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TITLE: HUMAN RIGHTS IN SOMALIA

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1) Summary

Somalia's relentless war has lasted for two decades. Since the fall of Siad Barre's government in 1991, many attempts have been made to restore civil order. However, there seems to be no sight of a lasting solution to the current conflict. The current weak transitional government, coupled with the ineffective and internationally supported multinational AMISOM has not helped the situation either.

As if colluding, natural calamities have claimed many lives; drought, famine, occasionally floods and tsunamis. This has not only made the population vulnerable but also increased poverty. According to UN Human Index reports, Somalia has persistently been ranked among the poorest countries in the world. Insecurity remains prevalent and this has created a fertile ground for human rights violations. This has been exacerbated by the influx of small arms into the country, which is easily available everywhere within Somalia.

This lack of peace and stability has contributed to human rights violation resulting in deaths of civilians, journalists, civil society activists and humanitarian workers through assassinations, and being caught in cross fire and kidnappings. Somalia with approximate population of 9.1¹ million currently faces the lowest development and humanitarian indicators in the world. Some 1.4 million people surviving chronic food insecurity; and some 1.6 million internally displaced people; while 678,308² are refugees. Displacement has largely been caused by floods, drought and recent fighting by militia groups. Within Southern and Central Somalia, humanitarian organizations have withdrawn from certain areas for fear for their safety and threats from insurgents.

The Human Rights Situation in Somalia

It is hard to fully understand the current human rights situation in Somalia. This is because; gathering information has been complicated by the rise in insecurity, constant movement of

¹ IDMC www.internal-displaced.org Accessed Oct 2010

² UNHCR June 2010 figures

people and the ineffective government structures. Matters have not been helped by the withdrawal of International agencies in South Central Somalia. Matters have been complicated by stereotyping of human rights defenders as agents of foreign interests and their subsequent targeting has limited sources of information on human rights situation.

IIDA, IFOH-K and their partners have thus compiled this report based on firsthand accounts from field offices and focal points.

1) Human Rights Violation

It is noteworthy that Somalia is a signatory to many of the UN conventions on human rights. This includes: *'the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.* Although the previous Transitional National Government signed the *Convention of the Rights of the Child in May 2002 and the current TFG the Optional Protocol on the involvement of children in armed conflict in September 2005,* neither has so far been ratified. In addition, Somalia is party to the four *Geneva conventions on International Humanitarian Law, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol'*³

However, the two decades of violence and absence of strong central government has meant this conventions, protocols and commitments have largely been ignored.

Violence is now being perpetrated by clan militias, warlord militias, and the *Al-Shabaab Militia.* Thousands of civilians have been killed in appalling circumstances: crushed to death in their homes after indiscriminate bombardment; injured by shrapnel from mortars, heavy artillery, and bullets and dying slow, agonizing deaths when they are unable to reach medical care; deliberately executed by members of armed groups on all sides; and caught in ceaseless crossfire in densely-populated neighborhoods. Thousands more have been injured, assaulted, raped, and looted of all their property as they fled the violence in Mogadishu. Each day adds to the toll of civilian deaths and injuries.

The same report (sic) notes that it is virtually impossible to blame or know perpetrators as attacks have blended with civilians making it impossible to know who actually carried out attacks. The same can be said of the international force which sometimes shell indiscriminately leading to many casualties and many wounded.

Forms of Human Rights Violations

Gender Based Violence (GBV)

In a country with no law and order young girls and women become victims of lawlessness. Young girls are forced into early marriages especially to the militia men. Lack of security is a major threat to women; a basic task like drawing water from the well could cost them their life. Pastoralism which is practiced in areas like Southern Somalia becomes a death trap to young girls and women. Even as they are trying to make ends meet, they are attacked by militia groups and armed gangs raped and left for dead. To those who strain to find their way back home, access to medical care is inaccessible and may not afford the prohibitive costs of treatment, thus they heal through family support but scarred through

³ Office of the United Nations High Commissioner for Human Rights Preliminary Human Rights Assessment on Somalia 19 July to 2 August 2008

life psychologically. In addition owing to widespread poverty some have resorted to commercial sex to enable them provided for their families. In areas where strict rules of Islamic interpretation are enforced, women rights are harshly violated; there has been cases of a reported adultery, yet only the females were convicted and sentenced to death for adultery “Zina”, and the male counterpart was never caught.

Moreover they are exposed to un-wanted pregnancy, Sexually Transmitted Diseases (STDs), and early death. The rape of women by militia and bandits is a huge problem, and there are no laws against spousal rape. Victims of rape are as young as 12 years or as old as 70 years. Domestic violence is rampant especially to the young girls who have entered into early marriages not out of choice but because of poverty, family pressure, an orphan, for security. Those who violate these human rights mostly hide behind age and religion. Violence and discrimination against women, including genital mutilation, is common. There are cases of rape and sexual harassment by the foreign troops.

Restricted movement

In-security is a major factor in Somalia movement is restricted in most areas. In Puntland and Somaliland, though people have limited freedom to move around, they cannot progress to other parts of the country like Mogadishu, South-Central Somali. There are very many checkpoints manned by militia groups. The militia groups concern do not provide security but rather, according to the clan it is an opportunity to control an area, steal, recruit, arrest, kidnap and worst of all to kill the so-called “enemies”. “Enemies” in this scenario are considered people from different clans, foreigners, and to some extent those who practice a different kind of religion. Those arrested for recruitment are taken to dingy rooms where they face hostility, cruel torture, starvation or are forced to join the militia groups. Others are reserved for ransom money, mainly foreign aid workers.

Child Abuse

Two decades long of civil war has left the lives of children at a greater risk in Somalia than ever has been witnessed in any other part of the world. They lack basic needs like food, water and clothing for a proper up-bringing of a child. Access to medical care is a big challenge; mothers rely on foreign aid workers to have a make shift clinic/tent maybe for a day or two to attend to the health needs of the child. By the time a child is able to access medical care they are either gravely ill or at a point where their lives are beyond salvage. Child labor is highly practiced in Somalia; a child who is an orphan is often vulnerable as s/he may be taken advantage of. At a tender age as young as 9 years, a child could be recruited into the militia groups. Child soldier recruitment is highly rampant in Somalia. Many youths join armed gangs and militia groups. On June 2010, UN raised its voice on the use of Childers by both the government and the militias.

3) Promotion and Protection of Human Rights:

Human rights: whereby all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The abuse is caused by people turning against each other in a manner that is violent purposefully to cause pain, fear to another so as the victim will submit to whatever goes against his/her will. The people of Somalia need genuine security, unfettered access to humanitarian assistance, support for a politically inclusive government-building process, and long term international commitments to support reconciliation and reconstruction. They also need vigilance in monitoring human rights conditions during this volatile period.

Sustained support for a state-building process that is politically inclusive combined with international support for a regional peacekeeping mission with a mandate to protect civilians from the grassroots level and sustained emergency relief and long-term reconstruction assistance are vital in helping the Somali people establish stability, peace and reconciliation in their country and the region. Regional peacekeeping mission must have a clear mandate to protect civilians. Its mandate must include monitoring, investigating, and independently and publicly reporting on all human rights abuses. International donors and troop contributing states must make it a high priority to provide sufficient support to a regional mission with a civilian protection mandate. The Somali people currently face the lowest development and humanitarian indicators in the world.

Advocate for the protection of women against sexual violence. Humanitarian assistance of IDPs and Somali refugees in neighboring countries especially when there is severe drought, floods, outbreak of violence etc. Special focus should be given to the needs of children associated with conflict and their immediate communities. Without adequate skills, education and job creation programs, as well as health care and housing, children and youth are at great risk of recruitment and drafting by armed warlords, warring clan factions and terrorist organizations. Disarmament procedures should be put in place thus encouraging especially the Youth and child soldiers to return light and heavy weapons. The taking away of the weapons that has great cause aggravation of human rights easy will go a long way in promoting and protecting the rights of Somali people.

4) Constraints:

- ☑ **Humanitarian crisis:** Humanitarian crisis is increasing each month in Somalia. Increasing insecurity is also a major contributing factor to the suffering of people in Somalia. Journalists and aid workers have been killed at the slightest suspicion that they are reaching out to the victims of war and at times mistaken to be supporting foreigners.
- ☑ **Lack of rules and regulations:** The residents of Mogadishu and other parts of Somalia face difficult situations because they are either controlled by militia groups or armed gangs. These groups follow their own self-made rules which obviously do not follow international human rights law. The population is subject to targeted killings and assaults, repressive forms of social control, and brutal punishments under misinterpretation of *Sharia* (Islamic law). Less attention has been given to the grinding repression that characterizes daily life in communities controlled by al-Shabaab, where many local administrations have sought to implement harsh and intolerant measures in the name of *Sharia*. The affected victims are forced to submit to rules that do not contribute to their well being but which rather make them suffer silently.
- ☑ **Education:** Two decades long of war has seriously affected the education structure resulting in a 'lost a generation of youth' who are currently easily brain washed to carry out heinous acts towards other people. These youths are easily recruited, trained on using small arms, mortars etc. Some have been recruited to be suicide bombers. Limited access to education and skills will continue to affect the upcoming generation.
- ☑ **Time span:** The strength of militia groups and armed gangs is growing gaining control of most of South and central Somalia. The effect of the two decades of war is being felt by both the civilians and the international community. Time is of the

essence the longer the war continues the higher the violations of human rights continue.

- ☑ **Fear:** The instability in Somalia has sent a wave of fear both to the Somali people and the international community at large. With the recent deaths of journalist, aid workers, civilians etc. most of the people are afraid of taking an active role in advocating for human rights abuse in Somalia. Neighboring countries are afraid of getting involved especially following the recent bombing to which *Al-shabaab* claimed responsibility killed scores of people, AMISOM personnel and injured some. The civilians have been forced to live in fear, follow rules and regulations that do not make sense.

5) Recommendation:

- 1) Humanitarian crisis has worsened, and civilians continue to suffer from the fighting and pervasive human rights abuses. Immediate and unconditional emergency relief should be brought to Somalia urgently.
- 2) Monitoring and reporting on Human Rights abuses in Somalia. Sensitization of what is happening in Somalia is very important, no matter the source of information it will encourage most people to get involved and do something.
- 3) Establishment of an international commission of inquiry to investigate reports of violations of human rights and humanitarian law in Somalia; identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable; map the most serious past crimes that might require further future investigation; and formulate recommendations on appropriate mechanisms for justice and accountability, including criminal prosecutions.
- 4) Mechanism in refugee camps to be put in place to avoid the recruitment of youths from refugee camps to be trained and get involved in war. Refugee camps should be exclusively civilian and humanitarian in character.
- 5) Education, the revival of an education system will go a long way in saving past lost generation and the current generation.
- 6) Unity among all stakeholders to work as a team towards realizing the dream of peace in Somalia. Unity among the European Union, African Union, NGOs CSOs etc will set the pace for one voice speaking against human rights violation in Somalia.
- 7) Involve bodies religious groups for peace to take an active role in relaying the truth especially where religion has been wrongly interpreted to carry out atrocities against humanity.
- 8) Fight against the supply of weapons, petition against governments involved in dumping weapons (small arms, mortars etc.) to Somalia

6) Conclusion:

Human rights abuse is rampant in Somalia. Victims face harsh treatment of violence. To those who survive it is a constant struggle just to stay alive. Torture and to some extent death awaits all who do not live up to the rules and regulations of any militia group that runs a city, small location, a checkpoint, and a refugee camp. The choice of whether to live or die is in the hands of fellow citizens who force their people to adhere to petty rules that mean nothing to the well being. Shaving for men, proper dressing for women i.e. the bulky *abaya* a bulky garment that covers a woman's body from head to toe, recruitment of children as soldiers, are some of the things that the militia groups base the life or death of a person.

Peace and good governance will happen in Somalia if their entire citizens are involved to work towards conflict resolution and peace reconciliation. The international community, NGOs, CSOs, Human rights watch activist must take the lead role in ensuring that peace and harmony is established. A serious sensitization, involvement and lobbying for a

peaceful Somalia will awaken the desire in its citizens and the rest of the world to have a paradigm shift of what Somali is and has to offer to the world.