



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Information received from Somalia on follow-up
to the concluding observations on its initial report***

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* The present document is being issued without formal editing.



I. Introduction

1. The Federal Government of Somalia submits to the United Nations Committee Against Torture, follow-up information in response to the Committee's recommendations stipulated in the concluding observations (CAT/C/SOM/CO/1) regarding areas of particular concern in paragraphs 8, 12, and 18 (a).

II. Follow-up information

A. Follow-up information relating to paragraph 8 of the concluding observations (CAT/C/SOM/CO/1)

2. The Federal Government of Somalia acknowledges the Committee's recommendations concerning the definition and criminalization of torture, establishing appropriate penalties, and eliminating statutes of limitations. The Government is fully committed to aligning its national legislation with its international obligations, particularly the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

3. The Ministry of Justice and Constitutional Affairs has initiated comprehensive reforms to both the substantive and procedural aspects of Somalia's legal framework. These reforms are designed to align national laws with international standards. The Ministry has finalized the review and consultations regarding the Somali Procedural Code, ensuring that due process and the protection of fundamental rights are central to the justice system. The Somali Penal Code, which currently addresses offenses such as abuse of power (Article 250) and illegal detention, is also under review. The Government plans to update the Penal Code to include a clear definition of torture, as outlined in Article 1 of the CAT, and to ensure that penalties for such crimes are commensurate with their severity.

4. In addition to the Penal Code, several key legislative acts are under review, and some are being drafted to ensure full compliance with international human rights standards. These include the Prison Act, the Custodial Corps Act, and the Police Act, all of which are currently in draft form. The Government is committed to incorporating the Committee's recommendations, such as the criminalization of torture, the removal of any statute of limitations, and the imposition of penalties that reflect the seriousness of the crime. The Custodial Corps is being civilianized and removed from the security architecture to ensure that these functions are handled within a legal framework that prioritizes human rights.

5. Furthermore, the National Intelligence and Security Agency (NISA) Act, which came into force in 2023, introduces significant measures to prevent the misuse of power by security officials. The Act imposes strict disciplinary actions against officers who abuse their authority, thereby reinforcing the Government's zero-tolerance policy on torture and other forms of inhumane treatment. These ongoing legal reforms demonstrate the Federal Government of Somalia's unwavering commitment to upholding human rights and ensuring that its legal system fully supports the absolute prohibition of torture, as required under international law. The Government will continue to engage with the Committee and other international partners to ensure that all recommendations are fully implemented.

B. Follow-up information relating to paragraph 12 of the concluding observations

6. Somalia has made progress in establishing a National Human Rights Institution (NHWI), demonstrating its dedication to the mandates of the Provisional Constitution and international human rights standards. The process began with the enactment of the Human Rights Commission Law on August 14, 2016, which sets up the framework for an independent commission as outlined in Article 41(1) of the Provisional Constitution. This legislation, shaped by the Universal Periodic Review recommendations and consultations with various stakeholders, including the United Nations, lays a strong foundation for an NHWI that operates independently of government control, in accordance with the Paris Principles.

7. On December 15, 2022, to begin the process of appointing commissioners, we established a Temporary Selection Panel (TSP) composed of 19 diverse members from federal member states and various societal groups, ensuring representation of minorities and individuals with disabilities. The TSP conducted a methodical selection process that was transparent and inclusive, adhering to the Paris Principles' emphasis on pluralism. The TSP's operational procedures focused on a merit-based selection approach, carefully avoiding political interference to maintain alignment with the Paris Principles. The criteria for candidates were designed to ensure fair representation, considering gender and individuals with disabilities, in accordance with the Paris Principles' focus on competence and societal diversity.

8. Through a rigorous vetting process that included thorough curriculum vitae reviews and detailed assessments of analytical skills, the TSP conducted interviews to evaluate candidates' qualifications. This process strengthened the commission's capability and independence. In the final selection, personal merit was prioritized over clan affiliation, honouring the Paris Principles' standards for a competent commission and minimizing the risk of political or clan influence. The result was a balanced representation across clans and genders, with four of the nine seats occupied by women, including at least one person with disabilities, ensuring fair distribution among the major clans and federal member states.

9. Despite existing challenges and concerns about the TSP members' independence, the Ministry of Women and Human Rights took supervisory measures, including granting observer status during key stages of the selection, to support a process reflecting the transparency and accountability required by the Paris Principles. Ultimately, the establishment of Somalia's NHRI underscores our steadfast commitment to the Paris Principles. This initiative fulfils our constitutional responsibilities and marks Somalia's determined progress toward compliance with international human rights agreements. The process is currently with the Council of Ministers, awaiting discussion and endorsement, before being forwarded to the Somali Parliament for further discussion.

10. Furthermore, Article 5, paragraph 3 of Law No. 16, dated 27/06/2016, which establishes the Independent Human Rights Commission, grants the institution a clear mandate to "visit detention centres where legally convicted individuals are held, including facilities or places where individuals who have not yet been tried (remand) are detained, as well as other locations suspected of unlawfully detaining people. These inspections are intended to evaluate and provide appropriate recommendations concerning the conditions of the prisoners and detainees".

C. Follow-up information relating to paragraph 18 (a) of the concluding observations

11. The Federal Government of Somalia is firmly committed to ensuring that all acts of torture and ill-treatment, including the excessive use of force, are promptly and impartially investigated, with suspected perpetrators tried and punished according to the severity of their actions. Although Article 128 of the Provisional Constitution mandates that human rights abuses committed by members of the armed forces be brought before a civilian court, these cases are currently handled by the Court of the Armed Forces, reflecting the existing legal framework and operational realities in Somalia.

12. A recent example highlights this commitment: CCTV footage captured a uniformed officer assaulting a disabled person. Despite the limited context, the officer faced immediate disciplinary action, including dismissal from the force and the initiation of criminal charges. The Attorney General's Office of the Military Court quickly launched an investigation, ensuring that justice is pursued in line with Somalia's legal standards.

13. These measures demonstrate Somalia's dedication to holding security forces accountable and addressing any misuse of power with appropriate seriousness. The Government remains steadfast in its efforts to uphold the rule of law, ensuring that all individuals, including those in uniform, adhere to the highest standards of conduct.