

Pre-Session Statement
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Universal Periodic Review

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3rd Cycle
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SOMALIA

Somali Women Development Centre
Somaliland Human Rights Centre
Global Campaign for Equal Nationality Rights
Institute on Statelessness and Inclusion



1. On behalf of the Somali Women Development Centre (SWDC), Somaliland Human Rights Centre (SHRC), Institute on Statelessness and Inclusion (ISI), and Global Campaign for Equal Nationality Rights (GCENR), I am pleased to make this statement on the right to a nationality, non-discrimination on the basis of sex, and human rights challenges including statelessness resulting from gender discrimination in Somalia's nationality law.¹
2. During the second cycle of its Universal Periodic Review, Somalia received a number of relevant recommendations. Somalia accepted recommendations to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). Somalia also accepted recommendations to protect the rights of vulnerable groups, enact a Citizenship Act, and develop a birth registration system.
3. Somalia has not yet signed or ratified CEDAW or the Convention on Migrant Workers (CMW)², and has not ratified the Maputo Protocol. Somalia has ratified the Kampala Convention.³
4. Somalia is one of twenty-five countries that denies women the right to confer citizenship on their children on an equal basis with men. The nationality law also denies women equal rights with men to confer citizenship on a non-citizen spouse.
5. A Citizenship (Amendment) Bill (Bill) drafted in 2016 includes revisions to address gender discrimination and the risk of statelessness. However, this bill has yet to be passed into law.
6. Gender discrimination in Somalia's nationality law undermines women's equality as citizens and in the family. It also violates children's right to a nationality without discrimination on the basis of the child or parent's sex, as enshrined in the Convention on the Rights of the Child. This discrimination is a primary cause

¹ Somali Women Development Centre (SWDC) is a non-profit organization established to empower Somali women to live in an environment free from violence. Somaliland Human Rights Centre (SHRC) is a non-profit organization that seeks to promote and protect human rights in Somaliland. The Institute on Statelessness and Inclusion (ISI) is the only human rights NGO dedicated to working on statelessness at the global level. The Global Campaign for Equal Nationality Rights is coalition of national and international organizations working to end gender discrimination in nationality laws.

² United Nations Human Rights Office of the High Commissioner: Status of Ratification Interactive Dashboard, <https://indicators.ohchr.org/> (accessed 03 September 2020).

³ African Union list of countries which have signed, ratified/acceded to the Protocol to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), [https://au.int/sites/default/files/treaties/36846-sl-
AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf](https://au.int/sites/default/files/treaties/36846-sl-
AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf) (18 June 2020).

of statelessness and is linked with gender-based violence. Extremely low levels of birth registration also compound the risk that children born in Somalia may be unable to secure proof of nationality.⁴

7. Somalia's citizenship law also discriminates on the basis of ethnicity, by requiring the father to be of Somali origin, with "Somali" defined as "*any person who by origin, language or tradition belongs to the Somali Nation*";⁵ therefore, citizenship is conditional upon belonging to a certain ethnic group, which can create risks of statelessness for populations who are regarded as 'other'.
8. The status of Somaliland citizenship is not internationally recognised by any recognised state and may not grant the individual international protection. This makes the citizens of *de facto* states at risk of statelessness, especially if they (willingly or unwillingly) do not have another nationality.

Recommendations:

9. We urge reviewing States to make the following recommendations to Somalia:
 - I. Reform the Citizenship Law without delay to remove gender-discriminatory provisions by immediately passing the Citizenship Bill;
 - II. Develop an efficient civil registry system to ensure all births are registered, including through coordination between Somalia and Somaliland authorities;
 - III. Ensure that the biometric National Identity Program is not rolled out without scrutiny of aspects that can leave vulnerable groups without legal identity and at risk of statelessness.

I thank you for your attention.

⁴ Birth registration is often the first step in affirming one's nationality. According to the Somali Health and Demographic Survey, out of the children surveyed, almost all lacked a birth certificate. The Somali Health and Demographic Survey (2020), available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Som%20Gvt%20UNFPA%20Press%20Release_SHDS%20Rpt%20Launch_29-04-20_Final.pdf.

⁵ 1962 Somali Citizenship Law, available at: <http://citizenshiprightsafrika.org/wp-content/uploads/1962/12/Somalia-Citizenship-Law-1962-full.pdf>.