



人权理事会

第二十届会议

议程项目 3

增进和保护所有人权——公民权利、政治权利、  
经济、社会和文化权利，包括发展权

暴力侵害妇女、其原因及后果问题特别报告员  
拉希达·曼朱的报告

增编

对索马里的访问\* \*\*

概要

本报告载有暴力侵害妇女、其原因及后果问题特别报告员于 2011 年 12 月 9 日至 16 日访问索马里之后提出的调查结论。特别报告员考察了该国发生的暴力侵害妇女的情况，并考虑到其原因和后果。她还讨论了该国、联合国机构和捐赠方为防止这种暴力行为，向受到这种暴力侵害的妇女提供保护和补救措施，并起诉和惩罚肇事者而作出的反应。

\* 本报告的概要以所有正式语文分发。报告本身载于概要附件，仅以原文分发。

\*\* 本报告迟交，以便纳入最新的资料。

**Annex****Report of the Special Rapporteur on violence against women,  
its causes and consequences, on her mission to Somalia  
(9-16 December 2011)****Contents**

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	3
II. Context .....	5–7	3
III. The status and situation of women.....	8–14	4
IV. Linkages between violence in conflict situations and violence in the private sphere .....	15–32	5
A. Domestic violence .....	17–18	6
B. Rape and forced and early marriages.....	19–24	6
C. Sexual violence against refugee and internally displaced women.....	25–27	7
D. Female genital mutilation.....	28–29	8
E. Violence in the transnational area.....	30–32	8
V. State responses and measures to address violence against women .....	33–41	9
A. Developments in the constitutional and legislative framework.....	33–36	9
B. Developments in the institutional and policy framework.....	37–41	10
VI. Current United Nations and international stakeholders and their programmes.....	42–52	11
A. United Nations agencies .....	42–49	11
B. Other international stakeholders.....	50–52	13
VII. Challenges.....	53–80	13
A. The humanitarian and security situation.....	53–54	13
B. Legal and constitutional challenges.....	55–57	14
C. Statistics and data collection.....	58–60	14
D. Social and cultural context of women .....	61–66	15
E. Lack of effective remedies .....	67–75	16
F. Fragmentation of international assistance.....	76–80	17
VIII. Conclusions and recommendations.....	81–104	18

## I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official visit to Somalia from 9 to 16 December 2011. The objective of the visit was to examine the situation of violence against women in the country taking into account its causes and consequences, and the responses of the State, United Nations agencies, and donors to prevent such violence, to protect and provide remedies to women who have been subjected to violence, and to prosecute and punish the perpetrators.

2. The Special Rapporteur travelled to Nairobi, where she met with representatives of the United Nations and other international agencies operating in Somalia. She then travelled to Garowe, Puntland, where meetings were held with the President of Puntland State of Somalia, the Minister of Planning and International Cooperation, the Minister of Women and Family Affairs, the Minister of Justice and the Minister of Education. In Mogadishu, consultations were held with the Prime Minister, the Minister of Health, the Minister of Women and Family Affairs, and the Deputy Minister of Justice of the Transitional Federal Government (TFG), as well as with the African Union Mission in Somalia (AMISOM). Meetings were also held with members of the Puntland Parliamentary Committee on Human Rights, as well as with women members of the Transitional Federal Parliament in Mogadishu.

3. The Special Rapporteur also met with representatives of civil society organizations, including women's groups in Garowe, Mogadishu and Nairobi. She had the opportunity to visit a camp for internally displaced persons (IDPs) in Garowe, as well as the main police station and its detention cells, where she heard testimonies from women. She also held consultations with religious leaders from Puntland.

4. While acknowledging the difficulty of securing meetings and the complexity of logistical arrangements, the Special Rapporteur wishes to express her deep appreciation to the authorities for their full cooperation. She is also very grateful to the United Nations Political Office for Somalia (UNPOS) for the support extended prior to and throughout the visit. She looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of her recommendations.

## II. Context

5. Somalia is strategically located in Eastern Africa, bordering the Indian Ocean to its east and sharing international boundaries with Kenya, Ethiopia and Djibouti. In addition to ties with other African countries, it has close historical links with the Arab world and has a population of approximately 10 million. While Somalia is generally recognized as a culturally, linguistically and religiously homogenous society, ethnic and other minorities do also exist.

6. From its independence in 1960, Somalia was ruled by democratically elected civilian Governments, followed by military rule until 1991, when internal conflict broke out. In 2004, a peace process was concluded with the formation of an interim government, known as the Transitional Federal Government. The creation of the TFG was based on the Transitional Federal Charter of the Somali Republic, which outlines a five-year mandate leading to the establishment of a new Somali constitution and a transition to a representative government following national elections. The Transitional Federal Institutions are the key foundations of the central Government of Somalia. They include the executive, namely, the TFG, and the legislature, namely, the Transitional Federal

Parliament. The TFG is the current internationally recognized federal Government of Somalia. The Transitional Federal Parliament elects the President and Prime Minister.

7. During the visit of the Special Rapporteur, the territory of Somalia was de facto divided into three distinct areas: Somaliland, Puntland and south-central Somalia, where Mogadishu is located. Each area is characterized by a different political and human rights context. In south-central Somalia, the TFG controls Mogadishu with the assistance of allied militias and AMISOM, the other area being controlled by Al-Shabaab and other Islamist insurgent militias. Outside this immediate area, internal fighting and instability continues in the south-central area, while a certain degree of stability exists in Somaliland and Puntland. Puntland has a semi-autonomous administration but has declared itself part of a federal Somalia, while the self-declared Republic of Somaliland describes itself as a separate nation.<sup>1</sup>

### **III. The status and situation of women**

8. Somalia has ratified most of the core international and regional human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the African Charter on Human and Peoples' Rights. Somalia has signed but not ratified the Convention on the Rights of the Child, and is not a party to the Convention on the Elimination of All Forms of Discrimination against Women. The TFG has indicated its willingness to ratify the latter Convention and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

9. The human rights situation of women in Somalia should be seen in the light of pre-existing patterns of discrimination, violence against women, and multiple forms of discrimination against women, which the 20-year internal conflict and the ensuing humanitarian crisis have further exacerbated. The visit of the Special Rapporteur to Somalia builds on previous visits of mandate holders of the Human Rights Council, in particular the visits undertaken by the Independent Expert on the situation of human rights in Somalia.

10. In his 2010 report, the Independent Expert raised concerns that there were no credible statistics on violence against women (A/HRC/13/65, para. 21). Women were often victims of rape by warlords, and reportedly continued to face cruel, inhuman and degrading treatment on a daily basis, particularly in Al-Shabaab controlled areas (*ibid.*, paras. 21 and 54). The Independent Expert cited domestic violence against women as a major problem throughout the country (*ibid.*, para. 53). Because of the destruction of formerly functioning traditional clan structures, in many places women had no access to any form of protection (A/HRC/12/44, para. 55). The United Nations Development Programme (UNDP) noted that survivors of sexual and gender-based violence often faced considerable difficulties in accessing after-care services such as medical assistance, psychosocial support and legal assistance. In addition, the majority of cases of sexual violence had been settled through traditional dispute-resolution mechanisms (A/HRC/WG.6/11/SOM/2, para. 29).

11. The Independent Expert on the situation of human rights in Somalia noted that the prevalence of female genital mutilation was about 98 per cent and that it was primarily

---

<sup>1</sup> Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1: Somalia (A/HRC/WG.6/11/SOM/2), para. 4.

performed on girls aged from 4 to 12 years. The practice was especially widespread in rural communities (A/HRC/12/44, para. 54). The Independent Expert also stated that rape and other grave sexual violence committed against boys and girls continued to be a major protection concern. Impunity for the perpetrators of crimes against children, including sexual violence, remained common in all parts of Somalia (A/HRC/15/48, para. 30). He also noted that human trafficking, especially for the purposes of sexual exploitation and domestic servitude, both inside and outside the country, remained of serious concern (*ibid.*, para. 26).

12. The Representative of the Secretary-General on the human rights of internally displaced persons, following his visit to Somalia in 2008, noted that internally displaced persons remained exposed, during flight and settlements, to grave human rights abuses, in particular rape and domestic violence (A/HRC/13/21/Add.2, p. 2). The Representative expressed concern at the level of violence faced by civilians, including very serious violations of human rights and international humanitarian law, which acted as a major trigger for displacement (*ibid.*, para. 9). Of particular concern to the Representative were targeted human rights violations and abuses, such as killings, rapes or forced recruitment, all taking place in a climate of almost total impunity throughout the country (*ibid.*, para. 36). During flight, the displaced persons encountered serious protection risks. Testimonies indicated to the Representative that these included the rape of women and girls, looting of transport vehicles, physical assaults and murder inflicted by militia groups and gangs (*ibid.*, para. 43).

13. The Representative stressed that even if people managed to escape areas of insecurity, they remained exposed to other severe protection risks during flight and when they found refuge in safer areas of the country. IDPs often lost their clan protection if they were forced to move to other, safer areas and were therefore even more exposed to protection risks. Women and children constituted the majority of the displaced; they often fled and settled in safer areas without male family members accompanying them, which increased their vulnerability in the local context (*ibid.*, para. 43). The Representative recommended that the authorities concerned, working together with humanitarian and development actors, *inter alia*, improve the living conditions and safety situation of IDPs in settlements, and strengthen the protection of women and girls from rape and domestic violence, including by providing protective shelter (*ibid.*, para. 62).

14. Many of the views articulated above were confirmed in interviews conducted by the Special Rapporteur. Somalia was reviewed under the universal period review of the Human Rights Council in May 2011, where the situation of women and children, the eradication of female genital mutilation, violence against women, and women's participation in political and public life were identified, among others, as areas where Government action was required.<sup>2</sup> The Government of Somalia accepted all 155 recommendations, in part or in full, and declared its commitment to their implementation.<sup>3</sup>

#### **IV. Linkages between violence in conflict situations and violence in the private sphere**

15. The internal conflict that has affected Somalia for more than 20 years, together with the extreme poverty, underdevelopment, food insecurity, drought, and massive internal displacement of the population, has resulted in a situation where Somali women experience a variety of forms of violence. These manifestations of violence against women need to be

<sup>2</sup> See the national report (A/HRC/WG.6/11/SOM/1), the summary of stakeholders' submissions (A/HRC/WG.6/11/SOM/3); and the compilation (A/HRC/WG.6/11/SOM/2).

<sup>3</sup> Report of the Human Rights Council on its eighteenth session (A/HRC/18/2, forthcoming).

understood in a broader context of inequality and discrimination, which are both a cause and a consequence of the violence they face. Furthermore, this violence has to be recognized as a form of discrimination and subordination, at both the individual and structural levels, that results from a complex interplay of individual, family, community, economic and social factors.

16. The Special Rapporteur stresses that violence against women is one of the most pervasive means by which gender inequalities are manifested, and that efforts to eradicate violence against women and girls in Somalia will require recognizing the different manifestations of such violence and the linkages to the historical and current context in order to properly address it. This will also require repairing the ruptures in the social fabric, guaranteeing the security of the population and, most importantly, ensuring institutional, political and economic reforms, based on the values of peace, security, reconciliation, and social and political cohesion.

### **A. Domestic violence**

17. Domestic violence remains the most pervasive manifestation of violence against women and girls in the country. During her visit, the Special Rapporteur found that violence in the family was widespread and remained largely invisible due to the absence of reporting mechanisms and statistics and a lack of policies and programmes addressing this issue. Unless it resulted in serious injury or death, domestic violence was not perceived as a problem necessitating legal intervention or other assistance.

18. The Special Rapporteur heard numerous accounts of domestic violence, such as a woman in Garowe having been beaten by her husband because she did not bring enough money home after selling khat on the streets. Another woman in Puntland was severely beaten by her husband and had to be taken to the hospital, where several fractures to her arm and shoulder were diagnosed. Many women are subjected to violence not only by their husbands but also by also their husbands' families. The Police Commissioner of Garowe expressed the view that it was an acceptable practice for a man to beat his wife and children if they did not obey him or behave appropriately. According to this interlocutor, if a man used only his hand to beat his family, this was not a matter of concern to the police, as it occurred inside the privacy of the home. The attitude of denial of domestic violence, coupled with the absence of reporting, accountability and protection mechanisms further exacerbates this pervasive form of violence against women.

### **B. Rape and forced and early marriages**

19. Throughout her visit, the Special Rapporteur was informed of the prevalence of rape used against Somali women and girls in their daily lives. One of the most striking examples was hearing a 12-year-old survivor of rape in Garowe talking with detachment about her traumatic experience of the violation of her bodily integrity, as if such experiences are part of a normal life. For victims of rape, this trauma is not addressed, as medical assistance and psychosocial support services are rare. To address the gap, a pilot project was recently set up by UNDP in Somaliland.<sup>4</sup>

20. Cases of sexual violence appear to be difficult to report to police and courts, and access to the formal justice system appears to be complex for a variety of reasons, including the fact that the formal justice system is inoperative in many areas of the country due to the

---

<sup>4</sup> Not visited by the Special Rapporteur.

destruction occasioned by the armed conflict and the general underdevelopment. Also an obstacle is the need to pay police and court officials in order to formally file and process a case. Furthermore, the Penal Code, although it criminalizes rape, considers it as a crime against morals and not a crime against the person and is thus not adequate to substantively address this form of violence against women. As a result, many women do not trust the system, which has failed in the past to hold perpetrators accountable.

21. This situation is further exacerbated by the complex interrelationships among customary, religious and formal systems of dispute settlement. The pre-eminence of clan interests, over formal institutions and accountability mechanisms, has had a particular impact on victims of sexual violence. They find themselves disregarded, as their families and clans tend to settle the violations/harms according to customary practices that favour conciliation rather than punishing the perpetrator and seeking redress for the victim. The Special Rapporteur was also made aware that women's families, following clan lines, prefer to conciliate with the perpetrator's clan mostly because of family and social pressures and perceived economic benefits that the family and victim's clan may derive.

22. The Special Rapporteur heard about victims of rape forced to marry their perpetrators as part of the remedial practices of the traditional justice system. Although authorities and traditional and religious leaders she met denied and opposed this practice, interlocutors stressed that tribal leaders, in the settlements of disputes involving rape cases of single women and girls, often rule that the victim must marry her perpetrator, disregarding the opinion and will of the victim and often her family as well.

23. Early and/or forced marriages still persist, particularly in rural areas, as parents perceive a girl child as a source of wealth for the dowry which the prospective husband is expected to pay. The payment of the dowry, along clan lines and not directly to the family, is another factor that increases such practices. The custom of polygamy may also encourage men to marry several women in order to use them for income generation.

24. As with the issue of domestic violence, the lack of data makes it impossible to ascertain the extent of the practice of rape and early and/or forced marriages.

### C. Sexual violence against refugee and internally displaced women

25. The Special Rapporteur was informed that Somali women and girl refugees fleeing to neighbouring countries are particularly at risk of being targeted for sexual violence, as during their flight to the border they must pass through areas controlled by insurgent militias. Although these areas are difficult to access because of security conditions, the Special Rapporteur heard of several women, aged 11 to 80 years old, having been kidnapped, raped and forced into marriage by Al-Shabaab militias while trying to flee the fighting in the south-central area and seek shelter in neighbouring countries. Reports also indicate that sexual violence takes place in refugee camps outside Somalia, where overcrowding and inadequate shelters have contributed to very difficult living conditions, thus creating conditions where women and girls refugee are particularly at risk of sexual violence.<sup>5</sup>

26. The Special Rapporteur was informed, both before and during her visit, of alarming reports of sexual violence, especially against women in IDP camps in some areas of Somalia.<sup>6</sup> While acknowledging the context of the conflict and humanitarian crisis, which have had a heavy toll, especially on women and girls, and the particular vulnerability faced

<sup>5</sup> See Human Rights Watch, *You Don't Know Who to Blame: War Crimes in Somalia* (New York, 2011).

<sup>6</sup> See, for example, the report of the Secretary-General on conflict-related sexual violence (A/66/657-S/2012/33), paras. 42-45.

by persons displaced by conflict and drought, which further expose women to violence, sexual exploitation and abuse, the Special Rapporteur notes a substantial lack of reporting of sexual violence taking place in IDP camps. The absence of proper statistics to report and document these allegations of sexual violence further adds to the impunity and invisibility of this particular manifestation of violence against women and girls. Furthermore, even in areas with lower security risks, the cases of sexual violence committed against internally displaced women and which are reported to the police do not result in convictions and remain largely unaddressed by the authorities.

27. The Special Rapporteur also received reports of sexual violence against women and girls living in IDP camps in the Mogadishu area. They were allegedly attacked during the night, mainly by men wearing khaki uniforms, of the same type as the ones used by the Somali National Army. Such uniforms are easily found in Mogadishu markets. Allegations of sexual violence were also made against AMISOM soldiers. There was an acknowledgement by AMISOM of two cases of gender-based violence, which had been dealt with by the military courts. Nevertheless, several stakeholders have expressed concern regarding such allegations, the lack of accountability and the absence of redress.

#### **D. Female genital mutilation**

28. The Special Rapporteur was made aware of the widespread practice of female genital mutilation (FGM) throughout the country. A draft law against FGM that outlaws pharaonic circumcision has recently been adopted in Puntland, although statistics indicate that as many as 98 per cent of women have undergone some form of FGM (A/HRC/12/44, para. 54),<sup>7</sup> with 77 per cent of them subjected to the most severe form. It is primarily girls aged between 4 and 11 who undergo the procedure. It was reported that young girls between the ages of 4 and 8 were subjected to “infibulations” to ensure their chastity until they were married. Reports also indicate that some young girls die from the shock and pain of the mutilation, which is normally done without anaesthesia, as well as from infections and massive blood loss.

29. Although the Somali Penal Code of 1962 covers “hurt”, “grievous hurt” and “very grievous hurt”, FGM nonetheless remains widespread in Somalia. It was reported that for a large number of women, this was an income-generation activity. The TFG has indicated its commitment to ban and eradicate this harmful practice, including by amending the Penal Code to insert specific provisions to prohibit this practice.<sup>8</sup> The Special Rapporteur was also made aware of the need to find alternative sources of income for practitioners of this practice, to ensure the effective implementation of the proposed law. The Special Rapporteur recalls that Islam does not require women to undergo FGM and that several Islamic countries have outlawed all forms of FGM, and she encourages the authorities to follow such a route.

#### **E. Violence in the transnational area**

30. Somalia is a source and reportedly also a destination country for women and children trafficked for forced labour and commercial sexual exploitation. Trafficking occurs through the country’s border areas with Ethiopia where a significant number of women and children move to Somaliland and Puntland. There they often find themselves in involuntary

---

<sup>7</sup> See also Amnesty International, *In The Line of Fire: Somalia’s Children under Attack* (London, 2011), p. 3.

<sup>8</sup> See A/HRC/WG.6/11/SOM/1, para. 53 and A/HRC/18/48, para. 41.

domestic servitude or other types of forced labour. Often these women do not speak the language and find themselves with no other options.

31. The Special Rapporteur was informed that along the coastline of Puntland, due to the relatively close proximity with Yemen, many Somali and Ethiopian women are attracted by the opportunity to cross the Red Sea and often find themselves trafficked by pirates who operate along the coast and who are actively involved in commercial sexual exploitation. Often young women are offered jewels and other presents by local Somali women recruiters. They are offered marriage proposals or promised employment to pay their passage across the sea. In many cases, unfortunately, the victims never receive the money promised and end up in exploitative situations.

32. Some Somali women have been found sold at markets in Tanzania while others, on their way to Europe, have been intercepted by militias in Sudan. These women are particularly at risk of sexual abuse and are also unable to negotiate safe sex, thus becoming at risk of contracting HIV/AIDS. They are even more reluctant to seek assistance from law enforcement officers and health service providers because of their status as victims of trafficking.

## **V. State responses and measures to address violence against women**

### **A. Developments in the constitutional and legislative framework**

33. The Special Rapporteur visited the country during an interesting period as regards developments in the constitutional and institutional frameworks. The Transitional Federal Charter of February 2004 has replaced the 1960 Constitution on a provisional basis until a new national constitution, to be drafted by the Independent Federal Constitutional Commission and adopted by popular referendum, comes into effect. A constitutional drafting process had been put in place by the Independent Federal Constitutional Commission in 2006, but the draft had not been put forward through a referendum at the time of the visit. The lack of participation of ordinary Somalis in the constitution-making process was noticed by the Special Rapporteur, together with the discernable absence of women in the different initiatives under way. The Special Rapporteur was made aware of efforts to advance the constitutional-making process along the lines of the Roadmap to End the Transition. The Roadmap was adopted by the TFG and local authorities in September 2011, and it provides for the adoption of a new constitution by a new Parliament by April 2012.

34. The Special Rapporteur was informed that a constitutional conference for civil society actors would be taking soon in Garowe, in order to elicit their inputs on the constitution. She was also pleased to be informed about the Human Rights Audit workshop, which reviewed the framework of the draft Constitution, and which was attended by a number of civil society organizations and human rights defenders in Mogadishu in January 2012.

35. The Transitional Federal Charter, in force at the time of the visit and binding on all authorities and persons, contains several provisions regarding human and women's rights. For example, article 15 stipulates the equality of all citizens, regardless of race, religion, language or sex, before the law and the right to equal protection and benefit of the law. Article 16 guarantees the right to life, personal liberty and security. The Charter also provides for a quota of a minimum of 12 per cent of women in the Transitional Federal Parliament (art. 29). Only 8 per cent of the Members of Parliament were women at the time of the visit.

36. Concerning legislative developments, the Special Rapporteur was informed that the Puntland Parliament had adopted a draft law against FGM. In its initial version, the draft law had outlawed all forms of mutilation, but was declared un-Islamic by the Puntland Parliament. The initial submission was subsequently amended to allow certain forms of FGM, prohibiting only pharaonic mutilation. The Puntland government confirmed that the law would become applicable soon after the adoption of the corresponding decree by the President. A conference on experience-sharing was to be organized in order to implement a sustainable policy on FGM. Similarly, the TFG indicated during the universal periodic review its intention to ban FGM by amending the Penal Code with specific provisions and adopting a comprehensive policy on this issue, including finding alternative occupations and sources of income for the women practitioners. This was confirmed to the Special Rapporteur by some interlocutors.

## **B. Developments in the institutional and policy framework**

37. At the federal level, the TFG has appointed a woman as Minister of Women and Family Affairs, with whom the Special Rapporteur had the opportunity to meet in Mogadishu. As part of the Ministry's mandate on gender policy, the Minister discussed the establishment of a task force on gender-based violence composed of representatives of the Ministry of Women and Family Affairs and the Ministry of Health, as well as military officers and representatives of women organizations. The task force will be mandated to investigate the causes of violence against women and to develop a plan to prevent and respond to sexual violence.

38. The government of Puntland also has a Ministry of Women and Family Affairs. The Minister has been instrumental in initiating the draft law against FGM and securing the support of both the legislative and executive powers. The Puntland Minister of Women and Family Affairs also informed the Special Rapporteur on the policy regarding the political participation of women. In this context, a decree was passed requiring all Puntland authorities at the political, legislative and local levels to implement a minimum quota of 20 per cent of women in public positions. The Minister further explained that the challenges include reaching this quota, and having women selected by other women and not by men, or along clan lines. Furthermore, the Ministry has also increased its resources significantly over the last five years, which allowed for the opening of regional offices covering all of Puntland and the training of staff on gender monitoring in all ministries, as well as the development of a draft gender policy. Some United Nations agencies have assisted in these efforts.

39. The Special Rapporteur was also informed that in Somaliland, the law establishing the Somaliland National Human Rights Commission had been passed by Parliament and promulgated by the President. The Chairperson and Commissioners have been appointed. Although it has limited resources with which to undertake its mandate effectively, the Commission benefits from the assistance of UNPOS and other United Nations agencies that support its work through capacity-building programmes. The Special Rapporteur was also informed of plans to establish a Puntland human rights defender, which would lead a new human rights institution similar to the one set up in Somaliland. At the time of the visit, the draft law was under consideration before the Puntland Parliament.

40. Concerning Somali women's participation in international forums, the Government was represented at the session of the Working Group on the Universal Periodic Review by women ministers, including the Minister of Women and Family Affairs of Puntland. The high-level delegation participated in the first review of Somalia by a human rights mechanism in two decades. The situation of women and children, the eradication of female genital mutilation, violence against women, women's participation in political and public

life, and child recruitment were among the main areas identified where Government action was required. Following the universal periodic review, the TFG accepted all 155 recommendations, in part or in full, and declared its commitment to their implementation.

41. Following the pattern of previous resolutions on Somalia by the Human Rights Council, the authorities, the Human Rights Council and the Geneva-based Friends of Somalia called on the Office of the United Nations High Commissioner for Human Rights to step up its technical assistance to Somalia, particularly with respect to the implementation of the universal periodic review recommendations. The Special Rapporteur reinforced such calls to all stakeholders to continue the cooperation and assistance with the Somali authorities, in particular with the implementation of the recommendations regarding women's rights. During the mission, she was pleased to hear that some donors had specifically set up funding arrangements for the implementation of the universal periodic review recommendations.

## **VI. Current United Nations and international stakeholders and their programmes**

### **A. United Nations agencies**

42. The United Nations country team (UNCT) in Somalia comprises 24 agencies, funds and programmes. The United Nations has been active in Somalia since 1991, delivering humanitarian assistance and implementing recovery and development programmes directly and through national implementing partners. The UNCT is made up of heads of agencies under the leadership of the Resident Coordinator. Given the political situation and security issues, the UNCT and its member agencies are currently based in Nairobi, although there are plans to gradually increase presence throughout Somalia. Under the Consolidated Appeals Process, the UNCT manages funds and implements projects under different clusters, including the protection cluster. Human rights and women's rights projects are mostly found in the protection cluster. This cluster, however, has not benefitted from appropriate and needed support from the donor community. For example in 2011 it was only funded at 11 per cent of its requirements.

43. UNPOS was established in 1995 to advance the cause of peace and reconciliation in Somalia and it operates out of Nairobi.<sup>9</sup> The head of the office serves as the Special Representative of the Secretary-General, provides the Secretary-General with periodic briefings and submits written reports to the Security Council, as part of his larger mandate. UNPOS works together with the Resident and Humanitarian Coordinator for Somalia and organizations of the UNCT. The Office of the High Commissioner for Human Rights is present in Somalia through the UNPOS Human Rights Unit as part of the Integrated Strategic Framework, which defines the United Nations' priority strategic objectives in the country. The UNPOS Human Rights Unit is also a member of the UNCT.

44. The mandate of UNPOS was defined in Security Council resolution 1863 (2009) in which the Security Council, inter alia, emphasizes the need to create conditions for progress on the political process. It requests UNPOS to continue to promote a lasting peace and stability in Somalia through the implementation of the Djibouti Peace Agreement and to facilitate coordination of international support to the efforts. The Security Council also requests UNPOS to assist, in conjunction with regional and international donor partners and other interested parties, in supporting the effective re-establishment, training and retention

<sup>9</sup> The Special Representative of the Secretary-General for Somalia moved to Mogadishu in early 2012.

of inclusive Somali security forces, including the military, police and judiciary; to establish a trust fund in support of these activities, and hold a donors conference to solicit contributions therefor; to coordinate all activities of the United Nations System in Somalia; to provide technical and political support for the efforts to establish lasting peace and stability in Somalia; and to mobilize resources and support from the international community for both immediate recovery and long-term economic development.

45. The Special Rapporteur was informed of plans to deploy women's protection advisers within the UNPOS Human Rights Unit<sup>10</sup> to monitor, document, report and respond to sexual violence-related violations and protection concerns. This could contribute to providing proper statistics to inform policies and programmes aimed at the eradication of violence against women. The Special Rapporteur welcomes this development and encourages a speedy implementation process.

46. UNDP is present in Somalia through offices in Somaliland and Puntland and implements programmes in these regions in partnership with civil society organizations. The Special Rapporteur was informed that UNDP has been active in the training of the judiciary and police officers. UNDP has also been working to enhance gender equality by increasing women's representation in council committees in Somaliland and Puntland. Also, the programme has provided women with training in career development within the civil service in Somaliland. UNDP also provides financial assistance for civil society organizations and as such has been instrumental in establishing the first ever women lawyers association. As is the case with other agencies, UNDP relies mostly on local partners for implementation of its programmes, especially in the regions where it does not maintain a presence. The Special Rapporteur was made aware that organizations providing legal assistance and benefiting from UNDP funding do not consistently assist petitioners in bringing their cases to the formal justice system. Lawyers and paralegals seem to be mediating and conciliating cases and encouraging the use of the traditional dispute resolution mechanisms.

47. The Office of the United Nations High Commissioner for Refugees (UNHCR) coordinates the emergency shelter and protection clusters in Somalia. UNHCR interventions focus on the provision of shelter and core relief items and protection.<sup>11</sup> The agency has been active in the distribution of assistance packages, as well as transitional and permanent shelters, and in improving the infrastructure in IDP settlements. It provides assistance for vulnerable households that are headed by women through a neighbourhood watch system in IDP settlements, as well as response and support programmes for some survivors of gender-based violence. UNHCR also provides assistance for Somali refugees and asylum seekers, including in neighbouring countries where the agency manages refugee camps and is working with implementing partners to provide shelter and other basic needs as well as other services. Nevertheless, the Special Rapporteur was informed during her visits to IDP settlements that insecurity still persists, as reflected in the rising levels of rape incidents. She was also made aware about the lack of effective safety plans, including for visits to the external bathroom facilities.

48. The Special Rapporteur was also informed about the other United Nations agencies that are present in Somalia, such as the World Food Programme. The World Food Programme is in charge of the distribution of food supplies, and has set up a policy with implementing partners where women, children and elderly persons are the only ones allowed in the distribution places, to ensure the supplies reach their intended beneficiaries. Nevertheless, allegations were made of corruption and assaults of women in the context of

---

<sup>10</sup> See Security Council resolution 2010 (2011).

<sup>11</sup> UNHCR chairs the Protection Cluster of United Nations agencies.

the distribution of food supplies. Ensuring the effective protection of all stakeholders in its programmes must be further addressed.

49. The World Health Organization runs programmes directed at women, with one implementing partner. It has recently set up mental health clinics for women in Somaliland. The United Nations Population Fund (UNFPA) provides medical training and response to gender-based violence in several regions of Somalia, including Mogadishu. However there remains a dire need to address psychosocial healing throughout the country, especially in schools, in order to deal with intergenerational trauma.

## **B. Other international stakeholders**

50. AMISOM is a regional mission operated by the African Union under a United Nations mandate. It was created by the African Union's Peace and Security Council in 2007 and by the Security Council, which authorized the African Union to deploy a peacekeeping mission in support of the Transitory Federal Institutions of Somalia. Two months later, AMISOM began deploying in Mogadishu and, at the time of the visit, about 9,000 troops from Uganda and Burundi were deployed in Mogadishu and its vicinity. AMISOM is supported by the United Nations Support Office for AMISOM, which provides logistical and other support normally provided to a United Nations mission.

51. In the areas where it is present, AMISOM assists the TFG in securing the areas that were reclaimed following the withdrawal of Al-Shabaab militias during 2011, conducts peace support operations and facilitates the conduct of humanitarian activities. It also provides protection for the country's institutions and key infrastructure. The AMISOM Police provides the TFG Police Force with training and advice. It has a gender unit, which aims to assist the TFG Police in gender mainstreaming, including by establishing dedicated police stations staffed by women police officers where women can report gender-based violence. It is also helping the TFG police to recruit more women police officers and establish a common reporting format for cases, so that women will not be afraid and/or turned away when trying to report acts of violence.

52. The Organization of Islamic Cooperation (OIC) is present in Somalia through its Humanitarian Coordination Office in Mogadishu. It was established in March 2011 to coordinate humanitarian relief assistance for vulnerable groups in coordination with a consortium of partner humanitarian organizations on the ground. One Memorandum of Understanding has been signed between OIC and the World Food Programme for food distribution in the Afgoye corridor, as well as another between OIC and the Office for the Coordination of Humanitarian Affairs for the coordination of humanitarian action and cooperation in disaster-affected areas. OIC has also collaborated with other humanitarian organizations, as some of these organizations were unable to access the affected areas in Somalia. Nevertheless, a large proportion of aid and assistance are handed out bilaterally and thus do not go through any coordination mechanism.

## **VII. Challenges**

### **A. The humanitarian and security situation**

53. The Special Rapporteur recognizes the context in which Somalis, and especially Somali women, live today, which includes the deep wounds of a 20-year conflict with continuing fighting and instability in some areas, massive internal displacement and an exodus of the population, famine and drought, and extreme poverty and underdevelopment. The end of the ongoing conflict, the guarantee of security for the entire population, and the

rebuilding of the economic, social and political infrastructure and institutions of the State—keys to being able to address vital needs and deliver basic services—should be seen as the most urgent priorities of all stakeholders. These priorities should be addressed through a national process that is underpinned by strong social and political cohesion.

54. The Special Rapporteur is fully aware of how painful the period of the conflict is and how great the need of Somalis to get on with their daily lives, in order for them to survive and create a life free of violence, poverty and insecurity. The proximity of the conflict also makes it difficult to assess the situation from a certain distance, impeding the achievement of a much needed national reconciliation. However, addressing past violations of human rights and women's rights in an open and transparent process cannot be avoided if lasting reconciliation and peace is to be achieved in a new Somalia.

## **B. Legal and constitutional challenges**

55. Despite recent developments in legislation, policies and programmes, as well as the cooperation of the Government with international human rights mechanisms, such as the universal periodic review, acts and practices of violence against women remain unregulated under national legislation and policies. This is compounded by the non-ratification of some core international human rights instruments and the failure of the State to meet its treaty reporting obligations. The State's most recent fulfilment of a reporting obligation was in 1984, with the submission of its periodic report to the Committee on the Elimination of Racial Discrimination (CERD/C/88/Add.6). Furthermore, Somalia has not yet responded to numerous calls for the State to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

56. With regard to domestic legislation, although the Transitional Federal Charter prohibits discrimination against women and guarantees the right to life, personal liberty, security, equality and protection, several laws dating from the country's independence are still in effect and have not been amended to reflect the changing realities. The Penal Code dates back to 1962 and it is still applicable today. The Penal Code criminalizes rape, homicide and assault, but these are considered crimes against morals and not crimes against the person. Although rape and obscene acts are outlawed, the legislation is not adequate to substantively address all forms of violence against women. Similar laws on marriage and property date back from the immediate post-colonial period.

57. The Roadmap to End the Transition, adopted by the TFG and local governments, calls for the finalization of a new constitution and a reformed Federal Parliament by August 2012. The Special Rapporteur hopes the new constitution will be in conformity with international human rights standards and will include strong provisions regarding women's rights. Similarly, amendments to existing laws or the enactment of new legislation should be considered the first priorities of a new Parliament. The drafting of specific legislation protecting the right of women to a life free of violence should also be one of the first priorities, in order to effectively address existing protection gaps. In addition, the existence and usage of multiple and often conflicting legal systems creates a lack of certainty and coherence; this issue should also be addressed.

## **C. Statistics and data collection**

58. The Special Rapporteur notes the lack of systematic data collection relating to violence against women. She was unable to obtain any statistical data from the authorities. Some of the civil society organizations with whom she met collected data on violence against women for their own donor-reporting purposes at the microlevel of the organization,

through ad hoc individualized data collection methods. United Nations agencies were also unable to provide her with a comprehensive picture of data on gender-based violence.

59. The Special Rapporteur received no statistics at the macrolevel that could be analysed comprehensively. The lack of both disaggregated data and a system to manage data in a centralized manner makes it impossible to provide a comprehensive situation analysis in relation to violence against women. This has consequently prevented any coherent planning and programmes to eradicate violence against women, both at the State and non-State levels.

60. Furthermore, the absence of proper statistical data contributes to the invisibility and silence of the phenomenon. Any case of sexual or domestic violence reported remains anecdotal and invisible, further amplifying the victimization of women.

#### **D. Social and cultural context of women**

61. The Special Rapporteur was made aware, on many occasions, of the importance of traditions in Somali society and the strong historical customs that have perpetuated and protected the existence of the social fabric, despite the years of internal conflict.

62. The roles assigned to women and girls within the family and community have an impact on numerous rights, including the right to education. The Special Rapporteur was informed of the discrepancy between the number of boys and girls at the primary and secondary school levels.<sup>12</sup>

63. The persistence of beliefs and roles which privilege men as holders of authority is particularly strong within the home and family, and contributes to domestic violence and violence against women and children. For example, a man beating his wife is regarded as a private affair because it takes place inside the home.

64. In her discussions with stakeholders, the Special Rapporteur was informed of the structure of clan-based societies which have relied traditionally on pastoralism as a main source of income. These strong patriarchal societies have traditionally excluded women from decision-making processes. The conflict has further marginalized the role of women in society. This is reflected in the fact that the TFG and the government of Puntland each have only one woman in Cabinet, in charge of gender affairs. A similar situation also prevails within the Transitional Federal Parliament despite the provision of a quota for women representatives.

65. The absence of women in public life stands in contrast to the strong participation of women in the economy. Somali women are active in the workplace and tend to dominate the informal sectors. Many households are also led by women for a variety of reasons, including the conflict, the displacement resulting from insecurity and drought, and the practice of polygamy.

66. The return of many Somalis from the diaspora to rebuild their country should be seen as an opportunity for local women, and also women from the diaspora, to participate in national public life and to contribute to the rebuilding of the country and the society.

<sup>12</sup> Again, there is a lack of disaggregated data regarding education statistics. However, the United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates the percentage of girls in primary education at 35 per cent, and at the secondary level, 31 per cent, compared to boys. UNESCO, *Education for All Global Monitoring Report 2011: The Hidden Crisis-Armed Conflict and Education* (Paris, 2011), pp. 332 and 338.

Unfortunately, the Special Rapporteur was unable to interact with women from the diaspora who have returned to Somalia and who hold political office.

## **E. Lack of effective remedies**

### **1. Access to justice**

67. The Special Rapporteur notes that due to the 20-year old conflict, the formal justice system is now dysfunctional and unable to be effective, especially in regions that continue to be affected by instability. Efforts are being undertaken to rebuild the justice system, as part of the Roadmap to End the Transition. The justice system requires dedicated and coordinated attention, including the provision of proper human and financial resources. Impunity remains widespread, including with regard to cases of violence against women, and under- and non-reporting of these cases remains extensive. In courts that are functioning, most judges and judiciary personnel have no legal qualifications, and women are severely underrepresented in these professions. Outside of large cities, the formal justice system remains inaccessible due to geographical distance, security concerns, lack of information and awareness, and the inefficiency and non-responsiveness of the system.

68. This absence of mechanisms to bring perpetrators to justice and hold them accountable further contributes to the prevalence of a culture of impunity. Furthermore, the absence of legal aid or assistance and other support for victims, such as shelters and counselling, makes it even more difficult, if not impossible, for victims to come forward and report. Furthermore, Somalis usually turn to traditional justice mechanisms based on clan affiliation to solve their disputes and conflicts. In a context of conflict and the lack of a functioning justice system, cases of sexual violence are also adjudicated in such forums.

69. The Special Rapporteur heard that even when cases are reported to the courts or police stations, victims or their families see the complaints rejected and are told to use the traditional justice system, because if a criminal verdict is reached (such as imprisonment of the perpetrator) the basis for payment of compensation under the traditional justice system becomes null and void.<sup>13</sup>

70. Furthermore, women who have experienced violence have difficulty obtaining information on their rights and on the services available to them, and often lack legal representation in court cases. Legal aid is unavailable and very few civil society organizations are able to provide legal assistance or information. In interviews it was clear that many organizations try to convince the victims to resort to traditional justice mechanisms.

### **2. Application of customary law**

71. Somalis have traditionally resorted to customary justice processes called *Xeer*, which are aimed at resolving disputes and conflicts along clan or family lines and affiliations. Under this traditional justice system, decisions are taken by the elders of a clan on a whole range of issues, from property rights to acts of violence, including sexual and domestic violence. The preservation of social harmony is the ultimate objective, rather than punishing individual perpetrators or upholding the rights of the victim. The utility of the system is also reflected in the economic benefits that accrue because of the payment of compensation for harms caused. Decision-makers deliver their judgements applying traditional customs and religious-based (sharia) law. Sharia is also part of the formal legal system and applied in formal courts. The non-functioning formal justice system and

---

<sup>13</sup> Interviews with civil society organizations in Garowe and Mogadishu.

instability has further revived the traditional system, and many victims' families opt to seek compensation through this system rather than pursue formal criminal proceedings.

72. The Special Rapporteur was informed that decisions on sexual violence cases settled by the customary justice system often force the victim to marry her perpetrator as a means to preserve social harmony. The opinion or consent of the victim is rarely considered, as cases are dealt with as civil disputes between or within clans. Where the granting of financial compensation (blood money) is involved, it is often done through the elders of the clans, and the victims and their families do not receive anything. The Special Rapporteur heard of a case of domestic violence where compensation was paid from the leaders of the husband's clan to the leaders of the victim's clan, with the victim having to continue to live with her aggressor.

73. Even when a case is heard through formal courts, the sentences handed out are sometimes not in conformity with international human rights standards. The Special Rapporteur met a woman in police custody in Garowe who had been found guilty of robbery and sentenced to having her arm cut off. Although the Special Rapporteur was informed that these sentences are rarely executed and are in general commuted to imprisonment or fines, she is nonetheless concerned about such types of sentences.

### **3. Absence of health and counselling services**

74. With regard to the health-sector response, the Special Rapporteur notes that services for victims of gender-based violence were almost non-existent, due to the poor conditions of health facilities, the lack of available medicine, including post-exposure prophylaxis, and the absence of suitable health professionals to treat such cases. Most hospitals and clinics are in dire conditions due to the conflict and lack adequate drugs, equipment and supplies to diagnose or treat problems associated with violence against women.

75. Similarly, the Special Rapporteur notes the almost non-existence of psychosocial or counselling services for women survivors of violence. It is recommended that the pilot project initiated by civil society organizations with the assistance of UNDP in Hargeisa<sup>14</sup> be extended to other cities and regions. With respect to the provision of psychosocial support, many social workers have no specific training in addressing cases of violence against women, and they face the problem of extremely limited resources. Likewise, shelters for women victims of domestic violence are unheard of throughout the country.

## **F. Fragmentation of international assistance**

76. The Special Rapporteur notes the fragmentation of programmes and policies, most notably of United Nations agencies and international donors. While substantial resources have been allocated to support humanitarian needs, and to strengthen authorities and build their capacity, the lives of ordinary Somalis have generally not improved and the majority of people remain extremely vulnerable.

77. In discussions the Special Rapporteur had with the United Nations agencies working on Somalia, as well as with international donors, she noted that, although there are numerous programmes aimed at eradicating violence against women, they are often initiated and conducted on an ad hoc basis and lack coordination. Often such programmes do not take into account the needs of their beneficiaries. In areas where security concerns prohibit access by United Nations or other international staff, funds are often simply handed over to implementing partners, with a lack of effective monitoring and evaluation

<sup>14</sup> Interview with UNDP Somalia, 16 December 2011.

mechanisms. This is particularly the case in isolated rural areas, as well as in areas controlled by the Al-Shabaab militias, where United Nations agencies have been banned and no international staff is present. To a lesser degree, this is also the case in cities where international staff remain secluded in compounds, for security reasons, and have limited possibilities for interaction with the population in general and service providers in particular.

78. Over the past 20 years, United Nations agencies have been allocating substantial resources in international assistance to Somalia, in missions, supporting humanitarian programmes, and in capacity-building programmes for the Government. Unfortunately, the lives of ordinary Somalis have not benefited from all this assistance and many remain vulnerable to the climate of insecurity affecting the country.

79. The situation is particularly dire in Mogadishu and surrounding areas, where immediate needs, such as the distribution of food supplies and emergency assistance, are difficult to meet. The perceived ineffectiveness of the United Nations, in the eyes of the Somali people, was brought to the attention of the Special Rapporteur by a number of stakeholders. This situation not only makes United Nations staff unpopular, but also affects the impact of their work and their safety concerns.

80. The fragmentation of international assistance is noticeable. The entry of new actors, such as OIC, on the humanitarian scene has further contributed to a fragmented scenario. OIC operations have gained popularity among the Somali population, and this is overshadowing the traditional role played by international agencies and donors. According to some interlocutors, the United Nations and donors are now beginning to feel the competition. Instead of building on the benefits that these new actors bring and seeking to work in synergy with them, competition is the driving force of some initiatives. Bilateral assistance, which does not go through any coordination mechanism, further contributes to this fragmentation.

## **VIII. Conclusions and recommendations**

81. **The Special Rapporteur recognizes the specific historical, political and environmental context that characterizes Somalia today. This context, defined by the insecurity of the protracted conflict, the extreme poverty and underdevelopment, the food insecurity and drought, and the internal displacement and exodus of hundreds of thousands of Somalis, will require a return to normality. Normality can be achieved only through a process of national reconciliation, political and social reforms and the guarantee of security, including addressing past and current violations of human rights. Somalia is now at a crucial crossroad where a unique opportunity to promote respect for all human rights for all and the addressing of violence against women is possible in the national rebuilding process. All stakeholders have a duty to fulfil the human rights obligations of Somalia.**

82. **In the light of the above, the Special Rapporteur would like to offer the following recommendations.**

### **To the Transitional Federal Government and local Governments**

83. **As pledged, the Government should ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, as well as the Convention on the Rights of the Child.**

84. **The Government should also consider ratifying the other core human rights instruments to which it is not yet party, such as the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the International**

**Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Rome Statute of the International Criminal Court and the United Nations Convention against Transnational Organized Crime and its Protocols.**

85. The Government should ensure full implementation of the recommendations accepted during the universal periodic review, in particular those relating to the promotion of women's rights and addressing violence against women.

86. The Government and all stakeholders should stand by their commitments regarding the Roadmap to End the Transition, which calls for the finalization of a new constitution, by April 2012, that enshrines human rights standards; the organization of a referendum and elections; and the creation of a new democratic Parliament.

87. The Government should implement Security Council resolutions 1325 (2000) and 1820 (2008) and the follow-up resolutions thereto<sup>15</sup> and prosecute rape as a crime of war. Perpetrators of sexual violence have for too long benefited from impunity and taken advantage of a dysfunctional judicial system.

88. The Government should consider as a matter of priority the enactment of a law on violence against women. Such a law should contain specific provisions regarding domestic violence (providing for civil and criminal remedies), sexual violence and sexual harassment. The Special Rapporteur believes a specialized law should be holistic and provide victims with preventive and educational measures, as well as protection and assistance measures, and provide for sanctions against perpetrators. The elaboration and adoption of such a law requires a process that is consultative and incorporates the opinions of civil society and victims/survivors. Such a law should also be accompanied by dedicated budget allocations for its effective implementation, and by action plans to build the capacity of all relevant actors, including civil society organizations.

89. The current Penal Code dating from 1962 should be reformed in order to enhance the protection of women from all forms of violence. Provisions regarding the explicit criminalization of domestic violence, including marital rape, and the criminalization of all forms of sexual harassment, should be inserted and sections not in conformity with international human rights standards should be repealed.

90. The Government should clarify the relationship and boundaries between customary laws and institutions and the civil and criminal justice system. The application of sharia interpretation should also be in conformity with human rights and gender equality standards, especially for women victims of violence.

91. The Government should strengthen the institutional framework for the protection and promotion of women's human rights, including through the increase of capacity of the Federal and State Ministries of Women and Family Affairs. Those institutions should be provided with a clearly defined mandate, power and authority, increased visibility and human and financial resources. The respective ministers and other relevant authorities should be encouraged to hold periodic meetings, open to all women's rights organizations, to discuss women's human rights challenges and solutions that could inform the formulation and implementation of national policies and programmes.

92. The Government should establish a system of standardized collection and analysis of data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence

---

<sup>15</sup> Security Council resolutions 1888 (2009), 1889 (2009) and 1960 (2010).

against women. Monitoring and evaluation tools must also be developed to assess progress made in eradicating violence against women in a clear and systematic way. Obstacles that prevent cases of violence against women from being diligently recorded should be removed, including barriers based on patriarchal norms and stereotypes that result in the failure of law enforcement officials to record criminal complaints or to inform victims of their rights.

93. With the aim of national reconciliation, the Special Rapporteur encourages discussions on the possibility of creating an independent commission to investigate all forms of violence committed against women during the conflict period. In addition to identifying and bringing to justice perpetrators of such violence, the commission could also deal with cases of compensation to victims and families of violence. Such a process can serve to exchange views on national reconciliation, truth and justice while repairing the social fabric and addressing past violations.

94. The Government should initiate training and awareness-raising programmes, including by initiating and supporting gender-sensitive training, with a focus on international instruments on women's human rights, in the programmes of judicial and police academies and other public service training institutions.

95. Regarding the specific situation of internally displaced persons (IDPs) living in camps, IDP camps should be provided with adequate lightning and security, geographically accessible police stations, as well as access to appropriate health care and schooling facilities, adequate shelter and food. United Nations and donor agencies should be encouraged to assist the Government in providing long-term assistance to IDPs, especially women and children.

#### To United Nations and international agencies

96. The Special Rapporteur acknowledges the support provided by international organizations and donor agencies in the promotion of gender equality and the fight against violence against women. She encourages them to continue working together with the Transitional Federal Government and other State actors to implement the recommendations of the present report, including those relating to the promotion and protection of women's human rights, in both the public and private spheres. In particular, the newly created Task Force on Gender-Based Violence will require substantial assistance in developing its programmes and its methodologies and in carrying out its activities.

97. United Nations and international specialized agencies should continue their support for the effective implementation of Security Council resolutions 1325 (2000) and 1820 (2008) and provide the Government with technical assistance for the effective prosecution of perpetrators of rape. In line with Security Council resolution 1960 (2010), a monitoring, analysis and reporting arrangement on conflict-related sexual violence should also be established. Somalia should become a priority country for the United Nations Action against Sexual Violence in Conflict. However, the underlying factors of sexual violence in conflict situations, including discrimination and inequality as a cause and consequence of violence against women, should also be addressed.

98. The Special Rapporteur supports recent efforts by the United Nations to redeploy staff from Nairobi to Mogadishu and other areas in Somalia. This move indicates increasing engagement with the Transitional Federal Government, which is crucial at this time of transition. The United Nations Political Office for Somalia (UNPOS) Human Rights Unit, which plays a lead role in coordination of the work of United Nations agencies on human rights, must be provided with sufficient capacity, both in human and financial resources, to be able to conduct its mandate effectively. The deployment of women's protection advisers should be accelerated, and such

advisors should be located within the UNPOS Human Rights Unit in order to monitor, document, report and respond to sexual violence-related violations and protection concerns.

99. United Nations agencies and their partners should integrate the relevant universal periodic review recommendations into their planning and programming, particularly those relating to the promotion of women's rights and the addressing of violence against women. United Nations agencies should provide the Government with the technical and financial support necessary for the implementation of the universal periodic review recommendations.

#### **To the donor community**

100. The Special Rapporteur calls on donors to properly fund programmes under the protection cluster of the Consolidated Appeals Process. This cluster has in the past been underfunded, to the detriment of initiatives relating to the protection of women in particular.

101. The Special Rapporteur recommends that the donor community focus international assistance programmes on the empowerment of Somali women. Such programmes would include the promotion of women's rights and the eradication of violence against women through capacity-building projects for those involved in assisting and protecting women. Such programmes could be developed in parallel with the provision of infrastructure, such as shelters and centres that provide specialized integrated services for victims of gender-based violence; protective measures for women against discrimination, harassment and violence; and affirmative action projects for women's housing and employment needs.

#### **To civil society, the media and Somalis abroad**

102. Somali civil society has a crucial role to play in ending violence against women. The Special Rapporteur met with many women who, mostly using their own initiative and resources, worked to empower women at all levels of society. These women and their organizations should be supported by the Government and the international community, in order to increase their capacity to monitor and report on the Government's international obligations in the area of women's human rights generally and violence against women in particular.

103. The Somali media should conduct awareness-raising campaigns, with the aim of eliminating discriminatory attitudes towards women, and address the issue of stereotypical attitudes relating to the roles and responsibilities of women and men in the family, society and in the workplace.

104. Somali women from the diaspora should be given the opportunity to participate in the efforts of rebuilding their country, and should be encouraged to share their expertise and to assist in national efforts.