treated as victims and handed over, without exception, to child protection actors, in line with the standard operating procedures for the reception and handover of children separated from armed groups;
- (e) Invest, by the end of 2026, in a nationwide education system and ensure universal and equal access to and completion of primary education for all children, including girls;
- (f) Continue to increase the number of skills development centres to empower young people across Somalia and intensify efforts to promote and ensure their access to employment opportunities, internships, vocational training and apprenticeships;
- (g) Systematize and establish a quota for the participation of young people in all aspects of political, peace and security processes;
- (h) Prioritize strategic investment in the health and education sectors and the empowerment of young people to harness and accelerate the demographic transition.

6. Benchmark 6: promoting economic, social and cultural rights – improved access to health care, water, sanitation, hygiene and an adequate standard of living

106. The Independent Expert recommends that the Government:

- (a) Fulfil the commitment to improve access to integrated health and nutrition services through the basic essential package of health services by increasing the government budget allocation by 15 per cent, as recommended in the 2001 Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases;
- (b) Construct 100 water wells and catchment areas for the collection and storage of water in rural areas, schools and domestic settings, in order to improve access to water, sanitation and hygiene, by 2026;
- (c) Immediately adopt a moratorium on forced evictions and provide adequate compensation and viable relocation or local integration options to reduce evictions by 50 per cent by 2026;
- (d) Adopt and publish a revised labour code, conduct regular inspections and require an annual compliance report on labour standards by public and private entities in furtherance of accountability and transparency;
- (e) Continue to implement the National Durable Solutions Strategy.

7. Benchmark 7: protecting the rights of persons with disabilities, minorities and marginalized communities

107. The Independent Expert recommends that the Government:

- (a) Adopt, by 2026, comprehensive legislation to eliminate all forms of discrimination against persons with disabilities, minorities and marginalized communities and effectively accelerate the removal of barriers that exclude persons with disabilities from the enjoyment of their rights;

- (b) **Adopt the national disability bill by 2026;**
 - (c) **Take the measures necessary to ensure the increased participation and representation in political structures and decision-making bodies of minority clans and marginalized communities by establishing a quota for representation;**
 - (d) **Protect and uphold the rights of individuals to practise their religion and ensure that this right is enshrined in the amendments to the provisional Constitution.**
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