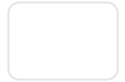


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## USDOS – US Department of State

### 2022 Country Report on Human Rights Practices: Somalia

#### EXECUTIVE SUMMARY

Somalia is a federal parliamentary republic led by President Hassan Sheikh Mohamud whom the bicameral parliament elected on May 15. He is the country's third president since the Federal Government of Somalia was founded in 2012 and previously served as president from 2012 to 2017. The federal parliament consists of the 275-member House of the People and the 54-member Upper House. The country last completed parliamentary elections on March 31. Caucuses selected House of the People members, with seats distributed according to clan affiliation and a power-sharing formula. State assemblies elected Upper House members. The parliamentary electoral process was widely viewed as marred by corruption, but the two houses of parliament elected President Mohamud in a process viewed as generally fair and transparent. The government of the self-declared Republic of Somaliland controlled its jurisdiction.

The 2012 provisional constitution states that federal police, overseen by civilian leadership in the Ministry of Internal Security, have responsibility for law enforcement and maintenance of order within the country. Many parts of the country remained outside government control, with the insurgent terrorist group al-Shabaab contesting government control. The African Union Transition Mission in Somalia, under civilian African Union leadership, and the Somali National Army, under civilian leadership in the Ministry of Defense, are the primary internal security providers. Civilian authorities did not always maintain effective control over the security forces. There were reports that members of the federal and state security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, torture and physical abuses or punishment, and unlawful recruitment or use of child soldiers; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the enforcement of criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free

and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting members of national/racial/ethnic minority groups; existence of laws criminalizing consensual same-sex sexual conduct between adults, although information regarding their enforcement was unclear; and existence of the worst forms of child labor.

Impunity generally remained the norm. Government authorities took some steps to prosecute and punish officials who committed abuses, particularly military and police personnel.

Conflict involving the government, militias, and al-Shabaab resulted in death, injury, and displacement of civilians. Al-Shabaab committed most of the severe human rights abuses, particularly terrorist attacks on civilians and targeted killings, including summary executions and religiously and politically motivated killings; forced disappearances; physical abuses and other inhuman treatment; rape; and attacks on employees of nongovernmental organizations and the United Nations. Al-Shabaab also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of expression, including for the press, peaceful assembly, and movement.

## Section 1. Respect for the Integrity of the Person

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Military court prosecutors, with investigative support from federal police, are responsible for investigating whether security force killings were justifiable and pursuing prosecutions, but impunity remained a significant issue (see section 1.c.). While reliable data was difficult to collect, reporting from the UN Office of the High Commissioner for Human Rights indicated a steep rise in civilian casualties, with at least 613 civilians killed and 948 injured as of November 14, the highest number since 2017; at least 94 percent were attributed to al-Shabaab.

In separate and unrelated trials, military courts convicted a National Intelligence and Security Agency (NISA) officer, two former federal police officers, and three officers of the Somali National Army (SNA) for unlawfully killing civilians and imposed the maximum penalty possible in all these cases.

According to media reports, in December 2021, 15 SNA soldiers and an unspecified number of civilians in the Janaale district of Lower Shabelle area in South West State gang-raped a girl age 15, Sahra Ali Mohamud, who later died as a result of her injuries. The district administration convened an 11-member committee composed of members of the security forces, district officials, and family members to investigate this incident and provide recommendations on a way forward. No result of the investigating committee was reported in media (see section 6).

In the self-declared breakaway Republic of Somaliland, a parliamentary committee reported an increase in police killings of civilians in Hargeisa, Burao, and Erigavo. On August 11, leaders of the opposition Waddani and Justice and Welfare Party (UCID) parties organized protests in the main cities of Hargeisa, Burao, Borama, Las Anod, Erigavo, and Berbera over delays in the presidential election. According to a parliamentary committee report, Somaliland police action to break up the protests killed five civilians and injured 76 civilians and 85 security personnel, with hundreds of protesters arrested.

Al-Shabaab continued to carry out indiscriminate deadly attacks and, in many cases, targeted killings of civilians. While al-Shabaab and clan militias were the primary perpetrators, extrajudicial killings of

civilians by state security forces, and to a much lesser extent by African Union Mission in Somalia (AMISOM) and its successor, the African Union Transition Mission in Somalia (ATMIS) and other international forces, occurred (see section 1.g.).

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

There were no reports of disappearances by or on behalf of Somaliland authorities.

Al-Shabaab continued to abduct persons, including humanitarian workers (see section 1.g.).

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

The law prohibits torture and inhuman treatment, but there were credible reports that government authorities engaged in torture and other cruel, inhuman, or degrading treatment or punishment.

NISA agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells, as well as against criminal groups. The organization held detainees for prolonged periods without following due process and mistreated suspects during interrogations. Government security forces, including NISA and the Puntland Intelligence Agency (PIA), detained boys and adult men in the same facility and threatened, beat, and forced them to confess to crimes, according to Human Rights Watch. There were reports of rape and sexual abuse by government agents, primarily members of the security forces. The Human Rights Center, a local nongovernmental organization (NGO), reported two Somaliland police officers, area commissioner Hassan Ismail and Mustafe Yusuf Dheere, raped Nimo Jama Hassan on June 4 in Caynabo (see sections 1.g. and 6).

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

Torture and other cruel, inhuman, or degrading treatment or punishment at the hands of clan militias, some of which were government-affiliated, remained frequent. A strong and widespread culture of impunity continued, due mainly to clan protection of perpetrators and weak government capacity to hold the guilty to account.

## **Prison and Detention Center Conditions**

Except for newly built facilities, prison conditions in most areas of the country remained harsh and life threatening. Poor sanitation and hygiene, inadequate food and water, and lack of medical care were common, and disease outbreaks in crowded prisons could be life threatening.

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

Authorities generally required the families of inmates to pay for health services. Inmates without family or clan support had very limited access to such services. Disease outbreaks, such as

tuberculosis and cholera, continued to occur, particularly in overcrowded prisons such as the Mogadishu Central Prison. Such outbreaks could be life threatening during the rainy season.

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

Al-Shabaab detained persons in areas under its control in the southern and central regions, and conditions were often harsh and life threatening (see section 1.g.).

**Administration:** Most prisons did not have ombudspersons. 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.

A joint UN assessment mission in April confirmed that the Garowe Central Prison had a system in place for prisoners to submit complaints through officers and the prison commander.

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

**Independent Monitoring:** Authorities continued to work with international humanitarian and monitoring groups, leading to some gains in access as these groups provided medical supplies and protective equipment for prison and detention center staff. Authorities allowed the International Committee of the Red Cross, UNICEF, and the UN Office on Drugs and Crime to conduct joint inspections of prisons during the year. In February the director of the International Development Law Organization confirmed its personnel were allowed to visit prisons in Mogadishu.

Somaliland authorities permitted some prison monitoring by independent NGO observers during the year. According to NGOs, prison monitoring was permitted in most Somaliland prisons except Burco, where access was limited. In addition, opposition leaders were allowed to visit their supporters who were arrested during August 11 demonstrations across six towns (see section 1.a.).

Geographic inaccessibility and insecurity impeded such monitoring in territory controlled by al-Shabaab and in remote areas where traditional authorities controlled detention facilities.

#### **d. Arbitrary Arrest or Detention**

Although the provisional federal constitution prohibits arbitrary arrest and detention, state security forces, allied militias, and regional authorities arbitrarily arrested and detained persons. The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but only politicians and some businesspersons could exercise this right effectively.

#### **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. Transportation to court facilities while awaiting trial was limited, and information was limited and

anecdotal regarding the ability of defendants to access legal counsel while incarcerated in pretrial status.

The federal government made arrests without warrants and arbitrarily detained individuals. The government sometimes kept high-profile prisoners associated with al-Shabaab in safe houses before officially charging them. The law provides for bail, although citizens were rarely aware of this right, authorities did not always respect this provision, and judicial personnel lacked adequate training in criminal procedures to administer bail provisions. In some cases, security force members, judicial officers, politicians, and clan elders used their influence to have favored detainees released.

**Arbitrary Arrest:** Federal and regional authorities arbitrarily arrested and detained numerous persons, including persons accused of terrorism and either supporting or opposing al-Shabaab. Authorities frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests.

Media NGOs noted a marked increase in arbitrary arrests and detentions of journalists across the country. The Somali Mechanism for the Safety of Journalists, a network of seven journalist unions and media house associations, documented 66 arbitrary arrests and detentions of journalists. The network attributed the trend to authorities cracking down on protests amid public anger regarding election failures and delays.

On January 30, federal police raided the offices of the independent Sooyaal TV and Radio in the Galgadud region of Galmudug State, beating and detaining the radio's director. The director was freed the following day without charges. Federal Member State authorities continued to violate the freedom of press with arbitrary arrests and unlawful detentions. On February 22 and 25, Puntland police arrested and detained two journalists in Garowe and Galkayo for reporting on President Said Deni's remarks regarding election results. The journalists were released after agreeing to desist from similar reporting. On September 28, Galmudug police in Dhusamareb arrested and detained journalist Mohamed Abdiweli Tohow regarding his reporting on the area police commissioner's decision to surrender weapons and vehicles to the Ahlu Sunnah Wal Jama (ASWJ) militia. He was released without charge.

Somaliland's government continued to use arbitrary detention and arrest to curb negative reporting by journalists, as well as demonstrations of political expression by citizens, particularly regarding unification with Somalia and territorial disputes with Puntland. Reporters Without Borders reported that Somaliland police arbitrarily detained 14 journalists. In one high-profile case, two clan elders, Suldaan Cadde Guude and Suldaan Sulob, were arrested on August 21 for criticizing the government's response towards political demonstrations. The two clan elders were neither brought to court nor charged with any crime, and they remained in custody at year's end.

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

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the government did not always respect judicial independence and impartiality. The civilian judicial system remained dysfunctional and unevenly developed, particularly outside of urban areas. Some local courts depended on the dominant local clan and associated factions for their authority. The judiciary was subject to influence and corruption

and was strongly influenced by clan-based politics. Authorities often did not respect court orders or were unable to enforce the orders. Without clear procedures for the transfer of cases from military to civilian courts, authorities prosecuted only a handful of serious criminal cases.

The Judicial Service Commission, the body mandated by the provisional constitution to oversee court staffing, pay, and administration, was dissolved on October 9 by President Mohamud. He did not appoint a new commission. Civilian judges lacked the necessary security to perform their jobs without fear.

In Somaliland, functional courts existed, although there was a serious shortage of trained judges, as well as limited legal documentation upon which to build judicial precedent and prosecute widespread allegations of corruption. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported that local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.

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

## Trial Procedures

The law provides for the right to a fair and public trial, but the lack of an independent functioning judiciary meant this right was often not enforced. According to the law, 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 law 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 of these rights. Clan politics and corruption often impeded access to a fair trial. The law 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. Free legal representation for defendants facing serious criminal charges was often not available in South Central regions, but two functioning legal aid clinics at Mogadishu University and City University Law School provided some legal services.

Cases involving security personnel were heard by military courts. Military courts tried some civilians, primarily but not always those accused of terrorism offenses. 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, particularly in cases where defendants confessed to membership in al-Shabaab in court or in televised videos. In other cases, the courts offered defendants up to 30 days to appeal death penalty judgments. 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 were no clear indications whether this decree remained in effect, although the initial decree was for a period of three months and never formally extended.

In Somaliland, 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.

There was no functioning formal judicial system in al-Shabaab-controlled areas, and al-Shabaab enforced a strict form of sharia that imposed steep penalties, including death, for certain offenses (see section 1.g.).

## Political Prisoners and Detainees

Government and regional authorities arrested journalists as well as other persons critical of authorities, including high-profile political figures. Neither government nor NGO sources provided an estimate of the number of political prisoners. In these cases, the government generally did not provide access to such persons by humanitarian organizations.

## Civil Judicial Procedures and Remedies

The provisional federal constitution provides for “adequate procedures for redress of abuses of human rights.” There were only a handful of lawsuits during the year seeking damages for or cessation of human rights abuses. Individuals generally did not pursue legal remedies for abuses due to a lack of trust and confidence in the fairness of judicial procedures.

## Property Seizure and Restitution

Some federal and state officials abused their positions to engage in land grabbing and forced evictions, primarily involving the property of internally displaced person (IDP) returnees, without due process. Those driven from their homes were often too politically and socially disempowered to resist or obtain restitution (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.

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

## g. Conflict-related Abuses

Conflict involving the government, militias, AMISOM/ATMIS, and al-Shabaab resulted in death, injury, and displacement of civilians. Other abuses included abductions, torture, use of child soldiers, and denial of access to humanitarian assistance.

**Killings:** Continued conflict resulted in killings of combatants and civilians. According to the UN Office of the High Commissioner for Human Rights, al-Shabaab was responsible for 94 percent of conflict-related civilian deaths. Other civilians were killed by state security forces, clan militias, and other actors.

Al-Shabaab committed religiously and politically motivated killings that targeted civilians affiliated with the government and attacked humanitarian NGO employees, UN staff, and diplomatic missions. The group attacked soft targets such as popular hotels in Mogadishu and other cities, often using suicide bombers, mortars, and improvised explosive devices (IEDs) to kill noncombatants. It also killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building, in addition to beheading persons accused of spying for and

collaborating with state security forces and allied militias. Al-Shabaab justified its attacks on civilians by casting them as false prophets, enemies of Islam, or aligned with al-Shabaab's enemies.

Al-Shabaab engaged in deliberate killings. In February the group reportedly executed Gurmad Farah Afrah for committing adultery. In March nine Kenyan Defense Forces personnel under ATMIS command were killed by an al-Shabaab IED in the Gedo region. According to media, on August 10 the group executed six persons, including Shire Yusuf Xersi, in Jilib district after accusing them of spying for the United States, Kenya, and the federal government.

Most killings attributed to al-Shabaab resulted from indiscriminate use of force. On August 19, al-Shabaab attacked the Hayat Hotel in Mogadishu in a lengthy siege that killed 25 persons (including six of the seven al-Shabaab assailants) and injured 117. On October 2, al-Shabaab attacked the Hiraan Region's government headquarters using IEDs, killing 20 persons and injuring 36 others including government officials. On October 29, al-Shabaab detonated IEDs outside the Ministry of Education in Mogadishu, killing more than 120 persons, a majority of whom were civilian women and children.

ISIS-Somalia claimed attacks against Somali authorities and other targets in Puntland, where it was based, but there was little local reporting on its claims. Clan-based political violence involved revenge killings and attacks on civilian settlements. Clashes between clan-based forces and with al-Shabaab in Puntland and Galmudug states, as well as in the Lower Shabelle, Middle Shabelle, Lower Juba, Baidoa, and Hiraan areas, also resulted in deaths.

There were reports of African Union forces inadvertently killing civilians during combat operations against al-Shabaab.

**Abductions:** Al-Shabaab conducted kidnappings and abductions throughout the year. For example, Garowe Online reported on February 21 that al-Shabaab abducted a doctor and two local workers from a health center in Fino near the Kenya border.

**Physical Abuse, Punishment, and Torture:** Government forces and allied militias reportedly used excessive force, including torture. While some security force members accused of such abuses faced were arrested and prosecuted, not all faced charges or were punished (see section 1.c.).

Al-Shabaab committed gender-based violence, including through forced marriages, and meted out punishment according to the group's interpretation of sharia. For example, in February the group reportedly gave 100 lashes to Khadar Farah Abdi for fornication. Those detained by al-Shabaab 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.

There were no reports during the year of physical abuses committed by African Union forces, some members of which were previously implicated in rapes and other human rights abuses while conducting military operations in the country. The ATMIS Civilian Casualty Tracking, Analysis, and Response Cell tracked and investigated reports of alleged abuses by African Union forces.

**Child Soldiers:** During the year there were reports that the SNA and its allied militias, as well as al-Shabaab, unlawfully recruited and used child soldiers.

The Ministry of Defense Child Protection Unit (CPU) led federal government efforts to address the child soldier problem within government armed forces. Between January and June, the CPU screened 3,537 SNA personnel and identified three soldiers younger than age 18. The CPU also provided training to raise awareness of unlawful child soldier recruitment and to verify the number of children in security sector units for corrective action. The CPU continued to use biometric registration to detect and deter unlawful child soldier recruitment. In 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 directly in hostilities, including suicide attacks. According to UN officials, al-Shabaab accounted for most child recruitment and use.

Al-Shabaab raided schools, madrassas, and mosques and harassed and coerced clan elders to recruit children. Children in al-Shabaab training camps were subjected to grueling physical training, weapons training, an inadequate diet, physical punishment, and forced religious training in line with al-Shabaab's ideology. The training reportedly also included forcing children to punish and sometimes execute other children. The group used children in direct hostilities, including placing them in front of other fighters to serve as human shields and suicide bombers, and to plant roadside bombs and other explosive devices. 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. Media frequently reported accounts of al-Shabaab indoctrinating children according to the group's extremist ideology at schools and forcibly recruiting them into its ranks.

The U.S. Government has determined that Somalia had or used child soldiers from March 2021 to March 2022. Please see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

**Other Conflict-related Abuse:** <http://www.state.gov/trafficking-in-persons-report/> Denial of humanitarian access by armed groups, state security forces, or security incidents was common. Armed groups, particularly al-Shabaab, deliberately restricted the passage of relief supplies and other items, as well as access by humanitarian organizations, particularly in the southern and central regions. Humanitarian workers regularly faced access obstacles due to insecurity, generalized violence, and restrictions imposed by parties to conflicts.

Al-Shabaab attacked state security forces along main supply routes, increasing insecurity along these routes and impairing delivery of humanitarian supplies. The group seized main supply routes and limited movement of food and commodities trucks, which led to increased prices for consumers. Economic blockades by the group impacted several districts in Galmudug. Al-Shabaab reportedly displaced thousands of households from the town of Adakibir and nearby settlements in the Bahdo district through attacks, burning houses, and destroying water wells.

ISIS-Somalia targeted business leaders for extortion in urban areas and used violence when they did not meet extortion demands.

## Section 2. Respect for Civil Liberties

### a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for the press and other media, but neither federal nor regional authorities respected this right. The law criminalizes the spreading of "false news,"

which it does not define, with penalties including imprisonment of up to six months.

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

**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 remained common outside the capital, particularly in Puntland, Jubaland, and Somaliland (see section 1.d.). In Somaliland, local media rights organizations reported multiple incidents in which citizens were arrested for social media posts criticizing government institutions, services, and corruption.

**Violence and Harassment:** Media watchdogs recorded frequent attacks against journalists. Domestic media NGOs reported regular harassment by state security forces, clan and other private groups, and al-Shabaab. Government agents, government-aligned militias, authorities in Somaliland, Puntland, South West State, Galmudug, and Jubaland, ASWJ, al-Shabaab, and unknown assailants killed, abused, and harassed journalists with impunity (see sections 1.d. and 1.g.).

Although abuses against media took place across the country, Mogadishu accounted for nearly half of all such reported cases. On August 21, journalist eyewitnesses reported that an M24 TV camera journalist was shot and wounded by a Haramcad Unit federal police officer while covering the al-Shabaab Hayat Hotel attack in Mogadishu. On October 10, NISA officers arrested Abdalle Ahmed Mumin, secretary general of the Somali Journalist Syndicate, following a press conference in which Mumin sought clarification from the government on new media directives banning the spread of al-Shabaab media. He was later charged with instigation to disobey laws, bringing the country or the state into contempt, and nonobservance of orders of authorities.

Al-Shabaab also engaged in violence and harassment of journalists and banned journalists from reporting news that did not comport with the group's ideology. On June 27, two journalists from Hirshabelle State-owned television were injured when their vehicle hit an IED placed by al-Shabaab in the Qabno locality. On September 30, Somali National Television journalist Ahmed Mohamed Shakur was killed by an IED planted by al-Shabaab in Basra, a town near Mogadishu.

Somaliland authorities continued to fine and arbitrarily arrest journalists for defamation and other alleged crimes, including meeting with colleagues. Penalties included prison terms ranging from a few days to several months, as well as fines. Journalists were intimidated and imprisoned for conducting investigations into corruption or topics deemed sensitive, such as investment agreements regarding the Berbera Port or territorial disputes between Somaliland and Puntland. Somaliland police in Lascanood detained Abdifatah Mohamed Abdi following his report that area residents had appealed to President Muse Bihi Abdi to fire the governor of Sool region. On April 13, police in Hargeisa briefly detained at least 12 journalists who went to cover a jailbreak attempt.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Journalists engaged in rigorous self-censorship to avoid reprisals. Radio Barawe in Lower Shabelle region, an outlet shut down by government authorities due to its broadcasts in a local dialect in 2020, continued to face censorship and harassment.

According to the Somali Journalists Syndicate, journalists in Mogadishu, Hirshabelle, Galmudug, South West State, and Jubaland recorded abuses by authorities in those regions, with some barred from

major events and to the scenes of incidents, including sites of al-Shabaab attacks, and denied access to information regarding matters of public interest. In Jubaland, repression and intimidation by state intelligence officers led journalists in Kismayo to resort to self-censorship due to fear of possible detention, torture, or death. Local media rights organizations recorded five cases of journalists who chose to refrain from reporting election-related topics or reports that could irritate Jubaland authorities.

The Somaliland government also acted to silence critics. The Committee to Protect Journalists (CPJ) reported that on July 19, Minister of Information Suleyman Yusuf Ali ordered the BBC to cease operations, accusing the BBC of abandoning impartiality and “undermining the credibility of the Somaliland state.” In addition, on September 6, the minister revoked the license of CBA TV in part because it had shown content that allegedly threatened peace in the region.

Al-Shabaab forbade persons in areas under its control from listening to international media outlets. The group’s destruction of critical infrastructure, including radio towers, while its forces were in retreat limited community access to information.

**Libel/Slander Laws:** Laws providing criminal penalties for publication of “false news” existed throughout the country, including Somaliland. According to a May 23 CPJ report, the Somaliland government arrested 18 journalists on April 13 after they reported on a fight between inmates and guards at the Hargeisa Central Prison. Two of the reporters, Mahoamed Abdi Ilig of MM Somali TV and Abdijabar Mohamed Hussein of Horn Cable TV, were sentenced in May to 16 months’ imprisonment for publishing false news.

The law criminalizes blasphemy and defamation of Islam, with punishments including fines, up to two years in prison, or both. In Somaliland on August 7, Hanna Abdirahman Abdimalik was sentenced to five years’ imprisonment for converting to Christianity. Her specific charges were insulting Islam, disturbing religious functions, and public incitement.

**National Security:** Federal and regional authorities frequently cited national security concerns to suppress media and other criticism and to prevent press coverage of opposition political figures. On October 9, the Ministry of Information issued a ban on spreading any information regarding al-Shabaab’s violent extremist ideology.

**Nongovernmental Impact:** Clan militias, criminal organizations, and terrorist groups, foremost among them al-Shabaab, actively sought to inhibit freedom of expression, including for members of the press, when it suited their interests.

## 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 telecommunications companies to shut down data services in areas under its control.

## Restrictions on Academic Freedom and Cultural Events

There were no official restrictions on academic freedom, but academics practiced self-censorship.

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 areas.

## b. Freedoms of Peaceful Assembly and Association

The law provides for freedom of peaceful assembly and association, but the government limited these freedoms. A general lack of security effectively limited this right as well.

### Freedom of Peaceful Assembly

In Somaliland, security forces harassed and detained protesters during June 9 and August 11 demonstrations organized by opposition parties. According to a parliamentary committee report, during the June 9 protests Somaliland security forces harassed opposition parliamentarians and their supporters by using live ammunition and tear gas to disperse their rally. Officials of 24 opposition parties were arbitrarily arrested and held without charge for 28 days. During August 11 protests, the opposition Waddani Party reported that 14 party officials were arrested and released after a week without charge (see section 1.a.). Al-Shabaab did not allow any gatherings without its prior consent.

### Freedom of Association

The law 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 in areas it controlled. Persons in the southern and central regions outside of al-Shabaab-controlled areas could freely join civil society organizations focused on a wide range of problems.

In addition to security and safety concerns, humanitarian organizations faced significant interference from federal and state authorities who attempted to impose taxation and registration requirements and control contracting, procurement, and staffing.

## c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## d. Freedom of Movement and the Right to Leave the Country

The law provides 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, particularly in Somaliland.

**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 the southern and central regions. During the period of election campaigning, candidates and political actors reported incidents in which government authorities impeded their travel. These incidents reportedly declined with the May election of the new president.

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 federal government processes or cultural activities. Access to such information was limited, thus making it difficult to accurately evaluate the scope of this problem.

Al-Shabaab and other nonstate armed actors continued to hinder commercial activities in the areas they controlled and impeded the delivery of humanitarian assistance.

### e. Protection of Refugees

Federal government and Somaliland authorities cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law recognizes the right to asylum; however, the federal government had no legal framework or system to provide protection to refugees on a consistent basis. Authorities, however, granted *prima facie* status to Yemenis, while most other nationalities underwent individual refugee status determination procedures. Bureaucratic delays caused backlogs in the process.

**Employment:** Employment opportunities were limited for refugees. Refugees often engaged in informal manual labor that sometimes exposed them to abuses from members of the host community. Some refugees operated small businesses, such as restaurants. Access to employment and livelihoods opportunities varied across the country.

**Access to Basic Services:** The government continued to work with the international community to improve access to basic services, employment, and durable solutions for displaced or vulnerable populations, including refugees and refugee returnees, although this remained difficult due to insecurity, lack of political will, and financial constraints.

### f. Status and Treatment of Internally Displaced Persons

A drought caused by four sequential failed rainy seasons and continued conflict led to an increase in the number of IDPs, and the country was home to more than 2.97 million IDPs. More than 1.4 million new displacements were recorded as of October, including 926,000 displaced by drought, and 467,000 displaced by conflict and insecurity. Approximately 60 percent of drought-related IDPs were children. Acute food insecurity and malnutrition levels remained higher among IDPs than among nondisplaced residents.

UNHCR advocated for the protection of IDPs and provided some financial and in-kind assistance alongside other UN agencies through the UN system humanitarian response. Citizens who returned from refugee camps abroad often moved to IDP camps. Approximately 400 refugees returned to the country during the year, and those who previously returned continued to require humanitarian assistance.

Forced IDP evictions remained a particular concern in view of the sharp increase in displacement. More than 125,900 individuals were evicted across the country, and significant increases in forced evictions and secondary displacements were expected due to the continued influx of IDPs in search of humanitarian services and continued land tenure insecurity. Forced evictions often resulted in the

complete destruction of critical livelihood assets, severely impacting the resilience of the most vulnerable and often marginalized persons, thus perpetuating their social marginalization. Urban IDPs almost always settled on privately owned land, where they were subjected to extortion and cycles of secondary forced displacement as they relied mainly on informal oral tenancy agreements. Private persons with claims to land, as well as government authorities, regularly pursued the forced eviction of IDPs in Mogadishu.

Increased reports of gender-based violence accompanied increased displacement, including reports of sexual exploitation and abuse committed by various armed groups and state 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 settlements.

### **g. Stateless Persons**

There was no estimate for the number of stateless individuals in the country during the year, but a UNHCR-led study in 2014 identified weaknesses in local law that presented risks of statelessness. For example, the law is discriminatory in the transmission of nationality to children – Somali national fathers can transmit nationality at birth, but mothers cannot – and other administrative procedures and weak identification systems limit how some individuals can claim their legal rights to nationality.

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

The law 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 not all citizens could exercise that ability.

### **Elections and Political Participation**

**Recent Elections:** The country conducted parliamentary elections on March 31 and indirect presidential elections by the federal parliament on May 15. The United Nations welcomed the conclusion of the presidential elections and praised the “positive” nature of the electoral process and peaceful transfer of power.

Somaliland laws prevent citizens in its region from participating in federal government-related processes, although the federal parliament includes members “representing” Somaliland. In 2017 Somalilanders elected ruling Kulmiye Party candidate Muse Bihi president with 55 percent of the vote, to runner-up and opposition Waddani Party member Abdurahman Mohamud Abdullahi’s 40 percent.

Somaliland has a bicameral parliament consisting of an appointed 82-member House of Elders, known as the Guurti, and an elected 82-member House of Representatives with proportional regional representation. Long-overdue House of Representatives and local council elections took place on May 31; international observers noted their sophistication, fairness, and security, observing that the ruling Kulmiye Party lost to the opposition Waddani and For Justice and Development parties, with President Bihi quickly accepting the results.

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

**Political Parties and Political Participation:** The provisional federal constitution states that every citizen has the right to take part in public affairs, and this right includes forming political parties, participating in their activities, and seeking election for any position within a political party. An agreement reached in 2020 by the National Consultative Council of the federal government and Federal Member State leaders on a model and timeline for federal parliamentary and presidential elections during the year stated no political parties would be participating.

The Somaliland constitution 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 Members of Minority Groups:** No laws limit the participation of women or members of historically marginalized groups in the political process, and they did participate. Cultural factors, however, limited their participation, particularly lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons who could not make their identities known publicly due to the risk of violence, harassment, and discrimination (see section 6).

Civil society, minority clans, Puntland authorities, and some national opposition figures called for the abolition of the “4.5 formula” by which political representation was divided among the four major clans, and the marginalized “minority” clans were combined as the remaining “0.5” share. This system allocated to marginalized clans and other groups a fixed number of seats in the federal parliament that advocates from these communities continued to claim underrepresented the real size of these populations. The country conducted its most recent publicly available census in 1975, so the validity of these criticisms remained unclear, but some academic research suggested that certain minority groups such as the Bantu represented a much larger share of the country’s population than that reflected by their representation in government under the 4.5 system. Under the provisional federal constitution, the electoral process was intended to be direct, thus transitioning from the 4.5 formula, but during the year federal and regional leaders decided to maintain the 4.5 formula in determining lower house composition.

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

The law provides for criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year.

In 2021, then-President Farmaajo named members of an Independent Anti-Corruption Commission, almost two years after he signed an anticorruption law. This fulfilled a requirement in the 2012 provisional federal constitution for the first time. Nevertheless, punishment for corrupt acts by government officials was rare, and corruption remained one of the reasons that attacks against journalists and human rights defenders occurred with impunity. On October 9, President Mohamud dissolved the Anti-Corruption Commission and did not appoint a new commission.

The Financial Governance Committee (FGC) – an advisory body that has no legal authority but is responsible for reviewing all government contracts for more than five million dollars – consisted of federal government officials from the Ministry of Finance, Central Bank, Office of the President, Office of the Prime Minister, and Office of the State Attorney General (approximately equivalent to a solicitor general), as well as the chair of the parliamentary finance committee. Four delegates were funded by international financial institutions. Major sources of budget support were put on hold after February

2021 electoral deadlines were missed; however, after the May presidential elections, the World Bank and European Union resumed budget support payments. The FGC became aware of several attempts by federal government entities to award concession contracts on a noncompetitive basis without following the requirements of the law. The FGC as an advisory body established key economic priorities for the new administration such as continuation of economic and financial reforms and having a clear commitment to due process in awarding public procurement and concession contracts.

Somaliland had a national auditor and a presidentially appointed good governance and anticorruption commission, but during the year they did not prosecute any Somaliland officials for corruption.

**Corruption:** Charcoal exports were banned by the UN Security Council and remained a corruption concern. The UN Panel of Experts on Somalia reported in October that there was one violation of the charcoal ban during the year. According to the report, a vessel carrying 4,425 metric tons of charcoal departed from Kismayo and was seized in Oman when it docked due to an emergency. The Panel of Experts estimated existing charcoal stockpiles could be worth approximately \$12 million in international markets.

The UN Panel of Experts reported on continued “taxation” by al-Shabaab, which extorted *zakat* (a Muslim obligation to donate to charity) and *sadaqa* (a voluntary charity contribution paid by Muslims) in the regions it controlled. The Panel of Experts found that al-Shabaab remained in a strong financial position and generated a significant budgetary surplus. The Panel of Experts also found that although the country had taken steps to strengthen its financial sector to combat terrorism, al-Shabaab was far outpacing new federal government regulations, even on occasion using formal financial institutions to store and transfer funds.

## Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several 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 the ability of NGOs to operate in the country’s southern and central areas. International and local NGOs generally worked without major restrictions in 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. Harassment remained a problem in Somaliland.

**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, but these provisions were not implemented. There was no formal government mechanism for tracking abuses.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law criminalizes rape of a woman and provides penalties of five to 15 years in prison for violations. There is no law regarding rape of a man. Military court penalties for rape include death sentences. The government did not effectively enforce the law. There are no federal laws against spousal violence, including rape.

Government forces, militia members, and individuals wearing what appeared to be government or other uniforms raped women and girls. While the army arrested some security force members accused of such rapes, impunity was the norm. In Lower Shabelle, SNA soldiers and civilians gang-raped Sahra Ali Mohamud, age 15, who later died at the hospital in Marka (see section 1.a.). According to the Somaliland police commissioner, more than 250 persons were raped in Somaliland during the year. The Human Rights Center published a report that two Somaliland police officers raped Nimo Jama Hassan on June 4 in Caynabo (see section 1.c.).

IDPs and members of marginalized clans and groups suffered disproportionately from gender-based violence. Local NGOs documented patterns of rape perpetrated with impunity, particularly of female IDPs and members of minority clans.

Gender-based violence, including rape, continued to affect women and girls when going to collect water, going to the market, and cultivating fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans, and unidentified armed men. Police were reluctant to investigate and sometimes asked survivors to do the investigative work for their own cases. Some survivors of rape were forced to marry perpetrators.

The United Nations recorded hundreds of instances of gender-based violence, including sexual violence against women and girls by unidentified armed men, clan militiamen, al-Shabaab elements, and members of state security forces. The *2020 Somali Health and Demographic Survey (SHDS)*, the most recent data source available, noted that cases of gender-based violence were underreported due to a “culture of silence.” According to the United Nations, in most instances families and survivors preferred to refer survivors to traditional courts. In some cases, these bodies awarded damages to survivors’ male family members or directed the perpetrator and survivor to marry, in accordance with local customary law. The United Nations reported sharia and customary law often resulted in further victimization of women and girls, with no justice for survivors and impunity for perpetrators. While the United Nations noted that the federal government approved a national action plan on ending sexual violence in conflict and the Somaliland parliament approved a sexual offenses act (suspended due to opposition from religious authorities), impunity remained the norm.

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 laws prohibiting any form of violence against women. Intimate partner violence and coercion remained a problem, since 59 percent of respondents to the SHDS said husbands committed the largest number of violent acts against women in the community, and 12 percent of married women reported spousal abuse within the prior year. While both sharia and customary law address the resolution of family disputes, women were not included in the decision-making process. Exposure to domestic violence was also significantly heightened in the context of displacement and socioeconomic destitution. Survivors faced

considerable obstacles accessing necessary services, including health care, psychosocial support, and legal assistance; they also faced reputational damage and exclusion from their communities. In several cases survivors and providers of services for gender-based violence survivors were directly threatened by authorities when such abuses were perpetrated by men in uniform.

Al-Shabaab also committed gender-based violence, primarily through forced marriages. The organization forced marriages on girls and women between the ages of 14 and 20 in villages under its control, and the families of the girls and young women generally had little choice but to acquiesce or face violence. 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. According to the SHDS, FGM/C remained prevalent, with 99 percent of women and girls between 15 and 49 having received the procedure. Type III (infibulation), which is considered the most extreme form of FGM/C, was the predominant type. Although few SHDS respondents were aware of FGM/C implications for maternal morbidity, 72 percent believed that the practice was a religious requirement.

A 2018 fatwa issued by the Somaliland Ministry of Religious Affairs condemned the most severe forms of the practice of FGM/C and allowed FGM/C survivors to receive compensation but did not specify punishments for the practice. Health workers from the Somaliland Family Health Association traveled from village to village to explain that FGM/C had no health benefits and could lead to health complications.

**Other Forms of Gender-based Violence:** Adultery in al-Shabaab-controlled areas was punishable by death or lashing (see section 1.g.). Child, early, and forced marriages frequently occurred (see section 6, Children).

**Sexual Harassment:** The law provides that workers, particularly women, shall have a special right of protection from sexual abuse and discrimination. Authorities did not effectively enforce this law, and sexual harassment was believed to be widespread.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to the SHDS, 38 percent of women expressed a desire for greater birth spacing than was preferred by their families, and only 3 percent reported that desire met. Most women surveyed said six or more children was the ideal family size, and most births were wanted. Immediate and long-term reproductive health consequences were associated with the dominant form of FGM/C practiced, Type III infibulation, ranging from menstrual and urination disorders to prolonged and obstructed labor, sometimes resulting in fetal death and obstetric fistula (see the Female Genital Mutilation/Cutting (FGM/C) subsection).

Despite the absence of a government legal and policy framework on family planning, contraceptives were available. Fewer than 1 percent of women of reproductive age had their needs for family planning satisfied with modern methods; discussions concerning sexual and family planning matters remained limited to close family and friends. Government officials reporting to the international Family Planning 2020 Initiative (FP2020) claimed “multidimensional barriers” frustrated the expansion of family planning services. The officials also noted that traditional beliefs and lack of support from

community and religious leaders negatively impacted the acceptance of such services. Academic research indicated that religious leaders, an important source of influence in society, remained open to the use of contraceptives for birth spacing but not for limiting births.

According to the SHDS, by the age of 49, 68 percent of married women were aware of one method of contraception. Only 50 percent of married girls ages 15 to 19 had heard of at least one method. Despite this awareness level, the SHDS found that contraceptive use was 10 percent for girls ages 15 to 19 and 7 percent for women ages 30 to 34. According to FP2020, the government remained committed to expanding quality reproductive health services and sought to put in place legal policy frameworks for family planning, but progress was slow. According to the SHDS, 17 percent of female survivors of gender-based violence ages 15 to 49 sought care after an assault. NGOs reported that the government provided limited and largely donor-funded access to sexual and reproductive health services, including emergency contraception, for sexual violence survivors.

According to the SHDS, 68 percent of mothers received no antenatal care, and only 32 percent of births were delivered with the assistance of a skilled health-care provider, with access strongly associated with education levels and wealth. The United Nations Population Fund (UNFPA) attributed these shortcomings to the high cost of health care and distance to health facilities. Additionally, the practice of seeking consent from a spouse or male relative presented a cultural barrier to seeking care. In 2020 the Danish Immigration Service reported that medical facilities in some areas dominated by one clan barred female patients from another clan or group, specifically from minority and marginalized groups, from accessing health care in those locations.

The high maternal death rate of 1,168 per 100,00 live births was attributed to numerous factors. Health facilities were unevenly distributed countrywide. Delivery care and involvement of skilled birth attendants were limited. Women's cultural and geographic isolation compounded these factors. The adolescent birth rate was 140 per 100,000 women.

While data on access to menstruation hygiene was difficult to obtain, UNFPA reported in May that most young girls in Mogadishu had missed classes during their menstruation period, affecting their performance in school. The report highlighted circumstances in which this problem caused women and girls to drop out of school, particularly female IDPs. Based on cultural norms, most adolescent girls who became pregnant either were not in school or dropped out due to motherhood duties.

**Discrimination:** Women did not have the same status as men and experienced systematic subordination to men, despite provisions in the law prohibiting such discrimination. Women experienced discrimination in credit, education, politics, and housing.

Only men administered sharia, which often was applied in the interests of men. According to sharia and the local tradition of blood compensation, anyone found guilty of the death of a woman paid to the victim's family only one-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 antithetical to Islam.

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

entitled. There were legal barriers to women working the same hours as men and restrictions on women's employment in some industries.

## Systemic Racial or Ethnic Violence and Discrimination

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas the dominant 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. Some observers believed minority clan resentment concerning abuses made them more vulnerable to recruitment by al-Shabaab. Bantu advocacy groups stated the community's isolation from the government's security sector integration efforts pushed some Bantu youth into joining al-Shabaab.

Bantu communities, primarily living between the Juba and Shabelle Rivers in the southern region, continued to face discrimination, including verbal abuse and being forced to adopt Arabic names. The discrimination also occurred in IDP camps, where Bantu women were not protected by traditional clan structures.

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

## Children

**Birth Registration:** Nationality is derived at birth from a Somali national father but not from the mother, nor from birth in the country's territory. Children of Somali mothers may acquire Somali nationality after two years. 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, but at year's end the legislature had not passed such a law. Authorities reportedly registered only a small percentage of births in the country. Failure to register births did not result in denial of public services such as education.

Although birth registration took place in Somaliland, numerous births in the region were unregistered.

**Education:** The law 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. Nearly two-thirds of the school-age population remained out of school due to barriers such as poverty in rural areas, lack of security, lack of schools or long distances to schools, and competing household and labor demands. The government failed to provide effective education countrywide, a gap partially filled by NGOs and nonstate private entities, but they used different curricula, standards, and languages of instruction. Educational opportunities were often limited to more secure urban areas.

Preprimary Islamic education continued to be prevalent and often led to late primary student enrollment. IDP children had much lower rates of attendance than nondisplaced children. There was an insufficient supply of qualified teachers, particularly women teachers. Girls faced additional

obstacles such as early marriage and low prioritization of girls' education, leading to even lower attendance (see subsection Women, Reproductive Rights).

**Child Abuse:** Child abuse and rape of children were serious problems, and there was no law or reported efforts by the federal government or regional governments to combat child abuse. Children remained among the chief victims of societal violence.

The practice of *asi walid*, whereby parents place their children in *dhaqan celis* ("returning to (Somali) culture") boarding schools, other institutions, and sometimes prison for disciplinary purposes and without any legal procedure, continued throughout the country. Physical abuse and sexual assault in these facilities were common.

**Child, Early, and Forced Marriage:** The law requires both marriage partners to have reached the "age of maturity" and defines a child as a person younger than 18 but does not specifically outlaw child marriage. It notes marriage requires the free consent of both the man and woman to be legal. Early marriages frequently occurred. According to the SHDS, more than 62 percent of married women and 74 percent of unmarried women ages 15 to 49 indicated they viewed forced marriage as a form of domestic violence. 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 for its soldiers. There were no reported efforts by the government or regional authorities to prevent child, early, and forced marriage.

**Sexual Exploitation of Children:** The law does not expressly prohibit using, procuring, and offering a child for commercial sex, pornography, or pornographic performances. Additionally, children exploited in commercial sex are not protected from criminal charges under the law. 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.

**Displaced Children:** There was a large population of IDPs and children who lived and worked on the streets. UNICEF estimated that 1.9 million of the 2.9 million total IDPs were children. Approximately 48 percent of refugees and asylum seekers were younger than 18 years old.

## Antisemitism

There was no known Jewish community, and there were no reports of antisemitic acts.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** The law criminalizes "carnal intercourse with a person of the same sex" with a penalty of three months' to three years' imprisonment, although no official reports of enforcement were available. Under local interpretations of sharia, homosexuality is punishable by death. There were no known state-conducted executions during the year under this law; however, there were accounts over the past decade of militant Islamist groups such as al-Shabaab killing men extrajudicially for alleged

homosexual acts. In Somaliland, the situation was largely the same. Same-sex relationships were illegal and socially taboo.

**Violence against LGBTQI+ Persons:** There were few reports of societal violence based on sexual orientation or gender identity due to severe societal stigma that prevented LGBTQI+ individuals from making their sexual orientation or gender identity known publicly. There were no known actions to investigate or punish those complicit in those cases. Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes against members of the LGBTQI+ community.

**Discrimination:** There were few reports of discrimination based on sexual orientation or gender identity due to severe societal stigma that prevented LGBTQI+ individuals from making their sexual orientation or gender identity known publicly. There remained a pervasive social stigma against same-sex relationships, and the law does not prohibit discrimination based on sexual orientation or gender identity.

**Availability of Legal Gender Recognition:** There was no process for legal gender recognition. There was little to no societal recognition of transgender individuals, as well as a significant lack of awareness regarding the gender identity and expression of transgender individuals.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** Although anecdotal information indicated that some families sent their children suspected of being LGBTQI+ to reform schools or forced them to enter heterosexual marriages, reporting on so-called conversion therapy practices largely stayed out of the public sphere. There were no known actions to investigate or punish those complicit in abuses.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** Due to the severe societal stigma that prevented LGBTQI+ individuals from making their sexual orientation or gender identity known publicly, self-censorship prevented individuals from speaking out regarding LGBTQI+ matters. There were few, very discreet, and mostly online-based LGBTQI+ organizations that held events.

## Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. Disability rights organizations reported a widespread lack of equal access to education, health services, public buildings, and transportation. There were no laws requiring such access. The government did not provide information and communication on disability concerns in accessible formats.

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 gender-based violence; forced evictions; and lack of access to health care, education, or an adequate standard of living. Government responses to such reports remained inadequate. Children and adults with all types of disabilities were often not included in programs aimed at supporting persons in the country, including humanitarian assistance. IDPs with disabilities were often victims of multiple forced evictions. 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 gender-based 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.

The law 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 law does not discuss discrimination by nongovernmental actors.

Local organizations advocated for the rights of persons with disabilities, including the ability to participate in public life and voting accessibility in elections, with negligible support from local authorities. According to an August *UN Human Rights Council Report on the Situation of Human Rights in Somalia*, the government accepted the National Durable Solutions Strategy 2020-2024, which seeks to involve persons with disabilities in existing government and community structures rather than establishing parallel ones.

## Other Societal Violence or Discrimination

Persons with HIV and 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 and AIDS experienced physical abuse, rejection by their families, and workplace discrimination and dismissal. Children of HIV-positive parents also suffered discrimination that 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 law 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 limit these rights. The law does not address antiunion discrimination, or the reinstatement of workers fired for union activity. Legal protections did not exclude any groups of workers.

The government did not effectively enforce the law. Penalties were rarely applied. The Ministry of Labor and Social Affairs hired and trained labor inspectors during the year, but as of December, no inspections had been conducted.

According to the chairman of the Federation of Somali Trade Unions (FESTU), the largest trade union federation in the country, labor relations improved during the year. There were no instances of government interference with union activities, reflecting an improved environment for labor rights and increased cooperation between the labor movement and government.

### b. Prohibition of Forced or Compulsory Labor

The provisional federal constitution prohibits and criminalizes all forms of forced or compulsory labor, but the government did not enforce these strictures. There were no known efforts by the government to prevent or eliminate forced labor in the country. Al-Shabaab continued to recruit forcibly children as young as eight years old for combat. Children and minority clan members were reportedly used as porters to transport the mild narcotic khat (or *miraa*), 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 <https://www.state.gov/trafficking-in-persons-report/>.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/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 does not prohibit discrimination based on religion, age, national origin, social origin, stateless status, sexual orientation or gender identity, or HIV-positive status or other communicable diseases. The labor code requires equal pay for equal work. The government did not enforce the law. Persons with disabilities faced discrimination in hiring and access to the workplace. There were legal barriers to women working the same hours as men and restrictions on women's employment in some industries.

Employment opportunities were limited for refugees and IDPs who often worked in informal sector, manual labor jobs that exposed them to abuses from members of the host community. Some operated small businesses, such as restaurants. The problems of limited employment opportunities faced the entire population, including the local/host communities due to the state of the national economy. Prolonged drought eliminated thousands of jobs in the agriculture and livestock sectors and led to the loss of livelihoods.

Discrimination occurred because of clan connections in numerous industries and sectors of the economy. Severe societal stigma prevented LGBTQI+ individuals from making their sexual orientation or gender identity known publicly; in rare cases in which individuals made their LGBTQI+ sexual orientation known, this factor represented a significant barrier to employment (see section 6).

### e. Acceptable Conditions of Work

**Wage and Hour Laws:** The law provides for a standard workweek of 48 hours and at least nine paid national holidays and 15 days of annual leave. The law requires premium pay for overtime and work performed on holidays and limits overtime to a maximum of 12 hours per week. The law does not provide for a national minimum wage.

**Occupational Safety and Health:** The law sets occupational safety and health (OSH) standards, although FESTU claimed they were insufficient to protect workers. The law does not specifically guarantee the right of workers to remove themselves from situations that endanger health or safety without jeopardy to their employment. Responsibility for identifying unsafe situations remained with OSH experts, and workers may also identify such situations. Violations of working condition regulations were widespread in the public and private sectors. Workers in the electrical, transportation, and petroleum sectors were routinely exposed to hazardous conditions. Additionally, telecommunications and media workers faced targeted attacks by al-Shabaab, and some informal-sector workers were victims of suicide bombers.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor and Social Affairs was responsible at the federal level for establishing OSH standards and enforcement. The ministry did not effectively enforce

labor laws. During the year the Ministry of Labor and Social Affairs created an inspectorate but did not conduct any labor-related inspections. Penalties for abuses of the law were not applied.

Wages and working conditions were established largely through arrangements based on supply, demand, and the influence of workers' clans.

**Informal Sector:** The country had an informal economy largely based on livestock, remittance/money transfer companies, and telecommunications. The law does not provide for OSH standards for workers in the informal economy. Approximately 95 percent of workers worked in the informal sector, where labor regulations were not applied.

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