

**Mister Chair**

**Distinguished Members of the Committee**

**Good day to all of you**

It is an honor for me and my delegation to be here with the esteemed members of the Committee Against Torture today to discuss Somalia's State Party Report, which was submitted almost three years ago. Somalia emphasizes its commitment to the international human rights mechanisms and instruments prohibiting torture of which the Convention Against Torture is the principal convention. The Somali Provisional Constitution's Article 3 Clause (4) states that "The Constitution of the Federal Republic of Somalia promotes human rights, the rule of law, general standards of international law, justice, participatory, consultative and inclusive government, and the separation of powers between the legislature, executive and an independent judiciary, in order to ensure accountability, efficiency and responsiveness to the interests of the people". This demonstrates Somalia's commitment to the rule of law and human rights.

The currently in review 1962 Somali Penal Code (Legislative Decree No. 5) does not include a definition of torture. However, we are expecting to finalize a comprehensive review of the Somali Penal Code in 2023, which will include several definitions, among them the definition of torture consistent with the Convention. New progressive pieces of legislation, which are consistent with CAT, are also being developed. Among these is the Sexual Offences Bill, which we plan to reintroduce in its original, human rights compliant, state, as developed in 2019. In this legislation, Torture is defined as "any act of unlawfully inflicting severe mental, emotional, or physical pain or suffering on a person as a means of intimidation, control, coercion, or punishment for any reason based

on discrimination of any kind; or for the purpose of obtaining information or a confession during an interrogation or investigation. Torture also means the use of methods to obliterate the victim's personality or to diminish their physical or mental capacities, even if this does not cause the victim mental pain or anguish."

However, the impact of the global COVID-19 pandemic caused delay and created unexpected challenges for the protection and promotion of human rights in Somalia and throughout the world. Somalia has been working hard to improve the human rights situation of detainees and enhance the conditions in prisons. We are also putting in place mechanisms to improve the judicial oversight of detention centres, a process that will certainly take time but we are determined to succeed. In addition, the Somali government is strengthening its dialogue with its Federal Member States to ensure that addressing the situation of prisoners and those held in custody for questioning are done in a coordinated manner, where the rights of those detained are respected and upheld across Somalia.

Moreover, Mister Chair, Somalia is developing legislation and policies to safeguard that the ban on torture and ill-treatment is enforced. We are training police, custodial corps and other security personnel on human rights and how it is linked to their daily work. We are committed to continue this work and ensure all government security staff are well trained in human rights and respecting the fundamental rights of detainees. An additional endeavor is building the capacity of law enforcement officers working with all security agencies. These officers receive a series of training on human rights and treatment of civilians. To help legislate this balance, the Ministry of Internal Security has initiated the development of the first-ever National Counter Terrorism Bill in 2016, which has

been passed by the Council of Ministers and submitted to Parliament's House of the People, where it underwent a first reading. The bill has been returned to the Council of Ministers for a new round of review. As there has been some delay in moving forward the process of this bill, the Government is now seeking to expedite the process in the first quarter of 2023.

Unfortunately, considering Somalia's young government system, we do not yet have up-to-date statistics on complaints, investigations, prosecutions, convictions and sentences imposed on perpetrators of criminal acts relating to harmful traditional practices, and on the assistance and compensation afforded to victims. However, the Somalia National Bureau of Statistics is working with different government institutions to gather this data and information. The tentative plan is to have, in a few years' time, an up to date system containing the latest statistics in this context.

The envisioned National Human Rights Commission's establishment process is ongoing, with serious delay after the finalization of the first phase of the establishment process in 2017. The Ministry of Women and Human Rights Development had led the implementation of an extensive selection process, in line with the National Human Rights Establishment Law and the Paris Principles. As the process has been stalled for four and a half years, the current Minister of Women and Human Rights has appointed a committee to review the first phase and to propose a viable way forward to ensure that the Commission is established in the coming months. This institution will be crucial in putting in place proper monitoring and reporting on human rights and provide valuable advice to the government.

Mister Chair, we look forward to engaging with you and the other Committee members in a productive and valuable dialogue session around Somalia's work to prevent and mitigate Torture in our country.

Thank you.

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