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2008 Country Reports on Human Rights Practices - Somalia

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

** The United States does not have diplomatic representation in Somalia, and U. S. government personnel were not permitted to travel regularly into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U. S. government sources.*

Somalia has an estimated population of seven million. The territory, which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Institutions, with the Transitional Federal Parliament (TFP) in Baidoa, and the presidency and most of the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative government institutions and organize national elections.

A political process to establish peace and stability in the country continued as the TFG and the Alliance for the Re-liberation of Somalia (ARS) reached the Djibouti Agreement on June 9 and began to implement its terms; however, significant problems remained. Ethiopian National Defense Forces (ENDF) entered the country in 2006 at the request of the TFG to combat the Council of Islamic Courts and its associated armed militants, who had captured Mogadishu and were expanding control in south central Somalia. During the year the ENDF remained in south central Somalia, and an influx of weapons and small arms to all parties contributed to the conflict. Fighting between TFG/ENDF forces and their militias against antigovernment forces, terrorist groups, and extremist elements increased and resulted in widespread human rights abuses, including the killing of thousands of civilians (there are no reliable estimates for the number and most presented vary widely), the displacement of over one million persons, and widespread property damage, particularly in Mogadishu. The larger clans had armed militias at their disposal, and personal quarrels and clan disputes frequently escalated into killings. Targeted assassinations, once rare, became frequent. Roadside bombings increased and there were four suicide bombings reported during the year. Civilian authorities did not maintain effective control of the security forces in any area of the country, although elected civilian authorities in Somaliland and Puntland maintained some control over security forces in their respective regions.

The country's poor human rights situation deteriorated further during the year, exacerbated by the absence of effective governance institutions and rule of law, the widespread availability of small arms and light weapons, and ongoing conflicts. As a consequence citizens were unable to change their government. Human rights abuses

included unlawful and politically motivated killings; kidnapping, torture, rape, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest and detention. In part due to the absence of functioning institutions, the perpetrators of human rights abuses were rarely punished. Denial of fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rape; female genital mutilation (FGM); child abuse; recruitment of child soldiers; trafficking in persons; abuse and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor were also problems.

In its March report, the UN Independent Expert on Human Rights in Somalia (UNIE) noted that despite the overall deteriorated situation, very small yet incremental changes in terms of human rights awareness and knowledge were taking place in small areas.

Members of antigovernment, extremist groups, and terrorist organizations like al-Shabaab, some of whose members were affiliated with al-Qa'ida, committed numerous human rights violations, including killings of TFG members and civilians; kidnappings and disappearances; restrictions on freedom of movement; displacement of civilians; and attacks on journalists, aid workers, civil society leaders, and human rights activists.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government or its agents committed arbitrary or unlawful killings.

Fighting between TFG/ENDF forces and antigovernment groups resulted in thousands of civilian deaths in south central Somalia, particularly Mogadishu; political killings and assassinations also occurred (see section 1.g.).

Politically motivated killings by antigovernment groups, extremist elements, and terrorist organizations resulted in the deaths of approximately 20 senior TFG officials (see section 1.g.).

Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their role in peacebuilding. There were no confirmed reports of government involvement in these killings, but the government neither identified nor punished the perpetrators. On March 10, two unidentified gunmen killed Sheikh Muhammad Ahmed "Kashka," a prominent cleric and peace activist as he left a mosque in Mogadishu. Sheikh Ahmed's killing immediately followed his sermon condemning groups behind assassinations of TFG officials. On June 22, unknown gunmen assassinated Mohamed Hassan Kulmiye, director of the central office of the Center for Research and Dialogue (CRD) in Beletweyn. Kulmiye was leading a foreign government-funded dialogue and was reportedly targeted for his work. As in all previous killings of peace activists, the perpetrators were not arrested by year's end.

The government summarily executed persons during the year. For example, on January 13, a firing squad executed Hussein Mohamed, a government security officer, for killing a woman. On March 31, authorities in the semiautonomous region of Puntland executed Jamal Jabir after local courts convicted him of murdering Said Shire six days earlier. Clan elders did not allow Jabir to present a full defense in his case.

Use of excessive force by government forces, militia associated with members of the TFG, and ENDF troops resulted in the deaths of demonstrators during the year (see section 2.b.).

Throughout the year government and ENDF security forces killed street children. On February 9, TFG forces at a checkpoint near Villa Somalia, the presidential palace in Mogadishu, reportedly killed two children, ages seven and eight, on their way to madrasa in Mogadishu's Wardhigley district. On August 27, TFG forces on search operations in Mogadishu's Zobe neighborhood deliberately targeted and killed a street boy. Many children were caught in crossfire during ongoing fighting.

On January 20, militants fired mortars at Villa Somalia, the presidential palace in Mogadishu, killing four TFG security officers and wounding another. The attack occurred shortly after Prime Minister Hassan Hussein and his cabinet relocated to the capital. On March 29, President Yusuf was targeted in a mortar attack on Villa Somalia while he was meeting with Ethiopia's foreign minister. Several of Yusuf's bodyguards were killed and others reportedly hurt in the attack. A TFG/ENDF counterattack against insurgents killed a number of fighters and civilians in Bakara market. On June 1, President Yusuf's convoy was attacked along Maka-al-Mukarama road on its way to Mogadishu airport, and on the same day, mortar rounds were fired at a plane the president had boarded. On July 7, armed militias attacked TFG security forces at Villa Baidoa, the presidential residence, and at the Baidoa airstrip. On December 30, six persons were killed and scores injured in a restaurant in Bakara market during a TFG counterattack against al-Shabaab militants.

Senior members of the TFG were killed. On March 25, in Baidoa, three unidentified men shot and killed TFG national security officer Colonel Mohamed Abdi "Shikshigow." In Baidoa members of parliament were killed and their family members threatened. On August 26, a grenade attack on the home of parliamentarian Mohamed Hussien Rage killed his son and a security guard. Also on August 26, unidentified gunmen attacked the homes of Mohamed Omar Dhalha, deputy speaker of parliament, and Osman Ali "Atto," before they were repulsed by security guards. A security guard at Ali's residence was injured in the attack. On September 10, unknown gunmen killed parliamentarian Mohamed Osman Maye outside a Baidoa mosque after evening prayers. A few days prior to his death, Maye reportedly made a speech before parliament on the deteriorating security situation in the country. On December 27, in Baidoa unknown assailants killed the deputy minister for constitution, federal affairs, reconciliation, and regional development, Ismail Hassan Mohamud "Timir," as he left a mosque.

Several deaths resulted from random shootings by Islamic extremists trying to impose strict social edicts. For example, in February at least 20 persons were killed and 100 others injured after two successive explosions in the port city of Bossaso, Puntland. Many of the victims were Ethiopians believed to be on their way to Yemen and other countries on the Arabian Peninsula. Some reports suggest they were targeted because of "sinful" behavior. Puntland police arrested six suspects linked to the explosion who were released after several months without trial. Also on February 17, at least four persons were injured when armed extremist groups simultaneously attacked four cinemas in Mogadishu that were screening a sports match. In another February incident, militia associated with Hassan al-Turki killed a teenager and injured three others for sitting in a tea shop in Doblai where music was being played. On April 13, an assailant lobbed a grenade at a cinema in Merka, killing five persons, including three children, and wounding 18 others. Also in April in Hudur, al-Shabaab militia shut down cinemas, burnt down khat stores, forcefully shaved the heads of persons they accused of wearing inappropriate hairstyles, and imposed a ban on smoking and music.

There were several killings of prominent persons by unknown assailants. On February 8, unknown assassins killed Hussein Gorgor, a TFG colonel, and injured his bodyguard in Lower Shabelle's Wanlaweyn district. In February unknown assailants killed a TFG national security officer in Baidoa. On March 12, the TFG Balad police chief in Middle Shabelle region was beheaded by unknown assailants. On May 11, unknown assailants killed Mohamed Abdulle Mahdi, a civil society activist and chairman of Women and Child Care Association (WOCCA) in Beletweyn. On July 2, unknown gunmen killed Abdikarim Ibrahim, a prominent Mogadishu businessman. On September 16, unidentified gunmen in Galkayo killed Abdiduh Himbil, a prominent businessman, when they opened fire on his vehicle on his way home from a mosque.

During the year two journalists and media owners were killed, generally by unknown

assailants (see section 2.a.).

Attacks on humanitarian workers, NGO employees, and foreign peacekeepers resulted in deaths during the year (see section 4).

During the year hundreds of civilians were killed in inter- or intraclan militia clashes. The killings resulted from clan militias fighting for political power and control of territory and resources; revenge attacks; criminal activities and banditry; private disputes over property and marriage; and vendettas after such incidents as rapes, family disagreements, killings, and abductions. With the breakdown of law and order, very few of these cases were investigated by the authorities, and there were few reports that those cases resulted in formal action by the local justice system.

On March 18, a land dispute escalated into interclan conflict between Sa'ad and Dir in Galkayo that resulted in the deaths of 10 persons. Twenty others were injured. On April 11, clashes over water and pasture between two Abgaal subclans in the Middle Shabelle region killed 15 persons. On May 14, interclan clashes between Biyamal and Somali Bantu in Jamaame, in Lower Juba, killed 10 persons and injured an estimated 20. The clashes also displaced hundreds of Somali Bantu families.

In June conflict between the Gadhweyn and Warsangeli subclans in Erigavo in the disputed Sanaag region between Somaliland and Puntland displaced approximately 600 persons from their homes. Clashes continued between the Marehan and Majerten over control of Kismayo, escalating into a fierce battle in August that resulted in the deaths of more than 100 fighters and civilians and injury to more than 300. While the conflict had its roots in internal clan conflict, al-Shabaab took advantage of the fighting to back a loose coalition of clan militia that eventually established control over the port city.

In September Darood and Hawiye subclans in Galkayo exchanged captives and vehicles seized from each other in earlier conflicts. No action was taken against the responsible members of the security forces or militias who committed killings in 2007 or 2006, nor were there any developments in the reported killings due to inter- or intraclan fighting in prior years.

Landmines throughout the country resulted in numerous civilian deaths (see section 1.g.).

b. Disappearance

There were no reports of politically motivated disappearances, although cases could be concealed due to the separation from their families of thousands of refugees and IDPs. Abductions to extort ransom increased. Abduction as a tactic in clan disputes or to attain political ends was less frequent. The Somali NGO Safety Preparedness and Support Program (SPAS) reported increased incidences of kidnapping.

During the year there were a few kidnappings by militia groups and armed assailants who demanded ransom for hostages. The majority of reported kidnappings were in the Puntland and southern regions, especially in areas surrounding Mogadishu, where ransoms allegedly funded purchases of weapons and ammunition. More than 25 aid workers and nongovernmental organization (NGO) workers were kidnapped during the year (see section 4).

Maritime piracy and the kidnapping of crews increased dramatically, especially along the eastern and northeastern coasts, hampering humanitarian efforts to provide essential commodities to thousands of IDPs in the country (see section 1.g.).

There were no investigations or action taken against the perpetrators of any kidnappings during the year, nor were there any developments in the cases of kidnappings from previous years.

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

The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law." However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other and against civilians. Observers believed that many incidents of torture were not reported. The TFG, militias allied with the TFG, and various clan militias across the country tortured and abused detainees. Unlike previous years, there were no reports of public floggings by persons affiliated with the TFG.

Persons assembled at food distribution centers were killed and injured. On April 24, in Baidoa, ENDF killed two persons and injured another at a WFP food distribution point when they opened fire in response to a grenade attack against them.

On May 14, in Kismayo, a woman was killed and three other persons injured when security escorts opened fire on a crowd attempting to steal food.

Police raped women, and there continued to be reports of militias using rape to punish and intimidate rivals. Rape was commonly perpetrated in interclan conflicts.

There were no reports of action taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2007 or 2006. There also was no action taken against members of the defunct Council of Islamic Courts for torture and abuse committed in 2006.

Prison and Detention Center Conditions

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

Prisons were not properly secured and there were several instances when prisoners escaped. For example, on March 5, armed militias opened fire on the Kismayo prison and forcefully released four prisoners who had been detained for a March carjacking. The assailants and prisoners remain at large. On April 10, armed men stormed Garowe prison and released a fellow militia member who was detained for selling a vehicle and weapons belonging to the Puntland administration. Outraged by the incident, the prison director opened the prison gate for all the other detainees to escape. The director and the police commander were subsequently fired.

TFG-allied militias, antigovernment groups, extremist elements, warlords, and clan leaders reportedly ran their own detention centers, in which conditions were harsh and guards frequently abused detainees. Human rights organizations and civil society leaders in Mogadishu reported the existence of makeshift detention centers in Mogadishu where prisoners were held during and after episodes of heavy fighting.

In prisons and detention centers, juveniles frequently were held with adults. The incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem. Female prisoners were separated from males; however, particularly in south central Somalia, pretrial detainees were not necessarily separated from convicted prisoners.

The Puntland administration permitted prison visits by independent monitors. An agreement between Somaliland and the UN Development Program (UNDP) allows for the

monitoring of prison conditions. There were no visits by the International Committee of the Red Cross to prisons in Somaliland or in the rest of Somalia during the year, but a Prisons Conditions Management Committee organized by the UNDP and comprised of medical doctors, government officials, and civil society representatives continued to visit prisons in Somaliland. During the year UNDP managed a program to improve the Somaliland prisons by building new facilities and assisting in training wardens and judicial officials.

d. Arbitrary Arrest or Detention

In the absence of enforced constitutional or other legal protections, the TFG, militias allied to it, and various clan militias across the country continued to engage in arbitrary arrest and detention, and there was no system of due process. Although precise figures were unobtainable, local human rights organizations and international organizations reported that, although there were fewer arrests than last year, TFG and ENDF forces had arrested thousands of persons, most of whom were quickly released. However, many were detained for longer periods in up to eight detention facilities and allegedly subjected to beatings, mistreatment, and torture. A 2008 Human Rights Watch report stated that released individuals described serious abuses of detainees by TFG and ENDF forces. The same report accused TFG police of arbitrarily arresting civilians to extort money from their families. Reports by NGOs and other international organizations indicate that mistreatment continued during the year.

In January 13, TFG forces arrested 35 persons at a Baidoa mosque after evening prayer. The TFG regional security commander reportedly stated they were looking for criminal suspects in the congregation.

On April 19, ENDF detained for several days an estimated 40 madrassa children after a raid in Hidaya following clashes with antigovernment groups.

Role of the Police and Security Apparatus

The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2,000 UN-trained police known as the Somali Police Unit, members of the TFG titular police forces throughout the country often directly participated in politically based conflict and owed their positions largely to clan and familial links to government authorities. There were continued allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, rape, extortion, looting, and harassment.

In Somaliland an estimated 60 percent of the budget was allocated to maintaining a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.

On January 27, Puntland military elements stormed the Puntland Central Bank in Garowe, blocked all vehicular and pedestrian routes, and held employees hostage to protest several months of unpaid salaries. After approximately one hour, the military dispersed after negotiations with Puntland authorities. The Puntland police force has never been paid on a regular basis, and the armed militia was not aligned with the Somali National Army.

Arrest and Detention

Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most areas of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained. However, adherence to these procedural safeguards was

rare. There was no functioning bail system or the equivalent.

Arbitrary arrest was a problem countrywide.

Authorities in each region arbitrarily arrested journalists during the year (see section 2.a.). TFG forces also arrested NGO and UN employees during the year (see section 4.).

TFG-allied militia, who were not paid wages, arrested persons at random and demanded "bail" from their family members as a condition for their release, according to international and local NGOs. In May an investigative journalist reported that TFG paramilitary groups under the command of the Mogadishu mayor, the police commissioner, and the head of national security extorted money from relatives of detainees in their custody to secure their release.

TFG police often detained persons without charge. For example, on January 22, the TFG police released Yusuf Mohamed Barow, director of Holy Quran radio in Mogadishu after two months of detention. On January 27, TFG released Ahmed Dirie, spokesman for the Hawiye Traditional and Unity Council (HTUC), and several other Hawiye clan elders after they were detained for three months. On April 24, TFG security released Mohamed Shidane Daban, Banadir Radio reporter, from detention three months after he was arrested at Mogadishu airport in connection with the death of Mohamed Ali, a Banadir administration official who was killed in a roadside bomb explosion in January. None of these persons was charged with a crime.

There also were reports of politically motivated arrests. In April Yusuf Ali Harun, the TFG's former chief justice, and Justice Mohamed Nur were released. Harun and Nur were arrested in September 2007 by the TFG National Security Service on orders from Abdullahi Barre, the attorney general, on charges of corruption and misuse of office. There were reports that arrested persons were sometimes held for extended periods while awaiting trial. Militias and factions held pretrial detainees without charge and for lengthy periods.

Authorities in Somalia arrested or detained numerous persons accused of terrorism and support for the former Islamic Courts and al-Shabaab. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia. According to media reports and human rights NGOs, some of those detained in 2007 were released, while others were transferred without judicial process to Ethiopia. There were no reports of new transfers. In May 2007 Ethiopian authorities acknowledged that 41 suspected foreign terrorists were being held and investigated, although most were released by the end of 2007. In June more of these suspects were released.

Irregular forces and extremist elements arrested and detained persons. For example, on August 15, in Jowhar town in Middle Shabelle Region, forces affiliated with the Islamic Courts Union (ICU) arrested 12 persons who were allegedly consuming and selling drugs. There was no further information as to the whereabouts of those arrested at year's end.

e. Denial of Fair Public Trial

The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a five-year transitional process that includes the drafting of a new constitution to replace the 1960 constitution that was in force prior to the 1991 collapse of the Barre regime; however, for many issues not addressed in the charter, the former constitution still applies in principle.

The TFC provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference; however, in practice no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government.

The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland constitution is based on democratic principles, but the region continued to use laws that predate the constitution, some of which contradict democratic principles. Functional courts exist though there was a serious lack of trained judges and a shortage of legal documentation to build judicial precedence in Somaliland. Untrained police and other unqualified persons reportedly served as judges. International NGOs reported that local officials often interfered with legal matters and that the Public Order Law in Somaliland was often used to detain and imprison persons without trial.

The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance. These courts function, though they lack the capacity to provide equal protections under the law.

Clans and subclans frequently used traditional justice, which was swift. For example, in March a militia leader was publicly executed in Kismayo for killing another militia member in Jilib. Traditional judgments sometimes held entire opposing clans or subclans responsible for alleged violations by individuals.

Trial Procedures

The TFC provides for the right to be represented by counsel. That right and the right to appeal did not exist in those areas that applied traditional and customary practices or Shari'a.

In Somaliland the rights to be represented by counsel and to appeal were more often respected. Authorities in this region did not recognize the TFC and continued to apply the Somaliland constitution, as well as pre-1991 laws.

In Puntland, as in most other areas of Somalia, clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system.

Political Prisoners and Detainees

There were no official reports of political prisoners or detainees, although some arrests and detentions appeared to be politically motivated.

Civil Judicial Procedures and Remedies

The inability of the judiciary to handle civil cases involving such matters as defaulted loans or contract disputes encouraged clans to take matters into their own hands and led to increased interclan conflict. There were no lawsuits seeking damages for, or cessation of, a human rights violation. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

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

The TFC provides for the sanctity of private property and privacy; however, looting, land seizure, and forced entry into private property continued in Mogadishu and elsewhere with impunity. The Puntland Charter and the Somaliland constitution recognize the right to private property; however, authorities did not generally respect this right in practice.

On March 4, armed militia associated with the TFG opened fire and looted Bakara market, Mogadishu's main market. Dressed in civilian clothes, the armed men burglarized shops and seized valuable goods. A combined contingent of ENDF and TFG forces cordoned off the market, providing cover for those looting the market. Despite

promises by the prime minister, there was no investigation and no perpetrators were punished.

Throughout the year TFG forces extorted money from public service vehicles and truck drivers transporting goods. On February 26, a TFG soldier manning a checkpoint in Hodan district of Mogadishu shot and killed a bus driver for not paying the extortion fee.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Killings

Fighting during the year among TFG/ENDF troops, extremist elements, antigovernment groups, and al-Shabaab in south central Somalia resulted in the deaths of at least 3,000 persons, as reported by the Somalia-based Elman Human Rights Organization. An estimated 5,000 others were injured, and the UN High Commissioner for Refugees (UNHCR) reported that over one million civilians were displaced, some several times, as a result of conflict during the year. All parties to the conflict employed indiscriminate, lethal tactics. Antigovernment and extremist groups, including al-Shabaab, were accused of launching mortar attacks from hidden sites within civilian populated areas, and using civilians as human shields. In addition, such groups reportedly conducted suicide bombings, used landmines and remote controlled roadside bombs, and conducted targeted killings of journalists, aid workers, and civil society leaders. TFG/ENDF forces often responded to such attacks with disproportionate force and indiscriminate shelling of civilian populated areas. The NGO Human Rights Watch accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and a failure to take steps to minimize civilian harm. As a result homes, hospitals, schools, mosques, and other infrastructure were destroyed in Mogadishu. Since the collapse of the government in 1991, tens of thousands of persons, mostly noncombatants, have died in interclan and intraclan fighting. No action was generally taken against those responsible for the violence.

For example, on March 18, in Mogadishu, three unidentified men shot and killed an old man at Kah-Sheekhal IDP camp. At year's end there were no developments in the case. On March 26, ICU sympathizers believed to be from an Abgal/Agonyar sub-clan militia of the Hawiye clan attacked Jowhar. Unconfirmed reports indicated that four persons died and three were injured in the incident.

On December 13, at least 12 civilians who were at a water collection point in Kaba Hirig in Lower Shabelle region died during shelling in response to a roadside bomb targeting TFG/ENDF forces.

In its December report, Human Rights Watch documented numerous killings including summary executions of civilians by members of the ENDF, TFG forces, and antigovernment and extremist groups. The report detailed cases of indiscriminate attacks by these groups and disproportionate responses by security forces.

For example, on March 20, in the Heliwa District of Mogadishu, Ethiopian Troops shot and killed Ali Dheere, a medical doctor.

On March 23, in the Wardhigley District of Mogadishu, TFG forces shot and killed a three-year-old boy standing at the gate of his house (See Section 5).

On March 28, in the Yaqshid District of Mogadishu, Ethiopian troops opened fire on a public bus, causing the death of three passengers and injuries to six others.

Roadside bombings, suicide attacks, and armed raids targeting TFG officials and sympathizers as well as civil society groups continued throughout the year. Antigovernment and extremist groups were responsible for numerous killings of government officials and police. Politically motivated killings by antigovernment groups resulted in the deaths of several (senior TFG officials and members of the Banadir

regional administration, including district commissioners and their deputies, and security and court officials. For example, on March 19, unidentified armed men shot and killed Moallim Osman, a neighborhood leader, in the Waberi district of Mogadishu. More than 10 district or deputy district commissioners in and around Mogadishu were targeted by armed gunmen, bombs, or remote-controlled explosive devices. On January 5, unknown gunmen killed Sheikh Ibrahim Goole, Beletweyn district judge. On February 1, gunmen killed Abbas Nur Galeyr, spokesman for the Mogadishu mayor, only a month after his predecessor was killed. Also in February gunmen in Mogadishu's Yaqshid district killed Abdullahi Muhammad Qasim, Banadir region director of social affairs. None of the assailants were identified by year's end. Al-Shabaab claimed responsibility for several attacks against the TFG and its supporters during the year.

During attacks on police stations in Mogadishu and elsewhere, antigovernment groups summarily executed police officers. In a June 27 attack on Dayniile police station, 10 police officers were killed and five were injured.

There were numerous reported cases of TFG security forces killing civilians whom they suspected of planning attacks or giving information to antigovernment forces. For example, on February 27, TFG forces killed Abukar Abdisalan Adan in front of his Mogadishu home. On March 13, militia associated with the TFG killed a madrassa teacher. On March 20, police killed two armed militia and arrested 10 at Alhamdulilah police barracks after they attempted to use force to pass a roadblock.

On August 9, near Elasha Biyaha, Ethiopian-trained TFG police reportedly killed four civilians and injured women operating a nearby restaurant in response to an explosion targeting them.

During the year security forces killed persons waiting for food aid.

No action was taken against security officials responsible for civilian deaths during the year.

On April 15, one person was killed and seven injured when police manning a checkpoint opened fire on a minibus that apparently did not stop.

During the year attacks on Ugandan and Burundian troops participating in the African Union's Peace Support Mission (AMISOM) increased. On April 8, a suicide car bomb explosion in Mogadishu killed a Burundian peacekeeper. On May 23, an AMISOM vehicle hit a roadside mine while on a mine clearing operation in Mogadishu, injuring four Ugandan peacekeepers. On September 14 and 15, two Ugandan soldiers were killed and two injured in separate attacks.

Landmines throughout the country resulted in human and livestock casualties, denial of access to grazing and arable land, and road closures. The UN Children's Fund (UNICEF) reported a continued proliferation of mines and ordnance during the year resulting in numerous deaths and injuries due to landmines. Antipersonnel and antivehicle landmines, most of them remotely controlled, were frequently deployed by antigovernment groups against TFG forces, ENDF troops, and civilians.

For example, on January 12, Osman Mohamed Barre, Hiran regional supreme court chairman, escaped with minor wounds when a remote controlled roadside bomb destroyed his car in Beletweyn; the explosion also injured two civilians. On April 7, a land mine in Beletweyn killed six civilians and injured 27. On August 3, a roadside bomb killed 20 women cleaning Mogadishu streets and injured 47 others. Al-Shabaab reportedly warned the women against cleaning the streets as their actions might trigger landmines laid for TFG/ENDF. Also in August an al-Shabaab gunman shot and killed a businesswoman in Afgoe for selling eggs to Ethiopian troops.

Attacks on and harassment of humanitarian, religious, and NGO workers resulted in numerous deaths.

Numerous children were killed while playing with unexploded ordnance (UXO). For example, on February 23, a multiple land mine explosion in Ashagabi, a remote village in Baidoa, injured eight children. On March 18, three children were killed and another injured in Balguri village in Afgoe while playing with unexploded ordnance. On July 10, in Hawlwadag District in Nugal Region, four children were killed and nine injured when an UXO they found detonated. In Somaliland, as in previous years, children continued to be the largest casualty group in accidents caused by UXO.

Police officers and local administrators also were killed by landmines. For example, on July 5, a Yaqshid deputy district commissioner, his wife, and three guards were killed and five others injured when their vehicle hit a roadside mine.

Physical Abuse, Punishment, and Torture

On February 2, TFG security forces beat, harassed, and briefly detained a Somali medical doctor who worked in Madina Hospital. After several hours and intervention by the police commissioner, the doctor was released.

Throughout the year Ethiopian forces clashed with armed militias, causing civilian deaths, destruction of property and displacement. Local human rights groups accused ENDF of committing abuses including indiscriminate and excessive use of force, shelling residential areas and market places, arbitrary arrests, and aiding TFG forces in looting. Many of these incidents occurred in reaction to an attack by insurgents or other antigovernment groups.

For example, on April 19, ENDF reportedly killed 21 civilians in Mogadishu, including Sheikh Said Yahya, a prominent Tabligh cleric, and several members of his congregation in Hidaya mosque. On the same day, ENDF detained over 40 children who were at the mosque's school. The children were released after several days. In July ENDF reportedly fired several artillery shells in the western districts of Beletweyn before deploying ground forces to combat insurgent groups in the town. The incident resulted in civilian deaths and displaced approximately 70,000 persons. On August 16, ENDF opened fire on two minibuses following a roadside explosion, reportedly killing 60 civilians. On August 21, after an attack on Villa Somalia, ENDF shelling in Bakara market reportedly killed at least 10 civilians and injured several others at Bakara mosque. Local human rights organizations reported 80 civilians killed and more than 100 injured during an August ENDF offensive against insurgents in the Yaqshid, Heliwa, Hodan, and Wardigley districts of Mogadishu.

Child Soldiers

The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Children continued to be recruited into militias by the TFG and its related forces, as well as by clan militias and antigovernment groups. This recruitment was on occasion forced. The May UN Security Council report of the secretary general on children and armed conflict in Somalia cited TFG, local administrations, former Union of Islamic Courts (UIC) and al-Shabaab as having continued recruitment of boys and girls as young as eight into their militias. According to the report, a boy of 14 orphaned in the conflict worked at a TFG checkpoint and was paid 30,000 Somali shillings (\$0.50) a day. The report also mentions a 16-year-old girl who was recruited, trained for three weeks in Hilweyne, and officially became a member of the TFG military. Similarly, al-Shabaab conscripted children into armed conflict and military operations in addition to using them to plant roadside bombs and other explosive devices. According to the UN report, al-Shabaab recruited children as young as eight from schools and madrassas and trained them to plant bombs and carry out assassinations for financial reward.

In July 2007 the UN Security Council Working Group on Children and Armed Conflict called on all parties to stop recruiting children and demobilize those serving as soldiers. In some administrations in Somalia, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF's assistance; however, there was no progress in

demobilizing child soldiers.

The TFG pledged to address child recruitment when ministers signed the Paris Commitments in February 2007; however, all parties to the conflict, including the TFG, continued to recruit child soldiers during the year. UNICEF continued its public outreach program with radio broadcasts to highlight the problem of child soldiers.

The Somaliland constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces; however, an inadequate system of birth registration made it difficult to establish the exact age of recruits.

Other Conflict-related Abuses

Security problems complicated the work of local and international organizations, especially in the south. Attacks on NGOs, looting, and piracy disrupted flights and food distribution during the year. As a result of threats and harassment, some organizations evacuated their staffs or halted relief food distribution and other aid-related activities.

During the year piracy off the coast of Somalia significantly increased, and the International Maritime Bureau identified Somali territorial waters as the most dangerous in the world. Pirates conducted 42 successful hijackings and 69 unsuccessful attacks on vessels off the Somali coast. Many incidents occurred in the Gulf of Aden, and most of the ships were brought into the waters off the coast of Puntland and held near the coastal town of Eyl. Fueled by lucrative ransoms, Eyl developed a burgeoning industry to support the pirates and their hostages. Following ransom payments that in some cases reached several millions of dollars, the hijacked vessels were released. In each instance crews were held hostage until ransom was paid. In April Puntland security forces stormed a hijacked ship and rescued its crew members. They arrested seven pirates, and Puntland courts sentenced the perpetrators to life in prison. In September Somaliland authorities arrested and sentenced five suspected pirates to five-year prison terms for plotting to conduct piracy off the coast of Berbera. At year's end 15 vessels and more than 200 crew members remained in the custody of Somali pirates.

The TFG improved its treatment of humanitarian agency personnel and ceased much of the rhetoric against NGOs common in the previous year, but has been unable to prevent attacks against them. During the year attacks on aid workers increased. The deteriorating security situation and continued targeting of national and international relief workers presented significant challenges to humanitarian operations in Somalia. During the year 36 aid workers were killed and 28 kidnapped, 10 of whom remained captive at year's end. In addition, 22 humanitarian vehicles were hijacked. As a result relief agencies significantly reduced or relocated international staff. Aid agencies increasingly relied on national staff, who were equally under threat, and partnerships with local implementing organizations to deliver relief assistance to vulnerable beneficiaries.

On April 6, armed militiamen in Garowe, Puntland, opened fire on a UNHCR vehicle. The passengers were not injured.

On April 14, four expatriates working for a private "Christian" school in Koshiin village of Beletweyn town were killed by remnants of an ICU militia who moved into the town after Ethiopian forces based in the town reinforced Ethiopian troops who were attacked en route Bulo-Burte district (See Section 2.c.).

On May 17, unknown assailants killed Ahmed Bario, an educator who had been managing the operations of the Promotion of Employment Through Training project in Kismayo run by the Horn Relief Organization.

On June 22, the same day that unknown gunmen assassinated human rights activist Engineer Mohamed Hassan Kulmiye in Beletweyn, unknown gunmen in Mogadishu abducted Hassan Mohamed Ali "Kenyan," head of UNHCR Somalia, and held him at an

undisclosed location for two months until his August release.

On July 6, unidentified gunmen killed Osman Ali Ahmed, head of the United Nations Development Program (UNDP) office in Mogadishu, as he exited a mosque with his son and brother.

On August 4, in the Dharkenly district of the Banadir Region, eight civilians were killed and 11 injured as a result of indiscriminate fire between armed opposition groups, the TFG, and Ethiopian forces.

On August 14, at KM8 in Mogadishu, Ethiopian Forces opened fire on a minibus en route to a hospital. The patient and six of his relatives were killed.

On October 29, simultaneous explosions in Hargeisa targeting the UNDP, Somaliland Elections Commission, and the Ethiopian embassy and offices in Bossasso killed 20 persons and injured 37.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The TFC and the Somaliland constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom "as long as they respect the law"; however, this right was not respected in practice. Freedom House has classified Somalia as "not free" every year from 1972 to 2008. Reporters Without Borders also gave the country a low rating for press freedom. Journalists engaged in rigorous self-censorship to avoid reprisals.

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

In Somaliland there were six independent daily newspapers. There was also one government daily and two English-language weekly newspapers. There were two independent television stations, Hargeisa TV and Hargeisa Cable TV, and one government-owned station, Somaliland National TV. Although the Somaliland constitution permits independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland was the government-owned Radio Hargeisa.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC's Somali Service and the Voice of America's Somali service that transmitted daily Somali-language programs. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least six independent radio stations in Puntland.

Opposition elements, many affiliated with the former UIC and other extremists, continued to harass journalists. Journalists reported that antigovernment groups threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Journalists added that publishing criticism of the opposition ingratiated them with the TFG but subjected them to opposition threats, and vice versa. In September the Kismayo administration established rules for journalists, including a requirement to refrain from reporting news that undermines Islamic law.

Journalists and media organizations in all regions reported harassment including killings, kidnappings, detention without charge, and assaults on persons and property. Most of the experienced field reporters and senior editors have fled the country due to direct

threats from both the TFG security forces and antigovernment groups. Two journalists have been killed in Somalia. In Baidoa and Mogadishu, the TFG continued to enforce strict orders against reporting or photographing ENDF security operations.

There was one targeted killing of a journalist during the year, compared to eight such killings in 2007. There was also one death due to an attack unrelated to journalism. On January 28, Hassan Kafi Hared, a Somali News Agency employee, was killed when a bomb exploded under a passing vehicle. In June, Nasteh Dahir Farah of the BBC Somali Service was killed in what appeared to be a targeted operation. In addition, Bisharo Mohammed Waeyes, the last woman in Puntland working openly as a journalist, escaped an assassination attempt in May. There were no arrests in connection with any killings or attempted killings of journalists during the year.

Numerous journalists were arrested and detained during the year. For example, on January 13 an editor, Bashir Mohammed Abdulkadir, and the director, Abdirahman Mohamed Hassan (Hudeyfi), of Somaliweyn Radio were arrested in Mogadishu for unknown reasons by TFG personnel. They were released after 19 and 14 days, respectively. On January 15, BBC freelance reporter Ayanle Hussien Abdi was arrested in Beledweyne in Hiran Region, allegedly for failing to attend a press conference called by the regional governor. He was released after two days in custody. In April Somaliland police arrested Jamhuuriya newspaper reporter Abdirahman Muhammad Habbane in Awdal Region for unknown reasons and reportedly released him after a few days in custody. In April five journalists from Radio Voice of Peace were arrested after a raid on the station, which led to the station's temporary closure. They were held for four days, and the station resumed broadcasting shortly after the raid. On May 9, Director of the Somali Broadcasting Corporation (SBC) Mowlid Haji Abdi was detained for approximately 12 hours by the Puntland Regional State police for SBC's reporting on armed conflict in Puntland. In June Abdulkadir Mohamed Nunow, deputy director of Horseed Media and a VOA Somali Service correspondent, was arrested and held for one day after an interview with kidnapped Westerners.

On August 23, Canadian journalist Amanda Lindhout, Australian photojournalist Nigel Brennan, and Abdifatah Mohammed Elmi were abducted; no claim of responsibility was made, and the motive for the kidnappings remained unknown. At year's end the journalists were reportedly being held in northern Mogadishu.

Also in August Somaliland police forces in Burao arrested Universal TV reporter Fosi Suleyman Aw Bindhe at the venue where the opposition Kulmiye political party was holding its central committee meeting. He was held for six days.

In February the Waayaha Press newspaper office was attacked and looted by TFG security forces, who allegedly threatened the journalists with reprisal if they reported the incident.

On September 17, Abdiqani Ismail Goh was arrested by Somaliland Police after head of Somali Red Crescent (SRC) in Las Anod Dakir Ali Nur filed a complaint against Goh for his Internet reporting on SRC's food distribution. Goh was released on September 22 without trial or further explanation.

On November 3, Hadis Mohammed Hadis was arrested at Igal International Airport by Somaliland Criminal Investigations Department (CID) agents. According to journalists in Hargeisa, Hadis was arrested after local residents saw him filming the sites of the dual bombings on October 29 in Hargeisa and then followed the journalist while speaking on a telephone about the bombings. He was released on November 18.

On November 16, Radio Galkayo was shut down by Puntland police and Hassan Mohammed Jama, director of Radio Galkayo, was arrested and detained for five days. These actions were reportedly in response to Radio Galkayo's reporting on the upcoming Puntland presidential election, an activity that had been prohibited by the Puntland regional government.

On November 26, a British and a Spanish journalist were abducted in Bosasso.

Several broadcasting stations were closed during the year. In March, Radio Simba, Radio Shabelle, and Horn Afrik were forcibly closed by TFG forces, who removed equipment, disabling stations. In April Radio Voice of Peace was reportedly raided and closed, and five journalists were arrested and held for four days.

At least two radio stations were closed by Islamic administrations. On December 10, Radio Markabley in Bardhere district in Gedo region was closed by an al-Shabaab administration that claimed the station was broadcasting forbidden music. On December 13, the Kismayo branch of Horn Afrik was closed for undisclosed reasons.

Journalists report continued pressure from both the TFG and opposition elements to provide favorable reporting for each side, with threats of reprisal if reporting was perceived to be critical of them.

Internet Freedom

There were no government restrictions on access to the Internet, but opposition elements in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists. Media outlets continue to create Web sites associated with their broadcast operations, resulting in a proliferation of news-oriented Somali language Web sites. The Web sites are widely viewed, and Internet use was widespread in both rural and urban areas.

Academic Freedom and Cultural Events

There were few functioning universities in Somalia – three in Mogadishu, three in Somaliland, and three in Puntland. There were dozens of others that existed only in name. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required to conduct academic research.

There were no official restrictions on attending cultural events, playing music, or going to the cinema, although the security situation effectively restricted access to and organization of cultural events. In certain areas local Islamic groups established rules for public conduct, similar to 2006, when the (UIC) controlled much of south central Somalia. For example, in September the Islamic administration that controls Kismayo asked that radio stations cease playing "immoral" music.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The TFC, the Somaliland constitution, and the Puntland Charter provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use of excessive force by security personnel to disperse demonstrators resulted in numerous deaths and injuries.

For example, on May 6, TFG police killed five demonstrators when thousands marched in the streets of Mogadishu to demonstrate against rising food prices and merchants' refusal to accept old currency notes.

On April 27, Somaliland police killed three persons and injured several others while dispersing a demonstration. On July 18, police in Hargeisa killed two civilians and injured an estimated seven after firing into a group of youth demonstrators.

The use of excessive force by security forces in south central Somalia resulted in the deaths and injuries of persons assembled at food distribution centers. On June 25, TFG

forces reportedly killed an estimated five persons while dispersing a crowd gathered at a food distribution center.

Freedom of Association

The TFC provides for freedom of association; however, the TFG did not permit freedom of association during the year. The Puntland Charter provides for freedom of association; however, the Puntland administration continued to ban all political parties.

The Somaliland constitution provides for freedom of association, and this right was generally respected in practice; however, in July 2007 Somaliland authorities arrested three opposition politicians who were planning to form a new political party. These persons were released in December 2007. President Riyale stated that he issued an official pardon; however, their judicial record was not cleared, and the leaders were effectively blocked from participating in the electoral process as candidates for any party.

Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties.

c. Freedom of Religion

While the TFC provides for religious freedom, this right was widely ignored in practice. The TFG generally did not enforce legal restrictions or protections concerning religious freedom.

Militia groups, particularly those associated with al-Shabaab and individuals previously affiliated with the UIC, at times imposed a strict interpretation of Islam on communities under their control. There were reports that individuals who did not practice Islam were discriminated against, and at least four nonobservant Somalis may have been killed.

The TFC, Somaliland constitution, and Puntland Charter establish Islam as the official religion. Somalis are overwhelmingly Sunni Muslims of a Sufi tradition. There also is a very small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The constitution and/or charters governing the various regions provide the right to study and discuss the religion of one's choice. However, the government does not permit freedom of worship. The number of adherents of strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow.

In Puntland, only Shafi'iyyah, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, but such permission was granted routinely to schools and mosques espousing Shafi'iyyah.

In Somaliland religious schools and places of worship must obtain the Ministry of Religion's permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing. However, on April 13, a militia reportedly affiliated with al-Shabaab killed four Christian teachers at their school in Beledweyne.

Societal Abuses and Discrimination

During the year, in the Bay and Lower Juba regions as well as in Mogadishu, Muslim

extremists killed several prominent clerics. On August 15, armed youth lobbed grenades at a mosque in Doblai. The mosque is used by members of the Takfir, a Muslim sect that brands all other Muslims "unbelievers," killing two persons.

Suspected Islamic extremists bombed cinemas and attacked persons whom they asserted were not behaving "appropriately." On March 26, in Shalmbot town of Lower Shabelle, unidentified UIC supporters hurled a hand grenade to a cinema house resulting in four persons injured. During the year clan-based militias and militias associated with the former UIC and al-Shabaab temporarily occupied several towns, closing institutions and regulating behavior deemed un-Islamic.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. Non-Muslims who practiced their religion openly faced societal harassment. Although not legally prohibited, conversion from Islam to another religion was considered socially unacceptable. Those suspected of conversion faced harassment or even death from members of their community.

In April a worshipper was stabbed in a mosque in Somaliland after two groups clashed in a mosque over differences in interpretation of Islamic beliefs.

The small Christian community kept a low profile. There were no public places of worship for non-Muslims in Somalia. Christians, as well as other non-Muslims who proclaim their religion, faced harassment or even death.

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

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The TFC and the Puntland Charter provide for freedom of movement within the country; however, this right continued to be restricted in some parts of the country. Checkpoints operated by the TFG, TFG-allied militias, and armed clan factions inhibited passage and exposed travelers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict. For example, on March 23, militias in Kismayo put local checkpoints within the town, halting local transportation and attacking community elders. According to the UN, checkpoints increased to over 400 in south and central Somalia. In the absence of effective governance institutions, few citizens had the documents needed for international travel.

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

There were no organized repatriations to any region of Somalia during the year.

Internally Displaced Persons (IDPs)

UN agencies estimated that since January 2007 approximately 870,000 persons had fled their homes in Mogadishu and its surroundings as a result of ongoing conflicts between TFG/ENDF forces and antigovernment groups. The Somalia office of the UNHCR, based in Kenya, estimated that there were approximately 1.1 million IDPs in the country as a result of internal conflict, flooding, droughts, and other causes going back to the early 1990s.

Many of the newly displaced lived without basic services, primarily settling on the Afgoye corridor between Mogadishu and Baidoa. Militia groups, aligned with both sides of the conflict, have restricted access during food distributions. During the year Puntland authorities in Galkayo and Garowe forcibly repatriated Somalis from south

central Somalia.

Protection of Refugees

The 1990 constitution and TFC do not include provisions for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and in practice the authorities granted refugee status or asylum. The UNHCR reported approximately 9,600 refugees and asylum seekers in northern Somalia; other estimates were as high as 1.5 million displaced due to conflict, food shortages, and inflation, which made it impossible to purchase rations. An additional 3.5 million Somalis were in need of humanitarian assistance; however, insecurity in south and central Somalia has limited the access of UN and international aid workers. UN agencies reported that 36 humanitarian workers were killed in Somalia during the year.

Somaliland authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that more than 31,375 Somalis attempted to cross illegally from Somaliland and Puntland, and Djibouti to Yemen during the year, resulting in at least 328 confirmed deaths and another 359 missing and presumed dead.

In January 2007 the Kenyan government closed its border to all traffic to and from Somalia, although it later allowed humanitarian relief supplies to enter Somalia on a case-by-case basis. Despite the border closure, an estimated 60,000 asylum seekers made their way to the already overcrowded Dadaab refugee camps in Kenya through the porous border during the year, significantly more than in 2007. The UNHCR estimated that more than 80,000 Somalis sought refuge in neighboring countries.

There continued to be reports that Somali women, girls, and in isolated cases men, were raped in refugee camps in Kenya during the year.

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

In the absence of effective governance institutions, citizens could not exercise the right to change their government. The country was governed by an internationally recognized, although unelected, TFG with a mandate until 2009 to prepare the country for national elections. Clan leaders operated as de facto rulers in most regions under the nominal control of the TFG. Although many such leaders derived their authority from the traditional deference given to clan elders, they often faced opposition from intraclan groups and political factions, as well as from the perceived central authority of the TFG.

Elections and Political Participation

The TFG was formed in late 2004 and early 2005 following two years of negotiations in Kenya, which were led by the Intergovernmental Authority on Development. The TFC is the legal framework for the transitional federal institutions of parliament and government, which operate under a five-year mandate that expires in 2009. In 2004 the clan-based TFP elected Abdullahi Yusuf Ahmed, the former president of Puntland, as transitional federal president, and he then appointed Ali Mohammed Gedi as prime minister. After Gedi resigned in October 2007, in November 2007 President Yusuf appointed Nur "Adde" Hassan Hussein as prime minister. Yusuf attempted to remove Prime Minister Hussein, first by supporting a parliamentary vote of "no-confidence" and then by dismissing him through a presidential decree. Both plans backfired and after significant discord within the TFG, on December 29, Abdullahi Yusuf resigned. Elected in January 2007 as speaker of parliament, Sheikh Adan Mohamed Nur became interim president following Yusuf's resignation. The TFC stipulates that the interim president remain in office for 30 days until the parliament selects a new president. At year's end Nur remained the interim president.

Following the TFG/ENDF defeat of the UIC in late 2006, the government moved its base from Baidoa to Mogadishu; however, the TFP remained in Baidoa. One of the key outcomes of the 2007 National Reconciliation Congress (NRC) to reconcile all Somali clans and build support for the transitional process was the appointment of government ministers from outside parliament.

In January, after consulting with members of parliament and clan leaders, Prime Minister Hussein appointed a new, smaller cabinet. Many of the ministers were from outside the TFP. Also in January the prime minister effectively established all executive operations in Mogadishu. After taking office the prime minister began advancing the cause of reconciliation, particularly in Mogadishu, reaching out to the business community, clan elders, and civil society.

In September 2007 ousted parliamentarians, significant elements from the former UIC, and civil society leaders held a conference in Asmara and formed a political organization called the Alliance for the Re-liberation of Somalia (ARS). Sheikh Sharif Ahmed, former UIC Chairman, became the chairman of the ARS and Sharif Hassan Sheikh Adan, the first speaker of the TFP, became the chairman of the ARS Central Committee. In May the TFG and the ARS began UN-facilitated discussions in Djibouti to establish a peace process. During the first stage of meetings, the majority of the ARS leadership relocated from Eritrea to Djibouti, where many were granted citizenship. The ARS also committed to taking part in a political transition through elections.

On June 9, the leaders of the TFG and the ARS agreed to an 11-point UN-brokered agreement to cease all armed confrontation, ensure unhindered humanitarian access, and work toward a durable peace. The formal signing of the agreement took place on August 18, during the first meetings of the High Level Committee and the Joint Security Committee that were charged with implementing the agreement. The committees met several more times during the year to draft a ceasefire agreement and establish subcommittees to develop a peace process inside Somalia. On October 26, the TFG and the ARS agreed to form a unity government and support a cessation of armed confrontation. On November 25, the High Level Committee recommended a unity government consisting of an expanded parliament and to extend the transitional period by two years. At year's end the committees were working together to ensure that the Djibouti Process and the presidential succession were mutually supportive.

While Prime Minister Hussein enjoyed high marks for his reconciliation efforts, he drew intense criticism from President Yusuf and the TFP for not addressing financial and budgetary issues and the deteriorating security situation. Differences between Yusuf and Hussein on security and other issues led to an intractable rift between the two leaders. Internal conflicts deepened with an August attempt by the TFP to pass a no-confidence motion against the prime minister, thus removing him from office. Following Ethiopian mediation, President Yusuf, the prime minister and the TFP speaker signed an agreement on August 26 to resolve internal crises, hold elections for a new Banadir administration, improve revenue collection, redeploy security forces, withdraw Ethiopian troops, and support the Djibouti agreement. On November 16, Prime Minister Hussein named a new cabinet consisting of 18 ministers and 18 deputy ministers. Yusuf rejected these appointments, but on December 15 parliament ratified the cabinet at the same time it passed a vote of confidence in Prime Minister Hussein and his government. The conflict between the two leaders culminated in the December presidential decree dismissing the prime minister and Yusuf's attempted appointment of Mohammed Mahmud Guled "Gamadheere" as prime minister. Few recognized Gamadheere's appointment, and Mogadishu residents launched public demonstrations of support for Prime Minister Hussein. The outcry against Yusuf, including the threat of sanctions against the former president and his allies, led to his resignation.

The Banadir regional elections were delayed by several weeks but eventually took place on November 23 through secret ballot. Three elected officials assumed the positions of Mogadishu mayor and Banadir governor and first and second deputy mayor/governor. These officials would lead the counselors in a 69-member Banadir administration who were selected by the prime minister and an interim governing body through complex clan negotiations.

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

In 2006 President of Somaliland Dahir Riyale Kahin postponed elections for the parliament's House of Elders and initiated a process to extend the mandate of the unelected upper house, or Guurti, for four years. On April 10, presidential and local elections scheduled for July and August were again postponed, this time by the Guurti. As in 2006, opposition parties again declared the process illegal. The Guurti decided to extend President Riyale's term in office for an additional year. Subsequent to international mediation the stakeholders agreed to a new electoral timetable and a national voter registration process where each Somaliland citizen would also receive a national ID card. By year's end the registration process had concluded successfully in most of Somaliland's regions. During the year it was reported that presidential elections were scheduled for April 6, 2009, and were to be followed by local elections.

In December 2007 Somaliland opposition figures Mohamed Abdi Gaboose, Mohamed Hashi Elmi, and Jamal Aideed Ibrahim were released from prison after serving three months on charges of founding an illegal organization and creating instability. At year's end the three leader's political rights were not fully restored. They were able to register to vote, but they were not allowed to participate in the electoral process as a candidate for any party.

In 1998 Puntland declared itself a semiautonomous regional government during a consultative conference of delegates from six regions that included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in 2005. Parliamentary representatives are seated by their respective clan elders, and on December 30, Puntland's election and ratification commission announced the names of 66 new members of parliament selected by clan elders in the six administrative regions.

Some Puntland cabinet ministers had their own militias, which contributed to a general lack of security. As part of the election process, each presidential candidate was required to pay a \$5,000 qualification fee and each vice-presidential candidate a \$2,500 fee. Some of these funds were to be used for security during the proceedings.

Somaliland and Puntland continued to contest parts of Sanaag region, as well as the Sool region and the Buhodle district of Togdheer region during the year. Both governments maintained elements of their administrations in the Sanaag and Sool regions, and both governments exerted influence in various communities. During the year there were renewed hostilities in Las Anod, Sool region. On January 13, Puntland militia attacked Somaliland troops stationed near Dhabansaar village, southeast of Las Anod. There were no reports of casualties, but Somaliland forces took an estimated 40 of the Puntland troops prisoner. Tensions between pro-Puntland and pro-Somaliland militias remained high in the Las Anod area. Humanitarian aid agencies reported that approximately 9,000 families (22,000-54,000 persons) were displaced by the fighting. On March 21, Somaliland authorities released 79 prisoners captured in 2007 during fighting between Somaliland and Puntland forces in Las Anod. Somaliland forces remained in control of Las Anod although Puntland forces threatened attack and had reportedly expanded their security presence in the surrounding areas.

There were 23 women in the 275-seat TFP; the number fell short of the TFC requirement that at least 12 percent of parliamentary seats be reserved for women. In the 23-member cabinet appointed in January, there was only one woman minister, the minister for gender and family affairs, and one deputy minister. In the 36-member

cabinet ratified by parliament on December 15, there was still only one woman minister and one deputy minister. In the Somaliland government consisting of 28 ministers, a woman held the post of gender and family minister, and two women were elected to the 82-member lower house of parliament. In Puntland there have never been any women on the Puntland Council of Elders, and in December there were two women selected as representatives of the 66-member parliament. These two women served in the previous Puntland parliament from 2005 to 2008. Asha Gelle held the position of minister of gender and family and was the only female minister in the Puntland administration. On August 8, Gelle resigned from her position as special representative of the president for Mudug region because of executive interference in government affairs. She maintained her ministerial position.

There were 31 members of the minority Bantu and Arab ethnic groups in the TFP and only one in the TFG cabinet. There were no members of minority groups in the Somaliland parliament and cabinet. There are 136 distinct sub-clan groups in Puntland, 46 of which are represented in parliament. These are the largest sub-clan groups and each have between one to four representatives in the 66-member body. The other smaller sub-clans do not necessarily consider themselves as "minorities," and most believe they represented within the larger Darod/Harti clan and the parliamentary body.

Government Corruption and Transparency

Official corruption was endemic throughout the country. The law does not provide criminal penalties for official corruption and officials frequently engaged in corrupt practices with impunity. Corruption exists in almost every transaction in Somalia and there is no regulatory or penal framework in place to combat it. This is true even in the provision of humanitarian assistance. The 2008 World Bank Worldwide Governance Indicators reflected that corruption was a severe problem.

There were no laws providing for public access to government information.

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

A number of domestic and international human rights groups operated throughout the country investigating and publishing their findings on human rights cases. However, security considerations constrained their ability to operate freely. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC) and Elman Peace and Human Rights Organization, Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, and other local human rights groups were active during the year, although less than previously. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area and conducted human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, several women's NGOs, and other civil society organizations also played a role in promoting intraclan dialogue, national reconciliation, and dialogue between the TFG/Ethiopians and elders of the dominant Hawiye clan in Mogadishu.

Somaliland human rights organizations accused authorities of meddling in their internal affairs and fomenting conflict among them.

Attacks and incidents of harassment of humanitarian, religious, civil society, and NGO workers resulted in at least 52 deaths during the year. TFG officials accused NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces. The TFG intimidated and arrested NGO workers, who also received death threats from regional administrators, clan militias, and criminals.

On January 18 in Kismayo, a roadside bomb explosion killed three aid workers from Medecins Sans Frontieres-Holland (MSF): Victor Okunnu, a Kenyan medical doctor; Damien Lehalle, a French logistician; and Billan, a Somali driver. MSF subsequently

closed its operations in Kismayo.

There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments during the year. For example, on April 1, two UN staff were hijacked and abducted 15 kilometers south of Sakow town in Middle Juba. One of the two expatriates, thought to be British, was injured in the incident, which was orchestrated by local militia.

On May 20, a senior national project officer for an international NGO was shot and killed outside his house. Clan militias reportedly were involved in the killing.

On May 21, an unidentified armed militia group attacked an international NGO guest house compound where two expatriates and a Somali national were residing in Awdigley, Lower Shabelle Region. Documents and laptops were reportedly taken during the incident with one security guard injured. The three staff were allegedly blindfolded and taken away to an unknown destination. The two internationals were allegedly freed after a ransom of 1 million dollars was paid, according to local media sources.

On July 12, in the Gal-hareri District of the Galgaduud Region unidentified gunmen at a checkpoint shot and killed a senior national staff member of a local NGO. At year's end there were no arrests or developments in this killing.

Somaliland authorities continued to hold convicted murderers Jama Abdi Ismail and Mohamed Ali Isse, who were sentenced to death in November 2005 for the killing of four foreign aid workers in 2003 and 2004.

5. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Laws prohibiting rape exist; however, they were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape perpetrated with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in rape, and rape was commonly practiced in interclan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and the victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. In March the UNIE reported that in Mogadishu and Kismayo IDP women and girls, particularly those belonging to minority groups, were increasingly becoming the targets of sexual violence by youth gangs. In Somaliland gang rape continued to be a problem in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and displaced rural populations living in urban areas. Many cases were not reported.

Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. The UNIE reported that "honor" or revenge killings still took place. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women have suffered disproportionately in the

country's civil war and interclan fighting.

Prostitution is illegal and there were no statistics on its prevalence. In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygamy was permitted. Under laws promulgated by the former government, girls could inherit property, but only half the amount to which their brothers were entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty of the death of a woman only must pay half the amount that would be payable to the aggrieved family if the victim were male.

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

Children

Authorities generally were not committed to children's rights and welfare. There was some progress on the child justice bill in the TFP; however, it was not passed at year's end.

In the absence of a consistent central authority, births were not registered in Puntland or southern and central Somalia. Birth registration was taken seriously in Somaliland for hospital and home births; however, limited government capacity combined with the nomadic lifestyle of many persons caused numerous births to go unregistered.

During the year numerous attacks on schoolchildren, teachers, and schools were reported across the country. TFG/ENDF forces, al-Shabaab and other antigovernment groups were all responsible for targeted attacks. On August 26, TFG security forces stormed the SYL Primary and Secondary School firing indiscriminately and injuring five students and two teachers. They purposely destroyed school property and stole money. The incident occurred after an unidentified gunman killed a TFG soldier near the school. On the same day, TFG forces entered Imam Shafi'i Primary School and fired shots at the students and teachers. There were no injuries. Al-Shabaab and armed militia associated with the former UIC attacked schools and killed teachers and education workers in the country.

Less than 30 percent of the school-age population attended school, according to UNICEF. Because of insecurity, there has not been a school survey conducted in Mogadishu since 2006, but school enrollment rates were lower than in 2007. UNICEF reported that more than 60 percent of schools in Mogadishu were closed and the remaining schools operated with reduced enrollment and attendance as many parents withdrew their children because of security concerns. Since the collapse of the state in 1991, education services have been partially revived in various forms, including a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers to teach in private Koranic schools and madrassas. These schools were inexpensive and provided basic education; however, there were reports that they required the veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.

Child abuse was a serious problem, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their families, as did 17 percent of children in the general population. During the year child abuse and rape remained a problem.

Children remained among the chief victims of continuing societal violence. Child protection monitors verified that hundreds of children were killed or injured during the year as a direct result of conflict.

Militia members raped children during the conflict and departure of civilians from Mogadishu.

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

All parties to the conflict recruited and used child soldiers (see section 1.g.).

In its March report, the UNIE noted with concern the continued practice of "asi walid," a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure. Many of these juveniles were incarcerated with adults.

A UNICEF monitoring trip at the beginning of the year revealed that many children were imprisoned in Somaliland, most without passing through the court system, usually for disobedience to parents or for petty crimes. UNICEF and the UNDP started a project to provide the children with legal assistance and have as many as possible released.

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

Trafficking in Persons

The TFC does not explicitly prohibit trafficking. In February, Puntland authorities announced that persons who were caught engaging in alien smuggling would be punished by death. On April 5 in the Maydh District of the Sanaag Region seven human traffickers were captured near the coast in the Maydh District. There are no laws against slavery or forced or involuntary prostitution. Information regarding trafficking in the country's territory was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Human smuggling was widespread, and there was evidence that traffickers utilized the same networks and methods as those used by smugglers. Dubious employment agencies were involved with or served as fronts for traffickers, especially to target individuals destined for the Gulf States. Somali women were trafficked to destinations in the Middle East, including Iraq, Lebanon, and Syria, as well as to South Africa, for domestic labor and commercial sexual exploitation. Somali men were trafficked into labor exploitation as herdsmen and menial workers in the Gulf States. Somali children were reportedly trafficked to Djibouti, Malawi, and Tanzania for commercial sexual exploitation and exploitative child labor. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Small numbers of Cambodian men were trafficked to work on long-range fishing boats operating off the coast of Somalia. Armed militias reportedly also trafficked women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

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

Because of an inability to provide care for all family members, some Somalis willingly surrender custody of their children to persons with whom they share family relations and clan linkages. Some of these children may become victims of forced labor or commercial sexual exploitation. At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Some officials in these administrations were known to facilitate or condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The TFC, the Somaliland constitution, and the Puntland Charter all prohibit against discrimination.

The TFC states that the state will be responsible for the welfare of persons with disabilities, along with orphans, widows, heroes who contributed and fought in defense of the country, and the elderly.

The constitution indicates that the Somaliland state is be responsible for the health, care, development and education of the mother, the child, the disabled who have no one to care for them, and the mentally handicapped persons who are not able and have no one to care for them.

The Puntland Charter safeguards and advocates for the rights of the orphans, disabled persons and whoever needs the protection of the law.

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

There was widespread abuse of persons with mental illness. Without a public health infrastructure, there were no specialized institutions in the country to provide care or education to the mentally ill. It was common for such persons to be chained to a tree or within their homes.

National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. However, the UNIE estimated that minority groups constitute approximately 22 percent of the population. In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

In Galkayo on September 16, militiamen from the Omar Mohammad subclan shot and

killed a taxi driver in Galkayo. The driver was from the minority Marehan clan, and most residents reported that the killing was clan-linked.

Other Societal Abuses and Discrimination

Sexual orientation is considered a taboo topic and there is no public discussion of this issue in any region in Somalia. There were no reports of societal violence or discrimination based on sexual orientation.

Persons with HIV/AIDS continued to face discrimination and abuse in their local communities, and by employers in all parts of the country. UNICEF reported that persons with HIV/AIDS were subjected to physical abuse, rejected by their families, and subjected to workplace discrimination and dismissal. Children whose parent(s) were HIV-positive also suffered discrimination, which hindered prevention efforts and access to services.

6. Worker Rights

a. The Right of Association

The 1960 constitution allows workers to form and join unions, and the TFG respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the journalist association NUSOJ. Other unions exist in name, but had no activities during the year. The Puntland Charter and the Somaliland constitution also protect workers' freedom of association. However, labor laws were not enforced in the country, resulting in an absence of effective protection for workers' rights.

The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but there were no activities undertaken by the SOLTUO during the year.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by laws in Somalia, Somaliland, and Puntland, but they are generally not enforced.

Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan. There are no export processing zones.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not be confirmed if in Middle and Lower Juba, and Lower Shabelle Bantus were used as forced labor, as in previous years.

d. Prohibition of Child Labor and Minimum Age for Employment

The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

The recruiting and use of child soldiers was a problem (see section 1.g.). Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce – 31 percent of males and 41 percent of females. The actual percentage of working children was believed to be higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

In Somalia the Ministries of Labor and Social Affairs and Gender and Family Affairs were responsible for enforcing child labor laws. In Somaliland it was the Ministry of Family and Social Development and in Puntland it was the Ministry of Labor, Youth and Sports. In practice none of these ministries enforced these laws.

e. Acceptable Conditions for Work

Although the TFC and the Somaliland constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. There was no information on the existence or status or foreign of migrant workers in Somalia. With an estimated 43 percent of the population earning less than 40,000 Somali shillings (less than \$1) per day, there was no mechanism to attain a decent standard of living for workers and their families. During the year high inflation, continued insecurity, and other factors significantly decreased the standard of living in all areas of the country. By year's end 3.5 million Somalis required emergency humanitarian assistance.
