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Technical assistance and capacity-building

Written statement^{*} submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2013]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Securing Somalia*

International Educational Development, Inc. and the Association of Humanitarian Lawyers have worked on the situation in Somalia for a number of years.¹ We welcome the significant progress that has been made during the last year, and look forward to continued positive developments in Somalia.

Observations

2012 was a momentous year for Somalia. It saw, *inter alia*, the adoption of a new constitution,² the election of a new parliament,³ and the introduction of a new president.⁴ While the government-building process has been criticized for its delays and alleged corruption,⁵ the end result has thus far been largely positive. For example, the government has been recognized internationally, making Somalia eligible for certain official development grants.⁶ Moreover, Transitional Federal Government (TFG) President Sharif Sheikh Ahmed, who was accused of corruption,⁷ did not win re-election. However, one significant criticism of the new government is the presence of gender inequality. Women constitute 14% of the Federal Parliament, instead of the 30% quota which was initially required.⁸ On the other hand, women's representation in the Transitional Federal Parliament (TFP) was only 7%,⁹ so there has been an improvement. Indeed, two of the ten presidential cabinet members are women.¹⁰ While this is a milestone for Somalia, the situation is still far from balanced.

AMISOM has continued to make significant progress in its fight against Al-Shabaab. One of its greatest victories was in forcing Al-Shabaab to pull out from the port city of Kismayo, which had previously provided a significant income for the militants through charcoal exports and taxes on locals.¹¹ The result of AMISOM's successes in recapturing and fortifying areas is that businesses are developing and thriving, civilians are able to move around with greater freedom and the Somali diaspora are returning.¹² The security that

* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

¹ Assn. of Humanitarian Lawyers researcher, Diya Malani, assisted in the preparation of this document.

² The text of the constitution is available at:

http://www.constitution.org/cons/somalia/120708_ENG_constitution.pdf.

³ See <http://www.bbc.co.uk/news/world-africa-19314308>.

⁴ See

<http://unpos.unmissions.org/LinkClick.aspx?fileticket=HWHbBVpWqKY%3d&tabid=9746&language=en-US>.

⁵ Supra n. 2.

⁶ See, e.g., the U.S. recognition of the Somali government: http://online.wsj.com/article/SB10001424127887323468604578245043384320754.html?mod=googlenews_wsj.

⁷ Report of the Monitoring Group on Somalia and Eritrea submitted in accordance with resolution 1916 (2010), available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/433. A World Bank report from May 2012 found \$131-million unaccounted for in TFG revenues in 2009-2010, but the UN report suggested a further \$40-million in 2011 could be missing.

⁸ Report of The Secretary-General on Somalia, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/69.

⁹ See http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/08/01/feature-02.

¹⁰ See <http://unpos.unmissions.org/LinkClick.aspx?fileticket=g5DMFbX5NV0%3d&tabid=9744&mid=12667&language=en-US>.

¹¹ See <http://www.guardian.co.uk/world/2012/sep/28/somalia-overcoming-al-shabaab-threat>.

¹² See <http://www.guardian.co.uk/global-development/2013/jan/11/mogadishu-manchattan-somalis-return-progress>.

AMISOM has been able to provide is tremendous in aiding the Somali economy as well as access to education.

We are concerned because the human rights situation in Somalia has been somewhat neglected during the government-building process. While the constitution, the parliament, and the president have all addressed the protection and promotion of human rights in Somalia, no serious steps have been taken. The situations of Internally Displaced Persons (IDPs), street children, journalists, and those who have been arbitrarily detained are dire. Women's rights have become a specific point of concern following the recent trial of a woman who was convicted of "insulting the government" by allegedly fabricating a story that she was raped by soldiers.¹³ This recent trial and conviction makes it less likely that women will report sexual assault by security forces. Women in Somalia face physical and sexual violence on a regular basis, and the government must take steps to correct this instead of ignoring it.

Recommendations

While the Somali government has made significant strides in its first few months, we urge a wait and see period before the Council's attention and the mandate of the Independent expert terminates. At the national level we specifically recommend that a "watch-dog" committee be established in order to monitor the government and to produce periodic reports focusing on criticisms of the government and how internal problems can be fixed. This committee should be composed of Somalis, possibly with some tribal elders and with at least 30% women. We also recommend an increase in the number of women involved in government across the board. At the international level, we urge donor States to maintain its support of the people of Somalia.

We also recommend that financial and technical resources to AMISOM be maintained for the next several years. AMISOM has made real progress and must be allowed to continue its advancements. In addition to military campaigns, we recommend that more focus should be put on an educational program to address extremism and Al-Shabaab. Al-Shabaab members willing to defect should be re-integrated into society. Furthermore, once an area has been secured it must be filled with the government presence in order to ward off the militias and warlords who thrive in political vacuums. We also recommend that the Somali forces be given better training and financial resources so that eventually AMISOM forces can leave. With the assistance of the UN Political Office for Somalia (UNPOS), a strategic plan should be developed with indicators and specific milestones to aid in determining when AMISOM forces will no longer be required in the area.

We urge that far more financial resources be earmarked in order to improve the human rights situation in Somalia. With regards to women's rights, a huge focus must be placed on breaking down stereotypes and incorrect perceptions. In addressing rape and Female Genital Mutilation (FGM), education is as important as and sometimes more important than black-letter laws. For example, Article 15(4) of the Constitution states that the circumcision of girls (also known as Female Genital Mutilation/Cutting) is prohibited. However, in

¹³ Somali freelance journalist Abdiyaziz Abdinur Ibrahim was convicted alongside the alleged rape victim. The UN High Commissioner for Human Rights has criticized this verdict. See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12969&LangID=E>. The Committee to Protect Journalists (CPJ) has stated that the judge did not allow the defense to present several witnesses and that the prosecution had failed to provide relevant evidence. See <http://www.cpj.org/2013/02/somali-court-hands-journalist-one-year-jail-term.php>.

reality over 97% of women in Somalia undergo FGM.¹⁴ As stated by activist Fatima Jibrell, the provision will be meaningless without “education, awareness-raising and strong legal provisions”.¹⁵ It is clear that many Somalis see the ban on FGM in the Constitution as foreign interference in order to receive foreign money. In order to have progress, these kinds of perceptions must be eliminated. We recommend that the Independent Expert on Somalia work in conjunction with the Special Rapporteur on Violence against Women to develop a strategic plan to address education in regards to women’s rights in Somalia, taking into account the cultural context. We also urge that donor States and private donors provide more resources to local Somali groups in addressing FGM, other traditional practices affecting women and girls, and violence against women.

Finally, the Somali government will inevitably struggle unless the judiciary is reinforced. Currently, the Somali judiciary system is divided between Somali customary law (Xeer), Sharia law, and civil law. Moreover, members of the judiciary often have poor training and face constant threats.¹⁶ In our written statements to the 19th, 20th, and 21st Sessions of the Human Rights Council, we recommended that the Independent Expert continue to focus his attention on the Somali judiciary system and applaud the steps he has already taken on this issue.¹⁷ We urge him to continue.

¹⁴ This percentage is derived from national survey data (the Demographic and Health Surveys (DHS) published by Macro, or the Multiple Cluster Indicator Surveys (MICS), published by UNICEF), available at: <http://www.who.int/reproductivehealth/topics/fgm/prevalence/en/index.html>.

¹⁵ <http://www.irinnews.org/Report/96092/SOMALIA-Activists-laud-ban-on-FGM-C-say-implementation-will-require-more>.

¹⁶ See <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12103&LangID=E>.

¹⁷ See <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12103&LangID=E>.