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Somalia

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Somalia, with an estimated population of 8.5 million, has been without a central government since 1991. From June to December the area that was traditionally considered the territory of the Somali state was fragmented into regions in part or whole presided over by four distinct entities: the Transitional Federal Government (TFG), centered around Baidoa; the Supreme Council of Islamic Courts (Islamic Courts) in Mogadishu and the surrounding regions; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with Abdullahi Yusuf Ahmed as president and Ali Mohamed Gedi as prime minister.

Civilian authorities generally did not maintain effective control of the security forces in any area of the country, although elected civilian authorities in Somaliland and Puntland maintained some control over security forces in their respective regions.

In January TFG President Yusuf and former Speaker of Parliament Sharif Hassan Sheikh Adan agreed to unite the government by convening the 275-member clan-based Parliament. In February the TFG moved to Baidoa and the Parliament held its first session; however, TFG unity was short-lived due to continuing divisions within the government and a subsequent military conflict with the Islamic Courts. In February a group of ministers of the TFG, businessmen, and faction leaders announced the formation of the Alliance for Restoration of Peace and Counter-Terrorism (ARPCT) to fight terrorism and stabilize the country. Fighting between warlords associated with the ARPCT and the Islamic Courts escalated until June, when the Islamic Courts succeeded in their military takeover of Mogadishu. NGOs reported that more than 350 civilians were killed in the fighting, and thousands were wounded. In December Ethiopian forces entered the country in support of the TFG, resulting in the withdrawal of the Islamic Courts from Mogadishu and the complete breakdown of the Islamic Courts as an entity. The TFG extended its territorial control to Mogadishu. Sporadic fighting between the Islamic Courts and Ethiopian forces supporting the TFG was continuing at year's end, primarily in remote areas of southern Somalia near the Kenyan border.

The country's poor human rights situation deteriorated further during the year, exacerbated by the absence of effective governance institutions or the rule of law, the widespread availability of small arms, and ongoing conflicts. The larger clans had armed militias at their disposal; personal quarrels, clan disputes, and other minor disputes frequently escalated into killings (with impunity from legal accountability).

The following human rights abuses were reported during the year: abridgment of citizens' right to change their government; unlawful and politically motivated killings; kidnapping, torture, rape, and beatings; harsh and life threatening prison conditions; arbitrary arrest and detention; impunity; denial of fair trial; limited privacy rights; restrictions on freedom of speech, press, assembly, association, religion, and movement; discrimination and violence against women, including rapes; female genital mutilation (FGM); child abuse; recruitment of child soldiers; trafficking in persons; abuse and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Since the collapse of the government in 1991, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. Incidents of arbitrary deprivation of life occurred in numerous contexts: factional militias fighting for political power and control of territory and resources, including revenge reprisals; criminal activities and banditry; private disputes over property and marriage; and revenge vendettas after such incidents as rapes, family disagreements, and abductions. The vast majority of killings

during the year resulted from clashes between militias or from unlawful militia activities. With the breakdown of law and order, very few of these cases were investigated by the authorities and there were few reports that they resulted in formal action by the local justice system.

In February Puntland security forces attacked the Puntland parliament building in Garowe in response to the seizure of the building by the personal militia of a cabinet member; four persons were killed.

In May elders of a minority group accused the Somaliland police of unlawfully killing a member of their clan. In a subsequent protest, police allegedly used excessive force to break up the demonstration. In July police shot and killed a prisoner in Bossaso for allegedly attempting to jump bail.

Security forces killed street children. At least two incidents were reported during the year of shoe-shine boys shot and killed by militia members or soldiers as a result of disputes over payment.

In September forces aligned with the Islamic Courts shot and killed a teenage boy during a protest against the Islamic Courts following its takeover of the port city of Kismaayo. In October forces aligned with the Islamic Courts killed three wounded prisoners of war in the Buale District Hospital.

Several deaths during the year were the result of random shooting by Islamic Courts militia as they attempted to impose strict social edicts, such as a ban on viewing televised soccer matches within the territory they controlled. In July at a cinema hall in Galgadud, shots fired by Islamic Courts militia killed two spectators watching a World Cup soccer match.

In May Omar Hussein was publicly executed in Mogadishu by the Islamic Courts. Hussein was tied to a stake, hooded, and stabbed to death by the 16-year-old son of the man he was convicted of killing; he had been sentenced to death only hours earlier by one of the Islamic Courts.

Excessive use of force by Islamic Courts militia resulted in the deaths of demonstrators during the year (see section 2.b.).

During the year hundreds of civilians were killed in inter- or intra-clan militia clashes. In January nine persons were killed in fighting between the Wagardha and Rer Kosheen subclans of the Marehan. In the same month fighting between two factions within the Warsengeli subclan of the Abgal resulted in 13 dead and 30 wounded in Mogadishu. In January fighting between the Sa'ad and Suleiman subclans of the Haber Gedir left 41 dead and 89 wounded. In February fighting between the Marehan and Reer Beidyahan, triggered by a dispute over grazing rights, resulted in 60 killed and 70 wounded. Also that month, in a dispute over water rights, fighting between the Beidyahan, a subclan of the Majerteen, and the Eli of the Marehan, a subclan of the Darood, was reported to have left approximately 70 killed and more than 100 wounded. In March a 13-year-old boy was whipped to death by the Ifka Halan Islamic Court in Mogadishu for allegedly stealing from his employer. In April, in a dispute over control of a mobile phone company, seven persons were killed and four wounded in fighting between the Dabare and Geedle subclans of the Rahanweyn. In May three persons were killed and four wounded in fighting between the Hawadle and Murosade subclans of the Hawiye over water and grazing rights. In July fighting between the Walinwayne (a subclan of the Rahanweyn) and the Gadsan (a Dir subclan) resulted in four dead and six wounded. Repeated fighting throughout the year between the Bogol-Hore and Jilible subclans of the Rahanweyn over land rights and charcoal rights resulted in scores of deaths and casualties. In September, 21 persons reportedly died and 28 were wounded as Marehan and Suleiman subclans clashed over pasture and water in Galgadud region. In October six persons were killed and 10 wounded in fighting over camels between the Jilible and Bogol-Hore subclans of the Mirifle in Bakool region.

Clan militias were also responsible for the deaths of children. For example, in June, in Baidoa district, three girls under the age of 18 were killed by clan militia avenging the death of a relative.

No action was taken against the responsible members of the security forces or militias who committed killings in 2005 or 2004, nor were there any developments in the reported killings due to inter- or intra-clan fighting in prior years.

Landmines throughout the country resulted in human and livestock casualties, denial of pastoral and cultivable land, and road closures, although the number of new mine or unexploded ordinance casualties appears to have been smaller than the 276 recorded in 2005. The nongovernmental organization (NGO) Landmine Monitor project reported that anti-personnel and anti-vehicle mines were available in the country and could be bought at weapons markets in Mogadishu and other towns, and various factions used anti-personnel mines throughout the country. In January an explosive device at a school in Mogadishu reportedly killed two children and wounded five. In March one boy was killed and another wounded in the

Bakool region while playing with unexploded ordinance they had found. By the end of April, centers supported by the International Committee of the Red Cross (ICRC) had treated six persons injured by mines or unexploded ordinance. In May a landmine exploded in the Togdheer region injuring three children. That month the UN arms embargo monitoring group reported that the government of Eritrea had delivered 1,000 antipersonnel mines to the Islamic Courts. In October 2005 the UN monitoring group reported that members of the TFG were involved in weapons transfers that included landmines.

During the year one journalist was killed (see section 2.a.).

Attacks against humanitarian and NGO workers resulted in numerous deaths during the year (see section 4). For example, in April a convoy hired to deliver humanitarian aid supplies was attacked in the Gedo region by militia from a subclan of the Marehan, resulting in the death of a driver and a passenger. There were many occurrences of looting, hijacking, and attacks on convoys of World Food Program (WFP) and other humanitarian relief shipments throughout the year (see section 4).

During the year there were a number of apparently politically motivated killings by unknown assailants. In January three senior military officers were killed in Mogadishu in separate incidents within 24 hours of each other. In March a former senior police officer and a businessman were killed by unknown assailants on a bus in Mogadishu. In July Abdulla Derow Isaaq, the TFG minister for constitution and federalism, was assassinated in Baidoa shortly after mid-day prayers. Several arrests were made in the days immediately following, but no suspects had been charged by year's end. No suspects were identified in politically motivated killings from 2005 and 2004.

In September an alleged suicide bomb attack occurred outside the parliament building in Baidoa in an apparent attempt to assassinate TFG President Yusuf. Reportedly 11 persons were killed and 25 injured as a result of the explosion and a gun battle that ensued in the chaos after the blast. In November, in what appeared to be another suicide bomb incident, six persons reportedly died and 10 were wounded when two vehicles exploded at a checkpoint in Baidoa. Several arrests were made; the motive for the bombing remained unclear.

a. Disappearance

There were no reports of politically motivated disappearances, although cases might be concealed among the thousands of refugees and displaced persons. Abduction was common and generally used to extort ransom money or as a tactic in clan disputes to attain political ends. The UN Independent Expert on Human Rights in Somalia (UNIE) noted in his September report that the incidence of kidnapping remained high.

During the year there were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. The majority of reported kidnappings were in the southern regions, especially in Mogadishu, where ransoms allegedly funded purchases of weapons and ammunition. In recent years UN staff or consultants have been kidnapped periodically in the country (see section 4). In October a Thai national was kidnapped and held hostage in Puntland. Speaking to media, the abductors demanded the release of three Somalis jailed in Thailand for piracy. The hostage reportedly had not been released by year's end. There were no investigations or action taken against the perpetrators of any kidnappings during the year, nor were there any developments in the cases of kidnappings from previous years.

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

The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law." However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported. Prison guards beat inmates in prison.

The Islamic Courts carried out public floggings that resulted in death, and other executions (see section 1.a.). For example, in October two persons were publicly flogged in Kismaayo by the Islamic Courts for allegedly eating during the day and drinking alcohol during Ramadan. Security forces, police, and militias abused and beat persons during the year. During a 2005 mission to Somaliland, the UNIE noted an increase in police brutality in that region.

In December Sheikh Mohamed Sheikh Ismail was sentenced to 20 years in prison. He had been charged in October 2005 with terrorism-related crimes against the state of Somaliland. Ismail (and 15 others arrested on the same charge) was accused of planning terrorist attacks during the parliamentary election campaign the previous month. His supporters alleged that he was tortured in detention, and circulated a video that

purported to show him being tortured by Somaliland police. The Somaliland government denied the allegations of torture and called the video a forgery (see section 2.b.).

There continued to be reports of rapes committed by militia members. Factions used rape as a weapon of war to punish and intimidate rival ethnic factions.

There were prisoners of war in Somaliland and Puntland. In December 2005, authorities from Puntland and Somaliland exchanged 24 detainees from Somaliland and 12 from Puntland. The detainees had been captured a year earlier in clashes over the disputed Sool border area.

No action reportedly was taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2005 or 2004.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. The UNIE had noted the previous year that in general Somaliland prisons lacked funding and management expertise. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water supply persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards reportedly was common in many prisons. Detainees' clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.

Juveniles frequently were held with adults. The incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem (see section 5, Children).

The Puntland administration permitted prison visits by independent monitors. An agreement between Somaliland and the UN Development Program (UNDP) allows for the monitoring of prison conditions. There were no visits by the ICRC to prisons in Somaliland during the year, but a Prisons Conditions Management Committee, organized by the UNDP and comprised of medical doctors, government officials, and civil society representatives, visited five out of 11 prisons in Somaliland during the year. The committee had not yet issued its report by year's end.

d. Arbitrary Arrest or Detention

In the absence of constitutional or other legal protections, various factions continued to engage in arbitrary arrest and detention, and there was no system of due process.

Role of the Police and Security Apparatus

The police were generally ineffective. Corruption was endemic within the various police forces. Members of titular police forces throughout the country were often direct participants in politically based conflict, and owed their positions to other politically active individuals. In Somaliland an estimated 60 percent of the budget was allocated to maintain a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated; impunity was a problem. Police generally failed to prevent or respond to societal violence. In December police officers, angry over lack of pay, reportedly exchanged gunfire with presidential protective services during a visit of Puntland President Adde Musse Hirsi to the central police station in Garowe.

Arrest and Detention

Judicial systems are not well established, are not based upon codified law, do not function, or simply do not exist in most of the country. The country's previously codified law required warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained; however, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.

Arbitrary arrest was a problem. Authorities in all four separately governed regions arbitrarily arrested journalists during the year (see section 2.a.). In September the male chairman of the Karate Club of Somalia and six female members of the club were arrested in Mogadishu. Reportedly all were imprisoned for anti-Islamic activities, and the chairman's head was shaved.

Religious leaders were arbitrarily arrested during the year (see section 2.c.).

Arrested persons were sometimes held for extended periods while awaiting trial. Militias and factions detained persons for unduly long periods without trial and without charge.

e. Denial of Fair Public Trial

The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC is intended to replace the 1990 constitution; however, for many issues not addressed in the charter the former constitution still applies in principle.

The TFC provides for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the Penal Code of the pre-1991 government. In March, for example, an alleged killer from the Jeron subclan of the Rahanweyn was publicly executed by order of the Jeron elders in Wajid. In September Somaliland police executed three persons for murder after a court sentenced them to death. A fourth suspect in the case was released after his relatives opted to pay blood money in place of the death sentence. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.

Beginning in June the Islamic Courts began to implement public floggings and executions, ostensibly according to Shari'a law but without the due process protections afforded to an accused that would be considered essential elements of a fair justice system. Amnesty International reported that they did not meet international standards for fair trials.

Trial Procedures

The TFC provides for the right to be represented by counsel. That right and the right to appeal did not exist in those areas that applied traditional and customary practices or Shari'a. These rights more often were respected in Somaliland and Puntland, where authorities did not recognize the TFC and continued to apply the law of a regional constitution or charter, as well as the former government's laws.

The Somaliland Constitution provides for an independent judiciary; the judiciary was not, however, independent in practice. Although the Somaliland Constitution is based on democratic principles, that region continued to use more restrictive laws from the pre-1991 regime. There was a serious lack of trained judges and of legal documentation in Somaliland. Untrained police and other unqualified persons reportedly served as judges. The UNIE reported that local officials had a tendency to interfere with legal matters. The UNIE also raised concerns about the Public Order Law in Somaliland, which reportedly was used to detain and imprison persons without trial.

The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance. In Puntland clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system.

The Islamic Courts' judicial philosophy was based on a strict interpretation of Shari'a. Initially each of the neighborhood courts was organized along clan lines to adjudicate both criminal cases and civil disputes. As the power base of the Islamic Courts grew, senior leadership tried to consolidate authority over individual clan-based courts, and in September courts began hearing cases regardless of kinship considerations.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees, although there appeared to be a political motivation to some arrests and detentions (see section 1.d.).

Civil Judicial Procedures and Remedies

The inability of the judiciary to handle civil cases involving such matters as defaulted loans or contract disputes encouraged clans to take matters into their own hands and led to increased interclan conflict. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

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

The TFC provides for the sanctity of private property and privacy; however, looting, land seizure, and forced

entry into private property continued in Mogadishu and elsewhere, with impunity. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, authorities did not generally respect this right in practice.

In July it was reported that the Islamic Courts stopped a wedding in Mogadishu, and destroyed or confiscated the musical equipment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The TFC and the Somaliland Constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom "as long as they respect the law"; however, this right was not respected in practice. Freedom House has ranked the country as "not free" every year from 1972 to the current year. Reporters Without Borders also gave the country a low rating for press freedom, although marginally improved from the previous year. Journalists engaged in rigorous self-censorship in order to avoid reprisals.

In October the Islamic Courts announced a 13-point code of conduct for the media that effectively eliminated freedom of the press in the areas they controlled. Among other provisions, the code of conduct stipulated: media must not disseminate anything that could create confrontation between the people and the Islamic Courts; journalists are required to reveal sources; the media must not serve foreign interests; and journalists may not attend foreign seminars without the formal permission of the Islamic Courts. Later in October Abdirahim Ali Mudey, the Islamic Courts' head of communication and information, said the code of conduct for the media were only proposals and could be discussed. Media monitors criticized the Islamic Courts for banning music, concerts, cinemas, home videos, and the watching of international sports on satellite television. In October the International Federation of Journalists condemned attacks on the country's media, which included the forced closure of East Africa Radio in Mogadishu, where the Islamic Courts were in control, and the burning of newspapers published by Haatuf in Hargeisa, Somaliland, and the barring of foreign journalists from entering Somaliland.

The print media consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one of the factions. Several of these dailies were nominally independent and published criticism of faction leaders.

Somaliland had two daily newspapers--one government-owned and one independent. There also was an English-language weekly newspaper.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC, which transmitted a daily Somali-language program. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There was at least one FM station in both Puntland and Somaliland.

Harassment of journalists continued in all regions, including detention without charge, assaults, and one killing. In June Martin Adler, a foreign journalist and photographer, was killed in Mogadishu. Adler was covering a demonstration organized by the Islamic Courts. Another international reporter covering the event witnessed a gunman shoot Adler in the back at close range before disappearing into the crowd. There have been no arrests in the case, nor were there any developments in the investigations of the 2005 murders of journalists Kate Peyton and Duniya Muhyadin Nur.

Numerous journalists were arrested and detained during the year. In October TFG security forces arrested three radio journalists accused of spreading pro-Islamic Courts propaganda and held them for nine days at a Baidoa police station. In September the Islamic Courts arrested three journalists working for the HornAfrik radio station in Kismaayo for broadcasting statements critical of their presence in the city. In November TFG forces arrested Abdullahi Yasin Jama of privately owned Radio Warsan after he broadcast a report indicating that Ethiopian troops had entered the Bay region and might be headed to Mogadishu. He was held for three days. Reporters Without Borders criticized the arrest and claimed that Yasin Jama was physically abused while in detention.

Abdiaziz Mohamud Guled was arrested December 1 by Puntland authorities in Bossaso. He was held for establishing and broadcasting a branch of the Galcayo-based Radio Voice of Peace, for which the authorities said he needed prior authorization. He was released December 17 after the International

Federation of Journalists and the National Union of Somali Journalists appealed on his behalf.

In September the Islamic Courts closed down a radio station in Kismaayo, accusing the station of broadcasting false information with intent to incite the public to violence. Also in September the Islamic Courts shut down Radio Jowhar for several days after the station refused to stop playing music and songs. In October the Islamic Courts closed East Africa Radio, owned by Bashir Raghe, a warlord and former member of the ARPTC. That same month the HornAfrik radio station in Kismaayo was shut down for five days, allegedly for incitement to violence.

The Islamic Courts made many threats of violence against journalists and photographers during the year.

In Baidoa the TFG issued strict orders to local and foreign journalists not to photograph or report on the presence of Ethiopian troops in the country.

There were no further developments in the 2005 or 2004 cases in which journalists were harassed or arrested.

In November journalists based in Mogadishu established the Somalia Association of Professional Journalists.

While the ban on independent television and radio stations in Somaliland remained in effect, there were indications that the authorities were loosening restrictions on independent television stations. In March the authorities permitted Hargeisa Cable Television to begin independent broadcasting of news, movies, and sports.

Internet Freedom

There were no government restrictions on access to the Internet, but the Islamic Courts in Mogadishu were reported to be monitoring Internet use closely. Internet use was widespread in urban and town settings throughout the country.

Academic Freedom and Cultural Events

There were two universities in Mogadishu, two in Somaliland, and one in Puntland; however, there was no organized higher education system in most of the country. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required before conducting academic research. Unlike in the previous year, there were no reports that academicians were prevented from travel.

Cultural events were restricted by the country's instability and security situation. In areas controlled by the Islamic Courts there were restrictions on the playing of music. After taking control of Mogadishu in June, the Islamic Courts raided, shut down, and destroyed or confiscated equipment from movie halls and music venues, in an effort to suppress any form of artistic or cultural endeavor that the Islamic Courts deemed contrary to the tenets of Islam. In November all cinemas in Hiiraan region were ordered closed by the Islamic Courts.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The TFC and the Somaliland Constitution provide for freedom of assembly; however, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; nevertheless, numerous demonstrations took place throughout the country during the year.

In September the Hargeisa (Somaliland) Regional Emergency Committee arrested 56 demonstrators--44 women and 12 men--and sentenced them to three to six months in prison. The demonstrators were protesting the alleged torture in prison of Sheikh Mohamed Sheikh Ismail, who had been charged in October 2005 with terrorism-related crimes against the state of Somaliland (see section 1.c.).

The Islamic Courts did not permit demonstrations of opposition to court rule or edicts. In September one person was killed and three were wounded during demonstrations against the Islamic Courts in Kismaayo. The fatality reportedly occurred when Islamic Courts militia fired in the air to disperse the demonstrators.

Following their takeover of Mogadishu in July, the Islamic Courts began to impose strict social edicts. They used violence and intimidation to shut down public cinemas. Soccer was declared a "satanic act" and

playing it or even watching it was prohibited. In June a young girl and the owner of a cinema were killed when Islamic Court militia opened fire on civilians watching a banned World Cup soccer match on television. In September a 13-year-old boy was shot and killed in another raid by Islamic Courts militia on a crowd watching a football match. Also in September a man was killed and four others wounded in a clash with Islamic Courts militia who had ordered a cinema closed during a soccer match. In November Islamic Courts militia stormed a cinema in the Hiiraan region and arrested 25 youths who were watching a soccer match. The youths, some reported to be as young as 10, had their heads shaved and were jailed.

Freedom of Association

The TFC provides for freedom of association; however, the TFC was not enforced during the year.

The Puntland Charter provides for freedom of association; however, the Puntland administration banned all political parties.

The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice. Legislation governing the formation of political parties limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties operating since the 2003 elections.

Professional groups and local NGOs operated as security conditions permitted. In October the UN withdrew staff from territories occupied by the Islamic Courts.

c. Freedom of Religion

There were no legal provisions for the protection of religious freedom, and there were limits on religious freedom in practice. The TFC, Somaliland Constitution, and the Puntland Charter establish Islam as the official religion. The Islamic Courts also made Islam the official religion in the areas they controlled.

In Puntland only Shafi'lyyah, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, and such permission was granted routinely. In February there was a report that three religious leaders in Bossaso were arrested by the Puntland intelligence services over alleged links to extremist activities. The three were later released, apparently in response to pressure from other religious leaders.

According to the Somaliland Constitution, Islam is the religion of the Somaliland nation. Religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited. In October, allegedly under pressure from Muslim religious scholars, President Dahir Riyale Kahin stated that Shari'a law would be applied in Somaliland; the constitution says only that Shari'a should be the basis for all legislation.

Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland, and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated freely, to the extent permitted by the general security situation, as long as they refrained from proselytizing.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, were active in business and political activities throughout the country.

Islamic religious leaders in Puntland or Somaliland who publicly opposed government policy on Shari'a law or spoke out in favor of the Islamic Courts increasingly came into disfavor with government authorities during the year. In October a prominent cleric in Somaliland was arrested after speaking out against the detention and alleged torture of Sheikh Mohamed Sheikh Ismail (see section 2.c.).

In November imams and opposition figures in Somaliland protested the alleged firing of two women in the Ministry of Information for the sole reason that they wore Islamic dress to work.

Societal Abuses and Discrimination

In September gunmen shot and killed a foreign nun where she worked at a hospital in Mogadishu run by an

international NGO. The Islamic Courts arrested two suspects; the motives for the killing of the nun and her bodyguard remained unclear.

The small Christian community kept a low profile. Christians, as well as other non-Muslims who proclaim their religion, sometimes faced social harassment.

There is no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The TFC and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints operated by militias loyal to particular clans or factions inhibited passage by other groups. In the absence of effective governance institutions, few citizens had the documents needed for international travel.

In mid-July the Islamic Courts removed many checkpoints and roadblocks in Mogadishu, and residents of the city reported that as a result transport costs dropped considerably. For the first time in 15 years residents of Mogadishu reported that they were able to move about the city freely and largely without fear for their safety or security.

The law does not prohibit forced exile; however, none of the authorities used forced exile during the year.

As security conditions remained relatively stable in the northern parts of the country, some refugees returned to their homes. According to the UN High Commissioner for Refugees (UNHCR), 1,300 refugees were repatriated to Somaliland from Djibouti, and 300 to Puntland from Yemen during the year. There were no reported returnees in the south of the country.

Internally Displaced Persons (IDPs)

Reliable figures for IDPs in the country were difficult to obtain, but UN agencies estimated that 454,000 were displaced because of internal hostilities. The Somalia office of UNHCR, based in Kenya, estimated that by mid-December an additional 407,600 had been displaced by the severe flooding that affected the southern and central regions of the country. Many of the IDPs resided in public buildings and temporary settlements. An estimated 250,000 were in Mogadishu; 18,500 IDPs were in Kismaayo, and the rest were scattered around the country.

During the year more than 30,000 persons crossed the border to refugee camps in the Dadaab region of eastern Kenya, or moved north into Puntland, from which many attempted to cross the Gulf of Aden to Yemen.

UNHCR reported that monthly movements to Yemen doubled over the 2005 figure. In November 3,617 made the crossing. An effort in September by the Puntland authorities to interdict human trafficking to Yemen resulted in the movement of many IDPs south instead from Bossaso to Galkayo (see section 5, Trafficking). A substantial number of these people may be more accurately characterized as economic migrants than as refugees or victims of trafficking, but no reliable data is available.

Protection of Refugees

The 1990 constitution and TFC do not include provisions for the granting of asylum or refugee status in accordance with the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against refoulement, the return of persons to a country where they feared persecution, and in practice the authorities granted refugee status or asylum.

The authorities in Somaliland cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

There continued to be reports of rape of Somali women and girls in refugee camps in Kenya during the year.

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

In the absence of effective governance institutions, citizens could not exercise the right to change their

government. In most regions clan leaders operated as de facto rulers. Although many such leaders derived their authority from the traditional deference given to clan elders, they often faced opposition from intra-clan groups and political factions.

Elections and Political Participation

The Transitional Federal Government was formed in late 2004 and early 2005 following two years of negotiations in Kenya, led by the Intergovernmental Authority on Development. The Transitional Federal Charter serves as a guiding framework for the transitional federal institutions of parliament and government, which operate under a five-year mandate that expires in 2009. In 2004 the clan-based Transitional Federal Parliament elected Abdullahi Yusuf Ahmed, the former president of Puntland, as Transitional Federal President, and he then appointed Ali Mohammed Gedi as prime minister.

Throughout most of 2005 the parliament and government failed to function, but in January the president and speaker of Parliament reached agreement on a variety of divisive issues, including the movement of the TFG to Baidoa, where in February the Parliament met for the first time. In June, however, the prime minister fired four ministers for their military involvement in the fighting against Islamic Courts forces in Mogadishu. By July more than 40 ministers resigned from the TFG, and Prime Minister Gedi narrowly survived a no-confidence vote. In August the prime minister, president, and speaker of Parliament initialed an agreement authorizing Prime Minister Gedi to form a new cabinet and government with a six-month mandate. In November, however, frustrated by what they viewed as the TFG's lack of commitment to negotiate seriously with the Islamic Courts, the speaker of Parliament and approximately 68 members of Parliament left Baidoa for Mogadishu for talks with Islamic Court leaders. At year's end the standoff between the TFG and the dissident parliamentary faction was overtaken by Ethiopia's incursion into the country and the assertion of TFG authority over Mogadishu.

Somaliland has a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

Presidential elections in Somaliland were held in 2003 with participation by three political parties: the Democratic United People's Movement (UDUB), the Solidarity Party (Kulmiye), and the Party for Justice and Democracy. The incumbent UDUB president, Dahir Riyale Kahin, won the election by a very small margin. Most international observers considered the elections credible and sufficiently transparent. Parliamentary elections were held in September 2005. In May President Kahin postponed elections for the Parliament's House of Elders and initiated a process to extend the mandate of the upper house for four years. Opposition parties declared the process illegal. At year's end the government and opposition had formed a committee to address the constitutional impasse.

The Union of Islamic Courts was a heterogeneous coalition of largely independent clan-based Shari'a courts that represent a range of religious traditions and political perspectives. As a clan-based organization, each 'court' has three main elements: a shura, or council, made up of respected leaders of the clan; a chairman appointed by the clan; and a militia commander appointed by the chairman and approved by the shura. The courts' resources came from private contributions, revenue from ports and airports, and taxation exacted at militia checkpoints. In 2004 an umbrella structure for the courts was established in Mogadishu, called the Supreme Council of Islamic Courts in Somalia. By late 2005, 11 clan-based courts had been established in Mogadishu. The chairman of the Supreme Council was Sheikh Sharif Sheikh Ahmed. From June to December, the Islamic Courts, although heavily dominated by the Hawiye clan, became the preponderate political force in Mogadishu and surrounding areas through force of arms and their ability to articulate strong nationalist and anti-Ethiopian rhetoric within an Islamic framework, while appealing to aspirations for a "Greater Somalia" and the population's strong desire for law and order and opposition to warlordism. In December the Ethiopian military, together with forces from the TFG, launched a counter-offensive against the Islamic Courts throughout much of the south. The Islamic Courts were defeated and most of its leadership either fled or were killed or injured in combat.

In 1998 Puntland declared itself a semi-autonomous regional government during a consultative conference with delegates from six regions who included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was

elected president by the Puntland Parliament in January 2005. In February conflict erupted over a cabinet change, and the personal militia of a cabinet member briefly occupied the parliament building. Four persons were killed and one was wounded when the Puntland security forces counter-attacked. Most Puntland cabinet ministers have their own militias, which contributed to a general lack of security.

Somaliland and Puntland continued to contest portions of Sanaag region, as well as the Sool region and the Buhodle district of Togdheer region during the year. Both governments maintained elements of their administrations in the Sanaag and Sool regions, and both governments exerted influence in various communities.

There were 23 women in the 275-seat Transitional Federal Parliament; the number fell short of the requirement stipulated in the TFC that at least 12 percent of parliamentary seats be reserved for women. The minister for gender and family affairs was a woman, as were one state minister and three deputy ministers. In the Somaliland government, a woman held the post of gender and family minister and two women were elected to the lower house of Parliament. There were four women in the 69-seat Puntland Council of Elders, and a woman held the position of minister of gender and family. There were no women in the governing council of the Islamic Courts.

There were 31 members of the minority Bantu or Arab ethnic groups in the 275-seat Transitional Federal Parliament and four in the TFG cabinet. The Somaliland parliament and cabinet had no members of minority groups.

Government Corruption and Transparency

Official corruption was endemic throughout the country. There were no laws providing for public access to government information.

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

A number of domestic and international human rights groups generally operated in areas outside the control of the Islamic Courts without official restriction, investigating and publishing their findings on human rights cases. Authorities were somewhat cooperative and responsive to their views.

In August a senior Islamic Courts cleric stated that the Islamic Courts did not recognize civil society groups or NGOs. In October, faced with broad public opposition, the Islamic Courts agreed to an accommodation with civil society groups and the Islamic Courts' Office of Civil Affairs and Regional Cooperation issued a statement calling on all civil society organizations to register by the end of the month. In November the Islamic Courts met with NGOs to discuss registration, and the Islamic Courts agreed to extend the deadline. A four-member delegation of the Nairobi-based NGO Consortium, representing more than 190 civil society groups, traveled to Mogadishu to present the ICRC Code of Conduct to the Islamic Courts and to make the case for allowing humanitarian NGOs to operate in the country. The consortium negotiated an extension with the Islamic Courts to allow registration of all NGOs beyond the end of the year.

Several human rights groups were active during the year, including the Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, and KISIMA in Kismaayo. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area, conducted effective human rights monitoring, and protested the treatment of prisoners before the Shari'a courts. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, women's NGOs, and other members of civil society also played a role in promoting dialogue between the TFG and the Islamic Courts.

Security problems complicated the work of local and international organizations, especially in the south. Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths. There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments during the year. In January an ICRC staff member was killed at his residence in Mogadishu by an unidentified masked gunman. In April a convoy hired to deliver humanitarian aid was attacked in Gedo region by militia from a subclan of the Marehan, resulting in the death of a driver and a passenger. In June a UN driver was stabbed and wounded in Garowe. In August a long-serving Somali staff member of the DIJHRC was shot and killed and a driver wounded while driving to Burhakaba after a meeting with an international NGO. In November two UN vehicles were fired upon in Gedo region; a UN staff member was wounded. According to the UN, there have been no investigations or arrests in

connection with any of these cases.

In recent years UN staff or consultants have been kidnapped, often for use as leverage by former UN workers dismissed by the organization and seeking compensation. For example, in March a UN Children's Fund (UNICEF) official was held hostage for 24 hours by gunmen allegedly acting on behalf of a businessman who claimed that the UN owed him money. Most hostages were released unharmed after mediation by clan elders.

In February demonstrations against the cartoons depicting the prophet Mohammed that were published by several European newspapers turned violent. Demonstrators in Bossaso pelted the compounds of UN agencies with stones. Security forces guarding the compounds reacted with deadly force, leaving one dead and three wounded. Also in February it was reported that a hand grenade was thrown into the compound of a local NGO in Merka; there were no casualties resulting from the incident. In October the President of Somaliland issued a statement claiming that the Islamic Courts were responsible for carrying out attacks against humanitarian aid workers in Somaliland. In October demonstrators angry over hiring policies threw stones at the offices of an international NGO in Wajid before being repulsed by security guards. In November vehicles of an international NGO were fired upon in Gedo region.

Attacks on NGOs also disrupted flights and food distribution during the year. In January clan militia stole 11 metric tons of WFP food aid from the Mother and Child Hospital in Baidoa that was destined for an IDP camp. In April one person was killed and another was injured when militia attacked a building in Baidoa where humanitarian food supplies were stored for distribution to drought victims. In May fighting broke out between local militia and guards at a food distribution center in the Middle Juba region, leaving three dead. In July two persons were killed and five wounded when conflict erupted between militia escorting a UN food convoy and local militia. In August part of a UN food shipment to Galcayo was stolen. Unlike in the previous year, there were no reports that pirates hijacked food aid.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The TFC prohibits discrimination on the basis of gender or national origin; however, societal discrimination and violence against women, and widespread abuse of children, continued to be serious problems. The Somaliland Constitution prohibits discrimination on the basis of gender or national origin, but these rights were not respected in practice.

Women

Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes (see section 1.e.). No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women have suffered disproportionately in the country's civil war and inter-factional fighting.

Laws prohibiting rape exist; however, they were not generally enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape of women with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS.

In Somaliland there was an increase in incidents of gang rape in urban areas, primarily by youth gangs, members of police forces and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and rural displaced populations. Many cases were not reported.

The practice of FGM is widespread throughout the country. There were estimates that as many as 98 percent of women have undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland FGM is illegal; however, the law was not enforced. Puntland also has legislation prohibiting FGM, but the law was not effectively enforced. UN agencies and NGOs have made intensive efforts to educate the population about the dangers of FGM; there are no reliable statistics to measure the success of their programs.

Prostitution is illegal; however, it was practiced. Because it is culturally proscribed it was not reported, and

there were no statistics on its prevalence.

In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygyny was permitted. Under laws issued by the former government, female children could inherit property, but only half the amount to which their brothers were legally entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty in the death of a woman must pay just half as much to the aggrieved family as for the death of a male.

Women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.

Women's groups were active in efforts to promote peace and reconciliation between the Islamic Courts and the TFG. For example, women's groups were part of numerous civil society delegations that visited both the TFG and Islamic Courts to urge a return to the Khartoum talks.

Children

The authorities were generally not meaningfully committed to children's rights and welfare. An estimated 28 percent of the school-age population attended school, according to a recent UNICEF school survey: 34 percent of boys and 22 percent of girls. Overall enrollment rates appear to show a rising trend in recent years, with considerable regional variation. Since the collapse of the state in 1991, education services have been revived in various forms: a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; a system of Islamic charity-run schools; and a number of privately run primary and secondary schools, universities and vocational training institutes. Few children who entered primary school went on to complete secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers into the country to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that they required veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.

Medical care was rudimentary; only a small percentage of children had access to adequate medical care. There was a chronic lack of qualified health professionals, weak management of health services, inadequate resources and infrastructure to support a public health system, an urban bias in provision of healthcare, and an ineffective drug certification regime.

No statistics were available on the prevalence of child abuse in the country; however, it was a serious problem. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their family, compared to 17 percent of children in the general population.

FGM was performed on almost all girls (see section 5, Women).

Children remained among the chief victims of the continuing societal violence. From March to July in Mogadishu, more than 30 children were reported killed as a result of the conflict between the ARPCT and the Islamic Courts. Boys as young as 14 or 15 participated in militia attacks, and many youths were members of the marauding gangs known as moryaan (parasites or maggots). The UN's annual report on Children and Armed Conflict documented grave violations against children in the country. The report focused on violations systematically committed against children: killing and maiming; recruitment and use of children as soldiers; attacks on schools and hospitals; rape and other severe sexual violence against children; abduction; and denial of humanitarian access.

UNICEF reported that street children and other children employed in markets and other public settings were particularly vulnerable to violence, including from security forces. Disputes over the buying and selling of khat (a green leaf chewed for its narcotic effect) led to several killings of children during the year. In January in the Hiiran region, a 13-year-old boy was shot dead because of a quarrel over khat. In April in the Galgudud region seven children were killed by militia in several incidents involving procurement of khat. In September in the Bay region a 15-year-old boy was killed when the khat market where he was working was attacked by armed militia, who fired indiscriminately into the crowd. It could not be determined whether there were investigations or arrests by the authorities in any of these cases.

The Somaliland Constitution contains no minimum age for recruitment into the armed forces, but there were

no reports of minors in its forces. An inadequate system of birth registration made it difficult to establish the exact age of recruits.

The recruitment and use of children in militias and other fighting forces is a longstanding practice in the country, and recruitment of children increased significantly during the year. UNICEF reported that children as young as 11 were found at checkpoints and in the vehicles of various parties to the conflict in Mogadishu. The militias of warlords Abdi Qeybdid and Musa Sudi Yalahow recruited children as young as 13. The Islamic Courts, in the name of jihad, significantly increased the identification and training of new recruits and publicly declared their intention to recruit from schools. In September headmasters from Mogadishu schools were summoned to meetings at which they were required to commit to a quota of children from each school for a three-to-six-month training. In October recruitment of boys and girls from schools in Mogadishu began. UNICEF reported that students would be forcibly conscripted if there were not enough volunteers.

In his 2006 report the UNIE expressed concern about the practice of *asi walid*, a custom whereby parents place their children in prison for disciplinary purposes and without any legal procedure. Many of these juveniles were incarcerated with adults (see section 1.c.).

Child prostitution was practiced; however, because it is culturally proscribed and was not reported, no statistics were available on its prevalence.

Trafficking in children for forced labor was a serious problem.

Child labor was also a problem (see section 6.d.).

Trafficking in Persons

The pre-1991 law prohibits trafficking. The TFC does not explicitly prohibit trafficking. Information regarding trafficking in the country's territory is extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Armed militias reportedly also trafficked Somali women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari'a and customary law, but there was no unified policing in the country to interdict these practices, nor any effective justice system for the prosecution of traffickers.

There continued to be reports that children were sent out of the country to relatives and friends in western countries, where they worked or collected welfare and sent money back to family members in the country.

At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Many of these individuals were known to condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.

Persons with Disabilities

In the absence of functioning governance institutions, the needs of persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of disabled persons reported numerous cases of discrimination to the UNIE.

There was widespread abuse of persons with mental illness. It was common for such persons to be chained to a tree or within their homes.

National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas members of groups other than the predominant clan were excluded from effective

participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE estimated that minority groups may constitute a higher percentage of the population than previously thought--perhaps as many as two million persons (around 22 percent of the estimated population). In the absence of any census data for the past 30 years any demographic statement can only be an estimate. Intermarriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rapes, kidnappings for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

Other Societal Abuses and Discrimination

Bossaso is a primary transit point for the smuggling of humans from the Horn of Africa to Yemen. In April, 39 Somali and Ethiopian illegal migrants, some of whom are thought to have been victims of trafficking, died off the coast of Yemen, reportedly after being thrown overboard by the smugglers.

Section 6 Worker Rights

a. The Right of Association

The 1990 constitution and the TFC provide for workers to form and join unions. The Puntland Charter and the Somaliland Constitution also protect workers' freedom of association. However, labor laws remain unenforced, resulting in an absence of effective protection for workers' rights because of the civil war and factional fighting. The government-controlled General Federation of Somali Trade Unions, once the country's single labor confederation, disintegrated in 1991, and there have been few functioning unions or employer organizations since. In 2002 the National Union of Somali Journalists was created and has been registered as a trade union. There were no reports of the Islamic Courts taking action to improve workers' rights in the areas under its control.

b. The Right to Organize and Bargain Collectively

The TFC would allow unions to conduct their activities without interference and grant workers the right to strike. Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan. There are no export processing zones.

In August 2005 the Somali Journalists Network met in a general assembly for the first time in 15 years and amended their constitution to form the NUSOJ, which is a self-described trade union. In June Islamic Courts militia raided and shut down the NUSOJ office in Mogadishu, threatening members of the NUSOJ executive committee with death if they did not leave the office and confiscating the union's financial documents, archives, and union seal. The Islamic Courts later returned the organization's materials and NUSOJ resumed activity. In December NUSOJ Secretary General Omar Faruk was arrested as he was trying to board an international flight. He was detained by the Islamic Courts for 12 hours and released. At year's end his confiscated passport and computer had not been returned.

The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. It has received assistance from the International Labor Organization (ILO) and claims to be democratic and independent. However, there were no reports of activities undertaken by the SOLTUO during the year.

c. Prohibition of Forced or Compulsory Labor

The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d). It could not be confirmed whether it continued to be the case, as had been reported the previous year, that local clan militias forced members of minority groups to work on banana plantations without compensation or that in Middle and Lower Juba and Lower Shabelle Bantus were used as forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The pre-1991 labor code and the TFC prohibit child labor; however, child labor was a problem. The country is not a signatory of ILO Convention 138 on minimum age or 182 on worst forms of child labor.

There were reports of militias recruiting children, and reports that the Islamic Courts used child soldiers in recruiting efforts and rallies (see section 5). Formal employment of children was rare, but young persons commonly were employed in herding, agriculture, and household labor from an early age. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce--31 percent of males and 41 percent of females; however, it was believed that the actual percentage was even higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

e. Acceptable Conditions for Work

Although the TFC and the Somaliland Constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. With an estimated 43 percent of the population living in extreme poverty, earning a per capita income of less than \$1 (approximately 1,700 Somali shillings) per day, there was no mechanism to attain a decent standard of living for workers and their families.

* The United States does not have diplomatic representation in Somalia, nor were U.S. government personnel permitted to travel into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U.S. government sources.