



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Federal Republic of Somalia and welcome the constructive engagement of the Government of Somalia during the 38th session of the UPR Working Group in May 2021.

As the final outcome report on the review of Somalia was recently adopted by the Human Rights Council at its 48th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Somalia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 101 delegations and the presentation made and responses provided by the delegation of Somalia. I have also considered the actions taken by the Government of Somalia to implement the 168 recommendations fully supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I was encouraged to note Somalia's establishment of an anti-corruption commission, the development of a bill to criminalize female genital mutilation, as well as the adoption of a national action plan on ending and preventing the recruitment and use of children and the action plan on killing and maiming of children in armed conflict. I also welcome Somalia's engagement with international human rights mechanisms, including treaty bodies and special procedures.

I remain concerned, however, by continued reports of extrajudicial killings, attacks, arbitrary arrests and detention, and harassment of journalists, media workers and human rights defenders. I urge the Somalia Government to ensure that the sexual offences bill is fully aligned with international human rights law, including regarding rape and child marriage.

I encourage Somalia to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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His Excellency
Mr. Abdisaid Muse ALI
Minister of Foreign Affairs and International Cooperation
Federal Republic of Somalia

I also encourage Somalia to continue efforts to establish a national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Somalia of submitting a mid-term report and encourage the Government of Somalia to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Somalia in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: Her Excellency
Ms. Ebyan Mahamed SALAH
Ambassador and Permanent Representative of the Federal Republic of Somalia to the United Nations Office and other international organizations in Geneva
Switzerland

Mr. James Christopher SWAN
Special Representative of the Secretary-General for Somalia and Head of the United Nations Assistance Mission in Somalia
Federal Republic of Somalia

Mr. Adam ABDELMOULA
Deputy Special Representative of the Secretary-General, United Nations Resident Coordinator and Humanitarian Coordinator for Somalia
Federal Republic of Somalia

Ms. Kirsten YOUNG
Head, UNSOM Human Rights and Protection Group
Representative of the High Commissioner, Federal Republic of Somalia



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Convention on the Elimination of All Forms of Discrimination against Women.
- Ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

National Human Rights Framework

- Finalizing the establishment of an independent and adequately resourced national human rights commission.

A. Cross-cutting issues

Equality and non-discrimination

- Protecting the rights of minority clans by strengthening the participation of local communities in improving water and sanitation arrangements.

Development, the environment, and business and human rights

- Conducting a human rights impact assessment of any structural adjustment policies adopted or programmes established, following a decision, under the World Bank and International Monetary Fund Heavily Indebted Poor Countries Initiative, that would allow Somalia to benefit from new types of financing.

B. Civil and political rights

Right to life, liberty and security of person

- Accelerating measures to ensure accountability for police human rights violations, and training the police, especially in the area of addressing sexual violence.

Fundamental freedoms and the right to participate in public and political life

- Redoubling efforts to improve the safety and security of journalists and creating an enabling environment in which journalists could operate in dignity, free from any abuse.

C. Economic, social and cultural rights

Right to health

- Moving expeditiously towards the progressive realization of the right to health by enacting legal and policy frameworks, including the national health professional bill, and developing a national health policy, a strategy and a plan of action, with appropriate resources, equal to at least 15 per cent of the national budget.



Right to education

- Addressing the education needs of nomads and pastoralists through alternative basic education programmes designed to accommodate their lifestyles and to suit children from those communities.
- Explicitly prohibiting in national legislation any form of discrimination in education as defined in the Convention against Discrimination in Education.
- Investing in an enhanced, coherent and comprehensive nationwide education system.

D. Rights of specific persons or groups

Women

- Accelerating consultations and national dialogues on female genital mutilation with key stakeholders with a view to reaching a consensus on remaining obstacles; adopting the draft female genital mutilation and sexual offences bills; providing assistance to survivors; and implementing a national programme to combat that harmful practice.
- Withdrawing the proposed “law on sexual intercourse-related crimes” and instead proceeding, without further delay, with the reintroduction, examination and adoption of the comprehensive and survivor-centred draft sexual offences bill of 2018; and adopting and enacting the sexual offences bill, ensuring that any amendments thereto were in line with international standards.
- Ensuring that victims, including of sexual and gender-based violence, received holistic support and assistance, including medical and social support, and access to remedies and full reparations.

Internally displaced persons

- Developing and adopting a national law transposing into national law the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).