

Committee against Torture

REFERENCE: Follow-up/CAT – Somalia

12 March 2025

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the initial report of Somalia, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 75th session held from 31 October to 22 November 2022, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/SOM/CO/1, para. 45) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 12, and 18(a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 19 October 2024 providing your Government's response to the above-mentioned paragraphs (CAT/C/SOM/FCO/1) and to make the following comments:

Definition and criminalization of torture (para. 8 of the Committee's concluding observations)

The Committee takes note of State party's ongoing efforts to initiate comprehensive legislative reforms to bring its domestic legislation into conformity with the Convention, notably by revising the Penal Code to include a clear definition of torture that is fully consistent with article 1 of the Convention, to remove any statute of limitations, and ensure penalties commensurate with the gravity of the crime of torture. It also takes note of the adoption of the National Intelligence and Security Agency (NISA) Act in 2023, which aims to reinforce the Government's commitment to a zero-tolerance policy towards torture and other ill-treatment. In this regard, the Committee encourages the State party to expedite the completion of the above-mentioned legislative reforms and further requests the State party to provide a detailed timeline for their adoption (2/B1).

National human rights institution (para. 12 of the Committee's concluding observations)

The Committee welcomes the progress made by the State party in establishing a national human rights institution (NHRI), including the enactment of the Human Rights Commission Law (Law No.16) in 2016, which provides the legal framework for an independent NHRI as set out in article 41(1) of the Provisional Constitution of the State

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party, and the establishment of a Temporary Selection Panel (TSP) in 2022 to appoint NHRI commissioners, ensuring gender and minority representation across major clans and federal states. It also takes note of the information provided on the challenges and concerns about TSP members' independence and the measures taken to monitor transparency and accountability during the selection process. The Committee further notes the inclusion of article 5(3) in the Human Rights Commission Law which grants the NHRI the power to inspect places of detention centers. Nevertheless, the Committee is concerned that the NHRI is not yet fully established and operationalized and does not yet fully comply with the requirements of the principles relating to the Status of National Institutions (the Paris Principles). The Committee further regrets that the State party has not yet indicated whether the NHRI has been provided with financial resources and, if so, whether the financial and human resources received are sufficient for the NHRI to function independently and effectively (2/B1).

Allegations of torture and ill-treatment (para. 18(a) of the Committee's concluding observations)

While taking note of the steps taken by the State party to investigate acts of torture and excessive use of force committed by State officials, as well as the efforts taken to hold perpetrators accountable, the Committee is concerned that cases involving such serious violations against civilians continue to be tried before military courts rather than ordinary courts. The Committee further regrets that the State party has not provided information on the establishment of a transparent and independent mechanism to investigate allegations of torture in a consistent manner (1/B2).

Implementation plans (para. 45 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Somalia is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the initial report of Somalia, or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Somalia on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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Committee against Torture