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2011 Country Reports on Human Rights Practices - Somalia

EXECUTIVE SUMMARY

Somalia is fragmented into regions led in whole or in part by different entities, including: the Transitional Federal Government (TFG) in Mogadishu, the self-declared Republic of Somaliland in the Northwest, Puntland in the Northeast, and Galmuduug in the central region. The TFG was formed in 2004 with a five-year mandate to establish permanent, representative governmental institutions and organize national elections. In 2009 a 550-member Transitional Federal Parliament (TFP), established under the internationally backed Djibouti Peace Process, extended the TFG's mandate until August 2011 and elected Sheikh Sharif Sheikh Ahmed as TFG president. On February 3, the TFP unilaterally extended its mandate by a further three years.

On June 9, following a six-month stalemate between the TFP and the TFG (collectively referred to as the Transitional Federal Institutions, or TFIs) over ending the transitional period, both the president and the parliamentary speaker, Sharif Hassan Sheikh Aden, signed the Kampala Accord. That accord extended the transition period to August 20, 2012, and stated that elections for president and parliamentary speaker should take place prior to that date. On September 6, the TFIs as well as regional and political stakeholders endorsed a Roadmap for Ending the Transition that includes the key essential tasks to be completed before August 2012. On December 13, members of the TFP passed a vote of no confidence against parliamentary speaker Sharif Hassan. The TFG, African Union, Intergovernmental Authority on Development, and Speaker Sharif Hassan himself all deemed the no-confidence vote to be a violation of the Kampala Accord and questioned whether the vote followed proper parliamentary procedure. At year's end Sharif Hassan remained in the speakership position.

Conflict-related abuses, including killings, displacement, and restriction of humanitarian assistance continued to severely impact civilians. According to the UN, there were 1.36 million internally displaced persons (IDPs) in the country and 955,000 persons had taken refuge in other countries, primarily due to conflict, famine, and drought. Approximately 300,000 Somali refugees arrived in Kenya, Ethiopia, Djibouti, and Yemen during the year. The rule of law was largely nonexistent. Al-Shabaab controlled most of the south and central regions, where it committed human rights abuses including killings, torture, restriction of humanitarian assistance, and extortion. On August 6, al-Shabaab withdrew from most areas of Mogadishu, but in the following months it continued attacks in the city.

In Mogadishu, Puntland, and Somaliland, severe human rights abuses included killings by security forces, militias, al-Shabaab, and unknown gunmen; restrictions on freedom of the press, including violence against journalists; and discrimination and violence against women and girls, including rape and female genital mutilation.

Other major human rights abuses included harsh and life-threatening prison conditions; arbitrary arrest and detention; denial of a fair trial; restrictions on freedom of assembly and association; corruption; restrictions on the right of citizens to peacefully change their government; child abuse; recruitment of child soldiers; trafficking in persons; abuse of and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor; and child labor. Al-Shabaab committed human rights abuses including extrajudicial killings; disappearances; cruel and unusual punishment; rape; restrictions on civil liberties and freedom of movement; restrictions on nongovernmental organizations (NGOs) and humanitarian assistance; and use of child soldiers. Militias, including those affiliated with the TFG, also committed abuses. Pirates abducted and killed persons.

TFG, Somaliland, and Puntland authorities generally did not take steps to prosecute or punish officials who committed abuses, and impunity was the norm.

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

a. Arbitrary or Unlawful Deprivation of Life

The TFG and allied militias, Somaliland and Puntland forces, al-Shabaab, and pirates committed arbitrary killings. Conflict continued to kill civilians and humanitarian workers were also killed (see section 1.g.).

TFG forces, affiliated militias, and persons in TFG uniform killed civilians, including a journalist (see section 2.a.), demonstrators (see section 2.b.), IDPs, and others.

For example, on February 15, members of former Mogadishu mayor Mohamed "Dheere's" TFG-allied militia killed four people and injured 12 others when they fired on a peace festival organized by the Benadir (Mogadishu) regional administration. On February 16, after pressure from the international community, TFG and African Union Mission in Somalia (AMISOM) forces arrested Dheere and four members of his militia suspected of being linked to the attack. On March 27, a court released Dheere due to lack of evidence. The four other suspects remained in detention without charge at year's end.

TFG forces killed persons during food distribution. For example, on August 5, in Mogadishu, TFG-affiliated forces looted a food distribution site at the Badbaado IDP camp, killing IDPs waiting in line for their food rations. After the incident the TFG established a special task force to offer protection for IDPs and humanitarian aid workers; however, the task force did not function effectively.

Defendants in many TFG military trials, which sometimes included civilian defendants, were not afforded legal representation or the opportunity to appeal (see also section 1.e.). Those sentenced to death were sometimes executed within hours of the court's verdict. The TFG stated that these severe sentences and immediate execution upon conviction were necessary to send a "strong message" in a culture of impunity. On March 16, a TFG military court ordered the execution of two soldiers found guilty of killing fellow soldiers. The two were executed 10 days later.

On October 30, police in Somaliland fired on civilians while trying to forcibly evict more than 50 households near the Hargeisa General Hospital, killing a Hargeisa University student and injuring three others. The residents had been living in vacated government buildings for more than 20 years and had previously demanded that Somaliland authorities settle them on alternate land or adequately compensate them for the money that they had spent on renovations.

The Puntland administration's use of force to respond to insecurity led to several deaths. On September 1-2, fighting broke out in the Garsoor neighborhood of North Galkacyo between Puntland police and the dominant local subclan after police attempted to arrest suspected al-Shabaab members. The fighting killed several persons in North Galkacyo and in neighboring South Galkacyo, Galmuduug, where Puntland forces entered without authorization from Galmuduug.

Al-Shabaab committed arbitrary and politically motivated killings, including of Puntland officials. On September 20, in Galkacyo, unidentified gunmen shot and killed parliamentarian Abdiweli Musa Shire "Dhuuke" while he was driving to his house.

Al-Shabaab attacks on local humanitarian workers, NGO employees, and foreign peacekeepers resulted in deaths during the year (see section 1.g.).

Al-Shabaab forces killed prominent peace activists, community leaders, clan elders, and their family members for their roles in attempted peace building. It frequently issued death threats against or killed persons it suspected of working for or having links to the TFG.

Al-Shabaab in the Juba, Bay, and Bakol regions arrested and beheaded several persons accused of spying. For example, on April 13, al-Shabaab ordered relatives of Hared Ali Durdur to collect his beheaded corpse from a Kismayo hospital two weeks after kidnapping him from his house. Al-Shabaab claimed Durdur had made telephone contact with TFG troops in Doble, Gedo region.

On August 14, al-Shabaab militants executed nine public transport workers – six drivers and three conductors – in the Afgoye corridor outside Mogadishu after they failed to comply with extortion demands.

Pirates also killed persons during the year. For example, on February 22, pirates operating in the Gulf of Aden killed four American hostages they had kidnapped on February 4.

During the year AMISOM forces killed a journalist, and unknown assailants also killed other journalists (see section 1.g. and 2.a.).

Fighting between clans, typically over water and land resources in Puntland, resulted in the killing or displacement of hundreds of persons. Authorities investigated very few cases, and there were no reports that any investigations resulted in formal action by local justice authorities. There were also frequent clan-based armed clashes in Galkacyo, Puntland, and surrounding nomadic villages, despite local efforts to mitigate clan conflict. Intermittent clashes over resources were also reported in the Mudug and Bari regions of Puntland and in the Galgaduud region.

Land mines throughout the country caused civilian deaths (see section 1.g.).

b. Disappearance

There were no confirmed reports that TFG, Puntland, or Somaliland authorities committed politically motivated or other disappearances during the year.

Al-Shabaab abducted persons during the year, including businesspersons who resisted its extortion demands. For example, on August 25, al-Shabaab militia abducted a Somali businessman at the Elesha Biyaha IDP camp on the outskirts of Mogadishu after he resisted extortion demands. His whereabouts were unknown at year's end.

The abduction of humanitarian and NGO workers, including by al-Shabaab, was a problem (see sections 1.g. and 5). NGO workers were kidnapped during the year.

The number of piracy-related kidnappings in the Gulf of Aden and the Indian Ocean declined from previous years as a result of international action and Puntland's antipiracy efforts. The International Contact Group on Piracy off the Coast of Somalia indicated that pirates were holding approximately 19 vessels and 268 persons at year's end.

Unlike in previous years, there were no reports that clans employed abduction as a tactic in their disputes.

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

The Transitional Federal Charter (TFC) provides for the right to physical security. The Puntland constitution provides for the right to physical security and protection of personal dignity. The Somaliland constitution similarly prohibits physical punishment and any other injury to the person.

There were reports that TFG forces and allied militias committed sexual violence, including rape, against women in and around Mogadishu IDP camps. Militias also reportedly raped women who were on their way to refugee camps in neighboring Kenya. In response the TFG prime minister announced on October 25 that he would form a task force on gender-based violence in the Prime Minister's office. Subsequently, he appointed a gender-based violence focal point. The focal point was not operational at year's end.

Somaliland authorities beat journalists (see also section 2.a.). For example, on September 10, Somaliland police physically assaulted Saleban Abdi Ali, a reporter for the newspaper *Waheen*, and detained him for several hours as he tried to attend a press conference called by the Somaliland interior minister.

On December 28, Puntland presidential security guards reportedly beat journalists attempting to cover a visit by the TFG president to Bosaaso.

There were several cases throughout the year of al-Shabaab abusing and imposing harsh punishment on persons in areas under its control. For example, on April 12, at the

Jowhar stadium, hooded al-Shabaab members amputated the right hands and left legs of three men alleged to have committed highway robbery. Al-Shabaab often forced members of the public to watch these types of punishment. Its interpretation of sharia (Islamic law) resulted in uneven, and in most cases, draconian sentencing (see section 1.e.). Canings, beatings, and other abuses were used to punish persons for activities such as participating in prohibited recreational activities and dressing in a way deemed improper. Al-Shabaab also employed intimidation, beating, and torture to extract confessions.

There were widespread press reports throughout the year of al-Shabaab combatants committing rape and forced marriages.

Female genital mutilation (FGM) was widespread (see section 6).

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening in all regions. Overcrowding; poor sanitation; lack of health care; and inadequate food, water, ventilation, and lighting were some of the harsh conditions that persisted in prisons and detention centers throughout the country. For example, in July a Puntland prison held some 500 inmates in a facility with a capacity of 200. Tuberculosis and pneumonia were widespread. Detainees' families and clans were generally expected to pay the costs associated with detention. In many areas prisoners depended on family members and relief agencies for food. Information on the prevalence of death in prison and pretrial detention centers was not available.

TFG prison officials reported that there were an estimated 400 prisoners in Mogadishu central prison. In mid-November the Justice Ministry director general told media that there were approximately 2,000 prisoners and detainees in Somaliland. Data on the number of prisoners and detainees in Puntland was unavailable.

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

Prisoners and detainees had access to visitors and were permitted religious observance. The TFG denied the European Union and UN access to its national security detention center in Mogadishu. Puntland and Somaliland authorities permitted prison monitoring by independent nongovernmental observers. There were no known visits by the

International Committee of the Red Cross (ICRC) to prisons in the country during the year; however, in Somaliland a prisons conditions management committee organized by the UN Development Program and composed of medical doctors, government officials, and civil society representatives continued to visit prisons. Prisons did not have ombudsmen and did not take steps to improve recordkeeping.

In Somaliland authorities investigated credible allegations of inhumane conditions. During an annual assessment of prison conditions conducted between July 13 and July 27, the House of Representatives' Judicial, Justice, and Human Rights Committee, with UN support, visited prisons/detention centers in four of the six Somaliland regions. In its report to parliament, the committee detailed congestion; inadequate water, food, and sanitation; and the lack of facilities to hold women and children.

In Puntland a 2010 UN independent expert report referred to "terrible detention conditions of the central prison of Garowe, in particular keeping prisoners in shackles."

Al-Shabaab operated dilapidated detention centers in areas under its control in the south and central regions. No statistics were available, but observers estimated that thousands were incarcerated in inhumane conditions for relatively minor "offenses" such as smoking, listening to music, watching or playing soccer, or not wearing the hijab.

d. Arbitrary Arrest or Detention

The TFG's national security forces, TFG allied militias, Somaliland and Puntland authorities, al-Shabaab, and various clan militias across the country continued to engage in arbitrary arrest and detention, including of journalists (see section 2.a.).

Local and international human rights organizations reported that the TFG made fewer arrests than in previous years and usually released detainees quickly.

Security forces in Puntland arbitrarily arrested people immediately after security incidents. Most of those arbitrarily arrested were journalists and Somalis from the south and central regions.

For example, on August 11, Puntland forces intercepted a convoy transporting Somaliland officials in the Sool region and arrested 19 people. One of the Somaliland officials was killed in the altercation and several others sustained injuries. Puntland authorities released eight of those arrested after determining that they were not Somaliland officials. On August 24, a Puntland court sentenced eight of the officials to prison terms ranging from five to 10 years for "destabilizing Puntland." On November 24, Puntland's president pardoned the eight officials.

Al-Shabaab militias across the south and central regions arbitrarily arrested persons for failing to pay levies it imposed upon them or support their actions against the TFG. For example, on May 17, al-Shabaab arrested 10 traditional elders in Kismayo for refusing to mobilize support against TFG forces. Al-Shabaab arrested 20 elders in El-buur on October 17 for collaborating with Ahlu Sunnah Wal Jama'a (ASWJ) on a planned offensive against al-Shabaab. Residents of the town demonstrated against the arrests, prompting al-Shabaab to release the elders after one week in detention.

Role of the Police and Security Apparatus

Police forces in Somalia fall under a mix of regional administrations and the TFG. In Mogadishu two separate police forces operated, one under the control of the TFG and the other under the Benadir Regional Administration. The TFG police are designated as the national police force and fall under the Ministry of Interior. The overall TFG police commandant is appointed by the TFG president. At year's end the TFG police did not have a presence outside of Mogadishu. Somaliland and Puntland both maintain police forces in their areas of control. Their respective police forces fall under their interior ministries.

Police were generally ineffective in the south and central regions, since much of the area remained under al-Shabaab's control. They were underpaid and corrupt. With the possible exception of a few UN-trained police known as the Somali Police Unit, members of the TFG police forces in Mogadishu often directly participated in politically based conflict and owed their positions largely to clan and familial links rather than to government authorities. As in previous years, there were some media reports that TFG troops engaged in indiscriminate firing on civilians, arbitrary arrests and detention, extortion, looting, and harassment.

On October 29, the Somaliland House of Representatives passed the National Security and Public Order Law establishing national, regional, and district security committees chaired by the president, regional governors, and district commissioners, respectively, with the ministers of interior and defense and chiefs of security agencies as members. Unlike the former National Security Committee, abolished in July 2010, these committees do not have extrajudicial powers to arrest and sentence citizens; the new law prohibits the security committees from bypassing the formal judicial system.

In the south and central regions, Puntland, and Somaliland, abuse by police and militia members was rarely investigated, and a culture of impunity remained a problem. Police generally failed to prevent or respond to societal violence.

Arrest Procedures and Treatment While in Detention

Previously codified law required warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification to arrestees of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections. However, adherence to these procedural safeguards was rare. There was no functioning bail system or equivalent. TFG security forces and corrupt judicial officers, politicians, and clan elders reportedly used their influence to have detainees released.

Arbitrary Arrest: TFG, Somaliland, and Puntland authorities arbitrarily arrested and detained numerous persons, including persons accused of terrorism and of supporting al-Shabaab. They frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests.

Authorities in Somaliland at times arrested clansmen of persons accused of murder. For example, the minister of interior ordered the arrest of nine clan members in relation to a December 5 incident in which three men were killed in Gebilay. They remained in detention at year's end.

e. Denial of Fair Public Trial

The TFC provides for an independent judiciary, but the judicial system remained largely nonfunctioning in the south and central regions. The TFC calls for a high commission of justice, a supreme court, a court of appeal, and courts of first instance. Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of traditional and customary law, sharia, and the penal code of the pre-1991 Siad Barre government.

Sharia was enforced in al-Shabaab-controlled areas.

The Somaliland constitution provides for an independent judiciary, but the judiciary was not independent in practice. Functional courts existed, although there was a serious shortage of trained judges and legal documentation upon which to build judicial precedence. Untrained police and other unqualified persons reportedly served as judges. The Judicial, Justice, and Human Rights Committee of the House of Representatives reported widespread interference in the judicial process by government officials. International NGOs reported that local officials often interfered in legal matters and that the public order law was often invoked to detain and incarcerate persons without trial.

On September 5, Somaliland police arrested *Waheen* reporter Ahmed Muse Mohamed "Sagaro" in the Togdheer region without a warrant. On September 7, a judge ordered him held in pretrial detention for a week. Sagaro was released on September 12, with the interior minister and chief public prosecutor as "guarantors" responsible for his future actions.

The Puntland interim constitution provides for an independent judiciary; however, there were reports that the administration intervened and influenced cases involving journalists. It also provides for a Supreme Court, courts of appeal, and courts of first instance. Despite these courts having some functionality, they lacked the capacity to provide equal protection under the law.

In many cases al-Shabaab relied on individuals with questionable knowledge of Islamic jurisprudence to administer its courts. Al-Shabaab's interpretation of sharia resulted in hasty, uneven, and in most cases, draconian sentencing. For example, on August 22, in the Dayniile District of Mogadishu, al-Shabaab executed by firing squad three men for espionage. Al-Shabaab also beheaded 12 youths in the Huriwaa and Dayniile districts of Mogadishu between the second and last week of August. No reason for the beheading was given; it was suspected that al-Shabaab believed the youths to be TFG spies. There were reports of al-Shabaab amputating the limbs of persons suspected of minor theft and stoning persons to death for suspected adultery.

Traditional clan elders mediated conflicts throughout the country. Clans frequently used traditional justice, which was swift. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals.

Trial Procedures

The TFC provides for the right of every person to legal proceedings in a competent court. It also states that every person enjoys the presumption of innocence, the right to be present at trial and consult with an attorney at any time, and adequate time and facilities to prepare a defense. It also provides for free legal services for individuals who cannot afford them. While not explicitly mentioned in the TFC, there was a presumption of the right to a public trial and jury, as well as rights pertaining to witnesses, evidence, and appeal. Most of these rights were not respected in practice in those areas that applied traditional and customary practices or sharia.

Although the public welcomed the establishment of a TFG military court in 2009 for its ability to address indiscipline and violations against civilians, concerns arose in 2011 over lack of due process and hasty sentences without fair trials handed down to both security personnel and civilians. Defendants in these military courts rarely had legal

representation or the right to appeal. Those sentenced to execution were sometimes executed within hours of the court's verdict (see also section 1.a.). On August 8, a military court sentenced three soldiers to death by hanging within hours of their arrest, for stealing mobile phones from Mogadishu's Bakara Market. An August 13 state of emergency decree gave military courts jurisdiction over crimes, including those committed by civilians, in parts of Mogadishu from which al-Shabaab retreated.

In December the military court's prosecutor general issued a press statement cautioning security personnel against holding detainees without presenting them for trial within 48 hours.

In Somaliland defendants generally enjoyed a presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney in all stages of criminal proceedings. Defendants could question witnesses and present witnesses and evidence and have the right to appeal. Somaliland provided free legal representation for defendants who faced serious criminal charges and were unable to hire a private attorney.

In Puntland, clan elders resolved the majority of cases using traditional methods known as "Xeer." Those with no clan representation in Puntland were subject to the administration's more formalized judicial system. In this system, as outlined in Puntland's interim constitution, defendants should have the presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney at all stages of criminal proceedings. Defendants could question witnesses, present witnesses and evidence, and have the right of appeal. However, there were alleged instances of political and executive interference in the determination of high profile political and security cases (see section 2.a.).

There was no functioning formal judicial system in al-Shabaab-controlled areas. In sharia courts defendants were not given the right to defend themselves, produce witnesses, or be represented by an attorney.

Political Prisoners and Detainees

TFG, Somaliland, and Puntland authorities arrested journalists during the year (see section 2.a.). Puntland authorities detained Somaliland officials (see section 1.d.).

Civil Judicial Procedures and Remedies

The inability of the judiciary to handle civil cases involving such matters as defaulted loans or other contract disputes encouraged clans to address these cases. There were no lawsuits seeking damages for, or cessation of human rights violations in any region.

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

The TFG provides for the sanctity of private property and privacy. The Puntland interim constitution and the Somaliland constitution also recognize the right to private property. There were reports that TFG, Puntland, and Somaliland authorities infringed on these rights, as did al-Shabaab.

On June 3, al-Shabaab entered the home of a family in Jowhar, Middle Shabelle, and confiscated television and satellite equipment it suspected of being used to watch the TFG-owned Somali National Television channel. In July al-Shabaab issued a formal edict forbidding Jowhar residents to watch Somali television channels, and there were numerous reports of al-Shabaab entering people's homes to enforce the ban. On August 10, al-Shabaab summoned all owners of satellite dishes and gave them three days to reposition their satellite to an eastward orientation, from which they could not receive Somali television channels, or have their dishes confiscated.

On several occasions al-Shabaab forcibly evicted people from their homes in order to house al-Shabaab leaders. For example, on May 31, al-Shabaab militia forcibly evicted homeowners in the Howlwadag neighborhood of Jowhar, including a prominent traditional elder.

Al-Shabaab forces withdrew from most of Mogadishu on August 6, abandoning homes and land it had previously confiscated from Mogadishu residents or which had been evacuated during clashes between Ethiopian forces and extremists in 2007. People slowly began returning to their homes afterwards, causing some disputes over land ownership. There was no mechanism to address such disputes.

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

Killings

Fighting during the year involving the TFG, its allied forces, and AMISOM against al-Shabaab resulted in the death and injury of thousands of civilians throughout Somalia and caused the displacement of many others. The NGO Elman Peace and Human Rights reported 1,400 civilian deaths in the first six months of the year in Mogadishu alone. UNICEF reported on November 15 that the conflict killed 100 children and injured 300 during the year. According to Human Rights Watch, al-Shabaab used schools as firing

positions, with the students inside. Before August 6, al-Shabaab conducted almost daily attacks against the TFG and AMISOM in Mogadishu; there were numerous reports of civilian deaths from these attacks and from TFG and AMISOM responses. International human rights observers accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and failure to take steps to minimize civilian harm. According to a World Health Organization (WHO) assessment, the three main hospitals in Mogadishu treated 7,799 weapon-related injuries between January 1 and December 18.

For example, on April 12, al-Shabaab mortar attacks killed two civilians and wounded more than 30 others when several artillery rounds intended for the TFP building landed in a nearby settlement. On June 9, a remote-controlled device killed nine TFG police and several civilians in Mogadishu's Hamar Jajab District. On June 16, clashes between ASWJ militia and al-Shabaab in Mogadishu's Howlwadag District killed an estimated 10 civilians and injured 22. On June 21, a roadside bomb planted by al-Shabaab targeting AMISOM and TFG troops killed four civilians, including two women, in the Hodan District of Mogadishu.

Artillery fire exchanges between AMISOM and al-Shabaab resulted in the death of more than a hundred civilians in Mogadishu's Bakara Market between January and June. Improved fire control and discipline by TFG and AMISOM forces in the second half of the year resulted in fewer deaths.

After withdrawing from Mogadishu on August 6, al-Shabaab increased asymmetric attacks. On October 4, a vehicle-borne improvised explosive device exploded in a compound housing several TFG ministries. The explosion killed more than 100 people, including several university students who were waiting in line to receive examination results for Turkish government scholarships. Al-Shabaab claimed responsibility for the attack.

On September 2, in Mogadishu, AMISOM troops killed Malaysian journalist Noramfaizul Mohd and wounded another after firing on the vehicle in which they were traveling. The journalists were accompanying a Malaysian charity that was conducting a humanitarian assessment. Following an inquiry into the incident, AMISOM issued an apology and recommended that the Burundian soldiers involved in the incident be tried under Burundian judicial processes. The Government of Burundi denied that its peacekeepers were involved in the shooting and requested an independent investigation through the African Union. At year's end the soldiers in question had not been tried, detained, or returned to Burundi and were still serving as peacekeepers in Mogadishu.

The October Kenyan offensive across the Kenyan/Somalia border toward Afmadow resulted in the flight of significant numbers of civilians from communities in the path of Kenyan forces. UNICEF reported that disruptions caused by the fighting between Kenyan forces and al-Shabaab resulted in the death of 24 children and the injury of another 60 during October.

On October 30, a Kenyan military airstrike in the town of Jilib, Middle Juba, reportedly hit an IDP camp. According to Doctors Without Borders, its clinic received five dead and 45 wounded, mostly women and children, from the incident. The Kenyan military spokesperson dismissed reports of civilian casualties and instead claimed the aerial bombs had hit al-Shabaab targets who used the IDPs as human shields.

Fewer cases involving land mines and unexploded ordnance were reported than in previous years. On July 16, on the outskirts of Hudur, Bakol region, two children were killed and another wounded when ordnance they were playing with exploded.

Militias fought among themselves in Mogadishu, particularly over the sharing of looted aid and extortion payments. For example, on August 30, armed clashes among TFG forces along Maka-al-Mukarama road killed 15 people, including six civilians. The clashes occurred after some TFG troops attempted to stop others from looting humanitarian food aid.

At least five aid workers were killed during the year. For example, on December 23, in Matabaan, Hiran, a gunman killed three Somali aid workers, including two World Food Program employees after the workers uncovered fraud at an IDP camp. The ASWJ arrested the gunman who was still in their custody at year's end pending the conclusion of an investigation.

Abductions

Humanitarian workers were abducted during the year; at year's end several humanitarians remained captive.

On December 14, al-Shabaab kidnapped three ICRC national staff members on the outskirts of Mogadishu. They had been summoned to a meeting with al-Shabaab in the Daynille district. Upon arrival, they were seized and held in a shipping container. They were released on December 15.

Physical Abuse, Punishment, and Torture

There were reports of TFG forces and allied militias committing sexual violence, including rape, against women in and around Mogadishu IDP camps (see also section 1.a., 2.d., and 6, Women). Irregular or clan militias also reportedly raped women who were traversing routes to refugee camps in neighboring Kenya.

There were many cases throughout the year of abuses, including harsh "punishment," by al-Shabaab in areas under its control (see sections 1.a., 1.b., and 1.e).

On September 4, the bodies of two beheaded men dumped in the al-Shabaab-controlled district of Huriwaa in Mogadishu were found. Deep cuts reportedly visible on their bodies indicated that they were physically abused before they were beheaded.

Child Soldiers

Reports continued of children being in the TFG's national security forces and allied militias. In the absence of established birth registration systems, it was often difficult to determine the exact age of recruits of national security forces. In Mogadishu military "camps" were not clearly defined, and soldiers lived and fought in close proximity to their families. Families – including soldiers' children – were sometimes present in the "camps."

According to a Human Rights Watch report, the TFG reportedly interrogated children who had been associated with al-Shabaab and escaped or were captured, detaining an unknown number of them in TFG camps and detention facilities.

In January the then prime minister appointed a TFG focal point to address child soldiering. During her seven-month tenure, the focal point did little to address this issue, citing a lack of resources. On July 15, the army chief of staff issued an instruction to all Somali National Army commanders directing them to ensure children were not among their forces. Toward year's end the TFG appointed two new focal points to address the issue. In addition, in December the army chief of staff appointed a child protection point of contact to work with the international community on developing and implementing a child soldier action plan.

TFG recruits trained by international partners in Bihanga, Uganda, were subjected to multiple levels of vetting, including interviews and medical screening. There were 960 recruits in the cohort that arrived in February, of whom 29 were rejected as too immature for training. The November cohort contained 650 recruits, none of whom were determined to be immature.

UN Mine Action Somalia implemented a biometric database which was designed to improve registration of TFG soldiers. This process was based on payroll lists and involved a screening interview but not a physical exam.

There were credible reports that children were included in Somalia's numerous clan and other militias. Pro-TFG militias, including ASWJ, frequently fought alongside or intermingled with Somali National Army troops and even wore similar uniforms.

In May UNICEF and the UN special representative of the secretary-general for children and armed conflict reported an increase in the recruitment of children, some as young as eight, in conflict areas in Somalia, largely in al-Shabaab-controlled areas. According to the UN, al-Shabaab recruited children as young as eight from schools and madrassahs. The children were often used to plant roadside bombs and other explosive devices. In Kismayo, Baidoa, and Merka, al-Shabaab forced boys 15 and older to fight as "Mujahideen" or be executed.

Human Rights Watch also reported forcible recruitment of children by al-Shabaab, with al-Shabaab often recruiting the children from schools or while they traveled to or from school. According to information from the NGO, children in al-Shabaab training camps underwent grueling physical training, weapons training, physical punishment, religious training, and had to witness the punishment and execution of other children. Al-Shabaab used children in combat, including by placing them in front of other fighters to serve as human shields, and also used them as suicide bombers. In addition, al-Shabaab used children in support roles such as carrying ammunition, water, and food; removing wounded and killed militants; gathering intelligence; and serving as guards.

On March 18, the TFG minister of information reported that top al-Shabaab leader Hassan Dahir Aweys admitted during a Friday mosque sermon that al-Shabaab was using children in the fight against the TFG. On January 12, the TFG reported it had reunited more than 20 minors with their families after they defected from al-Shabaab.

Other Conflict-related Abuses

A July 18 report of the UN Monitoring Group on Somalia and Eritrea described the security context and humanitarian operational environment facing aid agencies as being "among the most prohibitive in the world." Approximately 55 security incidents related to humanitarian personnel or assets occurred from January to August.

TFG forces and aligned militia looted and collaborated in the diversion of humanitarian aid from intended beneficiaries in Mogadishu. On August 21, in the Wajir District of Mogadishu, a TFG-allied militia attacked a distribution site and looted food aid. Other

TFG forces intercepted the militia and recovered the food. On July 13, in the Hodan District of Mogadishu, TFG forces and members of the public looted food aid from a warehouse. On November 1, the TFG spokesperson announced the TFG had fired the district commissioners of Hamar Jajab (Mogadishu) and Karan (Mogadishu) because of missing and looted aid and assaults on women collecting food.

Most international aid organizations evacuated their staff or halted food distribution and other aid-related activities in al-Shabaab controlled areas in prior years due to continued killings, extortion, threats, and harassment. An Inter-Agency Standing Committee on Somalia report released in October 2010 noted that "between October 2008 and September 2010, 18 humanitarian organizations stopped activities due to their direct expulsion by armed groups or as a consequence of interference in their programs." Al-Shabaab harassed and attacked remaining aid workers and NGO staff and looted aid meant for the drought and famine response. For example, on February 2, al-Shabaab imposed a 10 percent "tax" on the salaries of local NGO staff in Merka, claiming the revenue would be used to support drought victims.

Harassment hampered aid delivery, particularly in the south and central regions. International aid agencies increasingly relied on Somali staff and implementing partners to deliver relief assistance there.

For example, on July 6, in response to the worsening drought, al-Shabaab spokesperson Ali Mohamoud Raghe "Ali Dheere" announced that al-Shabaab would allow "Muslims and non-Muslims to help the drought-affected people ... if they did not have other interests." On July 22, al-Shabaab amended its announcement and stated only organizations not previously banned were allowed to come back. In November al-Shabaab banned 16 aid organizations and agencies, including the Office of the UN High Commissioner for Refugees (UNHCR), UNICEF, WHO, UN Population Fund, UN Office for Project Services, Food Security and Nutrition Analysis Unit, Norwegian Refugee Council, Danish Refugee Council, Concern, Norwegian Church Aid, Cooperazione Internazionale, Swedish African Welfare Alliance, German Agency for Technical Cooperation, Action Contre la Faim, and Solidarity and Saacid. Simultaneously al-Shabaab shut down WHO offices in Hudur, Bu'aale, Wajid, and Belet Weyne; UNICEF, WHO, and NGO offices in Baidoa; WHO and NGO offices in Hiraan; and NGO offices in Merka.

On December 15, the ICRC temporarily suspended the delivery of food assistance originating from Mogadishu to areas under al-Shabaab control. The suspension was in response to local al-Shabaab commanders stopping trucks carrying food assistance and demanding to check the cargo under the guise of inspecting the quality of the food,

although in actuality attempting to extort money. At year's end al-Shabaab in Jowhar, Middle Shabelle continued to hold several ICRC trucks loaded with food aid.

As a result of al-Shabaab's humanitarian access restrictions, taxation on livestock, and failed water redistribution schemes, many residents of al-Shabaab-controlled areas fled from their homes to refugee camps in Kenya and Ethiopia and to IDP camps in Puntland, Somaliland, and TFG-controlled areas of Mogadishu. Al-Shabaab restricted such movements, often forcing those trying to flee its territories into al-Shabaab IDP camps. Al-Shabaab also attempted to block persons from fleeing the country. Those who left al-Shabaab areas typically carried very few possessions, thereby reducing the likelihood that al-Shabaab militia would identify them as fleeing. On October 15, al-Shabaab in Lower Shabelle Region announced the closure of the Ala-Yasir IDP Camp in the Afgoye District. Al-Shabaab reportedly urged IDPs there to return to their places of origin in Lower Shabelle, Bay, and Bakool regions in order to cultivate abandoned fields during the Deyr rainy season. UN partners suggested that an estimated 4,000 IDPs, mainly women and children, may have been forced to return to their places of origin between October 13 and 18.

In Somaliland humanitarian access was generally good. However, attacks on humanitarian staff and assets were reported in parts of Buhoodle, Togdheer Region, which was the scene of clashes between Somaliland forces and Sool, Sanaag, and Cayn militia. On March 29, armed militia looted food aid after attacking a truck traveling to Sanaag Region.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The TFC and the Somaliland constitution provide for freedom of speech and of the press. The Puntland interim constitution provides for press freedom "as long as journalists respect the law." Nevertheless, journalists were subjected to violence, harassment, arrest, and detention in all regions. The National Union of Somali Journalists reported that four journalists were killed, seven were wounded, and 19 were arrested during the year. It also reported on violent attacks against media houses, as well as the use of defamation laws against journalists.

Freedom of Speech: Individuals in TFG controlled areas were generally not restricted from criticizing the government. However, the speaker of the TFP prohibited the parliament from convening its four month fall session due to fear that members would

want to discuss and possibly make changes to the Roadmap for Ending the Transition. In Somaliland and Puntland, individuals generally enjoyed the ability to criticize their governments publicly and privately without reprisal.

Freedom of Press: Print media consisted largely of short, photocopied dailies published in the larger cities. Several of these publications published criticism of political leaders and other prominent persons. In Somaliland there were seven independent daily newspapers and one published by the government. There were two English-language weekly newspapers. There were three independent television stations and one government-owned station.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC's Somali Service and the Voice of America's Somali Service, which transmitted Somali-language programs daily. There were reportedly eight FM radio stations and one shortwave 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 areas of the country. As in previous years, Somaliland authorities continued to prohibit the establishment of independent FM stations. The only FM station in Somaliland was government-owned. There were at least six independent radio stations in Puntland. Al-Shabaab continued to operate an FM radio station in Kismayo.

On October 30, Puntland's president announced he was suspending Universal TV and Somali Channel TV for being obstacles to security. Puntland authorities lifted the ban on Universal TV on December 3, but Somali Channel TV remained closed at year's end.

ASWJ and al-Shabaab closed broadcasting stations during the year. On June 2, ASWJ raided Dhusamareeb Radio, reportedly in reaction to the station's reporting on a rift in ASWJ leadership. ASWJ allowed Dhusamareeb Radio back on the air shortly after the incident. On June 22, al-Shabaab militia raided Voice of Hiraan, arrested its staff, and forced the station off the air for five days.

Violence and Harassment: Four journalists were killed in Mogadishu during the year (see also section 1.g.). For example, on December 18, an unknown gunman dressed in a TFG military uniform shot and killed prominent freelance journalist Abdisalan Sheikh Hassan "Xiis" in Mogadishu. On December 13, Hassan had filmed the proceedings of a controversial parliamentary vote to remove Parliamentary Speaker Sharif Hassan from office. After his footage was broadcast on Somali television, he began receiving death threats. The TFG issued a press statement promising to investigate the killing. The TFG had made no arrests by the year's end.

Journalists and media organizations in Mogadishu reported harassment by the TFG, including detention without charge and assaults on persons and property. On March 27, TFG security forces arrested Shabelle Radio manager Abdirashid Omar Qasse and news director Abdi Mohamed Ismail "Oud" in connection with the station's March 22 report that TFG President Sheikh Sharif had yet to visit areas of Mogadishu cleared of al-Shabaab during a recent offensive. The TFG claimed it arrested the journalists for "broadcasting news that misrepresented the situation in Mogadishu and was detrimental to national security." Authorities released the journalists on March 30 after they reportedly apologized to the deputy minister of information.

Somaliland police arrested and beat journalists (see also sections 1.b. and 1.e). For example, on September 19, they beat and briefly detained Mustafe Sheik Omar Ghedi, editor of *Saxafi* newspaper, for taking pictures of citizens resisting forceful eviction in the Goljano neighborhood of Hargeisa. On October 27, according to the National Union of Somali Journalists, Somaliland police in Hargeisa beat Mohamed Abdi Kahin "Boosh," who worked for Ramaasnews online news and the private station Royal TV, for taking pictures of protests.

Puntland continued its harassment of journalists, typically blaming arrests on the need to protect the region's security interests (see also section 1.a.). For example, on November 15, Puntland security forces raided, without warrants, the private residences of Somali Channel TV cameraman Mahad Abdi Ali in Garowe and reporter Saido-Kin Ahmad Jama. They took Mahad Abdi Ali to the Garowe central police station for questioning. Saido-Kin Ahmad Jama, who learned of the raid beforehand, was in hiding at the time of the raid. The two had apparently covered a subclan conference in Taleh, Sool Region, after Puntland authorities banned the station from operating. Authorities released Mahad Abdi Ali on November 16 on bail paid by the Media Association of Puntland.

Journalists were also attacked and injured in Puntland. For example, on August 26, a grenade attack on the privately owned Radio Daljir injured a security guard and damaged the station. On October 18, unknown assailants threw a hand grenade at the Radio Galkacyo station.

In November 2010 Puntland's president pardoned Abdifatah Jama Mire, the director of Horseed Media. Puntland forces arrested him in August 2010 for broadcasting an interview with a Muslim extremist leader.

Al-Shabaab and other extremists continued to harass journalists. Journalists reported that al-Shabaab threatened to kill them if they did not report positively on antigovernment attacks.

There were no arrests made in connection with previous killings or the attempted killing of journalists.

Censorship or Content Restrictions: Journalists engaged in rigorous self-censorship to avoid reprisals from governments and al-Shabaab. Al-Shabaab banned journalists from reporting news that undermined "Islamic law" as it interpreted it and also told persons in areas it controlled that they were forbidden to listen to international media such as the BBC and Voice of America.

Libel Laws/National Security: Both the TFG and Puntland administration cited national security concerns to justify their suppression of criticism. For example, during a July 2 press conference, Puntland's president threatened journalists with arrest if they broadcast reports the administration considered harmful to Puntland's security.

Authorities in Somaliland prosecuted journalists for libel. For example, on January 23, a court in Hargeisa sentenced *Waheen* editor Mohamud Abdi Jama to three years of incarceration and a fine for libel in regards to a story involving a state electricity company manager hiring persons from his own clan.

Somaliland senior officials and ministers used their positions to harass journalists who reported on official corruption. For example, in December 2010, then chief of cabinet Hersi Ali (who was the minister of the presidency at year's end) accused the *Hargeisa Star* and its chief editor Hassan Mohamed Yusuf of publishing false reports of excessive expenditures regarding a London trip by Somaliland president. Somaliland authorities summoned and briefly detained Hassan Yusuf; Hersi Ali later withdrew the charges against the newspaper and its editor in January.

Nongovernmental Impact: Al-Shabaab inhibited freedom of expression, including of the press.

Internet Freedom

The TFG and Somaliland authorities did not restrict access to the Internet; however, extremists in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists.

There was one case of Puntland security forces arresting an online journalist. On June 28, Puntland security forces arrested Faysal Mohamed Hassan "Boston" of Hiiraan Online for reporting that two men found beheaded on the outskirts of Bossaso were Puntland security force members. A Puntland court sentenced him on July 2 to one year in prison.

for "publishing false information." Puntland's president granted him and 90 other inmates amnesty on July 31 as part of Puntland's 13th-anniversary celebration.

Academic Freedom and Cultural Events

Academics practiced self-censorship. The Puntland administration required that individuals obtain government permits in order to conduct academic research. During the year there were no reported direct attacks on schoolchildren, teachers, or schools.

With the exception of al-Shabaab-controlled areas, there were no official restrictions on attending cultural events, playing music, or going to the cinema. The security situation effectively restricted access to and organization of cultural events in the south and central regions. One cultural event, organized by the Benadir administration in Mogadishu, was interrupted when a militia of the former Mogadishu mayor shot into the crowd, killing and wounding several people (see section 1.a.). In al-Shabaab-controlled areas, activities such as football and singing were banned.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The TFC and the Somaliland constitution provide for freedom of assembly. The Puntland interim constitution limits the right to assembly, including by prohibiting that which is considered to be against Islamic principles, or a risk to the public health, national security and stability, and moral dignity. General insecurity effectively limited this right in many areas.

The TFG restricted public gatherings and killed protestors during the year. On June 10, following the signing of the Kampala Accord, TFG forces fired to disperse a demonstration against President Sheikh Sharif and the Speaker of Parliament in Mogadishu, killing three persons.

On April 14, the Benadir regional administration banned public meetings and gatherings in Mogadishu that did not have its prior consent, citing security concerns. At the same time, the TFG reportedly paid demonstrators to participate in protests against a UN-sponsored consultative meeting on Somalia that was to be held in Nairobi, Kenya. On April 15, Benadir regional administration forces forcibly halted preparations for a rally in support of the Nairobi UN consultative meeting.

Al-Shabaab did not allow gatherings of any kind without prior consent.

Freedom of Association

The TFC provides for freedom of association, and there were no reports that the TFG restricted this freedom. Persons in the south and central regions outside of al-Shabaab areas could freely join civil society organizations focusing on a wide range of issues. Civil society organizations were generally well respected by Somalis for their ability to deliver social services in the absence of functional government ministries.

The Somaliland constitution provides for freedom of association, and this right was generally respected in practice. However, Somaliland authorities prevented civil society from participating in meetings related to the TFG or which it perceived as undermining Somaliland's sovereignty.

The Puntland interim constitution prohibits associations that are secretly organized on a military model, based on tribal denominations, or contrary "to the national interest." Some Puntland civil society members stated that oversight of and interference in their activities increased during the year. The Puntland administration prohibited civil society organizations from participating in activities related to the federal draft constitution process, including consultations with the drafting body and civic education activities.

c. Freedom of Religion

See the Department of State's [*2010 International Religious Freedom Report*](#).

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

The TFC guarantees the right of citizens to travel freely within the country. The Puntland interim constitution allows the law to restrict access to locations. The Somaliland constitution allows citizens and residents to move to any place of their choice and to leave and return to the country at will, subject to the law. In practice freedom of movement was restricted in some parts of the country.

In-country Movement: Ad hoc checkpoints operated by armed militias, clan factions, TFG-allied groups, and al-Shabaab inhibited movement and exposed citizens to looting, extortion, and harassment. There were reports of illegal checkpoints in Mogadishu run by warlords after al-Shabaab's August 6 withdrawal created a temporary power vacuum.

Foreign Travel: Few citizens had the means to obtain passports. Given widespread passport fraud, many foreign governments did not recognize the Somali passport as a valid travel document.

Internally Displaced Persons (IDPs)

The humanitarian situation significantly deteriorated from the previous year. The UNHCR estimated that there were 1.36 million IDPs across the country. Conflict, drought, and famine during the year resulted in continued displacement and large-scale new displacements. The UN declared famine in six areas in the south and central regions; three regions were subsequently downgraded by year's end. By year's end more than 955,000 Somali refugees had fled to other countries in the region. Many of new IDPs lived without basic services, settling primarily in the Afgooye corridor between Mogadishu and Afgooye, Lower Shabelle region. Famine conditions in the south and central regions led to an increase in IDPs in Puntland, Galmudug, and Somaliland regions during the year.

Laws and policies were in place to protect IDPs in accordance with the UN Guiding Principles on Internal Displacement. Authorities in the TFG, Somaliland, and Puntland provided some protection and assistance to IDPs, although the response in TFG areas was largely ineffective as a consequence of limitations on resources and capacity and poor coordination.

The July 18 report of the UN Monitoring Group on Somalia and Eritrea described the security context and humanitarian operational environment aid agencies faced in Somalia as "among the most prohibitive in the world" (see section 1.g.). TFG forces and aligned militia looted and collaborated in the diversion of humanitarian aid from intended beneficiaries in Mogadishu. Most international aid organizations evacuated their staff or halted food distribution and other aid-related activities in al-Shabaab-controlled areas due to continued killings, extortion, threats, and harassment. In November al-Shabaab banned 16 aid organizations and agencies. Al-Shabaab restricted movement, often forcing those trying to flee its territories to enter al-Shabaab IDP camps. On October 30, a Kenyan military airstrike in the town of Jilib, Middle Juba, reportedly hit an IDP camp. According to Doctors Without Borders, its clinic received five dead and 45 wounded, mostly women and children, from the incident (see section 1.g.).

Gender-based violence, including sexual assault of female IDPs, in Mogadishu was a problem, often with TFG-allied militias who were responsible for securing the camps as the alleged perpetrators (see also sections 1.a., 1.g., and 6, Women). For example, on August 21, TFG forces reportedly raped a woman in Badbaadho camp. Researchers of an international human rights organization noted there was significant evidence that the militia of the district commissioner in charge of Badbaadho was responsible for sexual violence there. The UN attributed the increase in such violence to the large number of

unregistered, unpaid, and untrained forces charged with protecting the camps. Local NGOs reported that public washrooms in the IDP camps were the most common places for sexual assaults. Perpetrators of such acts were generally not held accountable.

The Benadir administration acknowledged the rise of sexual violence in Mogadishu's camps and attributed the insecurity to a lack of perimeter fences around the IDP shelters, the result of a shortage of funds. On October 25, in response to pressure from the international community, the TFG prime minister announced that he would form a task force on gender-based violence in the prime minister's office. Subsequently he appointed an official to serve as focal point for the issue, but the new structure had not become functional by year's end.

There were widespread reports that armed bandits robbed and sexually assaulted women traveling within Somalia in the direction of refugee camps in Ethiopia and Kenya. Several women reported that al-Shabaab members had committed the violence as part of its war strategy to prevent a high influx of women reaching refugee and IDP settlements and the consequent desertion of al-Shabaab-controlled areas.

Puntland authorities sporadically engaged in forced return of individuals from the south and central regions, particularly those from Bay and Bakool. Puntland authorities arrested an estimated 400 young men from the south and central regions whom it suspected of being al-Shabaab members or of being economic migrants rather than IDPs fleeing drought. According to the UN Office of the High Commissioner for Human Rights, more than 1,500 IDPs from the south and central regions of the country were in detention in Puntland in 2011.

Al-Shabaab intercepted Somalis attempting to reach IDP camps in TFG-controlled areas in Mogadishu and refugee camps in Ethiopia and Kenya and forced them into al-Shabaab camps. Al-Shabaab also forced persons in al-Shabaab-controlled camps to move to the countryside, reportedly to raise cash crops for al-Shabaab.

Protection of Refugees

The UNHCR reported that 2,113 refugees and 5,850 registered asylum seekers resided in Somalia. Most of them were persons from the Oromiya and Ogadeni regions of Ethiopia who arrived in the country between 1996 and 2000.

Access to Asylum: The TFC states that political asylum may be granted to persons who flee their or another country because of political, religious, and cultural persecution. However, 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. Somaliland ended all registration of asylum seekers in 2008. According to the UNHCR, an unknown number of Ethiopians and others wanted to claim asylum in Somaliland.

Nonrefoulement: On September 4, the Somaliland deputy minister of interior issued an ultimatum demanding that foreigners residing in Somaliland illegally leave the area within 30 days. The deputy minister subsequently indicated that the directive would not affect conflict-displaced people from the south and central regions. The directive was seen to be aimed at Oromo from Ethiopia. International aid agencies estimated the number of unregistered Ethiopian immigrants in Somaliland potentially affected by the expulsion threat to be between 15,000 and 18,000. In anticipation of being forcibly removed, many refugees moved to border towns in Ethiopia.

On December 28, Somaliland authorities returned 15 registered refugees and five registered asylum seekers to Ethiopia in what Human Rights Watch termed a violation of the fundamental international prohibition against "refoulement." Police arrested the group on December 22 during a meeting between refugee leaders and Somaliland officials at the Interior Ministry in Hargeisa. They were discussing the situation of approximately 1,000 Ethiopians camped on premises known as the Social Welfare Centre, run by an international NGO for refugees and migrants in Hargeisa.

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

The TFIs largely failed to make progress during the year on key tasks necessary for a transition to a popularly elected federal government structure. Much of the south and central regions remained under the control of al-Shabaab. The Somaliland constitution provides citizens the right to change their government peacefully, and persons exercised this right in practice. The constitution of Puntland also provides citizens the right to change their government peacefully; however, this did not occur in practice as there has not been a direct election of representatives in Puntland.

Elections and Political Participation

Recent Elections: The TFC originally operated under a five-year mandate scheduled to expire in 2009; however, the TFP, under the Djibouti peace process, extended the initial mandate by another two years until 2011. Elections for president and parliamentary speaker, which should have occurred by August 2011, did not take place. On February 3, the TFP amended several articles of the TFC and unilaterally extended its mandate by

three years to August 2014, despite calls from civil society and regional/political entities for parliamentary reform and elections.

On June 9, regional leaders backed the "Kampala Accord," an agreement between the president and parliamentary speaker that included postponing elections to August 2012, the appointment of a new prime minister and cabinet, and holding a consultative meeting on ending the transition. On June 28, Abdiweli Mohamed Ali replaced Mohamed A. Mohamed "Farmajo" as prime minister, and on July 23, parliament endorsed a new cabinet. TFI, Puntland, Galmudug, and ASWJ representatives gathered in Mogadishu for a "High-Level Consultative Meeting" where they endorsed a Roadmap for Ending the Transition on September 6. The roadmap contained key transitional tasks to be completed by August 2012 and an accompanying implementation and monitoring structure.

On December 13, members of the TFP passed a motion of "no-confidence" against Parliamentary Speaker Sharif Hassan. However, the TFG, Sharif Hassan, the African Union, and the Intergovernmental Authority on Development deemed the vote a violation of the Kampala Accord, which stated that the "government and parliament will refrain from threats of impeachment of president, speaker, and deputies, as well as dismissal of parliament." They also questioned whether the vote was taken in accordance with proper parliamentary procedure. The parliamentarians argued, however, that the TFC, which the Kampala Accord enshrines as the preeminent law in Somalia, allowed them to remove the speaker. Sharif Hassan remained the speaker at year's end.

Al-Shabaab prohibited citizens in areas it controlled from participating in the federal government structure or changing their al-Shabaab administrators. Some al-Shabaab administrations, however, consulted local traditional elders on specific issues and allowed pre-existing district committees to remain in place.

Somaliland has a bicameral parliament with proportional clan representation and an elected president and vice president.

Somaliland presidential elections in June 2010 were described by international and domestic observers as generally free and fair. Somaliland laws prevented citizens in its region from participating in the TFIs, the federal draft constitution process, or consultative meetings on ending the political transition in Somalia. In November Somaliland's House of Representatives amended the 2001 presidential and local elections law, changing the minimum age requirement to participate in local elections from 35 to 25. On December 13, Somaliland's president signed the amended law.

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. In 2009 the council elected Abdirahman Mohamed Mohamud "Farole" as Puntland's president. Parliamentary representatives were seated by their respective clan elders in the six administrative regions, and the same 66 representatives announced in 2008 remained in office at year's end.

Political Parties: There were no official political parties in the south and central regions.

In January Somaliland's National Electoral Commission, representatives from the three registered political parties, civil society, and prominent individuals began a series of discussions on whether to open registration of new political parties. On August 20, the Somaliland president signed the Regulation of Political Associations and Parties Law. On September 4, he submitted the names of seven nominees for the Committee for the Registration of Political Associations and the Approval of National Parties to the House of Representatives, which approved the nominees. With a five-year mandate, the committee's tasks include registering new political associations to take part, along with the existing three parties, in local district council elections scheduled for April 2012.

Puntland's interim constitution limits the number of political parties to three and establishes conditions pertaining to their political programs, finances, and constitution with which they must comply. On July 12, the Puntland Parliament approved nine appointees to the Transitional Puntland Electoral Commission. The commission's mandate includes registering political parties to take part in preliminary district council elections in 2013.

Participation of Women and Minorities: The transition roadmap agreed to on September 6 specifically calls for women's participation on implementing bodies. The roadmap states that the committee to support the preparation of a draft constitution, the interim electoral commission, and the interim anticorruption commission should each have at least four female participants. The roadmap requires both the committee to undertake preparations for the adoption of the draft constitution and the committee charged with preparing recommendations and modalities for establishing a new federal parliament to have five female members. At year's end the committee to support the preparation of a draft constitution had been formed, and female inclusion adhered to the guidelines. The

committee for establishing a new federal parliament did not adhere to the requirements.

The Djibouti Peace Process mandated that 12 percent of the 550 seats in the TFP be filled by women; however, the number of female parliamentarians was 37, or 6.7 percent. There were 60 members of minority ethnic groups in the TFP. There was one woman and one ethnic minority member in the TFG cabinet under Prime Minister Mohamed and one woman and two minorities under Prime Minister Abdiweli. Civil society and minority groups continued to call for the abolition of the "4.5 system" under which minority clans were allocated a fixed and low number of parliamentary seats.

Somaliland had two women in its 82-member House of Representatives and one woman in the 82-member Guurti (House of Elders). Women were traditionally locked out of the Guurti (Somaliland's Upper House of Representatives). Positions left vacant by members of the Guurti, mostly by death, are filled by next of kin through inheritance. The cabinet included two women and no minorities. On September 7, the Somaliland president appointed a nine-person commission made up of cabinet members and parliamentarians and charged it with recommending ways to strengthen women and minorities' political participation. The committee had not released its report by year's end. The Somaliland Human Rights Commission elected a woman as its chairperson.

In Puntland there have never been any women on the Council of Elders. Traditional clan elders, who are exclusively male, select members of parliament leaving little opportunity for women to be selected. However, two women served in the 66-member parliament during the year. Each of Puntland's five regions was to nominate one female parliamentarian, but only two regions complied. The 18-person cabinet included one woman. It did not include members of minority groups. The nine-member Puntland Electoral Commission included one woman. The Puntland president appointed a woman as the Human Rights Defender.

Section 4. Official Corruption and Government Transparency

It was not known if the law provides for criminal penalties for official corruption. Officials engaged in corrupt practices with impunity. There was no regulatory or penal framework in any region to combat or punish official corruption. There existed no financial disclosure laws or laws providing for public access to government information.

Corruption was endemic within the TFIs. The July 18 Report of the UN Monitoring Group on Somalia and Eritrea cited corruption in the TFG to be among the "principal impediments to security and stabilization in southern Somalia." The International Crisis Group reported on February 21 a significant increase in the level of corruption, stating

that "a cabal within the regime presides over a corruption syndicate that is massive, sophisticated, and extends well beyond Somalia's borders."

The TFG established a Public Finance Management Unit in the prime minister's Office in 2010 and appointed Abdirazak Fartaag as its head. Its May 2011 report detailed discrepancies between TFG financial statements in 2009 and 2010 and the actual internal and external revenue received. The report claimed the TFG had received more than \$75.6 million in revenue, mainly bilateral donations from Arab states and Sudan, but could account for only \$9.4 million. After potential but unrealized revenue from the ports, Mogadishu airport, khat trade, and telecommunications sector were included, the TFG was missing approximately \$300 million, according to the report. The TFG called the report fictitious and in his inaugural speech to the cabinet in July TFG, President Sheikh Sharif publically challenged those accusing him of corruption.

In response to the management unit's report more than 120 parliamentarians signed a motion, presented to the deputy speaker on July 25, calling for the establishment of an ad hoc investigatory committee to look into the conduct of President Sheikh Sharif, former prime ministers Mohamed Abdullahi Mohamed Farmajo and Omar Abdirashid Sharmarke, and former finance ministers Hussein Abdi Halane and Sharif Hassan (the TFP speaker during the year). According to parliamentary procedures, the motion received enough votes to be presented to the wider parliament for debate. At year's end this debate had not occurred because the speaker blocked parliament from holding official meetings during the August-December parliamentary session due to concern that members would want to discuss and possibly make changes to the transition roadmap to stall progress.

The September 6 transition roadmap also called upon the TFG to complete tasks to increase transparency and accountability. The TFG was to: 1) enhance mechanisms for greater coordination and information sharing between Somali and international development and humanitarian agencies by September 19; 2) enact legislation and implement measures to fight corruption and abuse of public offices by October 19; 3) appoint "competent members" of an interim independent anticorruption commission by November 19; and 4) appoint a "competent" task force to prepare a report of all TFG revenue by December 19. To improve public finance management, the TFG was to formulate and approve a National Fiscal Budget for 2011-12 by December 31, review and update a Civil Service Code by January 2012, and initiate the process to develop a National Development and Recovery Strategy by February 2012. However, by year's end the TFG did not take significant action toward completion of these tasks.

A number of TFG ministers were named in a March 2010 UN monitoring report as engaging in visa-related scams. In response the TFG pledged to investigate; however, by year's end there was no indication that this had occurred.

During the year the TFG militia and allied forces continued to extort money from taxi, bus, and truck drivers, at times resulting in death.

There were no specific corruption allegations made against the Somaliland administration.

Al-Shabaab extorted increasingly high and unpredictable zakat and sadaqa taxes in the regions it controlled. It also diverted and stole humanitarian food aid.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups operated in areas outside of al-Shabaab-controlled territory, investigating and publishing their findings on human rights cases. However, security considerations constrained their ability to operate freely in the south and central regions. International and local NGOs generally worked without major restrictions in Puntland and Somaliland.

During the year attacks and incidents of harassment of humanitarian, religious, civil society, and NGO workers resulted in deaths. For example, on October 30, unidentified assailants in Galkacyo, Puntland, killed Abdikadir Yasin Jama, head of Mudug region's Puntland Development and Research Center. No one was arrested for Jama's killing by year's end. Abdikadir Yasin was the second center staff member killed during the year. On April 6, unknown assailants in Garowe killed the center's finance and administration manager, Mohamed Yasin Isse "Ilka'asse."

The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Elman Peace and Human Rights Center (EPHRC), Peace and Human Rights Network, Isha Baidoa Human Rights Organization in the Bay and Bakol regions, Coalition of Grassroots Women's Organization (COGWO), and other local human rights groups were active during the year. The DIJHRC, EPHRC, and COGWO continued to investigate and document human rights violations, study the causes of the continuing conflict in the Mogadishu area, and conduct human rights monitoring. The Mogadishu-based National Union of Somali Journalists continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, the Puntland Development and Research Centre, and several women's NGOs and civil society organizations also played a

role in promoting intraclan dialogue in Puntland and parts of the south and central regions.

The TFG was sometimes cooperative and responsive to their views. The TFG took concrete measures to combat child soldiering after continuing reports from human rights organizations that child soldiers were in its forces (see section 1.g.). However, in matters related to official corruption the TFG frequently dismissed the findings of international and local NGOs. The TFG, in response to an Amnesty International report on TFG military courts, defended swift sentencing without access to legal representation of both security force members and civilians as necessary in the security environment and needed to challenge the culture of impunity.

The Puntland administration repeatedly dismissed accusations it did not respect media freedom. The administration attributed its arrests of journalists to the journalists being irresponsible in their coverage of topics that threatened national security.

UN and Other International Bodies: The TFG participated in a review of its human rights record through the UN universal periodic review process during the year. The TFG fully accepted 151 recommendations from the process and partially accepted the remaining four.

Government Human Rights Bodies: To tackle abuses and strengthen human rights in their regions, both Somaliland and Puntland developed their independent human rights bodies during the year. Members of the Somaliland Human Rights Commission's (established by a parliamentary act in 2009 and signed into law in December 2010) were approved by parliament in June. Although an interim chairperson was elected in July, limited resources as well as inexperienced commissioners prevented the commission from being effective during the year. In June the Puntland president appointed a woman to be the region's human rights defender. However, the position had no accompanying legislation, leaving the appointee's mandate unclear. At year's end the Puntland parliament had not approved her nomination.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The TFC provides equal protection and benefit in regards to race, birth, language, religion, sex, or political affiliation but does not prohibit other forms of discrimination. The Somaliland constitution provides for equal rights and obligations regardless of color, clan, birth, language, gender, language, property, status, and opinion and prohibits discrimination on grounds of ethnicity, clan affiliation, birth, and residence. The Puntland interim constitution states that all citizens are equal before the law and prohibits discrimination based on color, religion, citizenship, origin, financial status,

opinion, political attitude, language, and ethnicity. It calls for women's independence and socioeconomic and political rights that are not contrary to sharia. However, antidiscrimination provisions were not effectively enforced in any of the regions.

Women

Rape and Domestic Violence: Laws prohibiting rape exist in Puntland, Somaliland, and TFG-controlled areas; however, they were almost never enforced. There are no laws against spousal rape. The UNHCR and UNICEF 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. TFG forces and militia members engaged in rape (see also sections 1.a., 1.g., and 2.d.). 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. The TFG, Puntland, and Somaliland prosecuted rape cases during the year. However, for the most part, formal structures were rarely used to address rape, particularly in TFG-controlled areas of the south and central regions. Victims suffered from subsequent discrimination based on the attribution of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence. In Somaliland gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and displaced rural populations living in urban areas. In December the director of the Sexual Assault Referral Centre reported that the incidents of rape of women under the age of 20 were on the increase in Hargeisa. The center, which had its offices inside the compound of Hargeisa general hospital, reported recording 10 rape cases on average per month. Many cases were not reported.

Domestic violence against women remained a serious problem. There were no laws specifically addressing domestic violence; however, both sharia and customary law address the resolution of family disputes. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women suffered disproportionately as a result of conflict.

In his August 29 report on the situation of human rights in Somalia, the UN independent expert cited increased sexual violence against women and noted that domestic violence, sexual violence, and harmful traditional practices such as FGM were common in all regions.

Female Genital Mutilation: See Section 6, Children.

Sexual Harassment: There were no laws pertaining to, data on, or government programs to address sexual harassment in any of the three regions. However, it was thought to be very widespread in all regions.

Reproductive Rights: In the country's overwhelmingly patriarchal culture, decisions regarding reproduction were often determined by a woman's husband. Women had very limited ability to decide freely and responsibly the number, spacing, and timing of their children. Women had very limited information about and little, if any, access to contraception. With inadequate health care, women rarely had skilled attendants during childbirth or essential obstetric and postpartum care. According to UNICEF, maternal mortality was extremely high (1,200 per 100,000 live births) due to complications during labor that often involved anemia, FGM, and/or a lack of medical care.

Discrimination: Women did not have the same rights as men and were systematically subordinated. Polygamy was permitted. By law girls and women could inherit only half the amount of property to which their brothers were entitled. Similarly, according to sharia and the local tradition of blood compensation, anyone found guilty of the death of a woman paid to the victim's family only half the amount required for a male.

Women formed a negligible part of those employed in both the formal public and private sectors because of girls' low education level. However, women were not discriminated against in owning or managing businesses, except in al-Shabaab-controlled areas. Al-Shabaab claimed women's participation in economic activities was anti-Islamic. There were no government programs in any region to combat economic discrimination against women.

Children

Birth Registration: Under the TFC, citizenship is derived from birth in Somalia or from one's father or from being in Somalia at the time of the TFC's signing in 2004. In the absence of a functioning central authority, births were not registered in Puntland or in the south and central regions. Under the Somaliland constitution, citizenship is derived from being a descendant of a person residing in Somaliland on June 26, 1960 or earlier. Birth registration occurred 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.

Education: Primary education was not compulsory, free, or universal. 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. In many areas children did not have access to schools other than madrassas.

In al-Shabaab controlled areas, "jihad" was included in the curriculum of elementary schools. In at least one case al-Shabaab offered AK-47 rifles as prizes for academic achievement. 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.

Child Abuse: Child abuse and rape of children were serious problems, although no statistics on its prevalence were available. There were no known efforts by regional governments to combat this practice. Children remained among the chief victims of continuing societal violence.

Harmful Traditional Practices: FGM was widespread throughout the country. As many as 98 percent of women and girls had undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland FGM is illegal, but the law was not enforced. International and local NGOs ran education awareness programs on the dangers of FGM, but there were no reliable statistics to measure the success of these programs. On December 13, Puntland's president signed a bill into law that outlawed female circumcision with the exception of "Sunna circumcision," which consists of the removal of the prepuce (retractable fold of skin) and/or the tip of the clitoris.

The practice of "asi walid," a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure, continued. Many of these juveniles were incarcerated with adults.

Child Marriage: Child marriage was prevalent. The minimum legal age for marriage was 15. However, in rural areas parents often married off their daughters as young as 12. In areas under al-Shabaab control, al-Shabaab arranged marriages between their soldiers and young girls and used the lure of marriage as a recruitment tool.

Sexual Exploitation of Children: Child prostitution was illegal in all regions. In al-Shabaab areas the penalty was flogging or even death by stoning. There is no formal statutory rape law or minimum age for consensual sex. Child pornography is not expressly prohibited. Sexual exploitation of children occurred. For example, girls may have been subject to forced prostitution in Garowe, and girls were also reportedly placed in pirates' homes to be exploited in sexual servitude.

Child Soldiers: The use of child soldiers was a problem (see section 1.g.).

Displaced Children: There was a large population of IDPs and children who live and work on the street (see section 2.d.).

Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's [*2011 Trafficking in Persons Report*](#).

Persons with Disabilities

Neither the TFC, nor the Somaliland constitution, nor the Puntland interim constitution specifically addresses discrimination on the basis of intellectual or physical disabilities, although they discuss support and/or protection for persons with disabilities more broadly. Under the TFC the state is responsible for the welfare of persons with disabilities, along with orphans, widows, war heroes, and the elderly. According to the Somaliland constitution, the state is responsible for the health, care, development, and education of mothers, children, the disabled, persons who have no one to care for them, and persons with mental disabilities. The Puntland interim constitution safeguards and advocates for the rights of orphans, persons with disabilities, and whoever needs the protection of the law. There are no laws to ensure building access for disabled persons.

In the absence of functioning governing institutions, the needs of most persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities and reported numerous cases of discrimination. Without a public health infrastructure, there were no specialized institutions to provide care or education for the mentally ill. It was common for such persons to be chained to a tree or restrained within their homes.

National/Racial/Ethnic Minorities

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

subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, Faqayaqub, and Gabooye. Inter-marriage between minority groups and mainstream clans was restricted by custom. Minority groups, often lacking armed militias, 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 suffer from numerous forms of discrimination and exclusion.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing homosexual acts. Sexual orientation was considered a taboo topic, and there was no public discussion of this issue in any region of the country. There were no reports of societal violence or discrimination based on sexual orientation.

Other Societal Violence or Discrimination

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 with HIV-positive parents also suffered discrimination, which hindered prevention efforts and access to services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The TFC grants workers the right to form and belong to unions and to strike. The Puntland interim constitution and the Somaliland constitution also protect workers' freedom of association, although the former limits the right to strike and the latter does not specifically mention the right to strike. The Somaliland constitution permits collective bargaining; collective bargaining is not addressed in the TFC or Puntland interim constitution. The TFC, Puntland interim constitution, and Somaliland constitution do not address antiunion discrimination or the reinstatement of workers fired for union activity, although the TFC states that "no worker shall be discriminated."

The TFG, Somaliland, and Puntland authorities generally respected the right to belong to unions, although one instance was reported in which Somaliland police arrested a union leader. There were no reported strikes during the year. Collective bargaining was not usually employed. Worker organizations were independent of government and political parties.

On December 7, Somaliland forces arrested and briefly detained Hassan Mohamed Yusuf, chairman of the Somaliland Journalist Association. Members of the Association linked Yusuf's arrest and the defamation charges subsequently filed to the organization's condemnation of the Somaliland attorney general's decision to suspend temporarily the registration of new private media houses.

There were no reports of antiunion discrimination by employers in practice. However, union members were targets of violence, threats, and arbitrary arrest and detention by authorities and al-Shabaab in all regions of Somalia.

b. Prohibition of Forced or Compulsory Labor

The pre-1991 penal code and the TFC prohibit all forms of forced and compulsory labor. However, TFG authorities lacked the capacity to enforce these laws, and forced labor occurred. Children and individuals from minority clans were reportedly used as porters in the khat trade as well as in farming and animal herding. The use of child soldiers was a problem (see section 1.g.). Al-Shabaab also forced persons in al-Shabaab-controlled camps to move to the countryside, reportedly to raise cash crops for al-Shabaab.

Also see the Department of State's [*2011 Trafficking in Persons Report*](#).

c. Prohibition of Child Labor and Minimum Age for Employment

It was unclear whether there was a minimum age for employment. The pre-1991 labor code prohibits child labor, provides a legal minimum age of 15 for most employment, prescribes different minimum ages for certain hazardous activities, and prohibits those under 18 from night work in the industrial, commercial, and agricultural sectors apart from that which engages family members only. However, the 2004 TFC states that the government shall establish by law the minimum age. The Somaliland Private Sector Act states that children younger than 18, if employed, must be given easy tasks which are not damaging to their health or mind.

Child labor was widespread. Recruitment and use of child soldiers was a problem (see section 1.g.). Young persons were commonly 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 even higher.

The TFG Ministries of Labor, and Social Affairs, Gender and Family Affairs are responsible for enforcing child labor laws. In Somaliland and Puntland, respectively, the Ministry of Family and Social Development and the Ministry of Labor, Youth, and Sports are responsible for such enforcement. In practice, however, none of these ministries enforced child labor laws.

Also see the Department of Labor's *2010 Findings on the Worst Forms of Child Labor*.

d. Acceptable Conditions of Work

There was no national minimum wage. During the year high inflation, continued insecurity, and other factors significantly decreased the standard of living in all areas of the country.

Although the TFC and the Somaliland constitution both include provisions for acceptable working conditions, there was no organized effort to monitor working conditions.

In Somaliland a standard workweek is 48 hours over five or six days. For intermittent work, the maximum amount an employee can work is 10 hours a day for six days a week. Employees are entitled to one day of rest a week (usually Friday) and one month of paid annual leave in addition to 12 public holidays. Employees are entitled to 25 percent of their remuneration when they work two overtime hours per day, which cannot exceed 48 hours of overtime per month. There was no information on the existence or status of foreign or migrant workers in the country.

In practice wages and working conditions were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of a worker's clan.