

GENDER IN SOMALIA

Brief



UNDP Somalia strives to address gender equality and women's empowerment in an effective and coherent manner. The Country Programme Document for 2011 to 2015 provides a framework within which to implement the mandates of gender mainstreaming in the country programme overall and responds directly to the acute challenges faced by Somali women today. UNDP is tackling some of the most recurrent aspects of discrimination through strategic attention to the most vulnerable men, women, girls and boys, with the ultimate goal of contributing to the achievement of human development and gender equality.

This Gender Brief is meant to provide an overall picture as to the situation for women in Somalia today, and is meant to be used by UNDP staff, consultants and any other stakeholders looking for information on issues related to gender equality and women's empowerment. It is intended that this brief be updated on a regular basis, so that new data can be incorporated whenever possible.

The Gender Inequality Index for Somalia is 0.776 (with a maximum of 1 denoting complete inequality), placing Somalia at the fourth highest position globally.¹ Somalia has extremely high maternal mortality, rape, female genital mutilation and child marriage rates, and violence against women and girls is common, though statistics are difficult to find.² The participation and role of women in politics and decision-making spheres is extremely limited, perpetuating narrow gender based roles and inequalities.

Across the country, traditional or customary law is applied more instead of the state judiciary, and sexual and gender based violence often goes unpunished, particularly as traditional Somali society does not openly discuss these issues. Girls are married early, with 45% of women aged 20 to 24 married before the age of 18.³

With an overwhelming pastoralist economy, livestock represents the family's wealth and has traditionally been the property of men - however, women often manage the sale and exchange of livestock products such as milk and ghee, and spend their earnings on household needs.⁴ Women's participation in wage employment in the non-agricultural sector is the highest in Puntland at 40%, followed by Somaliland at 36%, and 33% in South Central.⁵

Women's access to health services are limited, and Somalia's maternal mortality rates are amongst the highest in the world, at 1,600 per 100,000 live births.⁶ According to the World Health Organization, approximately 98% of women in Somalia undergo Female Genital Mutilation (FGM),⁷ and it is mostly performed on girls between the ages four to 11 years in its most severe form; infibulation is reported to be practiced in 80% of cases.⁸ Support for FGM from community members is a key barrier to its eradication - in a study of 1,744 women between the ages of 15 and 49 in North East and North West Somalia, 90% reported that they supported the custom.⁹

According to the 2006 Somalia Multiple Indicator Cluster Survey, the adult literacy rate for women is estimated to be 26% (compared to 36% for men, and 31% overall) - this is an increase from 19% (women) and 25% (men) in 2001.¹⁰

During the month of September 2012, UN partners registered 277 cases of sexual violence in Mogadishu alone - 237 of which were rapes.¹¹ UN legal aid partners also reported an increase in sexual and gender based violence cases in the months of September and October 2012 in Mogadishu - with many women attacked in IDP camps, of which one-third were carried out by men in uniforms.¹²

The information below shows more specific statistics from the three regions of Somalia.

- 1 United Nations Development Programme (2012). Somalia Human Development Report 2012: Empowering Youth for Peace and Development, p. xviii.
- 2 See <http://www.trust.org/trustlaw/news/factsheet-the-worlds-most-dangerous-countries-for-women>
- 3 United Nations Development Programme (2012). Somalia Human Development Report 2012: Empowering Youth for Peace and Development, p. xviii.
- 4 United Nations Entity for Gender Equality and the Empowerment of Women (2012). Somalia Humanitarian Strategy 2012-2015 (draft), p. 11.
- 5 See <http://www.so.undp.org/index.php/Millennium-Development-Goals.html>
- 6 UNFPA. UNFPA Somalia Consolidated Appeals Process, 2007.
- 7 World Health Organization. Female Genital Mutilation and other Harmful Practices: Prevalence of FGM. Available from <http://www.who.int/reproductivehealth/topics/fgm/prevalence/en/index.html>
- 8 United Nations Development Programme (2007). United Nations Development Programme (2007) Millennium Development Goals Report for Somalia, p.26. Available from <http://www.so.undp.org/MDG%20Report%20for%20Somalia%20English%20Version.pdf>
- 9 World Bank and United Nations Population Fund (2004). Female Genital Mutilation/Cutting in Somalia.
- 10 United Nations Development Programme (2012). Somalia Human Development Report 2012: Empowering Youth for Peace and Development, p. 54.
- 11 Information from United Nations Development Programme - Access To Justice Project Officers.
- 12 Information from United Nations Development Programme - Access To Justice Project Officers.

SOUTH CENTRAL SOMALIA

Political

With the recent appointment of the new government in Somalia, the political landscape is changing, albeit gradually. The table below shows the position of women in the new Government of Somalia as compared to the Transitional Federal Government, which ended in August 2012.

Region/Body	Total positions	Women	Percentage
South Central			
The New Cabinet	10	2	20%
The New Federal Parliament	275	37	14%
TFG Cabinet	28	1	3.7%
Transitional Federal Parliament	575	76	12%
Independent Federal Constitution Commission	30	8	36%
District	n/a	n/a	n/a

- The recently elected government in Mogadishu has appointed a slimmer cabinet with 10 ministers, of which 2 are women.
- Of particular note, Fowsiyo Yusuf Hajji Aden was appointed as Deputy Prime Minister and Minister of Foreign Affairs, while Maryam Kassim was appointed as Minister of Social Development (Fowsiyo's appointment marks the first time in Somali history that a woman has been as head of the foreign ministry).
- The country has not adopted a National Action Plan on United Nations Security Council Resolution 1325 On Women, Peace and Security (UNSCR).¹³

- Previous governments have not ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and there has been no gender policy or gender specific legislation in Somalia up to date. Despite advocacy for a quota of 30 percent women representation in all political institutions, and its inclusion in the Garowe II Principles, this was not included in the Provisional Federal Constitution adopted on the 1st of August 2012. However, Constitution article 133 specifically sets out a process for amendment of the Constitution. UNDP will encourage the inclusion of the 30 percent quota for women into the Constitution as well as development of a Gender Policy.

Economic

Although women are facing increased economic opportunities, many women still work in menial positions, involving "sacrifice, risk and humiliation," and often only making enough money to sustain themselves and their families.¹⁴ In addition, women experience higher unemployment than men (74% for women and 61% for men).¹⁵

- The unemployment rate is 45.5% overall (57.7% in urban areas and 42.8% in non-urban areas) – the main sectors are agriculture – including fishing, forestry mining (65%), industry – including construction and utilities (11%) and services (24%).¹⁶
- The unemployment rate for youth aged 14 to 29 is 67%, one of the highest in the world.¹⁷
- Few women are active in the areas of the economy where high profits are seen through exports and imports; in livestock export and in the fishing industries, women are hardly represented.
- A 2002 socio-economic survey estimates that 14% of households are headed by women in urban areas, and 12% in rural areas, adding a critical element of hardship as women

13 See http://www.peacewomen.org/countries_and_regions/africa/east-africa/somalia

14 Gardner, Judith (2006). A Gender Profile for Somalia (draft), p. 19. NORAD & the EC Somalia Unit publication.

15 United Nations Development Programme (2012). Somalia Human Development Report 2012: Empowering youth for peace and development, p. 61.

16 United Nations Human Settlement Programme (2006). Somaliland, Puntland State of Somalia: The Land Legal Framework: Situation Analysis.

17 United Nations Development Programme (2012). Somalia Human Development Report 2012: Empowering youth for peace and development, p. xix.

18 United Nations (2002). Somalia: Socio Economic Survey 2002. Available from <http://www.un.int/wcm/webdav/site/somalia/shared/documents/statements/1086802685.pdf>

increasingly take on roles as providers of basic needs – particularly as these are often extracted from scarce natural resources (land, water, vegetation, etc).¹⁸

- Most Somali women are either excluded from decision making and asset ownership or operate through a patriarchal filter in these areas – women are also often the first to suffer when natural resource access/attainment comes under pressure, due to cultural restrictions on movement, ownership, etc.
- This can be seen, for example, in times of drought, when men migrate with their camels to find water, while women and children are expected to stay at home and care for the other livestock.

Social

Somali culture is organized according to a clan system with membership in a *diya* group based on kinship; *diya* group members are linked together in alliances which collectively pay or receive blood compensation for violence committed against or by members of the group. Women are not members in the same way as men – they do not count as paying members – and payments go directly to men.

- The group of elders responsible for taking decisions is literally called “Male Traditional Elders” in Somali (*Aqalka Odayaasha*)¹⁹ – women are not allowed to go under the tree where decisions are taken by this group, and are represented by male relatives if a grievance concerns them.
- Compensation for loss of life is typically 100 camels for a man and 50 camels for a woman.

According to UNICEF, the percentage of primary school participation for girls between 2007 and 2010 was 23% and 42% for boys; the net attendance ratio was respectively 15% and 18%.²⁰

- Only 37 percent of girls who transitioned from primary school took the Form Four exam in 2011/2012 - the demand for secondary school education continues to grow steadily, yet girls make up only 28 percent of students at that level.



Credit: Alisair Lyne

Due to conflict, many women have become the main breadwinners of their families. Women work as street vendors and own small shops, but generally lack the skills and capacity to grow their business bigger.

- Poor learning outcomes are reflected in the high repetition and drop-out rates and low examination pass rates and less than 38% of those enrolled in 2001/2002 in grade one successfully progressed to grade five in 2006/2007.
- Only 15% of the teaching force are women, with the majority being unqualified.

Access to health care for women is also a challenge, and women suffer from lack of services and access.

- The number of pregnant women who receive antenatal care coverage is 26% (one visit, and only 6% for women who see a health professional up to four times); 33% of women have a skilled attendant at birth, and only 9% have institutional deliveries.
- Reported maternal mortality between 2006 and 2010 was 1,000 per 100,000 births, which is compounded by high fertility rates (6.4%) and low number of institutional deliveries (9%); prevalence of contraceptives is 1%.²¹

Legal

Somalia has ratified three out of the four international bills on human rights, including the International Covenant on Economic, Social and

19 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 7.

20 See http://www.unicef.org/infobycountry/somalia_statistics.html

21 See http://www.unicef.org/infobycountry/somalia_statistics.html

22 International Labour Organization (2012). Somalia: Southern Somalia and Puntland: Decent Work Programme: 2012-2015, p. 16.

Cultural Rights; the International Covenant on Civil and Political Rights; and the Optional Protocol to the International Covenant on Civil and Political Rights (but has not acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights).²²

Somalia signed and ratified the African (Banjul) Charter on Human and Peoples' Rights, in 1985,²³ and has signed but not ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol) in 2006.²⁴ Somalia has not signed CEDAW.²⁵

- The Provisional Constitution has a number of both positive and negative implications for women's participation:
 - Article 3: Founding Principles – "Women must be included, in an effective way, in all national institutions, in particular all elected and appointed positions across the three branches of government and in national independent commissions".
 - Article 11: Equality – 1) Everyone is equal before the law; 2) Even unintended acts by their effect can be defined as discriminatory if they impair or restrict a person's rights; 3) The state may not discriminate against any person on the grounds, including but not limited to, clan, ethnic or social origin, sex etc; 4) State measures designed to achieve full equality for individuals or groups who have suffered discrimination or disadvantage shall not be deemed discriminatory (e.g. quota system).
 - Article 22: Right of Political Participation - Every citizen has the right to take part in public affairs; including the right to form and/or take part in the activities of political parties (including the right to vote and stand for positions in elections for adults).
- Since 1991, the re-emergence of customary law, the extended use of *Sharia*, and the resort to clan-based forms of political representation have meant women are excluded from most political and judicial structures.

- Progressive reforms were made to the Family Law in 1975 under Siad Barre, which assured women equal rights, and made discrimination against women illegal – though little was done to enforce the law, and to date, the law is often regarded as a leftover from the Barre regime and is not applied in legal practice.²⁶
- The Family Law guarantees women's rights in marriage, divorce and inheritance, however, civil status issues are most often resolved under *Sharia* and *xeer* (traditional or customary law).
- Islamic *Sharia* contains provisions that potentially offer women more rights than *xeer*, however, in Somalia, *Sharia* is only administered by men, and is often misapplied in the interests of men – this means that women do often not receive justice, and men go unpunished.
- The position of women with regards to land and property ownership has been weakened by both conflict and the ensuing reconstruction process and breakdowns in social stability and law and order, and have compromised traditional and customary laws for women, their social support systems and their access to land and property.
- Land grabbing by male relatives following the death of a husband/father is a problem in Somalia, and widows rarely inherit land under customary norms and are often deprived of access to their husband's land if they have no children - land is therefore vested in trusteeship with uncles and other male relatives and inherited by children when they become of age.

IDPs are often left in a legal vacuum, with almost no access to legal remedies because the formal justice system is not established in IDP camps, and traditional clan systems have broken down.

- Women and children make up 70 to 80% of IDPs – many are widows or heads of households; 600,000 of these are women of reproductive age, and 80% have no access to safe maternal delivery.²⁷
- Rape and sexual violence are common in IDP camps, and recourse is limited because of the lack of structures, both formal and informal, to deal with these issues.

23 See <http://www.achpr.org/instruments/achpr/ratification/>

24 African Union (2010). List of countries which have signed, ratified/acceded to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Available from <http://www.africa-union.org/root/au/Documents/Treaties/List/Protocol%20on%20the%20Rights%20of%20Women.pdf>

25 See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

26 United Nations Entity for Gender Equality and the Empowerment of Women (2012). Somalia Humanitarian Strategy 2012-2015 (unpublished), pp. 11-12.

27 United Nations Development Programme (2012). Somalia Human Development Report 2012: Empowering youth for peace and development.

Political

Puntland became a semi-autonomous state within the Somali federal structure in 1998. The table below shows the proportion of women's representation in government.

Region/ Body	Total positions	Women	Percentage
Ministers	26	1	4%
Parliament	66	2	3%
House of Male Elders	n/a	0	0%
District	250	44	17.2%

- In Puntland, a key strategy to achieving the Vision of the National Development Plan (2007-2011) was the focus on building and strengthening public institutions, as well as instituting an effective system for monitoring government revenue and expenditure, eliminating discrimination against women and enabling them to actively participate in policy decision-making and administrative management.
- A 2007 Presidential Decree indicated the need for all institutions to adhere to 30% representation of women – but this has not been realized.²⁸
- A Gender Policy was drafted in 2008, but has not been passed, despite several attempts to submit it to the Cabinet and Parliament for ratification and adoption as state policy.
- Government officials indicate that the main obstacle for passing the policy is the use of the term “gender equality” in the draft.
- The policy was developed based on *Sharia* law, cultural values and norms that promote Islamic values, the political history of Puntland,

the Puntland Constitution and Millennium Development Goal (MDG) 3, and has four proposed priority action areas: livelihoods, human rights, governance and economics.

Economic

In Puntland, 60% of the economy is based on agriculture/pastoralism.²⁹

- Women constitute 56.6% of the labour force in Somaliland and Puntland, and tend to work mostly in the agricultural sector.³⁰
- Of those not working in the agricultural sector, 36% were women in 2009, up from 29% in 2008.³¹
- In 2011, out of 9,591 people working in civil service, 1,912 were women (19%).³²

Social

Girls are poorly represented in school enrolment rates throughout Puntland - according to Ministry of Education statistics in 2010, 37% of primary school children were girls, in comparison to 63% boys.

- Overall in Puntland, only 36.1% of pupils in upper primary education are females, compared with 41.5% in lower primary education.³³
- Gender disparity rapidly increases in higher grades - domestic work, early marriage, timing of classes and economic constraints force many girls to leave school early, leading to higher girl dropout rates – the ratio of boys to girls fell from 0.59 in primary levels to 0.41 in secondary school (2010).³⁴
- Literacy rates for females have seen a decline since before the pre-war era, and stood at 25% in 2006³⁵ - this number is even lower in rural areas (10%).³⁶

28 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), pp. 11-12.

29 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.5.

30 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 5.

31 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.25.

32 Puntland Civil Service Commission, 2011

33 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.22.

34 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.25.

35 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.27.

36 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.27.



Women have started taking positions in the public sector, but the majority of employees are still men, and women are often relegated to junior positions.

The Maternal Mortality Rate in Puntland declined from 1,600 per 100,000 live births in 1990 to 1,013 per 100,000 live births in 2006.³⁷

- The percentage of women who received antenatal care from a health professional has remained low in Puntland at 25.6%, though the number of births attended to by a health professional increased from 25% in 2002 to 36.8% in 2006.³⁸
- Information received from UNFPA and staff from local NGOs in Puntland reveals that sexual violence, sexual harassment of young girls, domestic violence and sexual abuse, as well as FGM and gang rapes are all prevalent in the state.
- Reliable statistics are almost non-existent, but in 2010, for example, police occurrence books reported 223 rape cases.³⁹

Legal

The Constitution (2009) does not recognize the UDHR or other international human rights frameworks, but Article 35 of the constitution states:

- It is the duty of the government to protect and promote the rights of women in consistence with Islamic religious norms.
- Women have the same rights as men, save the distinctions made by God between the two sexes.

The Puntland Constitution explicitly advocates for the rights of women:^{40, 41}

- Equality of Citizens: Article 12.
All persons are equal before the Law.
- Equality in work and social security: Article 37.
 - It shall be the duty of the government to create employment opportunities and upgrade training of personnel.
 - Forced labour is prohibited unless the Law states otherwise; the Law shall explain such provisions in detail.
 - Each employee shall have a right to a salary commensurate with the work he/she performs.
 - Each worker/employee shall have the right for one day paid weekly rest, annual leave and rest in the public holidays as stipulated in the Laws, additionally women will have the right to a maternity paid leave without infringing on her salary.
- Equality in political, social and electoral rights: Article 41,44.
 - Every citizen of age not less than 18 years has the right to:
 - Participate in elections and to vote,
 - Set up or to associate with political parties, and
 - Compete for public office in elections, if he/she fulfils the conditions.
 - All citizens that fulfil the conditions/ qualifications required by Law have the right to vote and to be elected.
- Equality to form and join social organizations: Article 15.
 - Any person shall have the right to form or join organizations pursuing socio-economic, sport, cultural, or scientific objectives if such associations are not prohibited by the law.

37 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.31.

38 United Nations Development Programme (2010). Puntland State of Somalia: Millennium Development Goals: Progress Report 2010, p.31.

39 United Nations Development Programme (2012). Assessment Report: Gender Based Violence in Puntland (draft).

40 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 14.

41 Constitution of the Puntland State of Somalia, December 2009.

- Equality in property rights: Article 17.
 - Every person shall have the right to own property, administer and benefit from property by lawful means.
 - The law will establish the rules and procedures which could limit this right of ownership of property.
 - The freedom to produce goods is recognized, but the producer ought to comply with the legal and administrative requirements existing in the country.
 - No person shall be charged levy/expenses or be deprived of his or her property unless it is according to the Law.
- Equality in access to education: Article 32.
 - Each and every person has a right to education.
 - The government shall develop specific programs to overcome adult illiteracy and to develop a policy of female education.
- Equality in access to health services: Article 33.
 - It is the Government's responsibility to provide public health, both preventive and curative, to all the inhabitants, but special care must be taken for the health condition of women and children.
- Equality to judicial recourse: Article 25.
 - Every person shall have the right to institute legal proceedings in a competent court.
 - Every person shall have the right to self-defence in front of court.
 - The Puntland State shall appoint a lawyer for any person unable to defend himself/herself, or devoid of means to procure one.
 - Special law shall regulate the access to justice to anyone who cannot afford to pay the court charges.

The Puntland Constitution further implies that the government should encourage and legislate for the rights of women according to the Islamic (*Sharia*) law. At the end of 2011, a FGM law was passed for the first time in Puntland – the law bans Pharaonic circumcision or infibulation,⁴² but still allows for some form/type of circumcision, and does not follow international human rights standards.



70-80 % of IDP's in Somalia are women. They face poor security and rape is common in the camps.

42 The clitoris and labia minora are removed and then the labia majora is sewn closed while leaving a small opening at the vulva for urination and release of menstrual blood. The fused wound is opened for intercourse and childbirth.

Political

Somaliland seceded from Somalia and declared independence in 1991. It held municipal elections on November 28th 2012. That was the first poll for local councils since 2002. The election panel listed nearly 2400 candidates for 350 council seats. The preliminary results show that out of 134 women candidates, 10 were elected as local councilors. The table below shows the proportion of women's representation in government.

Region/ Body	Total positions	Women	Percentage
Somaliland			
Ministers	35	2	5.7%
Parliament	82	2	2.4%
House of Male Elders	82	1	1.2%
Districts	353	2	0.6%

The Ministry of National Planning and Development (MoNPD) has developed, for the first time, a five year National Development Plan (2012-2016), which includes the need to:⁴³

- Eliminate gender inequalities/disparities in employment and Gender Based Violence (GBV).
- Mainstream women's empowerment in all sectors of development; and promote women's equal access to participation and decision making in social, economic and political life of the nation.
- Increase proportion of seats held by women and marginalized groups (Youth, Disabled, etc) in National Parliament.
- Increase women's participation in the justice sector through reform promoting women's legal education, entry into the legal profession, and women's equal access to justice.
- Implement the draft National Gender Plan (NGP) and Gender Budgeting Guidelines.

The National Gender Policy has been approved, though implementation is a challenge as coordination is lacking and there is no action plan for its implementation.

Economic

Livestock contributes to 60% of Somaliland's GDP, with customs duties representing 85% of the government's revenues. The population is growing quickly (at 3.1% per year), and is 55% of Somalilanders are nomads. Unemployment is a major problem, at 80%.⁴⁴

- Women working in the civil service, which was used as a proxy for employment in the non-agricultural sector, comprised 30% in 2006 - 1668 out of 5559, but many were found to be cleaners and administrative staff with low educational levels.⁴⁵

Social

In 2008/2009, the number of girls enrolled in primary school in Somaliland was 62,608 compared to 108,322 boys.⁴⁶

- At the secondary level these figures are 14,843 boys and 5,646 girls.⁴⁷
- University enrolment is one quarter female compared to male.⁴⁸

Maternal mortality rates have dropped from 1,044 in 1999 to 1,013 in 2006.

- The number of deliveries assisted by skilled attendants rose from 27% in 1999, 41% in 2006 and 49% in 2009.⁴⁹
- Gender based violence in Somaliland takes many forms, and includes rape, sexual exploitation, female genital mutilation, sexual assault and abuse, domestic violence, discrimination and denial of human rights.⁵⁰

43 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 11-12.

44 World Bank/International Finance Corporation (2012). Doing Business in Hargeisa, p.1.

45 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 15.

46 Ministry of National Planning and Development, Somaliland (2010). Somaliland in Figures.

47 Ministry of National Planning and Development, Somaliland (2010). Somaliland in Figures.

48 Ministry of National Planning and Development, Somaliland (2010). Somaliland in Figures.

49 Ministry of National Planning and Development, Somaliland (2010). Somaliland in Figures, p. 23.

50 United Nations Development Programme (2011). Rapid Assessment of Sexual Assault Referral Centre (draft).

- The Sexual Assault Referral Centre in Hargeisa is a focal point for survivors of violence, and in 2011, 141 cases were referred to the centre.⁵¹
- The general hospital receives almost one case of rape every day.⁵²

Legal

The Constitution (2001) recognizes international human rights instruments, including the Beijing Platform for Action, the MDGs and CEDAW.

Article 36 of the constitution states:⁵³

- The rights, freedoms and duties laid down in the Constitution are to be enjoyed equally by men and women save for matters which are specifically ordained in Islamic *Sharia*.
- The Government shall encourage, and shall legislate for the right of women to be free of practices which are contrary to *Sharia* and which are injurious to their person and dignity.
- Women have the right to own, manage, oversee, trade in, or pass on property in accordance with the law.
- In order to raise the level of education and income of women, and also the welfare of the family, women shall have the right to have extended to them education in home economics and to have opened for them vocational, special skills and adult education schools.

Women's rights are also protected under a number of other articles:^{54,55}

- Equality of Citizens: Article 8.
 - All citizens of Somaliland shall enjoy equal rights and obligations before the law, and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status, opinion etc.
- Equality in work and social security: Article 20.
 - All able citizens have a right and a duty to work. The state shall, therefore, be responsible for the creation of work and the facilitating of the skills training of employees.
 - The conditions of work of the young and women, night working and working

establishments shall be regulated by the Labour Law.

- Equality in political, social and electoral rights: Article 22.
 - Every citizen shall have the right to participate in the political, economic, social and cultural affairs in accordance with the laws and the Constitution.
 - Every citizen who fulfils the requirements of the law shall have the right to be elected (to a public office) and to vote.
- Equality to form and join social organizations: Article 23.
 - All citizens shall have the right to form, in accordance with the law, political, educational, cultural, social, and occupational or employees' associations.
- Equality in property rights: Article 31.
 - Every person shall have the right to own private property, provided that it is acquired lawfully.
- Equality in access to education: Article 15.
 - The state shall pay particular attention to the advancement, extension and dissemination of knowledge and education as it recognises that education is the most appropriate investment that can play a major role in political, economic and social development.
- Equality in access to health services: Article 17.
 - In order to fulfil a policy of promoting public health, the state shall have the duty to meet the country's needs for equipment to combat communicable diseases, the provision of free medicine, and the care of the public welfare.
 - The state shall be responsible for the promotion and the extension of healthcare and private health centres.
- Equality to judicial recourse: Article 28.
 - Every person shall have the right to institute proceedings in a competent court in accordance with the law.
- Every person shall have the right to defend himself in a court.
- The state shall provide free legal defence in matters which are determined by the law, and court fees may be waived for the indigent.

51 United Nations Development Programme (2011). Rapid Assessment of Sexual Assault Referral Centre (draft).

52 Minister of Labour and Social Affairs, Mahmoud Ahmed Garaad, speaking at the International Day for the Elimination of Violence against Women on 25th November 2012 (quoted from "The Somali President Has Spoken: Can Anyone Hear His Agony?" by Bashir Goth, Waheen Newspaper: <http://waaheen.com/?p=54337>).

53 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 14.

54 Joint Programme on Local Governance, United Nations Development Programme (2012). Strengthening Gender Equality in Public Administration in Somalia (unpublished), p. 14.

55 Constitution of the Republic of Somaliland, 2000 (http://www.somalilandlaw.com/somaliland_constitution.htm#Heading)

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For further information please contact:

UNDP Country Office for Somalia

Gender Unit

Email: gender.so@undp.org