

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>608</b>
Land:	Somalia
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2017 – Somalia
Udgivet:	20. april 2018
Optaget på baggrundsmaterialet:	14. maj 2018

Document #1430094

USDOS – US Department of State

## Country Report on Human Rights Practices 2017 - Somalia

### EXECUTIVE SUMMARY

The Federal Government of Somalia (FGS), formed in 2012, was led by President Mohamed Abdullahi Mohamed “Farmaajo” following his election by a joint vote of the two houses of parliament on February 8. President Farmaajo succeeded President Hassan Sheikh Mohamud, who peacefully stepped down from power following his electoral defeat. Members of the two houses of parliament were selected through indirect elections conducted from October 2016 through January, with House of the People membership based on clan and Upper House membership based on state. The electoral process in both houses was widely viewed as deeply flawed and marred with corruption, but the two houses of parliament elected President Farmaajo in a process viewed as fair and transparent. The government of the self-declared Republic of Somaliland in the northwest and the regional government of Puntland in the northeast controlled their respective jurisdictions. As these administrations exercised greater authority in their areas, they were also more capable of infringing on the rights of citizens. The Interim Galmudug Administration (IGA), Interim Jubaland Administration (IJA), Interim South West Administration (ISWA), and Interim Hirshabelle Administration did not fully control their jurisdictions. The terrorist organization al-Shabaab retained control of the Juba River Valley and maintained operational freedom of movement in many other areas in the south-central part of the country. Conflict during the year involving the government, militias, the African Union Mission in Somalia (AMISOM), and al-Shabaab resulted in death, injury, and displacement of civilians. AMISOM and Somali security forces did not conduct any major offensive operations to liberate additional areas during the year.

Civilian authorities did not maintain effective control over the security forces and had limited ability to provide human rights protections to society.

The most significant human rights issues included killings of civilians by security forces, clan militias, and unknown assailants, but the terrorist group al-Shabaab committed the majority of severe human rights abuses, particularly terrorist attacks on civilians and targeted assassinations. Other major human rights abuses included disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; arbitrary and politically motivated arrest and detentions, including of journalists; use of child soldiers; restrictions on freedoms of speech and press, assembly and movement; forced eviction, relocation and sexual abuse of internally displaced persons (IDPs); disruption, diversion,

and seizure of humanitarian assistance; civilians lack of ability to change their government through free and fair elections; trafficking in persons; widespread violence against women and girls with little government action for accountability, including rape and female genital mutilation/cutting (FGM/C); criminalization of same-sex sexual conduct; and forced labor, including by children.

Impunity generally remained the norm. Government authorities took minimal steps to prosecute and punish officials who committed violations, particularly military and police officials accused of committing rape, killings, clan violence, and extortion.

Clan militias and al-Shabaab continued to commit grave abuses throughout the country, including extrajudicial and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations (NGOs), and the United Nations. They also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of speech, press, assembly, and movement. AMISOM troops killed civilians (see section 1.g.).

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Government security forces and allied militias, other persons wearing uniforms, regional security forces, al-Shabaab, and unknown assailants committed arbitrary or unlawful killings. Government and regional authorities executed persons without due process. Armed clashes and attacks killed civilians and aid workers (see section 1.g.). Impunity remained the norm.

Military courts continued to try cases not legally within their jurisdiction and in proceedings that fell short of international standards. Federal and regional authorities sometimes executed those sentenced to death within days of the court’s verdict, particularly in cases where defendants directly confessed their membership in al-Shabaab before the courts or in televised videos. National figures on executions were unreliable, but the UN Mission to Somalia (UNSOM) tracked 21 executions across the country during the year, including four of alleged al-Shabaab members, 11 of armed forces members, and five of civilians. Human rights organizations questioned the military courts’ ability to enforce appropriate safeguards with regard to due process, the right to seek pardon, or commutation of sentence as well as to implement sentences in a manner that meets international standards.

Fighting among clans and subclans, particularly over water and land resources, occurred throughout the year, particularly in the cities of Merka and Galkayo and in Hiiraan Region (see section 6). Revenge killings occurred.

Al-Shabaab continued to kill civilians (see sections 1.g. and 6). The killings included al-Shabaab’s execution of persons it accused of spying for and collaborating with the FGS, Somali national forces, and affiliated militias.

Unidentified gunmen also killed persons with impunity, including members of parliament, electoral delegates, judges, National Intelligence and Security Agency (NISA) agents, Somali National Army (SNA) soldiers, and other government officials, as well as journalists, traditional elders, and international organization workers.

## b. Disappearance

There were no reports of kidnappings or other disappearances by or on behalf of government authorities. Al-Shabaab continued to abduct persons, including humanitarian workers and AMISOM troops taken hostage during attacks (see section 1.g.). Pirates continued to hold persons kidnapped in previous years.

Eight Iranian fishermen kidnapped in 2015 by al-Shabaab in Somali waters near El-Dheer, Galguduud Region, remained hostage at year’s end. Four other fishermen captured during the attack died in captivity, one escaped, and four were rescued.

Unlike in the previous year, there were several reports of attempted piracy attacks and two successful attacks off the coast of Puntland, but the vessels and crews were quickly recovered.

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

The provisional federal constitution prohibits torture and inhuman treatment. Nevertheless, torture and other cruel, inhuman, or degrading treatment or punishment occurred. The UN Monitoring Group on Somalia and Eritrea (SEMG) reported it received allegations that NISA officials committed torture, although reports of torture in NISA detention diminished in the past two years. Government forces, allied militia, and other men wearing uniforms committed sexual violence, including rape (see section 1.g.).

Federal and regional authorities used excessive force against journalists, demonstrators, and detainees, which resulted in deaths and injuries, although this largely subsided at the national level following President Farmaajo’s election in February.

In February three female journalists in Somaliland claimed they were beaten by uniformed officers and detained for several hours while visiting a relative in prison in Hargeisa. No investigation was conducted.

NISA agents routinely conducted mass security sweeps despite having no legal mandate to arrest or detain. NISA held detainees for prolonged periods without following due process and mistreated suspects during interrogations.

Al-Shabaab imposed harsh punishment on persons in areas under its control (see sections 1.a. and 1.g.).

Clan violence sometimes resulted in civilian deaths and injuries (see sections 1.g. and 6).

## Prison and Detention Center Conditions

Prison conditions in most areas of the country remained harsh due to poor sanitation and hygiene, inadequate food and water, and lack of medical care. Conditions were better in Central Mogadishu Prison, but overcrowding was a problem. Two facilities--Garowe Prison in Puntland (completed in 2014) and Hargeisa Prison in Somaliland (completed in 2011)--met international standards and reportedly were well managed. Prisons in territory controlled by al-Shabaab and in remote areas where traditional authorities controlled holding areas were generally inaccessible to international observers. Prison conditions in such areas were believed to be harsh and at times life threatening.

Physical Conditions: Overcrowding in urban prisons--particularly following large security incidents involving arrests--sometimes occurred. Authorities sometimes held juveniles and adults together, due in part to the belief that juveniles were safer when housed with members of their own subclan. Prison authorities often did not separate pretrial detainees from convicted prisoners, particularly in the southern and central regions.

Only inmates in Central Mogadishu Prison, Garowe Prison, and Hargeisa Prison had daily access to showers, sanitary facilities, adequate food and water, and outdoor exercise. Authorities in some states, however, made modest improvements in these areas in recent years with support from international organizations. Inmates in most prisons relied on their family and clan to supplement food and water provisions. The incarceration of juveniles at the request of families who wanted their children disciplined remained a problem, primarily in Puntland and Somaliland. This practice occurred mainly with diaspora children, whose families paid prison authorities to hold children with substance abuse problems as a form of rehabilitation due to the lack of other treatment options.

Authorities generally required the families of inmates to pay the cost of health services; inmates without family or clan support had limited access to such services. Disease outbreaks, such as tuberculosis and cholera, continued to occur, particularly in overcrowded prisons, such as Mogadishu. Such outbreaks could be life threatening during the rainy season.

In May two inmates died of cholera and 50 others were isolated during a cholera outbreak at a prison in Hargeisa.

Prison infrastructure often was dilapidated, and untrained guards were unable to provide security.

Information on deaths rates in prisons and pretrial detention centers was unavailable.

Al-Shabaab detained persons in areas under its control in the southern and central regions. Those detained were incarcerated under inhuman conditions for relatively minor “offenses,” such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab.

Administration: Most prisons did not have ombudsmen. Federal law does not specifically allow prisoners to submit complaints to judicial authorities without censorship. Somaliland law, however, allows prisoners to submit complaints to judicial authorities without censorship, and prisoners reportedly submitted such complaints.

Prisoners in Central Mogadishu, Garowe, and Hargeisa prisons had adequate access to visitors and religious observance; infrastructure limitations in other prisons throughout the country impeded such activities.

Independent Monitoring: Somaliland authorities and government authorities in Puntland and Mogadishu permitted prison monitoring by independent nongovernmental observers during the year. Representatives from the UN Office on Drugs and Crime visited prisons in Bosasso, Garowe, and Hargeisa several times. UNSOM representatives, other UN organizations, and humanitarian institutions visited a few prisons throughout the country. Geographic inaccessibility and insecurity impeded such monitoring in territory controlled by al-Shabaab or in remote areas where traditional authorities controlled detention areas.

Improvements: The FGS opened a new high-security Mogadishu Prison and Court Complex with funding from the United Kingdom. The new facility was designed to reduce insecurity for proceedings, particularly those involving terrorist suspects.

#### d. Arbitrary Arrest or Detention

Although the provisional federal constitution prohibits illegal detention, government security forces and allied militias, regional authorities, clan militias, and al-Shabaab arbitrarily arrested and detained persons (see section 1.g.). The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but only politicians and business persons could exercise this right effectively.

## Role of the Police and Security Apparatus

The provisional federal constitution states that the armed forces are responsible for assuring the country's sovereignty, independence, and territorial integrity and that the national federal and state police are responsible for protecting lives, property, peace, and security. Police were generally ineffective and lacked sufficient equipment and training. In Mogadishu, for example, police lacked sufficient vehicles to transfer prisoners from cells to courts or to medical facilities. There were reports of police engaging in corrupt practices.

AMISOM and the SNA worked to maintain order in areas of the southern and central regions. The FGS regularly relied on NISA forces to perform police work, often calling on them to arrest and detain civilians without warrants. Some towns and rural areas in the southern and central regions remained under the control of al-Shabaab and affiliated militias. The Ministry of Defense is responsible for controlling the armed forces. Police forces fall under a mix of local and regional administrations and the government. The national police force remained under the jurisdiction of the Ministry of Internal Security, while regional authorities maintained police forces under their areas' interior or security ministries.

Civilian authorities did not maintain effective control of security forces. Security forces abused civilians and often failed to prevent or respond to societal violence. Although authorities sometimes used military courts to try individuals believed to be responsible for abuse, they generally did not investigate abuse by police, army, or militia members; a culture of impunity was widespread.

The United Nations reported an increase in arbitrary arrests and detentions in Puntland during the year. A total of 121 individuals, including five women, were arrested in July during security operations and routine security screening, mostly in the towns of Garowe and Bosasso. The majority of those arrested were reportedly suspected of being al-Shabaab members, irregular migrants, youth accused of petty crimes, and one journalist. During the first half of the year, 1,226 arbitrary arrests and illegal detentions were recorded, mostly occurring in Puntland; 993 detainees were subsequently released.

The Ministry of Defense's control over the army remained tenuous but improved somewhat with the support of international partners. At year's end, the army consisted of 11,000 to 14,000 soldiers, according to estimates by international organizations. The bulk of forces were located in Middle Shabelle and Lower Shabelle Regions, as well as in the ISWA and IJA. The Ministry of Defense exerted some control over forces in the greater Mogadishu area, extending as far south as Lower Shabelle Region, west to Baidoa, Bay Region, and north to Jowhar, Middle Shabelle Region. Army forces and progovernment militia sometimes operated alongside AMISOM in areas where AMISOM was deployed. The federal police force maintained its presence in all 17 districts of the capital. AMISOM-formed police units complemented local and FGS policing efforts in Mogadishu. These police officers provided mentoring and advisory support on basic

police duties, respect for human rights, crime prevention strategies, community policing, and search procedures. More than 300 AMISOM police officers worked alongside the formed units to provide training to national police.

### Arrest Procedures and Treatment of Detainees

The provisional federal constitution provides for arrested persons to be brought before judicial authorities within 48 hours. The law requires warrants based on sufficient evidence and issued by authorized officials for the apprehension of suspects. The law also provides that arrestees receive prompt notification of the charges against them and judicial determinations, prompt access to a lawyer and family members, and other legal protections. Adherence to these safeguards was rare. The FGS made arrests without warrants and detained individuals arbitrarily. The government sometimes kept high-profile prisoners associated with al-Shabaab in safe houses before officially charging them. The law provides for bail, although authorities did not always respect this provision. Authorities rarely provided indigent persons a lawyer. The government held suspects under house arrest, particularly high-ranking defectors from al-Shabaab with strong clan connections. Security force members and corrupt judicial officers, politicians, and clan elders used their influence to have detainees released.

Arbitrary Arrest: Government and regional authorities arbitrarily arrested and detained numerous persons, including persons accused of terrorism and supporting al-Shabaab. Authorities frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests (see section 1.g.).

Government and regional authorities arbitrarily arrested journalists.

Government forces conducted operations to arrest youths they perceived as suspicious without executing warrants.

Pretrial Detention: Lengthy pretrial detention was common, although estimates were unavailable on the average length of pretrial detention or the percentage of the prison population being held in pretrial detention. The large number of detainees, shortage of judges and court administrators, and judicial inefficiency resulted in trial delays.

### e. Denial of Fair Public Trial

The provisional federal constitution states, “The judiciary is independent of the legislative and executive branches of government.” The civilian judicial system, however, remained largely nonfunctional across the country. Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on a combination of traditional and customary law, sharia (Islamic law), and formal law. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics. Authorities did not respect court orders. Civilian judges often feared trying cases, leaving military



courts to try the majority of civilian cases. In July the legislative branch attempted to exert authority over the judiciary by passing a motion annulling a Federal High Court decision requiring eight seats in parliament be recontested following allegations of corruption in the electoral process. President Farmaajo pressed the parliament to respect judicial independence, but the court decision was ultimately not enforced.

In Somaliland functional courts existed, although there was a serious shortage of trained judges, limited legal documentation upon which to build judicial precedent, and increasing allegations of corruption. Somaliland’s hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.

Puntland courts, while functional, lacked the capacity to provide equal protection under the law and faced similar challenges and limitations as courts in Somaliland.

Traditional clan elders mediated conflicts throughout the country. Clans frequently used and applied traditional justice practices swiftly. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals.

## Trial Procedures

The provisional federal constitution states, “Every person has the right to a fair public hearing by an independent and impartial court or tribunal, to be held within a reasonable time.” According to the provisional federal constitution, individuals have the right to a presumption of innocence. They also have the right to be informed promptly and in detail of the charges against them in a language they understand, although the constitution is unclear on whether the right to translation applies through all appeals. Detainees have the right to be brought before a competent court within 48 hours of arrest, to communicate with an attorney of their choice (or have one provided at public expense if indigent), and to not be compelled to incriminate themselves. Authorities did not respect most rights relating to trial procedures. Clan politics and corruption often impeded access to a fair trial. The provisional constitution does not address confronting witnesses, the right to appeal a court’s ruling, the provision of sufficient time and facilities to prepare a defense, or the right to present one’s own evidence and witnesses.

Military courts tried civilians. Defendants in military courts rarely had legal representation or the right to appeal. Authorities sometimes executed those sentenced to death within days of the court’s verdict (see section 1.a.). Some government officials continued to claim that a 2011 state of emergency decree gave military courts jurisdiction over crimes, including those committed by civilians, in areas from which al-

Shabaab had retreated. There was no clear government policy indicating whether this decree remained in effect, although the initial decree was for a period of three months and never formally extended.

In Somaliland defendants generally enjoyed a presumption of innocence and the right to a public trial, to be present at trial, and to consult an attorney at all stages of criminal proceedings. The government did not always inform defendants promptly and in detail of the charges against them and did not always provide access to government-held evidence. The government did not provide defendants with dedicated facilities to prepare a defense but generally provided adequate time to prepare. The government provided defendants with free interpretation or paid for private interpretation if they declined government-offered interpretation from the moment charged through all appeals. Defendants could question witnesses, present witnesses and evidence in their defense, and appeal court verdicts.

Somaliland provided free legal representation for defendants who faced serious criminal charges and could not afford a private attorney. Defendants had the right not to be compelled to testify or confess guilt. A functioning legal aid clinic existed.

In Puntland clan elders resolved the majority of cases using customary law. The administration's more formalized judicial system addressed cases of those with no clan representation. Defendants generally enjoyed a presumption of innocence, the right to a public trial, the right to be present and consult an attorney at all stages of criminal proceedings, and the right to appeal. Authorities did not always inform defendants promptly and in detail of the charges against them. Defendants had the right to present their own witnesses and evidence. Authorities did not provide defendants with dedicated facilities to prepare a defense but generally provided adequate time to prepare. Puntland authorities provided defendants with free interpretation services when needed. The government often delayed court proceedings for an unreasonable period.

There was no functioning formal judicial system in al-Shabaab-controlled areas. In sharia courts defendants generally did not defend themselves, present witnesses, or have an attorney represent them.

### Political Prisoners and Detainees

The number of persons detained during the year for politically motivated reasons was unknown. Government and regional authorities arrested journalists as well as other persons critical of authorities, although arrests and harassment in Mogadishu substantially subsided following President Farmaajo's election in February.

Somaliland authorities continued to detain Somaliland residents employed by the federal government in Mogadishu, sometimes for extended periods. Somaliland authorities did not authorize officials in Mogadishu to represent Somaliland within or to the federal Somali government and viewed such actions as treason, punishable under the constitution of Somaliland.

For example, on February 15, journalist Abdimalik Oldoon was arrested in Somaliland upon return from Mogadishu where he covered the presidential election and inauguration. Oldoon was sentenced to two years in prison for spreading antinationalist activities. In May Somaliland President Silanyo ordered his release and granted him amnesty.

On April 11 in Somaliland, two members of the Waddani opposition party--the youth wing leader and the sports secretary--were arrested for statements they made at a press conference. On May 21, the youth wing leader was acquitted and the sports secretary was sentenced to one year in prison. The youth wing leader's release was blocked by the attorney general, but both were granted bail on May 29.

### Civil Judicial Procedures and Remedies

There were no known lawsuits seeking damages for, or cessation of, human rights violations in any region during the year, although the provisional federal constitution provides for “adequate procedures for redress of violations of human rights.”

### Property Restitution

In Mogadishu the government and nonofficial actors evicted persons, primarily IDP returnees, from their homes without due process (see section 2.d.).

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

According to the provisional federal constitution, “every person has the right to own, use, enjoy, sell, and transfer property” and the private home is inviolable. Nonetheless, authorities searched property without warrants.

For example, security forces conducted warrantless searches during and after Ramadan. In July security forces conducted security operations in the Hawo Tako neighborhood of the Wadajir district in Mogadishu, where they entered homes to search for weapons. While particular homes were reportedly targeted during the security operations, entire areas were subjected to security sweeps following security incidents or attacks.

During the year AMISOM and Somali forces retained control over several areas liberated from al-Shabaab in 2015, although it liberated no significant territory after that time. The return of IDPs to areas recently liberated continued to result in disputes over land ownership. There was no formal mechanism to address such disputes. In 2016 the Ethiopian National Defense Force contingent drew down from 4,000 to 3,000 troops and abandoned some positions in the regions of Bay, Bakool, and Hiiraan, opening some of these areas to reentry by al-Shabaab.

Government and regional authorities harassed relatives of al-Shabaab members.

#### g. Abuses in Internal Conflicts

Killings: Conflict during the year involving the government, militias, AMISOM, and al-Shabaab resulted in death, injury, and displacement of civilians. State and federal forces killed civilians and committed sexual and gender-based violence, especially in and around Lower Shabelle. Clan-based political violence involved revenge killings and attacks on civilian settlements. Clashes between clan-based forces and with al-Shabaab in Puntland and the Galmudug, Lower Shabelle, Middle Shabelle, Lower Juba, Baidoa, and Hiiraan Regions, also resulted in deaths. According to the United Nations, killings by clan militias increased compared with previous years, likely as a result of increased tensions following flawed state formation processes.

For example, in April at least three persons were killed in clashes in Middle Shabelle when a dominant clan reportedly attempted to take over disputed land by force.

Civilians reported that many residences were burned down during the fighting, prompting displacement of village residents. Some marginalized communities, particularly the Somali Bantu/Jareerweyn, reported they were victims of attacks with no recourse since regional administrations characterized incidents as clan conflicts.

Somaliland used military force to suppress opponents of voter registration in contested regions (see section 1.a.).

According to UNSOM reports, between January and November security force attacks against al-Shabaab, other armed groups or individuals, and civilians resulted in civilian deaths, with casualties attributed to the SNA (107 deaths, 115 injured) and AMISOM (33 deaths, 60 injured). Al-Shabaab caused significant civilian casualties, including 880 deaths and 864 injured, during that period.

According to UNSOM reports, 2,785 cases of civilian casualties, including rape, were recorded during the year.

In April AMISOM troops were reported to have killed five civilians, including three children, in Lower Shabelle Region after a bomb blast targeted AMISOM forces in the area. African Union officials had not released a statement regarding the incident by year's end.

Al-Shabaab committed politically motivated killings that targeted civilians affiliated with the government and attacks on humanitarian NGO employees, UN staff, and diplomatic missions. Al-Shabaab often used suicide attacks, mortar attacks, and improvised explosive devices (IEDs). It also killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building, and it beheaded persons accused of spying for and collaborating with Somali national forces and affiliated militias. Targeted assassinations, particularly of electoral delegates and elders, humanitarian workers, and civilians, increased in the first half of the year compared with prior years, as did violent punishments including amputations and stonings.

For example, on May 25, a female delegate involved in the 2016-17 electoral process for Galmudug was shot and killed by unknown assailants in Mogadishu. No arrests were made, but authorities believed al-Shabaab was responsible. This was the 23rd delegate killed since the February election. An unknown additional number of elders who participated in the electoral process were also killed.

On the same day, two female khat traders in Dirir-weyn village between Leego and Wanla-weyn towns in Lower Shabelle Region were abducted from their homes and beheaded. Their heads and bodies were found in the road thereafter. No one was arrested, but al-Shabaab gunmen were suspected, as the group was known to target khat traders who sold to government soldiers.

In May al-Shabaab stoned a man to death for adultery after a woman claimed he had raped her. On May 6, al-Shabaab publicly beheaded two men, deemed enemy soldiers by the militant group, in the village of Quar'a Madobe. On June 7, two suspected al-Shabaab gunmen killed the chairperson of the Diinsoor District Women's Association in her home in South West State. On July 11, suspected al-Shabaab gunmen shot and killed a tax official in Mogadishu.

Abductions: Al-Shabaab frequently abducted AMISOM troops during attacks. For example, the Ugandan government confirmed seven Ugandan AMISOM troops remained captive from a 2015 attack on the AMISOM base in Janale. An unknown number of Kenyan and other AMISOM troops remained captive.

Al-Shabaab abducted 216 persons in the first half of the year and released 127, according to UNSOM. Between May 21 and May 24, al-Shabaab abducted approximately 70 persons, including women and children, burned numerous homes, and caused more than 15,000 persons to flee their homes during raids in Lower Shabelle, according to the United Nations. Some men who were abducted told human rights groups they were

held in makeshift facilities in an al-Shabaab-controlled town for up to three weeks with scarce food and water and no opportunity to contest their detention. According to witnesses, one man died of dehydration while detained. The men were not allowed to pray and did not have access to water for ablutions. According to a Human Rights Watch report, at least two dozen were released following clan intervention, but an unknown number remained in detention.

Physical Abuse, Punishment, and Torture: Government forces, allied militias, men wearing uniforms, and AMISOM troops used excessive force, including torture, and raped women and girls, including IDPs. While the army arrested some security force members accused of such abuse, impunity was the norm.

Al-Shabaab also committed sexual violence, including through forced marriages.

The United Nations documented reports of an April 17 sexual assault on a 21-year-old woman who was beaten and raped at gunpoint by three uniformed men in North Galkayo; their affiliation was not known. The police opened an investigation, but no arrests were made.

According to UN Mine Action Service, IEDs killed 152 persons and injured 226 in the first half of the year, with civilians constituting 57 percent of casualties. Lower Shabelle and Banadir Regions were the primary regions affected by IEDs.

Child Soldiers: During the year there were continued reports of the SNA and allied militia, the Ahlu Sunna Wal Jama (ASWJ), and al-Shabaab using child soldiers.

UN officials documented the recruitment and use during the year of 1,744 children (1,679 boys, 65 girls), including by al-Shabaab (1,091), the SNA (169), clan militia (415), the ASWJ (67), and other armed elements (two). There were children abducted: 584 by al-Shabaab and 15 by clan militia; figures were unknown for the SNA, AMISOM, AWSJ, or other armed elements. More than half of the children al-Shabaab abducted were used to increase its numbers before joint SNA/AMISOM operations, including the March attack in Puntland. The number recruited during the first half of the year equaled the total number recruited throughout 2015, demonstrating an increase in al-Shabaab recruitment. Children abducted by AMISOM were typically released unharmed within a couple of days. The reason for the abductions remained unclear.

Implementation of the government’s 2012 action plan with the United Nations to end the recruitment and use of children by the national army remained incomplete.

The SNA’s Child Protection Unit (CPU) reported it conducted training awareness campaigns in February during inspection visits in Kismayo and Dhoble, Interim Jubaland Administration, and in Baidoa, Interim South West Administration in May on the importance of preventing child recruitment into the security forces. The CPU and

regional focal points continued to monitor the SNA, including conducting inspections of the main SNA training center in Mogadishu and several subnational military recruitment and stipend payment locations in Mogadishu, Baidoa, Kismayo, and Dhoble. During the February screening of SNA military training centers in Dhoble and Kismayo, 1,670 43rd Brigade SNA soldiers and 550 Jubaland Security Force members were screened, and all were determined to be at least 18 years of age. In May the CPU screened 287 police officers from a Somali Police Force unit in Berdale, Interim South West Administration. The CPU did not identify any child soldiers during the year but conducted several individual interviews and medical inspections of individuals who appeared to be underage.

Due to the absence of birth registration systems, it was often difficult to determine the age of national security force recruits.

Al-Shabaab continued to recruit and force children to participate in direct hostilities, including suicide attacks. Al-Shabaab raided schools, madrassas, and mosques to recruit children. Children in al-Shabaab training camps were subjected to grueling physical training, inadequate diet, weapons training, physical punishment, and religious training. The training also included forcing children to punish and execute other children. Al-Shabaab used children in combat, including placing them in front of other fighters to serve as human shields and suicide bombers. In addition, al-Shabaab used children in support roles, such as carrying ammunition, water, and food; removing injured and dead militants; gathering intelligence; and serving as guards. The organization sometimes used children to plant roadside bombs and other explosive devices. The Somali press frequently reported accounts of al-Shabaab indoctrinating children at schools and forcibly recruiting students into its ranks.

Authorities transferred children separated from armed groups to UNICEF.

In March 2016 government forces in Puntland and Galkayo captured 108 children fighting alongside al-Shabaab in Puntland and Galkayo. Of the 108 children in Puntland, soldiers transferred 70 to Mogadishu to receive reintegration support from an NGO supported by UNICEF. Although the president of Puntland expressed his commitment not to execute any of the 108 children, 10 received death sentences and 28 received prison sentences ranging from 10 to 20 years, based on age. UNICEF continued to advocate for the reduction of sentences and for the transfer of the remaining 38 children for integration support. On April 8, five of the boys were executed by firing squad. Family members of the boys told human rights groups that the boys confessed only after being subject to electric shocks and burned with cigarettes on their genitals.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

Other Conflict-related Abuse: Armed groups, particularly al-Shabaab but also government forces and militia, deliberately restricted the passage of relief supplies and other items indispensable to the survival of the civilian population as well as access by humanitarian organizations, particularly in the southern and central regions.

Humanitarian workers regularly faced checkpoints, roadblocks, extortion, carjacking, and bureaucratic obstacles.

Humanitarian organizations faced rising levels of violence during the first half of the year, compared with the same period in 2016. The upsurge was mainly attributed to an increase in targeted attacks on humanitarian organizations by nonstate armed actors and increased violence at aid distribution sites. Between January and June, more than 90 violent incidents impacted humanitarian personnel, facilities, and assets, leading to the deaths of four humanitarian workers, injury to nine, arrests and temporary detention of six, and abduction of 13. Seven humanitarian workers were expelled from Somalia by authorities in the first half of the year. There was also an increase in the number of violent armed incidents associated with relief aid distributions. By the end of August, nearly 30 incidents accounted for the deaths of 32 civilians and injury to 38 others, with the majority associated with food distribution conducted by local authorities.

For example, on May 29, at least four civilians were killed when an SNA soldier began shooting at a feeding center in Mogadishu.

Al-Shabaab seized relief supplies. Conflict in contested territories of Sool and Sanaag, between Somaliland and Puntland, restricted humanitarian access. NGOs reported incidents of harassment by local authorities in both Somaliland and Puntland.

Al-Shabaab restricted medical care, including by impeding civilian travel to other areas to receive care, destroying medications provided by humanitarian agencies, and closing medical clinics.

International aid organizations evacuated their staff or halted food distribution and other aid-related activities in al-Shabaab-controlled areas due to killings, extortion, threats, harassment, expulsions, and prohibitions by al-Shabaab.

Because of fighting between al-Shabaab, AMISOM, and the SNA; al-Shabaab's humanitarian access restrictions and taxation on livestock; and the lack of security, many residents in al-Shabaab-controlled areas fled to refugee camps in Kenya and Ethiopia and IDP camps in other areas of the country. ASWJ militias and federal forces skirmished throughout the year, displacing civilian populations.



On July 27, al-Shabaab issued a statement forbidding civilians in areas under its control from taking assistance from humanitarian organizations and threatening to execute as spies anyone who contacted aid agencies.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Expression, Including for the Press

The provisional federal constitution provides for freedom of speech, including for the press, but neither federal nor regional authorities respected this right. The government, government-aligned militias, authorities in Somaliland and Puntland, ISWA, IGA, IJA, ASWJ, al-Shabaab, and unknown assailants killed, abused, and harassed journalists with impunity (see sections 1.a. and 1.g.).

The Somaliland constitution prohibits publication or circulation of exaggerated or tendentious news capable of disturbing public order, and officials used the provision to charge and arrest journalists.

The Puntland constitution limits freedom of opinion and expression through broadly worded limitations--including conformity with moral dignity, national stability, and personal rights of others--and allows for exceptions from the right to freedom of expression in times of war or other public emergency.

Freedom of Expression: Individuals in government-controlled areas risked reprisal for criticizing government officials, particularly for alleged official corruption or suggestions that officials were unable to manage security matters. Such interference diminished at the national level once President Farmaajo was elected in February. It remained common outside the capital, particularly in Puntland and Somaliland.

Press and Media Freedom: Independent media were active and expressed a wide variety of views, although self-censorship was common due to a history of arbitrary arrest of journalists and search and closure of media outlets that criticized the government. While there were no such reports of interference in Mogadishu since President Farmaajo's election, it remained common outside the capital, particularly in Puntland and Somaliland.

Somaliland authorities continued to fine and arbitrarily arrest journalists for defamation and other alleged crimes, including meeting with colleagues. Prison terms ranged from a few days to several months, and fines could be as high as 573,000 shillings (\$1,000). On November 13, Somaliland's National Electoral Commission requested the region's internet providers block social media sites during ballot counting for the presidential election, allegedly to prevent the spread of destabilizing misinformation and hate speech.

Violence and Harassment: From January to May, five journalists and media workers were arrested or detained in south-central Somalia. During the same period, 17 were arrested or detained in Somaliland. Sixteen were released and one sentenced. During the same time period in 2016, by comparison, five journalists were killed, 18 injured, and 65 arrested. Fourteen of the arrests were in Somaliland. Closure of media outlets, citing defamation or security reasons, occurred regularly during the 2016-17 electoral period but largely diminished under President Farmaajo across the country. Between January and May, local authorities closed one media outlet each in Puntland and Hirshabelle. During the same period in 2016, seven media outlets were suspended or closed.

On July 2, Ahmed Ali Kilwe was arrested in Puntland for posting articles “impertinent to the Puntland president.” Kilwe was released after 14 days.

According to the Somaliland Journalists Association, local authorities continued to harass and arbitrarily detain journalists systematically.

Somaliland journalist Mohamed Adan Dirir was arrested May 24 after asking a question to the health minister and was held without charge for one month. On September 16, he was rearrested on allegations of incitement and publishing false news. On October 8, he was sentenced to 18 months in jail and fined one million Somaliland shillings (\$1,740) after a one-day trial that was held without his lawyer present, according to the Committee to Protect Journalists.

Journalists based in the Lower Juba Region continued to report that local security authorities harassed them.

Journalists reported al-Shabaab threatened to kill them if they did not report positively on antigovernment attacks. From January through May, nine journalists were injured in Banadir Region by al-Shabaab and two in Puntland, according to UNSOM.

On April 2, television journalist Hanad Ali Guled was abducted from his home in Mogadishu. According to local press reports, Guled was found in a field the next day bearing marks of torture and unable to talk. Guled had received threats in connection with a program he had cofounded providing information to rural residents affected by the drought. No charges had been filed at year’s end.

Censorship or Content Restrictions: Journalists engaged in rigorous self-censorship to avoid reprisals.

Al-Shabaab banned journalists from reporting news that undermined Islamic law as interpreted by al-Shabaab and forbade persons in areas under its control from listening to international media outlets.

Libel/Slander Laws: Puntland and Somaliland authorities prosecuted journalists for libel. For example, on April 8, journalist Abdimalik Muse Oldon was sentenced to a two-year jail term for “violating the sovereignty of Somaliland and offending the prestige of Somaliland leaders,” upon his return from Mogadishu, where he attended the election of President Farmaajo. On May 25, Somaliland President Silanyo pardoned him.

On July 2, Puntland security forces detained journalist Ahmed Ali Kilwe for posting an allegedly defamatory report concerning Puntland President Abdiweli Gaas. He was released two weeks later.

National Security: Federal and regional authorities cited national security concerns to suppress criticism and prevent press coverage of opposition political figures, although this subsided at the national level under President Farmaajo.

## Internet Freedom

Authorities restricted access to the internet, but there were no credible reports that the government monitored private online communications without appropriate legal authority.

Al-Shabaab prohibited companies from providing access to the internet and forced telecommunication companies to shut data services in al-Shabaab-controlled areas.

On July 12, the Hargeisa Regional Court ordered the companies providing internet services to suspend five news websites in Somaliland after the Hargeisa regional prosecutor’s office requested suspension of the websites for disseminating false news and propaganda that endangered national security and the peaceful coexistence of Somaliland clans. The managers and editors of the websites were not informed or represented before the court. On January 2, Somcable, an internet service provider, blocked access to the prominent *Hadhwanaagnews* website after it published an article alleging the owner of Somcable was providing financial support to the ruling Kulmiye party of Somaliland. Access was restored on January 7.

According to the International Telecommunication Union, less than 2 percent of the population used the internet in 2016.

## Academic Freedom and Cultural Events

Academics practiced self-censorship.

The Puntland administration required individuals to obtain government permits to conduct academic research.

Except in al-Shabaab-controlled areas, there were no official restrictions on attending cultural events, playing music, or going to the cinema. The security situation, however, effectively restricted access to and organization of cultural events in the southern and central regions.

## b. Freedoms of Peaceful Assembly and Association

### Freedom of Peaceful Assembly

The federal provisional constitution provides for freedom of peaceful assembly, but the government limited this right. A general lack of security effectively limited this right as well. The federal Ministry of Internal Security continued to require its approval for all public gatherings, citing security concerns, such as the risk of attack by al-Shabaab suicide bombers. Suppression of opposition meetings and gatherings increased during the 2016-17 election cycle, but national authorities reduced their suppression following President Farmaajo's election in February.

On January 15, the Galmudug state minister of the interior issued an order banning journalists and local media from reporting on political meetings in Adaado without prior permission from the Galmudug presidential office. The order also prohibited hotel owners from hosting political meetings without permission.

In March ISWA President Sharif Hassan set up a security committee to prevent meetings or other gatherings of opposition groups in Baidoa after opposition state assembly members signed a petition calling for his impeachment.

The Somaliland government banned opposition political rallies outside the official campaign period, which typically began 45 days ahead of a scheduled national election. Authorities did not enforce such restrictions on progovernment rallies.

On January 24, Somaliland authorities deployed riot police to break up an antigovernment protest. Police arrested several citizens protesting inflation and the rising cost of basic goods.

Al-Shabaab did not allow any gatherings without its prior consent.

### Freedom of Association

The provisional federal constitution provides for freedom of association, but government officials harassed NGO workers. There were also reports that regional authorities restricted freedom of association. Al-Shabaab did not allow most international NGOs to operate.

Persons in the southern and central regions outside of al-Shabaab-controlled areas could freely join civil society organizations focusing on a wide range of problems. Citizens generally respected civil society organizations for their ability to deliver social services in the absence of functioning government ministries.

Regional administrations took steps to control or gain benefit from humanitarian organizations, including by imposing duplicative registration requirements at different levels of government; attempting to control humanitarian organization contracting, procurement, and staffing; and opaque and vague taxation.

### c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/) (<http://www.state.gov/religiousfreedomreport/>).

### d. Freedom of Movement

The provisional federal constitution states that all persons lawfully residing in the country have the right to freedom of movement, to choose their residence, and to leave the country. Freedom of movement, however, was restricted in some areas.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees lacked access to protection through law enforcement and the justice system. Refugees reported incidents of extortion, robbery, and sexual violence to UNHCR.

The government and Somaliland authorities cooperated with UNHCR and the International Organization for Migration to assist IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year dialogue continued between humanitarian agencies, the FGS, and regional authorities to remove checkpoints and facilitate movement of humanitarian assistance, food aid, and essential commodities.

In-country Movement: Checkpoints operated by government forces, allied groups, armed militias, clan factions, and al-Shabaab inhibited movement and exposed citizens to looting, extortion, harassment, and violence. Roadblocks manned by armed actors and attacks on humanitarian personnel severely restricted movement and the delivery of aid in southern and central sectors of the country.

Al-Shabaab and other nonstate armed actors continued to hinder commercial activities in the areas they controlled in the Bakool, Bay, Gedo, and Hiraaan Regions and impeded the delivery of humanitarian assistance. For example, on April 14, armed actors presumed to be al-Shabaab seized and burned food supplies. Six of the attackers fled, and three suspects were arrested.

Attacks against humanitarian workers and assets impeded the delivery of aid to vulnerable populations.

Somaliland prohibited federal officials, including those of Somaliland origin who purported to represent Hargeisa’s interests in Mogadishu, from entering Somaliland. It also prevented its citizens from traveling to Mogadishu to participate in FGS processes or in cultural activities.

IGA officials denied entry to Puntland residents and continued to arrest drivers with Puntland license plates. The practice began in 2015, when the former Galmudug traffic supervisor announced that drivers of vehicles with Puntland plates would be fined, arrested, and detained for 24 hours.

Puntland authorities continued to ban the transport of goods by road from the port of Berbera in Somaliland to towns in Puntland, including Garowe and Galkayo. The ban limited the ability of aid workers to deliver humanitarian supplies, such as food, livestock vaccination equipment, nutritional supplements, and education materials, to vulnerable populations in Puntland.

Foreign Travel: Few citizens had the means to obtain passports. In view of widespread passport fraud, many foreign governments did not recognize Somali passports as valid travel documents.

### Internally Displaced Persons (IDPs)

Worsening drought and continuing conflict during the year led to a sharp increase in internal displacement. Somalia was home to more than 1.1 million IDPs prior to 2017, and internal displacement increased by 916,000 persons between January and July, according to UNHCR.

Somalis and citizens from other countries fleeing the conflict in Yemen sought refuge in Somalia. While flows from Yemen declined since August 2015, approximately 38,200 individuals fled to Somalia from Yemen since March 2015. This included more than 32,300 Somali nationals, approximately 5,500 Yemeni refugees, and more than 300 migrants of other nationalities. UNHCR protected IDPs and provided them with temporary lodging and financial assistance.

While government and regional authorities were more involved in the recent famine prevention and drought response than in prior years, their capacity to respond remained extremely limited. Violence broke out during several government-sponsored aid distributions during the year, leading to 34 deaths and 42 injuries. In addition, forceful evictions of IDPs continued in Somalia, including more than 5,000 evictions from IDP settlements in Baidoa, with government providing negligible protection and assistance to IDPs and sometimes actively participating in their displacement. Private persons with claims to land and government authorities, for example, regularly pursued the forceful eviction of IDPs in Mogadishu. Increased reports of sexual and gender-based violence accompanied increased displacement, including reports of incidents committed by various armed groups and security personnel.

Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the camps.

### Protection of Refugees

Refoulement: The provisional federal constitution states that every person who seeks refuge in the country has the right not to be returned or taken to any country in which that person has a well-founded fear of persecution. There was no official system for providing such protection to refugees.

Access to Asylum: The provisional constitution recognizes the right to asylum in accordance with international treaties; however, the FGS has yet to establish a legal framework and system to provide protection to refugees. Authorities, however, granted Prima Facie status to most refugees, most of whom are Yemeni. By September there were more than 27,400 refugees and asylum seekers.

Employment: Employment opportunities were limited for refugees, Somali returnees, and other vulnerable populations. Refugee returnees from Kenya reported limited employment opportunities in the southern and central sections of the country.

Access to Basic Services: The FGS continued to work with the international community to improve access to basic services, employment, and durable solutions for displaced populations.

Since 2014 more than 73,000 Somali refugees in Kenya voluntarily returned to Somalia, according to UNHCR.

Refugees and Somali returnees had limited access to basic services.

## Section 3. Freedom to Participate in the Political Process

The provisional constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but citizens could not exercise that ability.

## Elections and Political Participation

Recent Elections: In 2015 the FGS decided direct elections during the year would not be possible due to security concerns; it subsequently developed a plan for indirect elections by electoral colleges selected by elders. Indirect elections for the federal parliament’s two houses, scheduled for August and September 2016, concluded in January, and parliament elected the president on February 8. Indirect elections for the lower house of parliament--the House of the People--expanded the electorate from 135 elders to 14,025 electoral college delegates selected by the elders; 51 delegates selected by clan elders were responsible for voting on each lower house seat, and delegates were required to include 30 percent (16) women and 10 youths. Allegations of vote-buying, intimidation, threats, interference by federal and regional officials, violence, and kidnapping were widespread ahead of voting. For example, there were numerous credible reports federal security personnel threatened and physically assaulted candidates and others participating in the electoral process in IGA in an attempt to influence polling or discourage participation. In the presence of international observers, parliament held an indirect presidential election by secret ballot in which Mohamed Abdullahi Mohamed “Farmaajo” defeated incumbent president Hassan Sheikh Mohamud in the second and final round of voting. There were unsubstantiated but credible reports of presidential candidates bribing parliamentarians in exchange for their vote, but most observers nonetheless described the vote as fair. Hassan Sheikh Mohamud conceded defeat.

In 2012 the Transitional Federal Government completed the 2011 Roadmap for Ending the Transition, collaborating with representatives of Puntland, Galmudug, the ASWJ, and the international community. The process included drafting a provisional federal constitution, forming an 825-member National Constituent Assembly that ratified the provisional constitution, selecting a 275-member federal parliament, and holding speakership and presidential elections. The FGS was scheduled to review and amend the provisional constitution and submit it for approval in a national referendum in 2016, but the process remained incomplete.

Somaliland laws prevent citizens in its region from participating in FGS-related processes.

In 2012 Puntland’s constituent assembly overwhelmingly adopted a state constitution that enshrines a multiparty political system. In 2014 Abdiweli Mohamed Ali “Gaas” defeated incumbent President Abdirahman Mohamed Mohamed “Farole” by one parliamentary vote in a run-off election broadcast live on local television and radio stations. President Farole accepted the results. Parliament also elected Abdihakim Abdulahi as the new vice president.



The ISWA state parliament was formed in 2015 following the 2014 state formation conference, which voted to elect Sharif Hassan Sheikh Adam as the interim region’s first president.

In 2015 the FGS officially inaugurated the 89-member IGA assembly; the 89 members had been selected by 40 traditional elders representing 11 subclans. Later that year the assembly elected Abdikarim Hussein Guled as the IGA’s first president. The ASWJ refused to accept the election results and unilaterally established its own self-declared administration for those parts of the IGA it controlled. On February 25, Guled resigned, reportedly due to health problems. Ahmed Duale Gelle “Haaf” was elected May 3 and initiated reconciliation talks with the ASWJ.

Parliamentary elections in Somaliland, last held in 2005, were overdue by seven years. Somaliland president Ahmed Mohamed Mohamud “Silanyo” was elected in 2010. Both presidential and parliamentary elections were originally scheduled for 2015 but had been postponed to March 2017. Somaliland has a bicameral parliament consisting of an appointed 86-member House of Elders, known as the Guurti, and an elected 82-member House of Representatives with proportional regional representation. In March the House of Elders voted to further postpone the delayed elections for the House of Representatives to April 2019 and the election for the president until November 2017. There were allegations the House of Elders was subject to political corruption and undue influence. On November 13, Somalilanders overwhelmingly elected ruling Kulmiye party candidate Muse Bihi president. The main opposition party alleged widespread voter irregularities, but the electoral commission and international and domestic observers maintain the election was credible. Bihi was peacefully sworn in on December 13.

In 2013 the FGS and Jubaland delegates signed an agreement that resulted in the FGS’s formal recognition of the newly formed IJA. Ahmed Mohamed Islam “Madobe” was selected as president in a 2013 conference of elders and representatives.

In January 2016 the FGS launched the state formation conference for Hiiraan and Middle Shabelle Regions, the final federal member state to be constituted within the federal system. The process concluded with the formation of Hirshabelle State in October, the formation of the Hirshabelle assembly, and the election of Hirshabelle president Ali Abdullahi Osoble in October 2016, although the state assembly voted to impeach Osoble in August and elected Mohamed Abdi Waare in September. The state formation process was marred by allegations that the FGS president interfered with the process to influence the Somali presidential elections by placing his supporters in key positions in the new state administration and providing for significant representation by his subclan. The traditional leader of the Hawadle subclan, a large constituency in Hiiraan, refused to participate.

Al-Shabaab prohibited citizens in the areas it controlled from changing their al-Shabaab administrators. Some al-Shabaab administrations, however, consulted local traditional elders on specific issues and allowed preexisting district committees to remain in place.

Political Parties and Political Participation: In September 2016 the president signed the political parties law, which created the first framework for legal political parties since 1969, when former president Siad Barre banned political activities after taking power in a coup. Prior to the law, several political associations had operated as parties. For example, the former FGS president claimed to be elected from the Peace and Development Party in 2012. The provisional constitution provides that every citizen has the right to take part in public affairs and that this right includes forming political parties, participating in their activities, and being elected for any position within a political party.

The Somaliland and Puntland constitutions and electoral legislation limit the number of political parties to three and establish conditions pertaining to their political programs, finances, and constitutions.

Participation of Women and Minorities: No laws limit the participation of women and/or member of minorities in the political process, and they did participate. Cultural factors, however, limited women’s participation. While roadmap signatories agreed that women should hold at least 30 percent of the seats in the federal parliament prior to the country’s transition to a permanent government, women were elected to only 14 percent of 275 seats in parliament in 2012. The 30 percent quota met significant resistance in 2016-17 from clan elders, political leaders, and religious leaders, but women’s representation in parliament increased to 24 percent. The 26-member cabinet had three women.

Civil society, minority clans, and Puntland authorities called for the abolition of the “4.5 formula” by which political representation was divided among the four major clans, with the marginalized “minority” clans combined as the remaining “0.5” share. This system allocated to marginalized clans and other groups a fixed and low number of slots in the federal parliament. Under the provisional constitution, the electoral process was intended to be direct and, thus, diverge from the 4.5 formula, but federal and regional leaders decided in April 2016 to revert to the 4.5 formula in determining lower house composition.

Somaliland had two women in its 86-member House of Representatives. The sole woman occupying a seat in the House of Elders gained appointment after her husband, who occupied the seat, resigned in 2012. Women traditionally were excluded from the House of Elders. There were two female ministers among the 24 cabinet ministers.

A woman chaired the Somaliland Human Rights Commission, while a minority youth served as deputy chair. The Somaliland president kept a presidential advisor on minority problems. In July the Somaliland government signed a peace agreement with

the Khatoumo group, a rebel organization purportedly representing the interests of the politically marginalized Dhulbahante subclan and minority communities in the Sool contested region.

Women had never served on the Council of Elders in Puntland. Traditional clan elders, all men, selected members of Puntland’s House of Representatives. Two women served in the 66-member House of Representatives. The minister of women and family affairs was the only woman serving in the cabinet. The nine-member electoral commission included one woman.

## Section 4. Corruption and Lack of Transparency in Government

Government officials frequently engaged in corrupt practices. The law provides for criminal penalties for corruption by officials, but the government did not implement the law effectively. In 2015 the SEMG noted the “apparent impunity enjoyed by those who have engaged in misappropriation of public finances perpetuates a culture of corruption in Somali politics.” President Farmaajo was elected on an anticorruption agenda but took few meaningful steps to address corruption and impunity by year’s end.

Corruption: In May 2016 government officials claimed a government-staffed internal review of the 2015 Soma Oil and Gas Company deal found no wrongdoing. A 2015 SEMG annex report documented that Soma paid more than one-half million dollars (equivalent to 286 billion Somali shillings) to senior civil servants in the Ministry of Petroleum and Mineral Resources under the rubric of “capacity building agreement.” According to the report, several ministry officials received salaries simultaneously from the FGS and Soma Oil and Gas. The government did not release the review, and none of the employees that received salaries from Soma or the government were dismissed. In February Soma’s former executive director for Africa, Hassan Ali Khayre, was appointed prime minister. He had publicly stated that he relinquished all of his shares in the company.

The Financial Governance Committee--an advisory body with no legal authority but responsible for reviewing all government contracts for more than 2.8 billion Somalia shillings (five million dollars)--consisted of FGS members from the Ministry of Finance, the Central Bank, the Office of the President, and the Office of the Prime Minister, as well as the chair of the parliamentary finance committee and the state attorney general. Four delegates were funded by international financial institutions. Although compliance among government ministries, departments, and agencies continued to improve, some ministries bypassed the governance committee when negotiating important public contracts.

The SEMG continued to report on the export of charcoal in violation of a UN Security Council ban. Charcoal production and export continued in areas controlled by al-Shabaab, the IJA, and Kenyan AMISOM forces; most of the illegal export was from Kismayo, according to the SEMG.

Somaliland had a national auditor and a governance and anticorruption commission appointed by Somaliland’s president. Somaliland did not try any Somaliland officials for corruption.

Puntland’s Good Governance and Anticorruption Commission did not investigate any Puntland officials for corruption. Puntland’s parliament sacked President Abdiweli Gaas’s entire cabinet on July 18, citing increased corruption and worsening security, but later agreed to the return of the majority of the ousted ministers, strengthening allegations of widespread government corruption.

Al-Shabaab extorted high and unpredictable “zakat” (a Muslim obligation to donate to charity during Ramadan) and “sadaqa” (a voluntary charity contribution paid by Muslims) taxes in the regions it controlled. Al-Shabaab also diverted and stole humanitarian food aid.

Financial Disclosure: The law does not require income and asset disclosure by appointed or elected officials. Prime Minister Hassan Ali Khayre asked cabinet officials in March to declare their assets, but the government provided no details on the submission requirements or verification mechanisms.

## Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of local and international human rights groups operated in areas outside al-Shabaab-controlled territory, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Security concerns constrained NGOs’ ability to operate in southern and central areas. International and local NGOs generally worked without major restrictions in Puntland and Somaliland, although clan politics, localized violence, and perceived interference with traditional or religious customs sometimes curtailed NGO activity in these areas.

Authorities sometimes harassed or did not cooperate with NGOs, for example, by dismissing findings of official corruption, although this subsided at the national level after President Farmaajo’s election in February. Harassment remained a problem in Somaliland.

On February 5, Somaliland police arrested the spokesperson of the Human Rights Center, a Hargeisa-based NGO, and filed criminal charges against the chairperson. Both were accused of publishing false news and defamation of Somaliland police for releasing a petition calling for the government to initiate police reform. Officials dismissed the charges, and police released the NGO staff.

Government Human Rights Bodies: The provisional federal constitution calls for the formation of an independent national human rights commission and a truth and reconciliation commission within 45 days and 30 days, respectively, of the formation of the Council of Ministers in 2012. In August 2016 the FGS president signed the human rights commission bill into law, but commissioners were not appointed at year’s end. No action on the proposed truth and reconciliation commission was taken by year’s end.

Limited resources, inexperienced commissioners, and government bias restricted the effectiveness of the Somaliland Human Rights Commission and Puntland’s Human Rights Defender Office.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: The law criminalizes rape, providing penalties of five to 15 years in prison for violations. Military court sentences for rape included death. The government did not effectively enforce the law. There are no federal laws against spousal violence, including rape, although in May 2016, the Council of Ministers approved a national gender policy that gives the government the right to sue anyone convicted of committing gender-based violence, such as the killing or rape of a woman. Puntland enacted a state law against sexual offenses in December 2016 that provides for life imprisonment or the death penalty for offenses such as rape using a weapon. Local authorities, however, failed to apply the new law and continued to rely on sharia court hearings.

Somali NGOs documented patterns of rape perpetrated with impunity, particularly of female IDPs and members of minority clans. According to UNICEF, reports of rape and sexual violence increased significantly during the year, particularly in drought-affected areas.

Government forces, militia members, and men wearing uniforms raped women and girls. While the army arrested some security force members accused of such rapes, impunity was the norm.

IDPs and members of marginalized clans and groups suffered disproportionately from gender-based violence. Police were reluctant to investigate and sometimes asked survivors to do the investigatory work for their own cases. Some survivors of rape were forced to marry perpetrators.

For the most part, authorities rarely used formal structures to address rape. Survivors suffered from subsequent discrimination based on the attribution of “impurity.”

In December 2016 a 14-year-old girl was gang raped, stabbed, and beaten by six males between 13 and 16 years of age in Galdogob district in Puntland. A second girl was also beaten in the incident. The perpetrators were sentenced by the local sharia court to fines between \$1,750 and \$4,600 each, 100 to 200 lashes, and five to 10 years in prison each. Observers noted the prison sentences would have likely been much higher if convicted under the sexual offenses law rather than sharia.

Local civil society organizations in Somaliland reported that gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs and male students. It often occurred in poorer neighborhoods and among immigrants, returned refugees, and displaced rural populations living in urban areas.

Domestic and sexual violence against women remained serious problems despite the provisional federal constitution provision prohibiting any form of violence against women. While both sharia and customary law address the resolution of family disputes, women were not included in the decision-making process.

Al-Shabaab also committed sexual violence, including through forced marriages. Al-Shabaab sentenced persons to death for rape.

Female Genital Mutilation/Cutting (FGM/C): Although the provisional federal constitution describes female circumcision as cruel and degrading, equates it with torture, and prohibits the circumcision of girls, FGM/C was almost universally practiced throughout the country.

For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/) (<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>).

Other Harmful Traditional Practices: Adultery in al-Shabaab-controlled areas was punishable by death; unlike in prior years, there were no reports of women being stoned to death for adultery.

Sexual Harassment: The provisional federal constitution states that workers, particularly women, shall have a special right of protection from sexual abuse and discrimination. Nevertheless, sexual harassment was believed to be widespread.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/) (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: Women did not have the same rights as men and experienced systematic subordination to men, despite provisions in the federal constitution prohibiting such discrimination. Women experienced discrimination in credit, education, politics, and housing. In May 2016 the Council of Ministers approved a national gender policy to increase women’s political participation, economic empowerment, and the education of girls, but implementation had not begun. In October 2016 the Somali Religious Council released a press statement warning the government against advocating for women in politics, calling the 30 percent quota for women’s seats in parliament “dangerous” and against Islamic religious tenets and predicting the policy would lead to disintegration of the family. Several women electoral delegates were killed after the electoral process concluded.

Only men administered sharia, which often was applied in the interests of men. According to sharia law and the local tradition of blood compensation, anyone found guilty of the death of a woman paid to the victim’s family only half the amount required to compensate for a man’s death.

The exclusion of women was more pronounced in al-Shabaab-controlled areas, where women’s participation in economic activities was perceived as anti-Islamic.

While formal law and sharia provide women the right to own and dispose of property independently, various legal, cultural, and societal barriers often obstructed women from exercising such rights. By law girls and women could inherit only half the amount of property to which their brothers were entitled.

## Children

Birth Registration: The provisional federal constitution provides that there is only one Somali citizenship and calls for a special law defining how to obtain, suspend, or lose it. As of year’s end, parliament had not passed such a law.

According to UNICEF data from 2010 to 2015, authorities registered 3 percent of births in the country. Authorities in Puntland and in the southern and central regions did not register births. Birth registration occurred in Somaliland, but numerous births in the region were unregistered. Failure to register births did not result in denial of public services, such as education. For additional information, see Appendix C.

Education: The provisional constitution provides the right to a free education up to the secondary level, but education was not free, compulsory, or universal. In many areas children did not have access to schools other than madrassas. Nearly half of the student-age population remained out of school due to barriers such as poverty in rural areas, poor school safety, exorbitant school fees, and competing household and labor demands. Girls faced additional challenges of early marriage and low prioritization of girls’ education, leading to even lower attendance. There was an insufficient supply of qualified teachers, particularly female teachers.

In 2016 the Ministry of Education, Culture, and Higher Education finalized the national education policy, endorsed a unified primary and secondary curricular framework, and entered two memoranda of understanding with state ministries of education to clarify responsibilities in the sector and for the administration of national primary and secondary examinations for a three-year period. Despite some progress, the government lacked sufficient funds to provide effective education countrywide, and its reach was often limited to more secure urban areas.

Child Abuse: Child abuse and rape of children were serious problems and there were no known efforts by the government or regional governments to combat child abuse. Children remained among the chief victims of continuing societal violence.

The practice of “asi walid,” whereby parents placed their children in boarding schools, other institutions, and sometimes prison for disciplinary purposes and without any legal procedure, allegedly continued throughout the country.

Early and Forced Marriage: The provisional federal constitution requires both marriage partners to have reached the “age of maturity” and defines a child as a person less than 18 years old. It notes marriage requires the free consent of both the man and woman to be legal. Early marriages frequently occurred. In areas under its control, al-Shabaab arranged compulsory marriages between its soldiers and young girls and used the lure of marriage as a recruitment tool. There were no known efforts by the government or regional authorities to prevent early and forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: Child prostitution is illegal in all regions. There is no statutory rape law or minimum age for consensual sex. The law does not expressly prohibit child pornography. The law on sexual exploitation was rarely enforced, and such exploitation reportedly was frequent.

Child Soldiers: The use of child soldiers remained a problem (see section 1.g.).

Displaced Children: There was a large population of IDPs and children who lived and worked on the streets.



International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](https://travel.state.gov/content/childabduction/en/legal/compliance.html) (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>).

## Anti-Semitism

There was no known Jewish community, and there were no reports of anti-Semitic acts.

## Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

## Persons with Disabilities

The provisional federal constitution provides equal rights before the law for persons with disabilities and prohibits the state from discriminating against them. Authorities did not enforce these provisions. The provisional federal constitution does not discuss discrimination by nongovernmental actors. The law does not mandate access to buildings, information, or communications for persons with disabilities.

The needs of most persons with disabilities were not addressed. According to Amnesty International, persons with disabilities faced daily human rights abuses, such as unlawful killings, violence including rape and other forms of sexual violence, forced evictions, and lack of access to health care or an adequate standard of living. Domestic violence and forced marriage were prevalent practices affecting persons with disabilities. Women and girls with disabilities faced an increased risk of rape and other forms of sexual violence, often with impunity, due to perceptions that their disabilities were a burden to the family or that such persons were of less value and could be abused.

Without a public health infrastructure, few services existed to provide support or education for persons with mental disabilities. It was common for such persons to be chained to a tree or restrained within their homes.

Local organizations advocated for the rights of persons with disabilities with negligible support from local authorities.

## National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas the predominant clan excluded members of other groups from effective participation in governing institutions and subjected them to discrimination in employment, judicial proceedings, and access to public services.

Minority groups, often lacking armed militias, continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

Representatives of minority clans in the federal parliament were targeted by unknown assailants, whom minority clan members alleged were paid by majority clan members. Somali returnees and IDPs from marginalized clans suffered discrimination, since they often lacked powerful clan connections and protection.

Fighting between clans resulted in deaths and injuries (see section 1.g.).

## Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Same-sex sexual contact is punishable by imprisonment for two months to three years. The law does not prohibit discrimination based on sexual orientation or gender identity. There were no known LGBTI organizations and no reports of events. There were few reports of societal violence or discrimination based on sexual orientation or gender identity due to severe societal stigma that prevented LGBTI individuals from making their sexual orientation or gender identity known publicly. There were no known actions to investigate or punish those complicit in abuses. Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes against members of the LGBTI community.

On January 10, al-Shabaab announced that it had executed a teenage boy and young man in Middle Juba for engaging in same-sex sexual conduct. This was the first report of al-Shabaab executing individuals for homosexual activity.

## HIV and AIDS Social Stigma

Persons with HIV/AIDS continued to face discrimination and abuse in their local communities and by employers in all regions. The United Nations reported that persons with HIV/AIDS experienced physical abuse, rejection by their families, and workplace discrimination and dismissal. Children of HIV-positive parents also suffered discrimination, which hindered access to services. There was no official response to such discrimination.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The provisional federal constitution provides for the right of every worker to form and join a trade union, participate in the activities of a trade union, conduct legal strikes, and engage in collective bargaining. No specific legal restrictions existed that limited these rights. The law does not provide limits on the scope of collective bargaining. The provisional federal constitution does not address antiunion discrimination or the reinstatement of workers fired for union activity. Legal protections did not exclude any particular groups of workers. While penalties included six months in jail, which would likely serve as a sufficient deterrent, the government lacked the capacity to enforce applicable laws effectively.

Government and employers did not respect freedom of association. The government interfered in union activities, although there were no reports of such interference following President Farmaajo's election in February.

### b. Prohibition of Forced or Compulsory Labor

The provisional federal constitution prohibits slavery, servitude, trafficking, or forced labor for any purpose. Authorities did not effectively enforce the law. Under the pre-1991 penal code, applicable at the federal and regional levels, the penalty for slavery is imprisonment for five to 20 years. The penalty for using forced labor is imprisonment for six months to five years. Although the penalties appeared sufficiently stringent, they were rarely enforced. There were no known efforts by the government to prevent or eliminate forced labor in the country. The Ministry of Labor did not have an inspectorate and did not conduct any labor-related inspections.

Forced labor occurred. Children and minority clan members were reportedly used as porters to transport the mild narcotic khat (or “miraa”) and in farming and animal herding, crushing stones, and construction. Al-Shabaab forced persons in their camps to move to the countryside, reportedly to raise cash crops for the organization.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

### c. Prohibition of Child Labor and Minimum Age for Employment

It was unclear whether there was a minimum age for employment. The pre-1991 labor code prohibits child labor, provides a legal minimum age of 15 for most employment, prescribes different minimum ages for certain hazardous activities, and prohibits those under 18 from night work in the industrial, commercial, and agricultural sectors, apart from work that engages family members only. The provisional federal constitution

states, “No child may perform work or provide services that are not suitable for the child’s age or create a risk to the child’s health or development in any way.” The provisional federal constitution defines a child as any person less than 18 years old.

The federal Ministries of Social Affairs and Labor and of Women and Human Rights Development, as well as the Somali National Police, are responsible for enforcing child labor laws. The ministries, however, did not enforce these laws. Many of the laws related to the commercial exploitation of children are included in the 1962 penal code. These laws were not adequate to prevent child labor, as many of the fines were negligible due to inflation. The government participated in campaigns to remove children from participation in armed conflict (see section 1.g.).

Child labor was widespread. The recruitment and use of child soldiers remained a problem (see section 1.g.). Youths commonly worked in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that 49 percent of children between the ages of five and 14 were in the workforce between 2009 and 2015.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

#### d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, disability, political opinion, color, language, or social status, but the government did not effectively enforce those laws and regulations. The labor code requires equal pay for equal work. According to the 1972 labor code, penalties included imprisonment up to six months and/or a fine of not more than 1,000 Somalia shillings (less than one dollar). Penalties were not sufficient to deter violations. The law does not prohibit discrimination on the basis of religion, age, national origin, social origin, sexual orientation or gender identity, or HIV-positive status or other communicable diseases.

#### e. Acceptable Conditions of Work

There was no national minimum wage. According to the World Bank, 52 percent of the population covered by the Somali High Frequency Survey Wave One lived in poverty.

The labor code provides for a standard workweek of 48 hours and at least nine paid national holidays and 15 days’ annual leave, requires premium pay for overtime, and limits overtime to a maximum of 12 hours per week. The law sets occupational health and safety standards. The law does not specifically address whether workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

There was no organized effort to monitor working conditions. The Ministry of Labor is responsible at the federal level for establishing occupational safety and health standards and enforcement, although it was not effective. There were no labor inspectors.

Wages and working conditions were established largely through arrangements based on supply, demand, and the influence of workers’ clans. There was no information on the existence or status of foreign or migrant workers in the country. Most workers worked in the informal sector.

Authorities did not have the capacity to protect workers who wished to remove themselves from situations that endangered their health or safety, although no such cases were reported.

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**ecoi.net summary:**

Annual report on human rights in 2017

**Country:**

Somalia

**Source:**

USDOS – US Department of State  [\(/en/source/11558.html\)](/en/source/11558.html)

**Original link:**

<https://www.state.gov/j/drl/rls/hrrpt/2017/af/277045.htm> (<https://www.state.gov/j/drl/rls/hrrpt/2017/af/277045.htm>)

**Document type:**

Periodical Report

**Language:**

English

**Published:**

20 April 2018

**Document ID:**

1430094 (former ID [357019 \(/en/document/357019\)](/en/document/357019))

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

