

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	904
Land:	Somalia
Kilde:	Freedom House
Titel:	Freedom in the World 2019 – Somalia
Udgivet:	4. februar 2019
Optaget på baggrundsmaterialet:	3. februar 2022

Document #2016045

Freedom House

Freedom in the World 2019 - Somalia

Not Free

7 / 100

Overview:

Somalia has struggled to reestablish a functioning state since the collapse of an authoritarian regime in 1991. The country's territory is divided among an internationally supported national government, the Shabaab militant group, a fledgling federalist system with states often at odds with the central government, and a separatist government in Somaliland. No direct national elections have been held to date, and political affairs are dominated by clan divisions. Amid ongoing insecurity, impunity for human rights abuses by both state and nonstate actors is the norm. However, citizens have experienced modest gains in civil liberties in recent years as the government and international troops have reclaimed territory from the Shabaab.

Key Developments:

Key Developments in 2018:

- Critics accused President Mohamed Abdullahi Mohamed, also known as "Farmajo," of seeking to centralize power following his support for a no-confidence motion against Parliament Speaker Mohamed Osman Jawari that ultimately led to Jawari's resignation in April, as well as the ouster in May of the chief justice of the Supreme Court. Both positions were filled by individuals close to the executive.
- In September, leaders from all five federal member states suspended ties with the federal government in Mogadishu, citing their disapproval with the government's efforts to influence internal state politics as well as its performance in a number of national policy areas.
- In December, Abdiasis Mohammed, or "Laftagareen," an ally of President Mohamed, won South West State's presidential election. His controversial victory followed the arrest of his main challenger, former Shabaab leader Mukhtar Robow, who had built a large public following in the preceding months.
- Also in December, a group of parliamentarians filed a motion to impeach President Mohamed, but it was dropped after 14 parliamentarians whose names appeared on the document claimed never to have signed it.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the 2012 provisional constitution, the president is elected by a two-thirds vote in the Federal Parliament to serve a four-year term. In February 2017, legislators who were not freely elected themselves chose Mohamed, also known as "Farmajo," as president. He then nominated Hassan Ali Khayre as prime minister, who was confirmed by the parliament.

In December 2018, a group of parliamentarians filed a motion to impeach the president on grounds that he had signed secret bilateral agreements, and had unlawfully extradited criminals to other countries. The motion was dropped later in the month after 14 parliamentarians whose names appeared on the document claimed never to have signed it.

Also in December, Abdiasis Mohammed, or "Laftagareen," a former federal minister and ally of President Mohamed, won South West State's presidential election. His controversial victory followed the arrest by Ethiopian peacekeeping forces of his main challenger, former Shabaab leader Mukhtar

Robow, who had built a large public following in the preceding months. (The Ethiopian troops were part of an African Union peacekeeping force supporting Somalia's federal government.)

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Limited indirect elections for the Federal Parliament were held between October 2016 and February 2017, with the goal of holding direct general elections in 2020 and 2021. Members of the 54-seat upper house were elected by state assemblies, while the lower house was elected under a system in which 135 clan elders chose 275 electoral colleges, each of which comprised 51 people and elected one lawmaker. Corruption reportedly played a major role in the elections and the operations of the legislature once constituted.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The electoral framework in use for the 2016–17 parliamentary elections did not provide for universal suffrage. The balloting was the result of an ad hoc process based on lengthy negotiations among the country's main clans.

In May 2018, the government lent rhetorical support and pledged \$3 million toward a constitutional review process, to be completed by the end of 2019, in preparation for 2020–21 elections. However, little progress has been made in establishing the conditions for successful polls.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Legislation signed in 2016 allowed the first formal registration of political parties since 1969. The National Independent Electoral Commission (NIEC) had registered more than 20 parties by August 2018.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The lack of direct elections prevents any grouping from gaining power through democratic means. However, there was an orderly transfer of power in February 2017, and opportunities for individuals not selected for the presidency to remain engaged through the legislative process.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Ordinary citizens are largely unable to participate in the political process as voters, and the indirect electoral process in 2016–17 was reportedly distorted by vote buying, intimidation, and violence.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

The current political system is designed to ensure some representation for the country's many clans, but the prevailing "4.5" formula gives the four largest groups eight out of every nine positions, marginalizing all other clans. The system is also dominated by clan leaders, who do not necessarily represent the interests of their respective groups. Women's political participation is limited by cultural constraints and hostility from incumbent elites. Women constitute 24 percent of parliamentarians.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The government, which is not democratically elected, has little practical ability to implement its laws and policies even in parts of the country it controls. Its basic operations remain heavily dependent on international bodies and donor governments.

In 2018, the executive sought to exert greater influence over the Parliament. In April, the executive backed the removal of Parliament Speaker Mohamed Osman Jawari through a no-confidence motion. Jawari resigned prior to the vote and was replaced by former defense minister Mohamed Mursal Abdirahman, an ally of President Mohamed.

In 2018, various Arab states sought to influence Somali leaders to gain their support amid the so-called Gulf Cooperation Council (GCC) crisis, which in 2017 saw Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates (UAE) impose diplomatic and trade restrictions on Qatar. Reverberations from the crisis have contributed to state dysfunction by exacerbating existing factionalism among officials in Mogadishu, as well as tensions between Mohamed's administration and Somalia's federal states.

In September, leaders from all five federal states suspended ties with the government in Mogadishu, citing their disapproval of the government's efforts to influence internal state politics as well as its performance in a number of national policy areas.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Corruption is rampant in Somalia and state agencies tasked with combating it do not function effectively. Impunity is the norm for public officials accused of malfeasance.

C3. Does the government operate with openness and transparency? 0 / 4

Government transparency is limited. Officials are not required to make public declarations of their income and assets, and oversight procedures for public contracts are not well enforced. There is no law guaranteeing public access to government information.

CIVIL LIBERTIES: 6 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16

D1. Are there free and independent media? 1 / 4

While the provisional constitution calls for freedom of the press, journalists regularly face harassment, arbitrary detention and fines, and violence from both state and nonstate actors. For the fourth year, Somalia in 2018 topped the Committee to Protect Journalists' Global Impunity Index, with 25 unresolved cases of journalist murders. In July, SBS TV cameraman Abdirizak Kasim Iman was shot and killed after a dispute with a police officer at a security checkpoint in Mogadishu. At year's end, a police officer remained at large following a failed assassination attempt in December against Ahmed Sheikh Mohamed, the director of Radio Daljir in Bosaso. The attack came in retaliation for the station's critical coverage of Asad Osman Abdullahi, the former head of Puntland Security Forces and Puntland presidential candidate. (The attacker had reportedly shouted about the station's coverage of Abdullahi as he was firing shots.)

In September, intelligence services detained Radio Kulmiye journalist Mohamed Abdiwali Tohow without charge following a report on Shabaab operations in Galmudug that the Somali government deemed "false news." He was sentenced to a six-month prison term by a military court in October, but then immediately released. In November, the secretary general of the National Union of Somali Journalists released a statement criticizing the prime minister's office as one of "the most intolerant" to the media in Somalia's history; the statement referred to threats and intimidation against journalists by the prime minister's staff, and bribery of journalists and owners, among other violations.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 0 / 4

Nearly all Somalis are Sunni Muslims, though there is a very small Christian community. The provisional constitution recognizes Islam as the official religion, requires presidential candidates to be Muslims, and forbids the promotion of any other faith. However, it also includes clauses promoting religious freedom and forbidding discrimination on the basis of religion. In areas under its control, the Shabaab use violence to enforce their interpretation of Islam, including execution as a penalty for alleged apostasy.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Despite limited funding and infrastructure and other challenges, there are functioning universities in major cities. Academics reportedly practice self-censorship on sensitive topics. Islamic instruction is required in all schools except those operated by non-Muslim minorities. Schools under Shabaab control integrate radical interpretations of Islam into the curriculum.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Individuals enjoy some freedom of expression in more secure areas of the country, but criticism of powerful figures in the state and society can draw reprisals. Open debate is severely restricted in areas controlled or threatened by the Shabaab.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12 (+1)

E1. Is there freedom of assembly? 1 / 4

Although the provisional constitution guarantees freedom of assembly, security officials require approval for demonstrations and have used violence to suppress unauthorized protests. Nevertheless, citizens do assemble in urban centers. In August, mostly young protesters in Mogadishu called on authorities to make arrests for the murder of Mohamed Sheikh Ali, an entrepreneur known for his attempts to promote small business in the city. December saw protests in the capital against the legislative proposal to impeach President Mohamed.

Separately, the same month, a parliamentarian and a bystander were killed when security forces fired on a protest in Baidoa against the arrest by Ethiopian peacekeeping forces of Robow, a former Al-Shabaab leader who was running in South West State's presidential election.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Local civil society groups, international nongovernmental organizations (NGOs), and UN agencies have been able to conduct a wide range of activities in some parts of the country, but they face difficult and often dangerous working conditions. Regional authorities and security forces have reportedly harassed, extorted, obstructed, and attempted to control NGOs and aid groups, and the Shabaab generally do not allow such organizations to operate in their territory.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4 (+1)

Independent labor unions are active in Somalia and have worked to expand their operations and capacity. However, constitutional and legal protections for union activity are not always respected. The Federation of Somali Trade Unions has reported threats, dismissals, attempts at co-optation, and other forms of repression and interference from both government officials and private employers.

Score Change: The score improved from 0 to 1 because trade unions are allowed to operate and enjoy some legal protections, albeit in a constrained environment.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The judicial system in Somalia is fractured, understaffed, and rife with corruption. Its authority is not widely respected, with state officials ignoring court rulings and citizens often turning to Islamic or customary law as alternatives. In May 2018, President Mohamed fired Chief Justice Ibrahim Idle Suleyman, and replaced him with Bashe Yusuf Ahmed, who took office in June. While the move was described as part of a broader reform effort, critics accused the president of circumventing proper procedure in the removal and of attempting to centralize power by installing loyalists.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Safeguards against arbitrary arrest and detention are not observed by the country's police, intelligence, and military services; their performances are undermined by corruption. Clan politics and other external factors often play a role in the outcome of court cases. Military courts routinely try civilians, including for terrorism-related offenses, and do not respect basic international standards for due process.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The ongoing civil conflict has seen numerous terrorist attacks on government, international, and civilian targets. Government security services, international troops, and various local militias have also been implicated in indiscriminate lethal violence and the use of excessive force against civilians. Authorities carry out executions ordered by military courts after flawed proceedings. Detainees are at risk of torture in custody, and perpetrators generally enjoy impunity.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

While the provisional constitution and legal system offer some formal protections against discrimination based on sex, clan, and other categories, they have little force in practice. Women face widespread disadvantages in areas including housing, education, and employment, while members of marginalized clans suffer disproportionately from economic exclusion and violence.

LGBT (lesbian, gay, bisexual, and transgender) people generally do not make their identity public. Same-sex sexual activity can be punished with up to three years in prison under the penal code, and individuals accused of such conduct are subject to execution in Shabaab-controlled areas.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 0 / 16 (–1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Travel throughout Somalia is dangerous due the presence of extremist groups in many parts of the country. Travel is further hampered by the presence of checkpoints controlled by security forces, militants, and other armed groups that commonly extract arbitrary fees and bribes from travelers.

According to the UN High Commissioner for Refugees, approximately 2.6 million people were internally displaced in 2018; some 78 percent were forced to move due to conflict and insecurity.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4 (–1)

The provisional constitution guarantees property rights, but securing ownership is complicated by a mixture of formal and informal or traditional systems governing land rights. Procedures for registering property and businesses are impeded by corruption and other barriers, and disputes can lead to intimidation and violence. Shabaab and militants associated with the Islamic State (IS) militant group manage elaborate corruption and taxation schemes, placing tremendous pressure on businessmen and inhibiting free operations. Women do not enjoy equal rights to inherit property and are often denied the assets to which they are legally entitled due to discriminatory cultural norms.

Score Change: The score declined from 1 to 0 due to taxation schemes by militant groups that have restricted businesses' ability to operate.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 0 / 4

Sexual violence remains a major problem, especially for displaced persons. Perpetrators include government troops and militia members. Female genital mutilation or cutting is extremely widespread in practice despite a formal ban. Early marriages are common. The Shabaab impose forced marriages with their fighters, and individuals can face strong societal pressure to marry or not marry within certain clans. In September 2018, Ahmed Mukhtar Salah was lynched and burned alive by a mob in Mogadishu after his nephew, an ethnic Bantu, married an ethnic Somali.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Child labor and trafficking in persons for the purposes of sexual exploitation or forced labor are common. Refugees and displaced persons are particularly vulnerable. Children are abducted or recruited to serve as fighters by the Shabaab and to a lesser extent by government and militia forces. A February report by Human Rights Watch (HRW) documented government abuses of children, included incommunicado detention and beatings, who had been arrested or captured in security sweeps of Shabaab camps.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Somaliland, which is examined in a separate report.

ecoi.net summary:

Annual report on political rights and civil liberties in 2018



Country:

Somalia

Source:

[Freedom House](https://www.ecoi.net/en/document/2016045.html)

Original link:
<https://freedomhouse.org/report/freedom-world/2019/somalia>

Document type:
Periodical Report

Language:
English

Published:
4 February 2019

Document ID:
2016045

Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
--	--	---

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

