

Flygtningenævnets baggrundsmateriale

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Freedom House

Freedom in the World 2020 - Somalia

NOT FREE

7

/ 100

[Political Rights](#) 1 / 40[Civil Liberties](#) 6 / 60

LAST YEAR'S SCORE & STATUS

7 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Note

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

Overview

Somalia has struggled to reestablish a functioning state following the collapse of an authoritarian regime in 1991. Limited, indirect elections brought the Federal Government of Somalia (FGS) to power in 2012. By 2016, the FGS had established five federal member states, though these semiautonomous regions are often at odds with the central government. Somalia's territory is divided among the FGS, the federal member states, the Shabaab militant group, and a separatist government in Somaliland. No direct national elections have been held to date, and political affairs remain dominated by clan divisions. Amid ongoing insecurity, impunity for human rights abuses by both state and nonstate actors is the norm.

Key Developments in 2019

- Puntland and Jubaland held electoral processes for state leadership during the year. Leaders in both states accused the central government of trying to manipulate the elections.
- In October, the Puntland regional government banned federal officials from opening regional offices in the state until an agreement on electoral procedures was reached between the FGS and member states.
- As the country prepared for direct, one-person-one-vote elections in 2020 and 2021, six opposition political parties formed a political alliance known as the Forum for National Parties (FNP).
- Negotiations between the federal government and the FNP regarding the forthcoming elections stalled in November after the FNP withdrew, citing “fruitless discussions.”

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through 0 / free and fair elections? 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 Abdullahi Mohamed, also known as “Farmaajo,” as president. President Farmaajo then nominated Hassan Ali Khayre as prime minister, and he was confirmed by the parliament.

Parliaments in Puntland and Jubaland held elections for their executives in 2019. In both contests, candidates accused President Farmaajo of meddling in electoral processes, claiming that the federal government tried to manipulate them in order to install the president's allies. In January, parliamentarians in Puntland opted against the FGS-favored candidate, electing local businessman Said Abdullahi Deni as the state's president. A similar backlash occurred in Jubaland in August, where regional parliamentarians reinstated incumbent president Ahmed Mohamed, or "Madobe." The federal government rejected the Jubaland outcome, calling it "unconstitutional" after a series of candidates were unable to register.

A2 0-4 pts

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

Somalia has yet to hold direct legislative elections. Though leaders have promised direct general elections in 2020 and 2021, it is unlikely that these will be held.

Members of the 54-seat upper house were elected in 2016 and 2017 by state assemblies, while the lower house was elected under a system in which 135 clan elders chose 275 electoral colleges, each of which had 51 people and elected one lawmaker. Corruption reportedly played a major role in the elections and the operations of the legislature once constituted.

A3 0-4 pts

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 most recent 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.

Following an October 2019 meeting of the Somalia Partnership Forum, a grouping of government representatives and Somalia's international partners, the FGS released a communique promising passage of an electoral law by December and a constitutional review process by June 2020. In December, the lower house passed an electoral law to govern the 2020–21 elections; it was awaiting approval by the Senate at year's end.

B Political Pluralism and Participation

B1 0-4 pts

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 enacted in 2016 allowed the first formal registration of political parties since 1969. The National Independent Electoral Commission (NIEC) had registered more than 50 parties by the end of 2019. As the country prepared for direct, one-person-one-vote elections set for 2020 and 2021, six opposition parties formed a political alliance, the Forum for National Parties (FNP).

B2 0-4 pts

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 executive power in February 2017, and individuals not selected for the presidency have opportunities to remain engaged through the legislative process.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 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 0-4 pts

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

Presidential candidates are required to be Muslim, according to the provisional constitution. 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 discriminatory attitudes and hostility from incumbent elites, and the interests of women are poorly represented in practice. Women constitute 24 percent of parliamentarians.

C Functioning of Government

C1 0-4 pts

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. Relations between the federal government and federal member states remain poor in 2019, more than a year after leaders from all five states formally suspended ties with the government in Mogadishu. Critics accuse President Farmaajo of seeking to centralize power.

C2 0-4 pts

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.

In September 2019, President Farmaajo signed legislation that seeks to create state and national anticorruption commissions. Meanwhile, in October, the country's auditor general released a critical report accusing the government of bypassing the central bank to keep \$18 million worth of donor funds in offshore accounts.

C3 0-4 pts

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

D Freedom of Expression and Belief

D1 0-4 pts

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. Somalia continued to top the Committee to Protect Journalists' Global Impunity Index, with 25 unresolved cases of journalist murders. From mid-September to late-October 2019, the Somali Journalists Syndicate (SJS) noted 15 cases of online harassment and intimidation of journalists throughout the country.

In May, the Somali government arrested Ali Adan Mumin of Goobjoog Media Group for "insulting public officials, disrupting government work, and spreading propaganda." Despite a regional court decision ordering his release the next day, Mumin was held several days longer before being released. In October, the former director of Radio Daljir, Ahmed Sheikh Mohamed "Tallman," was detained in relation to a critical set of stories the station produced regarding extrajudicial killings of alleged Shabaab detainees under the order of the Puntland police commissioner. Tallman was released five days later after releasing a video apology in which he claimed the story was false, though Radio Daljir released a statement distancing themselves from the apology and standing by the merits of the reporting. In late December, police, on orders of the attorney general's office, raided City FM in Hirshabelle. Authorities briefly detained seven City FM staff and ordered the station to shut down. The move followed a story in which the station interviewed local farmers accusing the government of conducting illegal land grabs. Government officials accused the station of "inciting the public to protest," and the station remained closed at the end of the year.

In July, the lower house of parliament passed, without public consultation, a Media Bill containing vague clauses and definitions that rights groups characterized as "repressive" and as seeking to "muzzle freedom of expression rights, both offline and online." Separately, in September, Puntland regional state's information minister, Ali Hassan Ahmed "Sabareey," announced a new mandatory registration process for journalists and media outlets, which contained broadly worded powers to revoke journalists' accreditation, and duplicated accreditation duties already designated to the Puntland Media Council. The National Union of Somali Journalists (NUSOJ), Media Association of Puntland (MAP), and Reporters Without Borders released statements expressing concern about the move, which follows a series of arrests, raids, and increasing pressure on journalists, and the minister eventually withdrew the new process.

D2 0-4 pts

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 and forbids the promotion of any other faith. However, it also includes clauses promoting religious freedom and forbidding discrimination based on 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 0-4 pts

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

Despite limited funding and infrastructure and other challenges, universities operate 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 0-4 pts

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

E1 0-4 pts

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. Citizens do assemble in urban centers anyway, but often at great risk. In April, Mogadishu police killed seven demonstrators protesting the murder of a tuk-tuk driver.

E2 0-4 pts

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 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

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.

F Rule of Law

F1 0-4 pts

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 October 2019, opposition leader Abdallah Ahmed Ibrahim “Afwaranle” wrote to international donors seeking support for the establishment of independent courts. Afwaranle called for this support after his effort to appeal Ahmed Madobe’s victory of the Jubaland presidency was hampered due to a lack of court capacity; he is instead seeking to file the petition with the regional East African Court of Justice.

F2 0-4 pts

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, and 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 0-4 pts

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 0-4 pts

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+ 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 engaging in same-sex sexual activity are subject to execution in Shabaab-controlled areas.

G Personal Autonomy and Individual Rights

G1 0-4 pts

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 2019, the majority of whom were forced to move due to conflict and insecurity.

G2 0-4 pts

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

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) manage elaborate corruption and taxation schemes, placing tremendous pressure on business owners 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 norms.

G3 0-4 pts

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. Though convictions are often rare, in February 2019, the gang rape and murder of a 12-year-old girl, Aisha Ilyes Aden, in Galkayo, led to widespread outrage, a social media movement around the hashtag #JusticeForAisha, and resulted in the arrest of four men. The case followed a similar gang rape and murder one month earlier of a 16-year-old girl, also in Galkayo. Five men were prosecuted in that case.

Female genital mutilation is extremely widespread 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.

G4 0-4 pts

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.



Jahresbericht zu politischen
Rechten und bürgerlichen
Freiheiten im Jahr 2019

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