

Somalia (45)

153



[Print Friendly Version]

U.S. DEPARTMENT OF STATE

Home | Contact Us | FOIA | Privacy Notice | Archive | Search
 About the State Department | Press & Public Affairs | Travel & Living Abroad
 Countries & Regions | International Topics & Issues | History, Education & Culture
 Business Center | Other Services | Employment

Somalia

Country Reports on Human Rights Practices - 2001
 Released by the Bureau of Democracy, Human Rights, and Labor
 March 4, 2002



Somalia¹ has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. Subsequent fighting among rival faction leaders resulted in the killing, displacement, and starvation of thousands of persons and led the U.N. to intervene militarily in 1992. Following the U.N. intervention, periodic attempts at national reconciliation were made, but they did not succeed. In September 1999, during a speech before the U.N. General Assembly, Djiboutian President Ismail Omar Guelleh announced an initiative to facilitate reconciliation under the auspices of the Inter-Governmental Authority for Development (IGAD). In March 2000, formal reconciliation efforts began with a series of small focus group meetings of various elements of Somali society in Djibouti. In May 2000, in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali society were selected to participate in a "Conference for National Peace and Reconciliation in Somalia." More than 900 delegates, including representatives of nongovernmental organizations (NGO's), attended the Conference. The Conference adopted a charter for a 3-year Transitional National Government (TNG) and selected a 245-member Transitional National Assembly (TNA), which included 24 members of Somali minority groups and 25 women. In August 2000, the Assembly elected Abdiqassim Salad Hassan as Transitional President. Ali Khalif Gallayr was named Prime Minister in October 2000, and he appointed the 25-member Cabinet. Administrations in the northwest (Somaliland) and northeast ("Puntland") areas of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. In October the TNA passed a vote of no confidence in the TNG, and Gallayr was dismissed as Prime Minister. In November Abdiqassim appointed Hassan Abshir Farah as the new Prime Minister. Serious interclan fighting continued to occur in parts of the country, notably in the central regions of Hiran and Middle Shabelle, the southern regions of Gedo and Lower Shabelle, and in the Middle Juba and Lower Juba regions. No group controls more than a fraction of the country's territory. There is no national judicial system.

Leaders in the northeast proclaimed the formation of the Puntland state in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country, but the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In July Yusuf announced his refusal to abide by the Constitution and step down. This led to a confrontation with Chief Justice Yusuf Haji Nur, who claimed interim presidential powers pending elections. In November traditional elders elected Jama Ali Jama as the new Puntland President. Yusuf refused to accept the elders' decision, and in December he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. A ban on political parties in Puntland remained in place.

In the northwest, the "Republic of Somaliland" continued to proclaim its independence within the borders of former British Somaliland. Somaliland has sought international recognition since 1991 without success. Somaliland's government includes a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. During the year, 97 percent of voters in a referendum voted for independence for Somaliland and for a political party system. Presidential and parliamentary elections were scheduled to be held in February 2002; however, President Egal requested and Parliament granted a 1-year extension for the next elections.

After the withdrawal of the last U.N. peacekeepers in 1995, clan and factional militias, in some cases supplemented by local police forces established with U.N. help in the early 1990's, continued to function with varying degrees of effectiveness. Intervention by Ethiopian troops in 1996 and 1997 helped to maintain order in Gedo region by closing down the training bases of the Islamic group Al'Ittihad Al-Islami (AIAI). In Somaliland more than 60 percent of the budget was allocated to maintaining a militia and police force composed of former troops. In 2000 a Somaliland presidential decree, citing national security concerns in the wake of the conclusion of the Djibouti Conference, delegated special powers to the police and the military. Also in 2000, the TNG began recruiting for a new 4,000-officer police force to restore order in Mogadishu. The TNG requested former soldiers to register and enroll in training camps to form a national army. At year's end, the TNG had a 3,500-officer police force and a militia of approximately 5,000 persons. During the year, 7,000 former non-TNG militia were demobilized to retrain them for service with the TNG; however, many of the militia members left the demobilization camps after the TNG was unable to pay their salaries for 3 months. At year's end, the TNG was attempting to restore salaries and to continue the demobilization process. During the year, Mogadishu police began to patrol in the TNG-controlled areas of the city. Police and militia committed numerous human rights abuses throughout the country.

The country's population is estimated to be between 7 and 8 million. The country is very poor with a market-based economy in which most of the work force is employed as subsistence farmers, agro-pastoralists, or

pastoralists. The principal exports are livestock and charcoal; there is very little industry. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban, lifted in 2000, was reinstituted by Saudi Arabia because of fears of Rift Valley fever and reportedly because of Saudi political considerations. Livestock is the most important component of the Somali economy, and the ban has harmed further an already devastated economy. The country's economic problems continued to cause serious unemployment and led to pockets of malnutrition in southern areas of the country.

The country's human rights situation is poor, and serious human rights abuses continued throughout the year. Citizens' right to change their government is circumscribed by the absence of an established central authority. Many civilian citizens were killed in factional fighting, especially in Gedo, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba regions, and in the cities of Mogadishu and Bosasso. Kidnaping remained a problem. There were some reports of the use of torture by Somaliland and Puntland administrations and militias. In Somaliland and Puntland, police used lethal force while disrupting demonstrations. The use of landmines, reportedly by the Rahanwein Resistance Army (RRA), resulted in several deaths. Prison conditions were harsh and life threatening. Arbitrary arrest and detention remained problems. Somaliland authorities detained a number of persons who challenged President Egal and his management of the nascent political party system. In most regions, the judicial system relied on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code; reports of harsh physical punishments by Islamic Shari'a courts, including public whippings and stonings, were rare. Citizens' privacy rights were limited. There were restrictions on the freedoms of speech, press, assembly, association, and religion. There were restrictions on freedom of movement. There were several reports of attacks on NGO's during the year. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. The abuse of children remained a problem. Abuse and discrimination against ethnic and religious minorities in the various clan regions persisted. There was no effective system for the protection of workers' rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Political violence and banditry have been endemic since the revolt against Siad Barre, who fled the capital in January 1991. Since that time, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. The vast majority of killings throughout the year resulted from clashes between militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings increased from 2000 as a result of fighting between the following groups: Between the RRA and TNG; between the TNG and warlord Muse Sudi in Mogadishu; between warlord Hussein Aideed and the TNG; between Abdullahi Yusuf's forces and those of Jama Ali Jama in Puntland; and between the SRRC and Jubaland Alliance in Kismayo.

Security forces and police killed several persons, and in some instances used lethal force to disperse demonstrators during the year. For example, on February 3, in Bosasso, security forces and police shot and killed 1 woman and injured 11 other persons during a demonstration. On August 23, Somaliland police, who were arresting supporters of elders for protesting actions of President Egal, killed a small child during an exchange of gunfire. On August 28, in Mogadishu, TNG police reportedly killed two young brothers. There were no investigations, and no action was taken against the perpetrators during the year.

Unlike in the previous year, Islamic courts did not execute summarily any persons during the year.

Members of militias killed several members and supporters of the TNG during the year. For example, on January 6, in the Bakol region, approximately 200 militia members, reportedly from the RRA, attacked a convoy of TNG officials and killed at least 9 persons and injured numerous others. On February 4, troops from the Somali National Front militia belonging to warlord Abdirizak Bihi attacked a TNG delegation in Garbaharre town in Gedo region and killed 10 persons. There was no investigation nor action taken against the perpetrators during the year.

Attacks against humanitarian and NGO workers resulted in some deaths during the year.

For example, on July 14, militiamen loyal to warlord Osman Atto ambushed a World Food Programme (WFP) relief convoy near Mogadishu, killed six persons and injured several others. There were no investigations nor any actions taken against those responsible for the abuses by year's end.

Killings resulted from conflicts between security and police forces and militias during the year. On March 13, in Mogadishu, four persons were killed, including a deputy police inspector, during a gun battle between police and militia members over rights to a former bank property. On May 12, more than 50 persons were killed and more than 100 were injured during fighting between Somali National Alliance (SNA) militiamen and TNG security forces. On May 27, 13 persons were killed in Libahel town near Wanle Weyn during fighting between RRA militiamen and TNG forces. On June 11, two persons were killed and several others were injured during fighting between TNG police and militiamen at the Mogadishu livestock market during a dispute over land ownership. On July 1, 4 persons were killed and 10 others were injured during clashes between security forces belonging to Islamic Court Militia in Merka and clan militiamen from the area. The clashes reportedly began when the Islamic Court Militia disarmed a group of youths. On August 6, fighting between a coalition of factions supported by the Government of Ethiopia and the TNG-supported Jubaland Alliance militia in the southern port

city of Kismayu resulted in at least 18 deaths and numerous civilian injuries. There were no investigations or further action on the cases by year's end.

There were occasional reports of the use of harsh physical punishments by the five Islamic Shari'a courts in Mogadishu, which are aligned with different subclans, including public whippings and stoning (see Sections 1.e. and 2.c.). The courts rarely administered punishments such as amputation, but their militias administered summary punishments, including executions, in the city and its environs. During the year, the courts were absorbed into the TNG and no longer existed by year's end (see Section 1.c.).

Militia attacks resulted in numerous deaths during the year. On February 1, one person was killed during renewed border clan warfare between Somaliland and Puntland. On June 10, in Mogadishu armed militiamen, who earlier had hijacked a truck, shot at militiamen who they thought were pursuing them, killing three persons and injuring several others. On June 10, unidentified heavily armed militiamen shot at a passenger bus in Mahadday area of Lower Shabelle region, killing five persons; the motive remained unknown at year's end. On June 11, militiamen fired into a minibus in Mogadishu, killing seven persons and injuring several others. The militiamen, whose motive was unknown, took the vehicle with the dead bodies still inside. On August 6, while retreating to Garowe from Bosasso, Abdullahi Yusuf's militia killed four men who attempted to stop them at a roadblock. There were no investigations into any of these incidents, and no action was taken against members of the militia groups for abuses; however, local mediation efforts resolved some cases.

Conflicts between rival militias resulted in deaths during the year. On February 7, rival militias clashed in Qardho town in Puntland, killing at least three persons. On February 9, two militia groups fought during the attempted robbery of a truck, killing one person and injuring several others. On April 15, rival militias in Kismayu attacked a residential area, killing at least 8 persons and injuring 25 others. On May 1, rival militias clashed over the administration of a transport station in Mogadishu, killing three persons. On May 2, five persons were killed and numerous other persons were injured during a fight between rival militia at a qat market in Mogadishu. On May 11, 80 persons were killed during a clash between clan militiamen loyal to the TNG and forces of warlord Hussein Aideed. On June 12, two militia groups fought in Lugh, Gedo region over their respective shares of money from a vehicle checkpoint, killing three persons. On June 12, four persons were killed in Mogadishu in a clash between the SNA and the Islamic Court Militia, and on June 21, two persons were killed and five were injured in militia fighting in Mogadishu. On June 22, two persons were killed in Mogadishu during militia fighting. On June 23, in Mogadishu, Mahadday, and Burhakaba, militiamen loyal to warlord Mohammed Dhere confronted two militiamen in an attempt to disarm them, killing 8 persons and injuring 15 others. On July 13, 11 persons were killed, including 2 children, and numerous others were injured during fighting between warlord Muse Sudi's militiamen and rival militia groups. On July 25, in Buale town, 8 persons were killed and 15 persons were injured in a fight between SRRC militiamen loyal to General Morgan and Jubaland Alliance militiamen over Buale. On August 5, militiamen loyal to former Puntland president Abdullahi Yusuf fought militiamen loyal to interim president Yusuf Nur. The fight, which occurred over control of the Bosasso airport, resulted in the deaths of 20 persons and injuries of 60 persons. There was no further action taken on the cases by year's end.

In-fighting within militia groups resulted in numerous deaths during the year. For example, on February 1, militiamen who were controlling the Balligdogle airstrip began to fight among themselves over the collection of levies on a convoy of trucks traveling to Baiddoa; four persons were killed and six others were injured.

All but one killing by TNG forces, Somaliland and Puntland forces, warlord supporters, or members of militias from 2000 remained unresolved during the year; there were no investigations, and no action was taken against the perpetrators during the year. No action is likely against any of those responsible. In August Tanzanian police arrested three individuals who reportedly killed former Siad Barre army General Yusuf Tallan in 2000; they remained in custody in Tanzania at year's end.

No action is known to have been taken against the persons responsible for the following 1999 killings: The September killing of a senior UNICEF official; the September killing of businessman Haji Abdullahi; the August killing of one person during a demonstration at the Ismail Jumale Center for Human Rights; the July killing of Osman Jeyte; the March killing of a foreign religious worker; and the February killing of Dr. Singh Bohgal.

In 1997 a War Crimes Commission in Hargeisa in Somaliland began investigating the killings in 1988 of at least 2,000 local residents, including women and children, by Siad Barre's troops. Heavy rains in 1997 revealed numerous mass graves in the Hargeisa area. During the year, the War Crimes Commission continued to record eyewitness accounts and other evidence; however, the work of the Commission was limited by a lack of funding.

There were reports during the year that Ethiopian troops participated in fighting and killed persons. For example, in January there was a report that Ethiopian soldiers killed 5 persons and injured 17 others after they fired shots into a group of demonstrators in the south-west. A resident reported that the troops fired directly at the demonstrators, and that they tortured several persons who were captured. In September 2000, approximately 30 Ethiopian soldiers attacked Haji Salah village in Somaliland, killed 2 persons, and confiscated radio equipment. Somaliland President Egal wrote a letter to the Ethiopian Government and asked for an explanation for the attack. The Ethiopian Government denied the reports and maintained that Ethiopian troops were not present in the country.

Unknown assailants killed persons during the year. On February 6, independent gunmen attacked the Mogadishu police chief in Mogadishu and killed one bystander. On February 7, three children were shot and killed in Mogadishu while returning from Koranic school; the motive remained unknown at year's end. On March 17, 10 men were killed in Jowhar in retaliation for the killing of a young girl. On March 24, four persons were killed at the police station in Qardho after complaining about police harassment. There were no

investigations, and no action was taken against those responsible for the abuses during the year.

Landmine explosions caused several deaths and injuries during the year (see Section 1.c.). The RRA laid numerous landmines in the Lower Shabelle and Middle and Lower Juba regions. On February 1 in Burhakaba, Bay region, four nomads were killed by a landmine explosion. On May 10, a landmine explosion near Ballidogle airstrip killed a man. On June 2, a truck hit a mine in Saragoble, which exploded and killed one person and injured four others. On July 24, four cars hit landmines on the road linking the Lower Juba and Middle Juba regions. The cars exploded and killed several persons and injured some others.

Clan fighting resulted in numerous deaths during the year. On March 1, 6 persons were killed and 20 persons were injured in a clan-related fight in Hawl Wadag. On March 30, 40 persons were killed during Marehan intra-clan fighting. On May 16, 7 persons were killed and 14 injured in a clash between the Galjecel and Rahanwein clans over camel rustling in Burhakaba.

Persons were killed during disputes over land during the year. For example, on February 13, 3 persons were killed and 13 villages were burned in Jowhar during a land dispute.

b. Disappearance

There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

There continued to be reports of kidnappings of aid workers during the year. On March 27, militiamen loyal to warlord Muse Sude attacked the Medecins Sans Frontieres (MSF) compound and held nine U.N. and MSF aid officials hostage. On March 28, five of the hostages were released; on March 30, two were released; and on April 4, the remaining two were released. On April 21, a WFP vehicle near Garowe in Puntland was ambushed; the perpetrators kidnapped a WFP official during the attack (see Section 1.c.). Guardsmen from the Puntland presidency chased the vehicle and rescued the official; the perpetrators escaped. There were no investigations, and no action was taken against the perpetrators in these cases.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. In January gunmen in Mogadishu held hostage a member of the TNG Parliament who they claimed owed them money. On March 9, a group of militiamen at the Kismayu port seized 2 foreign-registered cargo ships and 28 foreign crew members and demanded payment for maintenance. The ships and their crews were released approximately 2 months later. On June 13, an armed group abducted a TNA member, Mohammed Abdi Gas, in Mogadishu. The abductors demanded money that they claimed a relative of Gas owed them; on September 2, they released him. In early August, a militia group seized a Kenyan fishing vessel and held hostage approximately 30 crew members off the coast of Puntland. The militia demanded money from the ship's owners and from the captain after a local court in Eil town determined that they had been fishing illegally. On September 16, unknown gunmen kidnapped a medical doctor from a hospital in Mogadishu and demanded ransom; on September 25, he was released.

Unlike in the previous year, there were no reports of kidnappings of critics of faction leaders during the year.

There was no investigations nor action was taken against the perpetrators of kidnappings that occurred in 2000.

There were no further developments and none are expected in the 1999 kidnapping case of two OLF officials from Ethiopia and a senior Al'ittihad official.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Transitional National Charter, adopted in 2000 but not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believe that many incidents of torture were not reported.

Security forces killed and injured persons while forcibly dispersing demonstrations during the year (see Sections 1.a. and 2.b.). Security forces, police, and militias also injured persons during the year, including supporters and members of the TNG (see Section 1.a.).

Acts of violence, including several killings, increased against supporters or members of the TNG (see Section 1.a.).

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (see Sections 1.a. and 4). For example, on April 21, a WFP vehicle near Garowe in Puntland was ambushed; two security guards were injured (see Section 1.b.).

During the year, the TNG gradually absorbed Islamic courts and their militias, and the courts ceased functioning by year's end (see Section 1.e.). Unlike in the previous year, reports of stonings and of public whippings were rare. In 1999 an Islamic court in Buulo village, Lower Shabelle, sentenced Nuurto Muhammad Ali to death by stoning after she was discovered to have three husbands; the execution was suspended until

after Ali, who was pregnant, gave birth. She was released by year's end.

There were a number of attacks with explosives during the year. On February 16, a grenade was thrown into the compound of African Action Help (AAH), an NGO, in Qardho. There were no reported injuries. On February 20, in Merka, an explosive device was detonated in the area between the compound of an Italian NGO, Coordinating Organization for Voluntary Service (COSV), and a nearby school. There were no reported injuries in either of the attacks, and the motivations remained unclear at year's end. On April 2, a bomb went off in the outskirts of Baidoa; there were no reported injuries. It was suspected that the explosion was connected to the arrest of traditional elders by the RRA leadership. On June 23, a bomb was thrown into the offices of Nugal newspaper in Garowe, which destroyed the building; the identity of the perpetrators was not known at year's end. On September 7, an unidentified person threw a grenade inside the World Health Organization (WHO) compound in Merka; there were no reported injuries. On September 25, in Borama, Somaliland, a grenade was thrown into the office of Somaliland's ruling party, the UDUB. There were no reported injuries.

Unlike in the previous year, there were no reports that labor disputes led to the use of force or resulted in injuries (see Section 6.a.).

In April a domestic human rights group, Doctor Ismail Juma'ale Human Rights Organization (DIJHRO), issued a statement that accused militia members loyal to warlord Hussein Aideed of raping numerous women in 15 villages in the southern Qoroley district.

There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year. The majority of the rapes were perpetrated by Somali bandits who crossed over the border and a small number were by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August but estimates that the actual number is likely 10 times greater. The aid agency CARE estimated that approximately 40 women were raped every month in 4 refugee camps; other reports indicated that 10 percent of Somali women in the camps have been raped. The rapes usually followed looting attacks by bandits and occurred when women and girls left the camps to herd goats or collect firewood or at night when bandits enter the refugee camps. The victims ranged in age from 4 to 50 years of age, and many of the rapes reportedly resulted in pregnancies during the year.

Landmine explosions killed and injured several persons during the year (see Section 1.a.). For example, on July 18, three persons were injured near Marere village when their car hit a landmine that exploded. No action reportedly was taken against the TNG forces, Somaliland and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2000.

Although reliable statistics were not available, a large number of persons were killed and injured as a result of interfactional and interclan fighting (see Section 1.a.).

Prison conditions varied throughout the country; however, in general they remained harsh, and in some cases, life threatening. Conditions at the north Mogadishu prison of the Shari'a court system remained harsh and life threatening. Hareryale, a prison established between north and south Mogadishu reportedly holds hundreds of prisoners, including children. Conditions at Hareryale are described as overcrowded and poor. Similar conditions exist at Shirkhole prison, an Islamic Court Militia run prison in south Mogadishu and at north Mogadishu prison for Abgel clan prisoners run by warlord Musa Sudi. In September the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajjar, visited prisons in Hargeisa and Mogadishu. Alnajjar reported that conditions had not improved in the 3 years since his previous visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training characterized prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was common in many prisons. Pretrial detainees and political prisoners are held separately from convicted prisoners.

According to an international observer, men and women are housed separately in the Puntland prison in Bosasso; this is the case in other prisons as well. Juveniles frequently are housed with adults in prisons. Custom allows parents to place children in prison without judicial proceedings.

The detainees' clans generally pay the costs of detention. In many areas, prisoners are able to receive food from family members or from relief agencies. Ethnic minorities make up a disproportionately large percentage of the prison population.

The Puntland Administration permits prison visits by independent monitors. Somaliland authorities permit prison visits by independent monitors, and such visits occurred during the year. The Jumale Center for Human Rights visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile

In the absence of constitutional or other legal protections, various factions and armed bandits continued to engage in arbitrary detention, including the holding of relief workers.

On February 26, a U.N. Educational, Scientific and Cultural Organization (UNESCO) academic who was in Garowe, Puntland to conduct a seminar, was arrested and charged with distributing antigovernment leaflets; he was released after paying a fine.

On May 22, authorities in Somaliland arrested and detained Suleiman Mohamoud Adan "Gaal" for holding meetings outside of Somaliland with Djibouti President Gelleh and TNG members; on June 5, he was released.

On June 12, warlord Muse Sudi's militia arrested six clan elders for attending a meeting to discuss clan affairs, because he reportedly believed that they were attempting to undermine his authority; the elders were released after several days.

On June 13, the Puntland Administration arrested two intellectuals reportedly for engaging in antigovernment political activities; they were released after a few days.

On August 23, Somaliland President Egal ordered the detention of approximately 10 elders. After fighting between Somaliland authorities and supporters of the elders, four sultans (sub-clan chiefs) and one of their supporters were arrested. On September 3, President Egal ordered their release.

On September 24, the RRA in Burhakaba arrested 11 pro-TNG elders and accused them of fomenting division and dissension within the Rahanwein clan.

Unlike in the previous year, there were no reports that Somaliland authorities detained foreigners for proselytizing. Seven Christian Ethiopians arrested in Somaliland in 1999 for allegedly attempting to proselytize were released at the beginning of the year.

Unlike in previous years, there were no reports that authorities in Somaliland, Puntland, and in areas of the south detained local or foreign journalists.

It was unknown whether persons detained in 2000 were released during the year.

There were no developments in the following arrest cases from 2000: The September arrests of five persons by Somaliland police, and the March detention of five persons by the Puntland region security committee.

There were no developments in the arrests of the following persons arrested by the Somaliland authorities in 2000 for participating in the Djibouti Conference: Sultan Mohamed Abdulkadir, who was arrested in November; Bile Mahmud Qabowsadeh, who was arrested in October; and Abdi Hashi, who was arrested in May.

There were no reports of lengthy pretrial detention in violation of the pre-1991 Penal Code in Somaliland or Puntland.

None of the factions used forced exile.

e. Denial of Fair Public Trial

There is no national judicial system.

The Transitional Charter, adopted in 2000, provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter had not been implemented by year's end. Some regions have established local courts that depend on the predominant local clan and associated factions for their authority. The judiciary in most regions relies on some combination of traditional and customary law, Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some combination of the three. For example, in Bosasso and Afmadow, criminals are turned over to the families of their victims, which then exact blood compensation in keeping with local tradition. Under the system of customary justice, clans often hold entire opposing clans or sub-clans responsible for alleged violations by individuals.

Islamic Shari'a courts, which traditionally ruled in cases of civil and family law but extended their jurisdiction to criminal proceedings in some regions beginning in 1994, ceased to function effectively in the country during the year. The Islamic courts in Mogadishu gradually were absorbed during the year by the TNG, and the courts in Merka and Beledweyne ceased to function. In Berbera courts apply a combination of Shari'a law and the former Penal Code. In south Mogadishu, a segment of north Mogadishu, the Lower Shabelle, and parts of the Gedo and Hiran regions, court decisions are based on a combination of Shari'a and customary law. Throughout most of the country, customary law forms a basis for court decisions.

In 2000 Somaliland adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. The Constitution provides for an independent judiciary; however, the judiciary is not independent in practice. A U.N. report issued in 2000 noted a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges. The Puntland Charter implemented in 1998 provides for an independent judiciary; however, the judiciary is not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system.

The Transitional Charter, which was not implemented by year's end, provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal do not exist in those areas that apply traditional and customary judicial practices or Shari'a law. These rights more often are respected in regions that continue to apply the former government's penal code, such as Somaliland and Puntland.

In January more than 50 gunmen attacked an Islamic court in Mogadishu and released 48 prisoners and looted the premises; the motivation for the attack remained unknown at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Transitional Charter, adopted in 2000 but not implemented by year's end, provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in previous years. The Puntland Charter recognizes the right to private property; however, the authorities did not respect this right on at least one occasion.

Militia members reportedly confiscated persons' possessions as punishment during extortion attempts during the year (see Section 2.d.).

Most properties that were occupied forcibly during militia campaigns in 1992-93, notably in Mogadishu and the Lower Shabelle, remained in the hands of persons other than their prewar owners.

Approximately 300,000 persons, or 4 percent of the population, are internally displaced persons (IDP's) as a result of interfactional and interclan fighting.

In November the only Internet company in the country and a telecom company closed down (see Section 2.a.). The closures reportedly restricted telephone lines and prevented money transfer services for citizens in the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Charter, adopted in 2000, provides for freedom of speech and the press; however, the charter was not implemented by year's end, and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right is not respected in practice. The Somaliland constitution also provides for freedom of the press; however, this right is restricted in practice.

The print media consist largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally are independent and are critical of the faction leaders.

Somaliland has two daily newspapers, one government daily, and one independent. There also is an English language weekly newspaper. The Government tolerated criticism by journalists during the year.

On February 21, senior parliamentary officials in Mogadishu barred journalists from covering proceedings of the TNA.

On February 26, a UNESCO academic in Garowe, Puntland, to conduct a seminar, was arrested and charged with distributing antigovernment leaflets; he was released after paying a fine.

In August 2000, the Islamic Court Militia detained Ahmed Abd Al Rahman Dhalbaaq, the editor of the Merka, Lower Shabelle, bimonthly newspaper, Gaim, reportedly for reporting on a decrease in security in the town. He was released on bail pending trial later the same day. It was not known whether he had been tried by year's end.

In 1999 in Puntland, the regional administration arrested Abulkadir Ali and Mohamed Deq of the newspaper Sahan, and Ahmed Mohamed Ali of the newspaper Riyaq, reportedly for writing articles critical of the Government. Both journalists were released during the year.

The majority of the country's citizens obtain news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmits a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operate small radio stations. The TNG recently began operating an FM station. In April a new radio station, funded by local businesses, began operating in the southern part of the country.

In November the only Internet company in the country and a telecom company closed down, which resulted in

a denial of Internet access in Mogadishu; however, access to the Internet was available in other parts of the country.

There are restrictions on academic freedom; academics operate under restrictions similar to those imposed on members of the media. There is no organized higher education system in most of the country. There are two universities in Mogadishu and two in Somaliland.

b. Freedom of Peaceful Assembly and Association

There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens are free to assemble in public, the lack of security effectively limits this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred during the year. In August 2000, Puntland President Abdullahi Yussuf ordered regional governors to ban all antigovernment demonstrations. Demonstrations occurred throughout the country during the year; however, the authorities in Somaliland, Puntland, and the south sometimes forcibly dispersed demonstrations and used excessive force in some instances, resulting in a number of deaths (see Sections 1.a. and 1.c.).

There were a number of peaceful demonstrations that occurred during the year without interference by authorities. For example, in August in Somaliland, thousands of persons demonstrated in support of President Egal's intention to hold elections with political parties and against elders who supported the traditional clan-based selection of the president. In October thousands of Mogadishu residents protested against the refusal of businesses to accept 500 shilling notes. In October thousands of Kismayu residents demonstrated in support of an inter-clan peace agreement. In November the Puntland Coalition of Women for Peace organized demonstrations in Bosasso and Galkacyo in support of peace and against the use of force by Abdullahi Yusuf or Jama Ali Jama to settle the dispute over the presidency in Puntland.

No action was taken against the members of the Somaliland police, Puntland police, Mudug (Puntland) region security committee, or security guards responsible for forcibly dispersing demonstrations on the following dates in 2000: November 11; November 1; September 10; March 30; March 29; and March 20.

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties for 3 years, beginning in 1998. The Somaliland constitution provides for freedom of association. In a referendum in May, Somaliland voters approved legislation governing the formation of political parties (see Section 3). The law limits the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, is responsible for considering applications. The law provides that approved parties that win 20 percent of the next Somaliland elections would be allowed to operate.

Professional groups and local NGO's operate as security conditions permit.

c. Freedom of Religion

There is no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter, adopted in 2000 but not implemented by year's end, establishes Islam as the national religion. There is no central government, but some local administrations, including the Republic of Somaliland and Puntland, have made Islam the official religion in their regions. The judiciary in most regions relies on some combination of traditional and customary law (Xeer), Shari'a law, the Penal Code of the pre-1991 Siad Barre Government, or some combination of the three. The TNG absorbed the Shari'a courts in Mogadishu during the year; however, the Government did not have effective control over the courts at year's end. Shari'a courts ceased functioning this year in Merka and Beledweyne (see Section 1.e.). These courts generally refrained from administering punishments such as amputation, but their militias administered summary punishments, including executions, in the city and its environs; however, the courts and their militias were absorbed by the TNG during the year and ceased functioning by year's end (see Sections 1.a. and 1.e.). Reports during the year of the use of harsh physical punishments by Islamic Shari'a courts including public whipping and stoning were rare.

Local tradition and past law make it a crime to proselytize for any religion except Islam. Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operate without interference, as long as they refrain from proselytizing. In 2000 in Somaliland, nine Ethiopians allegedly were detained for 1 month for engaging in Christian missionary activities; all nine were deported following their release. Seven Christian Ethiopians arrested in Somaliland in 1999 for allegedly attempting to proselytize were released at the beginning of the year (see Section 1.d.).

In 1999 the Minister of Religion in Somaliland issued a list of instructions and definitions on religious practices. Under the new rules, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines are prohibited. In Puntland religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Transitional Charter, adopted in 2000 but not implemented by year's end, and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens do not have the documents needed for international travel.

In January in the town of Baidoa, a militia group, reportedly the RRA, cut off communications lines from the rest of the country for several days and refused to allow vehicles to enter the town in order to prevent support from reaching opposition forces.

In the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtain water and charged them to take water from the river. The militia members also reportedly charged money from persons who were going into or out of the town. Persons who refused to comply with the extortion attempts reportedly were punished by having their belongings taken or were killed by militia members (see Section 1.a.).

The Somaliland and Puntland administrations impeded the travel of participants at the Djibouti Conference in 2000. Numerous persons were arrested and detained for attempting to attend the conference. In 2000 the Puntland Administration attempted to prohibit flights from landing at Bosasso Airport in an effort to restrict the movements of participants to and from the Djibouti Conference. In 2000 Puntland President Abdullahi Yussuf decreed the arrest of any person returning to Puntland from Arta, Djibouti (see Section 1.d.).

As security conditions continued to improve in many parts of the country, refugees and IDP's returned to their homes. During the year, 50,216 Somali refugees returned to the country from Ethiopia under the auspices of the UNHCR. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. However, despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year.

There are approximately 300,000 IDP's in the country, representing approximately 4 percent of the population. The majority of IDP's in the country reportedly lived in old schools and former government buildings.

The U.N. estimated that approximately 305,000 Somalis were living as refugees in neighboring countries, including approximately 139,000 in Kenya at year's end, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 60-70,000 Somali refugees in Ethiopia and 23,872 Somali refugees in Djibouti at year's end.

As there is no functioning central government, there is no policy of first asylum, nor are there any laws with provisions for the granting of refugee or asylee status. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

On October 7, approximately 106 Tanzanian refugees arrived in Mogadishu from Kenya. The refugees were living in an open yard at the Hamar school at year's end. On October 30, a second group of approximately 93 Tanzanian refugees arrived in Mogadishu; the group moved to another location until the TNG's National Refugee Agency was able to renovate abandoned buildings in the city for their use.

There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya (see Section 1.c.).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the absence of a fully functioning national government, citizens cannot exercise the right to change their government. In most regions, local clan leaders function as de facto rulers. Although many such groups derive their authority from the traditional deference given clan elders, most face opposition of varying strength from clan groups and political factions.

In 2000 in Arta, Djibouti, more than 900 delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of Somali minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. Ali Khalif Gallayr was named Prime Minister, and he appointed the 25-member Cabinet. In October the TNA passed a vote of no confidence in the TNG, and Gallayr was dismissed as Prime Minister. In November Abdiqassim appointed Hassan Abshir Farah as the new Prime Minister.

The Transitional Charter, adopted in 2000, but not implemented by year's end, provides for universal suffrage. Both of the Puntland and Somaliland administrations provide for universal suffrage.

In January the Prime Minister accused Ethiopia of forcing clan elders to sign statements supporting secession of the south-west region of the country.

In the Republic of Somaliland, a clan conference led to a peace accord in 1997. This accord demobilized militia groups, established a constitution and bicameral parliament with proportional clan representation, and elected a president and vice president from a slate of candidates. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which equals the boundaries of the Somaliland state that achieved international recognition in 1960. In 2000 the Somaliland parliament approved legislation governing the formation of political parties. Several new political parties were formed in Puntland during the year, including the Union of the People of Somaliland (UDSL). In May a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament. Municipal and parliamentary elections were scheduled for the end of the year. In January President Egal's and the Parliament's terms were extended for 1 year, and presidential, parliamentary, and municipal elections were postponed until the end of 2002 or the beginning of 2003.

In 1998 Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which plays a largely consultative role. Political parties are banned

in Puntland. Regional elections in Puntland were held during the year; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision, and in December he militarily seized Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. Both Yusuf and Jama continued to claim the presidency, and efforts continued to resolve the conflict at year's end.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders.

Somaliland and Puntland continued to contest the Sanaag and Sol regions and the Buhodle district during the year. Both governments sent administrators to the Sanaag and Sol regions, and both governments exerted influence in various communities.

The percentage of women in government or politics does not correspond to their percentage of the population, and no women held prominent public positions; however, several women were important behind-the-scenes figures in the various factions. There are only 5 female representatives out of a total of 69 representatives in the Puntland Parliament. Women played a prominent role in the Djibouti Conference. In the TNA, women were allocated 25 seats out of a total of 245 seats. Minorities were allocated 25 seats in the TNA during the Djibouti conference, which reflected their percentage of the population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several local human rights groups were active during the year, including the Mogadishu-based Ismail Jumale Center for Human Rights and the Hargeisa-based Horn of Africa Human Rights Watch Committee. The Ismail Jumale Center supported the Djibouti Reconciliation process in 2000, investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. Women's NGO's also played an important role in galvanizing support in the country for the Djibouti process.

In Hargeisa in Somaliland, local NGO's continued to operate freely and without harassment during the year.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG, Somaliland, and Puntland administrations permitted visits by U.N. human rights representatives during the year. Sporadic security problems complicated the work of some local and international organizations, especially in the south. There were reported incidents of harassment against NGO's, resulting in a number of deaths and injuries (see Sections 1.a. and 1.c.). Attacks on NGO's disrupted flights and food distribution during the year. During a protest march by Merca's "Shura" or council, three members threw a grenade into the offices of COSV in 2000. There were no reported injuries; staff members were evacuated, and COSV programs were suspended for 2 weeks in 2000.

During the year, the DIJHRC issued a statement that accused militia members loyal to warlord Hussein Aideed of raping numerous women in 15 villages in the southern Qoroley district. The DIJHRC also issued a statement that criticized human rights abuses by rival militias in Mogadishu.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Transitional Charter, adopted in 2000 but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women

Domestic violence against women exists, although there are no reliable statistics on its prevalence. Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. There are no laws that specifically address domestic violence; however, both Shari'a law and customary law address the resolution of family disputes (see Section 1.e.). Rape commonly is practiced in inter-clan conflicts. Laws prohibiting rape exist; however, they are not enforced. There are no laws against spousal rape. A few rapes were prosecuted during the year. There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year (see Section 1.c.).

Female genital mutilation (FGM), which is condemned widely by international experts as damaging to both physical and psychological health, is a near-universal practice. Estimates place the percentage of women who have undergone FGM at 98 percent. The majority of women are subjected to infibulation, the most harmful form of FGM. In Somaliland FGM remains illegal under the Penal Code; however, the law is not enforced. In 1999 Puntland authorities passed legislation banning FGM in northeastern areas of the country; however, in practice the law is not enforced strictly. While U.N. agencies and NGO's have made intensive efforts to educate persons about the danger of FGM, no reliable statistics are available on the success of their programs.

Trafficking in women for the purposes of sexual exploitation continued to be a problem (see Section 6.f.).

Women are subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny is permitted, but polyandry is not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly according to the Shari'a and Somali tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family as they would if the victim were a man.

Several women's groups in Mogadishu, Hargeisa (Somaliland), Bosasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. Women's groups played a prominent role in the Djibouti Conference.

Children

Children remain among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths are members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. Approximately 10 to 20 percent of the school-age population attends school; more boys than girls are enrolled in school. There are three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who enter primary school graduate from secondary school. Parents generally pay fees for their children's education. Schools at all levels lack textbooks, laboratory equipment, and running water. Teachers are trained poorly and paid poorly. The literacy rate is approximately 25 percent throughout the country; however, reliable statistics do not exist. There was a continued influx of foreign Muslim teachers into the country to teach in new private Koranic schools. These schools are inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture. In 1999 the Somaliland authorities drafted guidelines for a national education policy; however, no action on such a policy was taken by year's end.

Medical care is rudimentary, and only a small percentage of children have access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country.

There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (see Section 2.d.).

FGM is performed on approximately 98 percent of girls (see Section 5, Women).

Child labor is a problem, and there were reports that trafficking in children for forced labor also is a problem (see Section 6.f.).

Persons With Disabilities

In the absence of a functioning state, the needs of persons with disabilities are not addressed. There are several local NGO's in Somaliland that provide services for persons with disabilities.

Religious Minorities

Non-Sunni Muslims often are viewed with suspicion by members of the Sunni majority. There is strong social pressure to respect Islamic traditions. Organized Islamist groups whose goal is the establishment of an Islamic

state include: Al-Islah, which openly operates primarily in Mogadishu; and Al-Itihaad, which during the mid-1990's was organized and operated training camps, continued to have adherents throughout the country but did not have a central structure during the year. Unlike in the previous year, there were no mosque takeovers during the year. There was a continued influx of foreign Muslim teachers into the country to teach in new private Koranic schools; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture.

There is a small, low-profile Christian community. Christians, as well as other non-Muslims who proclaim their religion sometimes faced societal harassment.

National/Racial/Ethnic Minorities

More than 80 percent of citizens share a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan are excluded from effective participation in governing institutions and are subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans include the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, and Faqayaqub. Inter-marriage between these groups and mainstream Somali clans is restricted. These groups have limited access to whatever social services are available, including health and education. Members of minority groups continued to be subjected to killings, harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6 Worker Rights

a. The Right of Association

The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and broke up the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions could not function freely.

The Transitional Charter, adopted in 2000 but not implemented by year's end, the Puntland Charter, and the Somaliland Constitution established the right of freedom of association, but no unions or employer organizations yet exist.

Unlike in the previous year, labor disputes did not lead to the use of force during the year. In 2000 the Habr Gibr clan used force against the Digil and Biyamaal clans in Lower Shabelle.

b. The Right to Organize and Bargain Collectively

Wages and work requirements in the traditional culture are established largely by ad hoc bartering, based on supply, demand, and the influence of the clan from which the worker originates.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The pre-1991 Penal Code prohibits forced labor; however, local clan militias generally forced members of minority groups to work on banana plantations without compensation. Trafficking in women for the purposes of sexual exploitation was a problem (see Sections 5 and 6.f.).

The pre-1991 Labor Code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.d.). Trafficking in children for forced labor is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The pre-1991 Labor Code prohibits child labor, including forced or bonded labor by children; however, child labor occurs, and there are child soldiers (see Sections 5 and 6.c.). Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children work. In 1999 it was reported that 41.9 percent of children between the ages of 5 and 14 years worked; however, the percentage of children engaged in labor was believed to be higher than 42 percent during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor (see Section 5). There were reports that trafficking in children for forced labor is a serious problem (see Section 6.f.).

e. Acceptable Conditions of Work

There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons

The pre-1991 Penal Code prohibits trafficking; however, there were some reports of trafficking during the year. In 2000 Djibouti law enforcement authorities arrested members of a group that was smuggling Somali women to destinations such as Lebanon and Syria to work in brothels. The number of women being trafficked from the country appears to be small. There were reports that trafficking in children for forced labor is a serious problem (see Sections 5 and 6.d.).

¹ The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

This site is managed by the Bureau of Public Affairs, U.S. Department of State. External links to other Internet sites should not be construed as an endorsement of the views contained therein.

