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Technical assistance and capacity-building

Report of the Independent Expert on the situation of human rights in Somalia

Comments by the State*

* The present document is being issued without formal editing.

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The Federal Government of Somalia is submitting the following comments as an annex to the report and it is addressed directly to the Independent Expert of the human rights situation in Somalia:

Paragraph 36

The IE report omitted to note the efforts made by line ministries, such as the Ministry of Women and Human Rights Development, Federal Member States and migration focal points with regards to the integration of returnees in their communities. Moreover, regarding IOM's activities with focus on migrants in Somalia (e.g. Ethiopians and Eritreans), it is important to note that the Office of the Special Envoy (OSE) on Migrants' and Children's Rights under the Prime Minister's Office has requested IOM to extend these services to the host community, paying particular attention to the Somali Youth at risk of migrating. Furthermore, it is important to acknowledge that IDP's in Somalia are assisted by national institutions and a number of international organizations.

Overall comment on paragraph 36

The Federal Government of Somalia has played an important role in alleviating migrants' plight, whether in Somalia or abroad. The FGS has put in place a coordination mechanism that has been effectively dealing with these matters, through a Somali initiated and led process. Return and reintegration of migrants remains an important priority of Somalia. The Prime Minister keenly follows this process and has charged the Special Envoy for Migrants and Children's Rights with overseeing and coordinating all efforts in this field.

In late 2017, the Special Envoy called for a meeting in Nairobi on the emergency situation of Somali migrants in Libya. The Special Envoy spoke with the EU to explore the possibilities of Somalia receiving support from the Joint Initiative/Reintegration Facility project, which was funded by the EU and implemented by IOM. Subsequently, the Special Envoy requested IOM as the implementor to support missions to Libya and to support Somalia in facilitating the (voluntary) return of migrants stranded in Libya. The entire process of returning migrants from Libya was coordinated by the Office of the Special Envoy.

Paragraph 41

It is worth noting that the Ministry of Justice has developed a Roadmap setting out the legal grounds for the transfer of serious crimes cases from the military court to civilian courts in Somalia (with the support of IDLO). The Roadmap has been created through a broad consultative process and provides concrete recommendations and actions for implementation.

Paragraph 44

The Ministry of Justice has drafted a National Anti-Corruption Strategy and is in the process of finalizing and validating the Strategy to work towards a culture of accountability and transparency across all sectors and amongst the people of Somalia.

Paragraph 47

Regarding the narrative about the visit of the SRSG on sexual violence in conflict, it should be indicated that SRSG's mission to Somalia was in response to the special invitation from the Minister of Women and Human Rights Development of the Federal Government of Somalia, as part of its commitments and the efforts to seek support to address sexual violence in Somalia. With this demonstrated commitment, the Federal Government wishes to seek support towards delisting of its security forces from the Secretary General's list of perpetrators of sexual violence in conflict.

Paragraph 48

In addition to the Federal Government's commitment to implement the communique and develop a new action plan, it should be noted that the envisaged new Action Plan should come with stronger commitment from international partners given that the National Action Plan had faced serious funding challenges from the start and that implementation needed to be reinvigorated.

Paragraph 55

The consultations and validation of the Child Rights Bill are being completed. The bill is ready to be tabled in the Cabinet within the month of September 2019.

Paragraph 69 – 71

The Government remains committed to safeguarding the public interest and equitable access to water and sanitation. This is reflected in the government's long-term goals stipulated in the National Development Plan 8 (NDP8) for the period 2017 – 2019 (and set out in the draft NDP 9, covering 2019-2024). The Ministry of Energy and Water Resources initiated the preparation of a national Water Management Strategy. The strategy will set out multi-year road maps drawn from the Drought Needs Impact Assessment (DINA) and Recovery and Resilience Framework (RRF), both documents have associated high priority to water resource management. Moreover, this will address the current drought issue and outline future drought risk mitigation measures. Funding and technical expertise are crucial to effectively implement the final Strategy within the next three to five years.

Paragraph 74

It is vital to note that consultations on the FGM Bill by the Ministry of Women and Human Rights Development are being completed. The bill is ready to be tabled in the Cabinet within the month of September 2019.
