

SOMALIA

CERD A/34/18 (1979)

150. The initial report of Somalia (CERD/C/39) was introduced by the representative of that country who stated that the report should be considered as a preface to a detailed report which his Government was planning to submit as soon as possible and to which all relevant legal texts would be annexed. The representative referred to a draft constitution approved by the revolutionary socialist party of Somalia early in 1979 and stated that it included a number of basic provisions giving effects to some of the provisions of the Convention. The Government expected to submit the draft Constitution to a referendum early in the summer of 1979, after which the text of all the provisions relating to the Convention would be communicated to the Committee. One member of the Committee substantially supplemented the information presented by the Government. Full coverage has been given in the summary records to this statement.

151. The discussion in the Committee revolved around the quality of the report. Since the initial report of Somalia was due in 1976 and had been submitted in 1978, a more detailed presentation was expected by the Committee. Members of the Committee noted that the report consisted essentially of general affirmations: that Somalia was strongly opposed to colonialism, neo-colonialism and racism in all its forms; that existing national legislation was in conformity with the provisions of the Convention; that racial discrimination did not exist in Somalia; and that further legislative measures to implement the terms of the Convention were hence unnecessary.

152. Members of the Committee asked for the texts of the legislative, judicial and administrative measures referred to in the report. Recognizing a reference to certain provisions of the Penal Code prohibiting racial discrimination, a member inquired when the Code had been adopted and whether it would remain in force under the projected new Constitution. Another member noted that no mention was made in the report of any measures taken to implement article 4 (a) and (b) of the Convention, which had been regarded as mandatory for States parties, and hoped that in its next report of the Government of Somalia would indicate the legislation satisfying those requirements. It was further noted that the Constitution had remained in force from July 1960 to October 1969, after which the First Charter of the Revolution had been promulgated. A member inquired what the legal status of that Charter was and whether it had been followed by others. He considered it useful for the Committee to receive details of the provisions of the Charter.

153. The Committee expressed the hope that detailed information would be supplied in the next report which should be submitted as soon as possible. Some members suggested in particular that the Government of Somalia should base its next report on the general guidelines and decisions and recommendations of the Committee concerning the information which the Committee wished to receive from States parties to the Convention.

154. The representative of Somalia replied to a number of questions raised by the members and assured the Committee that future reports would follow the Committee's guidelines and would provide the information requested by the members. In view of the fact that the draft Constitution

would not be submitted to the people before the middle of 1979, no new report could be prepared before that date.

CERD A/40/18 (1985)

412. The second, third and fourth periodic reports of Somalia submitted in one document (CERD/C/88/Add.6) were considered by the Committee at its 728th meeting, held on 6 August 1985 (CERD/C/SR.728).

413. The report was introduced by the representative of Somalia who stated that the rights and freedoms which the Convention was designed to protect were enshrined in the Somali Constitution of 1979, and that her Government had made efforts to improve the quality of life of the whole community, giving particular emphasis to education, health and the social sector. Finally, efforts were being made to publicize more widely the texts of international instruments concerning the protection of human rights in order to minimize the possibility of violations of those rights.

414. The Committee welcomed the resumption of dialogue with Somalia, but pointed out that the report did not follow the Committee's general guidelines (CERD/C/70/Rev.1) and did not adequately cover legislative, judicial and administrative measures taken to eliminate racial discrimination. In that connection, members requested more information on Somalia's traditions and customs for a better appreciation of the efforts being made by the Government to tackle what the Somali President had described as the problem of tribalism and self-interest. The Committee also expressed the hope that the next report would contain more detailed information on the implementation of articles 2 to 7 of the Convention.

415. With regard to article 2, the Committee would welcome more details on the composition of the various ethnic groups and cultures in the country, the level of education within those groups and other socio-economic data. Information was also requested on how the problem of refugees, who were estimated to comprise as much as 40 per cent of the total population, was being tackled, both at the political level and at the bilateral and multilateral levels; it was also asked what specific measures had been taken by the Government to ensure that the principle of a universal right to education was applied in the case of the nomadic peoples.

416. In relation to article 3 of the Convention, one member asked whether Somalia maintained diplomatic and commercial relations with the racist régime of South Africa.

417. Further information was requested on the implementation of article 4 in the criminal law of the country.

418. Referring to the implementation of article 5 of the Convention, members asked how the right to life, the right of detainees not to be tortured and to be brought to trial within a certain period, the right of association and the right to freedom of movement were safeguarded. They also wished to know to what extent civil and political rights were being protected and promoted.

419. As far as article 6 of the Convention was concerned, members requested further details on how traditional Somali law was being applied; for example it was asked whether the Government could arrest an offender if his family was not willing to pay compensation in material form.

420. In reply to questions raised and observations made by members of the Committee, the

representative of Somalia explained that the absence of any reference to the demographic situation was perhaps an oversight in the sense that the people of Somalia had all the characteristics of a single nation - the same language, ancestral origin and religion. No distinctions were therefore made in that respect. None the less an effort would be made to include that aspect in future reports.

421. Replying to other questions and comments, she said that, whereas previously public life had been based on tribalism, a successful campaign had been launched to overcome the negative experience to which that had given rise. Thus, blood compensation according to traditional Somali law was no longer practised. The award of material compensation between families instead of restricting the liberty of an offender depended on the type of crime. The Penal Code in certain cases did not allow for compensation.

422. Efforts were being made to ensure that the new generation of nomadic people had the full advantages of education. Special emphasis was being placed on rural development.

423. Refugees created a real problem in Somalia which remained to be solved, though economic assistance was available from the international community. According to article 24 of the Somali Constitution, every citizen was free to participate in an assembly and Somalians were in fact free to associate in their daily lives. Concerning personal freedom, safeguards did exist in cases of detention and consequently, if investigations did not produce results within a specified and limited time, the detainee had to be released. Concerning appointments to positions, such as judge of the Supreme Court, she said that it was a question of career and competence; decisions on such appointments were taken by the Council of Ministers and Ministers themselves were appointed by Parliament.

424. She also stated that Somalia had been consistently opposed to apartheid and was a member of the Special Committee against Apartheid. As a matter of principle Somalia did not have, nor did it envisage having, any relations with the South African régime.

425. She assured the Committee that she would transmit the comments made by members - including the reference to preparation of reports according to the Committee's guidelines - to the Government which would take them into account in the next report.

CERD A/47/18 (1992)

224. At its 949th meeting, on 10 August 1992 (see CERD/C/SR.949), the Committee took note of the request by the Permanent Mission of Somalia to the United Nations at Geneva to defer consideration of the report of Somalia until the situation in that country had been clarified.

225. After hearing from its country rapporteur about the situation in that country, and debating the issue in the absence of a representative of the State party, the Committee decided to defer for one year its consideration of the implementation of the Convention in Somalia.

226. Taking account of the report of the Secretary-General to the Security Council (S/24343), the Committee expressed its concern about the tragic circumstances prevailing in Somalia, which include conflicts based on descent.

227. The Committee trusts that the Security Council and other competent organs of the United Nations, in cooperation with regional and non-governmental organizations, will continue to do everything possible to bring to an end the violation of human rights in Somalia.

CERD A/50/18 (1995)

593. At its 1115th meeting on 10 August 1995 (see CERD/C/SR.1114) the Committee reviewed the implementation of the Convention by Somalia, after having recalled that at its 949th meeting it had decided to defer further consideration of the situation in that country (A/47/18, para. 225).

594. Members regretted that no new report was available to them and that no State representative was present.

595. Members deplored the prevailing lack of protection for human rights in Somalia. They called on the Somali people to put an end to their conflicts and to work for national reconciliation. Members regretted that, despite the advice of some regional organizations, the international community had ceased its attempts to restore peace. They expressed appreciation for the continuing contributions of humanitarian organizations. Finally, members hoped that the General Assembly would call on the Security Council and all states to halt the supply of arms to the contending parties.

596. The Committee decided to reconsider the situation in Somalia again at its forty-ninth session in August 1996 by which time it hoped to receive additional information from other United Nations bodies in touch with developments in the country.

CERD A/51/18 (1996)

434. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Somalia based upon its previous reports (CERD/C/88/Add.6) and its consideration by the Committee (see CERD/C/SR.728 and 1114). The Committee noted with regret that no report had been submitted to the Committee since 1984.

435. Noting that there is a complete breakdown of law and order and no effective government, the Committee decides that it will return to review the State Party's implementation of the International Convention once political stability has been re-established.

436. In the future the Government of Somalia may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting an updated report drafted in accordance with the reporting guidelines.