

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	661
Land:	Somalia
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2018 – Somalia
Udgivet:	13. marts 2019
Optaget på baggrundsmaterialet:	1. april 2019

Document #2004190

USDOS – US Department of State

Country Report on Human Rights Practices 2018 - Somalia

EXECUTIVE SUMMARY

President Mohamed Abdullahi Mohamed “Farmaajo,” following his election by a joint vote of the two houses of parliament in February 2017, led the Federal Government of Somalia (FGS), formed in 2012. President Farmaajo succeeded President Hassan Sheikh Mohamud, who peacefully stepped down from power following his electoral defeat. Members of the two houses of parliament were selected through indirect elections conducted from October 2016 through January 2017, with House of the People membership based on clan and Upper House membership based on state. The electoral process for both houses was widely viewed as flawed and marred with corruption, but the two houses of parliament elected President Farmaajo in a process viewed as fair and transparent. The government of the self-declared Republic of Somaliland in the northwest and the regional government of Puntland in the northeast controlled their respective jurisdictions. As these administrations exercised greater authority in their areas, they were also more capable of infringing on the rights of citizens. The administrations of Galmudug, Jubaland, South West State, and Hirshabelle did not fully control their jurisdictions. The terrorist organization al-Shabaab retained control of the Juba River Valley and maintained operational freedom of movement in many other areas in the south-central part of the country. Conflict during the year involving the government, militias, the African Union Mission in Somalia (AMISOM), and al-Shabaab resulted in death, injury, and displacement of civilians.

Civilian authorities did not maintain effective control over the security forces and had limited ability to provide human rights protections to society.

Human rights issues included unlawful or arbitrary killings of civilians by security forces, clan militias, and unknown assailants; forced disappearances; torture; arbitrary and politically motivated arrest and detentions, including of journalists; criminal libel; use of child soldiers; forced eviction, relocation and sexual abuse of internally displaced persons (IDPs); disruption, and diversion of humanitarian assistance; citizens’ lack of ability to change their government through free and fair elections; violence against women, partly caused by government inaction; trafficking in persons; criminalization of same-sex sexual conduct; and forced labor, including by children.

Impunity generally remained the norm. Government authorities took minimal steps to prosecute and punish officials who committed violations, particularly military and police officials accused of committing rape, killings, clan violence, and extortion.

Clan militias and the terrorist group al-Shabaab continued to commit grave abuses throughout the country; al-Shabaab committed the majority of severe human rights abuses, particularly terrorist attacks on civilians and targeted assassinations including extrajudicial and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations (NGOs), and the United Nations. They also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of speech, press, assembly, and movement. AMISOM troops killed civilians (see section 1.g.).

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

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

Government security forces and allied militias, other persons wearing uniforms, regional security forces, al-Shabaab, and unknown assailants committed arbitrary or unlawful killings. Government and regional authorities executed persons without due process. Armed clashes and attacks killed civilians and aid workers (see section 1.g.). Impunity remained the norm.

Military courts continued to try cases not legally within their jurisdiction and in proceedings that fell short of international standards. Federal and regional authorities sometimes executed those sentenced to death within days of the court’s verdict, particularly in cases where defendants directly confessed their membership in al-Shabaab before the courts or in televised videos. In other cases, the courts offered defendants up to 30 days to appeal death penalty judgements. National figures on executions were unreliable, but the UN Mission to Somalia (UNSOM) tracked 15 executions across the country between January and October. Human rights organizations questioned the military courts’ ability to enforce appropriate safeguards with regard to due process, the right to seek pardon, or commutation of sentence as well as to implement sentences in a manner that meets international standards.

Fighting among clans and subclans, particularly over water and land resources, occurred throughout the year, particularly in the regions of Hiiraan, Galmudug, Lower and Middle Shabelle, and Sool (see section 6). Revenge killings occurred.

Al-Shabaab continued to kill civilians (see sections 1.g. and 6). The killings included al-Shabaab’s execution of persons it accused of spying for and collaborating with the FGS, Somali national forces, affiliated militias, and western security forces. Al-Shabaab’s competitor Islamic State-Somalia targeted businesses leaders for extortion in urban in an attempt to leave the remote mountains in Puntland where it has operated the last three years. It then targets those businesses with violence when they do not pay up.

Unidentified attackers also killed persons with impunity, including members of parliament, judges, National Intelligence and Security Agency (NISA) agents, Somali National Army (SNA) soldiers, and other government officials, as well as journalists, traditional elders, and international organization workers.

b. Disappearance

There were no reports of kidnappings or other disappearances by or on behalf of government authorities. Al-Shabaab continued to abduct persons, including humanitarian workers and AMISOM troops taken hostage during attacks (see section 1.g.). Pirates continued to hold persons kidnapped in previous years.

Of the eight remaining Iranian fishermen kidnapped in 2015 by al-Shabaab in Somali waters near El-Dheer, Galguduud region, four were rescued in June.

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

The provisional federal constitution prohibits torture and inhuman treatment. Nevertheless, torture and other cruel, inhuman, or degrading treatment or punishment occurred. The UN Monitoring Group on Somalia and Eritrea (SEMG) reported an account of the torture and execution of al-Shabaab suspects by SNA troops in Barawe, Lower Shabelle region in May. A local police commander who investigated the incident was subsequently detained by the SNA in August, allegedly tortured and put on house arrest.

Government forces, allied militia, and other men wearing uniforms committed sexual violence, including rape (see section 1.g.).

Federal and regional authorities used excessive force against journalists, demonstrators, and detainees, which resulted in deaths and injuries.

NISA agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells as well as criminal groups despite having no legal mandate to arrest or detain. NISA held detainees for prolonged periods without following due process and mistreated suspects during interrogations.

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

Clan violence sometimes resulted in civilian deaths and injuries (see sections 1.g. and 6).

Prison and Detention Center Conditions

Prison conditions in most areas of the country remained harsh due to poor sanitation and hygiene, inadequate food and water, and lack of medical care. Conditions were better in Central Mogadishu Prison, but overcrowding was a problem. Two facilities--Garowe Prison in Puntland and Hargeisa Prison in Somaliland--met international standards and reportedly were well-managed. Prisons in territory controlled by al-Shabaab and in remote areas where traditional authorities controlled holding areas were generally inaccessible to international observers. Prison conditions in such areas were believed to be harsh and at times life threatening.

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

Only inmates in Central Mogadishu, Garowe, and Hargeisa prisons had daily access to showers, sanitary facilities, adequate food and water, and outdoor exercise. Inmates in most prisons relied on their family and clan to supplement food and water provisions.

Authorities generally required the families of inmates to pay the cost of health services; inmates without family or clan support had limited access to such services. Disease outbreaks, such as tuberculosis and cholera, continued to occur, particularly in overcrowded prisons, such as Mogadishu. Such outbreaks could be life threatening during the rainy season.

In January, one prisoner arrested for piracy died in Hargeisa prison. Prison officials stated that he died of natural causes due to lung problems, although he was found to have been physically abused.

The UN's Human Rights and Protection Group reported from an October prison monitoring mission that the prison in Beletweyne, Hirshabelle lacked medical personnel. In case of medical emergencies, prisoners were referred to the nearby SNA hospital.

Prison infrastructure often was dilapidated, and untrained guards were unable to provide security.

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

Al-Shabaab detained persons in areas under its control in the southern and central regions. Those detained were incarcerated under inhuman conditions for relatively minor “offenses,” such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab.

Administration: Most prisons did not have ombudsmen. Federal law does not specifically allow prisoners to submit complaints to judicial authorities without censorship. Somaliland law, however, allows prisoners to submit complaints to judicial authorities without censorship, and prisoners reportedly submitted such complaints.

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

Independent Monitoring: Somaliland authorities and government authorities in Puntland and Mogadishu permitted prison monitoring by independent nongovernmental observers during the year. Representatives from the UN Office on Drugs and Crime visited prisons in Bosasso, Garowe, Beletweyne, Borama, and Hargeisa several times. UNSOM representatives, other UN organizations, and humanitarian institutions visited a few prisons throughout the country. Geographic inaccessibility and insecurity impeded such monitoring in territory controlled by al-Shabaab or in remote areas where traditional authorities controlled detention areas.

d. Arbitrary Arrest or Detention

Although the provisional federal constitution prohibits illegal detention, government security forces and allied militias, regional authorities, clan militias, and al-Shabaab arbitrarily arrested and detained persons (see section 1.g.). The law provides for the right of persons to challenge the lawfulness of their arrest or detention in court, but only politicians and businesspersons could exercise this right effectively.

Role of the Police and Security Apparatus

The provisional federal constitution states that the armed forces are responsible for assuring the country's sovereignty, independence, and territorial integrity and that the national federal and state police are responsible for protecting lives, property, peace, and security. Police were generally ineffective and lacked sufficient equipment and training. In Mogadishu, for example, police lacked sufficient vehicles to transfer prisoners from cells to courts or to medical facilities. There were reports police engaged in corrupt practices.

AMISOM and the SNA worked to maintain order in areas of the southern and central regions. The FGS regularly relied on NISA forces to perform police work, often calling on them to arrest and detain civilians without warrants. Some towns and rural areas in the southern and central regions remained under the control of al-Shabaab and affiliated militias. The Ministry of Defense is responsible for controlling the armed forces. Police forces fall under a mix of local and regional administrations and the government. The national police force remained under the jurisdiction of the Ministry of Internal Security, while regional authorities maintained police forces under their areas' interior or security ministries.

Civilian authorities did not maintain effective control of security forces. Security forces abused civilians and often failed to prevent or respond to societal violence. Although authorities sometimes used military courts to try individuals believed to be responsible for abuse, they generally did not investigate abuse by police, army, or militia members; a culture of impunity was widespread.

The United Nations reported an increase in arbitrary arrests and detentions in the country between January and August. A total of 218 individuals were arrested during security operations and routine security screening. Most of those arrested were reportedly suspected of being al-Shabaab members, persons who had not paid taxes, and family members of security forces deserters.

The Ministry of Defense’s control over the army remained tenuous but improved somewhat with the support of international partners. At year’s end the army consisted of more than 15,000 soldiers, according to estimates by international organizations. The bulk of forces were located in Middle Shabelle and Lower Shabelle Regions, as well as in South West State and Jubaland. The Ministry of Defense exerted some control over forces in the greater Mogadishu area, extending as far south as Lower Shabelle region, west to Baidoa, Bay region, and north to Jowhar, Middle Shabelle region. Army forces and progovernment militia sometimes operated alongside AMISOM in areas where AMISOM was deployed. The federal police force maintained its presence in all 17 districts of the capital. AMISOM-formed police units complemented local and FGS policing efforts in Mogadishu. These police officers provided mentoring and advisory support on basic police duties, respect for human rights, crime prevention strategies, community policing, and search procedures. More than 300 AMISOM police officers worked alongside the formed units to provide training to national police.

Arrest Procedures and Treatment of Detainees

The provisional federal constitution provides for arrested persons to be brought before judicial authorities within 48 hours. The law requires warrants based on sufficient evidence and issued by authorized officials for the apprehension of suspects. The law also provides that arrestees receive prompt notification of the charges against them and judicial determinations, prompt access to a lawyer and family members, and other legal protections. Adherence to these safeguards was rare. The FGS made arrests without warrants and detained individuals arbitrarily. The government sometimes kept high-profile prisoners associated with al-Shabaab in safe houses before officially charging them. The law provides for bail, although authorities did not always respect this provision. Authorities rarely provided indigent persons a lawyer. The government held suspects under house arrest, particularly high-ranking defectors from al-Shabaab with strong clan connections. Security force members and corrupt judicial officers, politicians, and clan elders used their influence to have detainees released.

Arbitrary Arrest: Government and regional authorities arbitrarily arrested and detained numerous persons, including persons accused of terrorism and supporting al-Shabaab. Authorities frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests (see section 1.g.).

In August an aid worker was detained for six days in Gedo region after allegedly traveling to an al-Shabaab-controlled area.

On August 24, an assistant to the FGS deputy prime minister was detained in Somaliland while visiting family in Hargeisa.

Government and regional authorities arbitrarily arrested journalists.

Government forces conducted operations to arrest youths they perceived as suspicious without executing warrants.

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

e. Denial of Fair Public Trial

The provisional federal constitution states: “The judiciary is independent of the legislative and executive branches of government.” The civilian judicial system, however, remained largely nonfunctional across the country. 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 a combination of traditional and customary law, sharia (Islamic law), and formal law. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics. Authorities did not respect court orders. Civilian judges often feared trying cases, leaving military courts to try the majority of civilian cases.

In Somaliland, functional courts existed, although there was a serious shortage of trained judges, limited legal documentation upon which to build judicial precedent, and increasing allegations of corruption. Somaliland’s hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well-integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.

Puntland courts, while functional, lacked the capacity to provide equal protection under the law and faced similar challenges and limitations as courts in Somaliland.

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

Trial Procedures

The provisional federal constitution states: “Every person has the right to a fair public hearing by an independent and impartial court or tribunal, to be held within a reasonable time.” According to the provisional federal constitution, individuals have the right to a presumption of innocence. They also have the right to be informed promptly and in detail of the charges against them in a language they understand, although the constitution is unclear on whether the right to translation applies through all appeals. Detainees have the right to be brought before a competent court within 48 hours of

arrest, to communicate with an attorney of their choice (or have one provided at public expense if indigent), and to not be compelled to incriminate themselves. Authorities did not respect most rights relating to trial procedures. Clan politics and corruption often impeded access to a fair trial. The provisional constitution does not address confronting witnesses, the right to appeal a court’s ruling, the provision of sufficient time and facilities to prepare a defense, or the right to present one’s own evidence and witnesses.

Military courts tried civilians. Defendants in military courts rarely had legal representation or the right to appeal. Authorities sometimes executed those sentenced to death within days of the court’s verdict (see section 1.a.). Some government officials continued to claim that a 2011 state of emergency decree gave military courts jurisdiction over crimes, including those committed by civilians, in areas from which al-Shabaab had retreated. No clear government policy indicates whether this decree remained in effect, although the initial decree was for a period of three months and never formally extended.

In Somaliland, defendants generally enjoyed a presumption of innocence and the right to a public trial, to be present at trial, and to consult an attorney at all stages of criminal proceedings. The government did not always inform defendants promptly and in detail of the charges against them and did not always provide access to government-held evidence. The government did not provide defendants with dedicated facilities to prepare a defense but generally provided adequate time to prepare. The government provided defendants with free interpretation or paid for private interpretation if they declined government-offered interpretation from the moment charged through all appeals. Defendants could question witnesses, present witnesses and evidence in their defense, and appeal court verdicts.

Somaliland provided free legal representation for defendants who faced serious criminal charges and could not afford a private attorney. Defendants had the right not to be compelled to testify or confess guilt. A functioning legal aid clinic existed.

In Puntland, clan elders resolved the majority of cases using customary law. The administration’s more formalized judicial system addressed cases of those with no clan representation. Defendants generally enjoyed a presumption of innocence, the right to a public trial, the right to be present and consult an attorney at all stages of criminal proceedings, and the right to appeal. Authorities did not always inform defendants promptly and in detail of the charges against them. Defendants had the right to present their own witnesses and evidence. Authorities did not provide defendants with dedicated facilities to prepare a defense but generally provided adequate time to prepare. Puntland authorities provided defendants with free interpretation services when needed. The government often delayed court proceedings for an unreasonable period.

There was no functioning formal judicial system in al-Shabaab-controlled areas. In sharia courts, defendants generally did not defend themselves, present witnesses, or have an attorney represent them.

Political Prisoners and Detainees

The chief justice was not aware of any persons detained during the year for politically motivated reasons. Government and regional authorities arrested journalists as well as other persons critical of authorities, although arrests and harassment in Mogadishu substantially subsided following President Farmaajo’s election in February 2017.

Somaliland authorities continued to detain Somaliland residents employed by the federal government in Mogadishu, sometimes for extended periods. Somaliland authorities did not authorize officials in Mogadishu to represent Somaliland within or to the federal Somali government and viewed such actions as treason, punishable under the constitution of Somaliland.

On April 15, a poet who had composed a poem glorifying national unity was imprisoned for three years in Somaliland but was subsequently pardoned by Somaliland President Muse Bihi.

Civil Judicial Procedures and Remedies

There were no known lawsuits seeking damages for, or cessation of, human rights violations in any region during the year, although the provisional federal constitution provides for “adequate procedures for redress of violations of human rights.”

Property Restitution

In Mogadishu the government and nonofficial actors evicted persons, primarily IDP returnees, from their homes without due process (see section 2.d.).

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

According to the provisional federal constitution, “every person has the right to own, use, enjoy, sell, and transfer property” and the private home is inviolable. Nonetheless, authorities searched property without warrants.

During the year AMISOM and Somali forces retained control over several areas liberated from al-Shabaab in 2015. The return of IDPs to areas recently liberated continued to result in disputes over land ownership. There was no formal mechanism to address such disputes.

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

g. Abuses in Internal Conflicts

Killings: Conflict during the year involving the government, militias, AMISOM, and al-Shabaab resulted in death, injury, and displacement of civilians. Islamic State (IS)-Somalia claimed attacks against Somali authorities and other targets in Puntland, where it is based, and around Mogadishu, but there is little local reporting on its claims. State and federal forces killed civilians and committed sexual and gender-based violence, especially in and around Lower Shabelle. Clan-based political violence involved revenge killings and attacks on civilian settlements. Clashes between clan-based forces and with al-Shabaab in Puntland and the Galmudug, Lower Shabelle, Middle Shabelle, Lower Juba, Baidoa, and Hiiraan regions, also resulted in deaths.

According to UNSOM reports, between January and October, security force attacks against al-Shabaab, other armed groups or individuals, and civilians resulted in civilian deaths, with casualties attributed to state security actors (238 total deaths and injuries) and AMISOM (eight deaths and injuries). Al-Shabaab caused significant civilian casualties, including 611 deaths and injuries, during that period. Other militias were responsible for 77 deaths and injuries.

In addition, the UN’s Country Task Force on Monitoring and Reporting recorded 185 children killed and 228 children maimed from January through June, the majority at the hands of al-Shabaab.

According to UNSOM reports, 1,117 cases of civilian casualties, including killings and injuries, were recorded between January and October.

From January through June, the United Nations verified 140 incidents of rape and sexual violence involving 145 children.

In July non-AMISOM Kenyan Defense Force troops reportedly killed two Hormuud civilian telecommunication staff and destroyed a Hormuud building and antennae in Ceel Waaq, Gedo region.

Somali intelligence sources allege that IS-Somalia members killed telecommunications company owner Abdullahi Ali Omar in Bosaso in August for not paying a tax demanded by the group.

Al-Shabaab committed politically motivated killings that targeted civilians affiliated with the government and attacks on humanitarian NGO employees, UN staff, and diplomatic missions. Al-Shabaab often used suicide attacks, mortar attacks, and improvised explosive devices (IEDs). It also killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building, and it beheaded persons accused of spying for and collaborating with Somali national forces and affiliated militias.

In March al-Shabaab claimed responsibility for an IED attack that killed a humanitarian worker.

Abductions: Al-Shabaab often abducted AMISOM troops during attacks.

UNSOM recorded 176 abductions between January and August, a majority of which were caused by al-Shabaab.

Between January and September, the UN Monitoring and Reporting Mechanism reported nearly 1,300 verified incidents of children abducted by al-Shabaab, clan militias, or unknown armed elements.

Physical Abuse, Punishment, and Torture: Government forces, allied militias, men wearing uniforms, and AMISOM troops used excessive force, including torture, and raped women and girls, including IDPs. While the army arrested some security force members accused of such abuse, impunity was the norm.

Al-Shabaab also committed sexual violence, including through forced marriages.

According to the UN Mine Action Service, IEDs killed at least 280 persons and injured 220 between January and September, with civilians constituting 43 percent of casualties. Lower Shabelle and Banadir were the primary regions affected by IEDs.

Child Soldiers: During the year there were continued reports of the SNA and allied militias, the Ahlu Sunna Wal Jama (ASWJ), and al-Shabaab using child soldiers.

UN officials documented the recruitment and use through September of 1,800 children, primarily by al-Shabaab, which accounted for 85 percent of all grave violations against children, with the SNA, clan militias, the ASWJ, and other armed elements also reportedly recruiting children.

Implementation of the government’s 2012 action plan with the United Nations to end the recruitment and use of children by the national army remained incomplete.

Between January and September, the Ministry of Defense Child Protection Unit (CPU) provided training to hundreds of SNA soldiers at the sector headquarters level focused on preventing the recruitment of children into armed conflict. In April the CPU completed various activities with UNSOM and UNICEF in all five SNA sectors, including joint community outreach, SNA awareness training, and ‘youth-in-service’ screening missions. The CPU also developed radio and print media content regarding the prevention of child recruitment and conscription in armed conflict. The CPU participated in interministerial meetings with the Ministry of Women and Human Rights Development, as well as the Ministries of Internal Security, Justice, Health and Education. These activities aimed to increase the awareness of child protection activities, commonly accepted international humanitarian standards for the treatment of children associated with armed conflict, and development of interministerial cooperation in child protection efforts. In addition, the CPU continued to receive financial support from UNICEF to cochair the Children Associated with Armed Conflict Working Group.

In the absence of birth registration systems, it was often difficult to determine the age of national security force recruits.

Al-Shabaab continued to recruit and force children to participate in direct hostilities, including suicide attacks. According to the UN’s Country Task Force on Monitoring and Reporting, from January to July, 1,568 children were recruited and used by armed forces and groups in the country. Al-Shabaab accounted for at least 80 percent of that number.

Threats to parents, communities, and teachers for students’ release to al-Shabaab, and subsequent violent extremist student recruitment, increased following the April 2017 release of al-Shabaab’s primary and secondary curriculum. A UN report released during the year indicated that recruitment and use of boys and girls in conflict doubled from 2016 to 2017, with nonstate armed groups using detention, violence, and threats to force family members and teachers to hand over children. More than 2,000 children (2,087 boys and 40 girls) were recruited as child soldiers, an average of 160 children per month. There were reports of persistent targeting of children.

UNICEF and its partners provided protection services for 817 children (including 96 girls) who escaped from al-Shabaab or were released by armed forces. Reports of additional large-scale child recruitment continue. Al-Shabaab raided schools, madrassas, and mosques and harassed and coerced clan elders to recruit children. Children in al-Shabaab training camps were subjected to grueling physical training, inadequate diet, weapons training, physical punishment, and religious training. The training also included forcing children to punish and execute other children. Al-Shabaab used children in combat, including placing them in front of other fighters to serve as human shields and suicide bombers. In addition, al-Shabaab used children in support roles, such as carrying ammunition, water, and food; removing injured and dead militants; gathering intelligence; and serving as guards. The organization sometimes used children to plant roadside bombs and other explosive devices. The Somali press frequently reported accounts of al-Shabaab indoctrinating children at schools and forcibly recruiting students into its ranks.

Authorities transferred children separated from armed groups to UNICEF. In January, 36 children were rescued from al-Shabaab captivity in Middle Shabelle and transferred to a UNICEF-supported rehab center in Mogadishu.

In August the president of Puntland signed a decree pardoning children who were sentenced to many years of imprisonment for their association with al-Shabaab following their capture in 2016. The children were in a UNICEF-supported center in Garowe, awaiting transfer from Puntland to Mogadishu for additional care and eventually family reintegration.

Also see the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Other Conflict-related Abuse: Armed groups, particularly al-Shabaab but also government forces and militia, deliberately restricted the passage of relief supplies and other items indispensable to the survival of the civilian population as well as access by humanitarian organizations, particularly in the southern and central regions.

Humanitarian workers regularly faced checkpoints, roadblocks, extortion, carjacking, and bureaucratic obstacles.

Humanitarian organizations continued to face high levels of violence during the year. Between January and August, more than 85 violent incidents impacted humanitarian personnel, facilities, and assets, leading to the deaths of seven humanitarian workers, injury to 12, and the arrest and temporary detention of 12. Between January and August, authorities expelled two humanitarian workers from the country.

Between March and May, the International Committee for the Red Cross suffered two attacks; an IED exploded under a staffer's vehicle, and in May its compound was attacked. In March a local World Health Organization staffer was shot and killed in Mogadishu. Al-Shabaab was believed to be behind all these attacks. Also in May al-Shabaab militants abducted three beneficiaries of a cash-for-work water-catchment project in the Bay region of South West State for failing to abide by an al-Shabaab directive banning local communities from working on the project.

Al-Shabaab seized relief supplies. In the first quarter of the year, there were seven verified incidents of denial of humanitarian access, with two incidents being attributed to al-Shabaab. Conflict in contested territories of Sool and Sanaag, between Somaliland and Puntland, escalated early in the year, particularly around Tukaraq in the Sool region, restricting humanitarian access. NGOs reported incidents of harassment by local authorities in both Somaliland and Puntland.

Al-Shabaab restricted medical care, including by impeding civilian travel to other areas to receive care, destroying medications provided by humanitarian agencies, and closing medical clinics. In July after the SNA withdrew from Caad village, al-Shabaab took over the village and burned homes, destroyed wells, confiscated livestock, and blocked delivery of medical and commercial supplies.

International aid organizations evacuated their staff or halted food distribution and other aid-related activities in al-Shabaab-controlled areas due to killings, extortion, threats, harassment, expulsions, and prohibitions by al-Shabaab.

Because of fighting between al-Shabaab, AMISOM, and the SNA; al-Shabaab's humanitarian access restrictions and taxation on livestock; and the lack of security, many residents in al-Shabaab-controlled areas fled to refugee camps in Kenya and Ethiopia and IDP camps in other areas of the country.

Civilians reported that many residences were burned down during the fighting, prompting displacement of village residents. Some marginalized communities, particularly the Somali Bantu/Jareerweyn, reported they were victims of attacks with no recourse since regional administrations characterized incidents as clan conflicts.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The provisional federal constitution provides for freedom of speech, including for the press, but neither federal nor regional authorities respected this right. The Somali penal code criminalizes the spreading of “false news,” which it does not define, with penalties including imprisonment of up to six months. The government, government-aligned militias, authorities in Somaliland and Puntland, South West State, Galmudug, Jubaland, ASWJ, al-Shabaab, and unknown assailants killed, abused, and harassed journalists with impunity (see sections 1.a. and 1.g.).

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

The Puntland constitution limits freedom of opinion and expression through broadly worded limitations--including conformity with moral dignity, national stability, and personal rights of others--and allows for exceptions from the right to freedom of expression in times of war or other public emergency.

Freedom of Expression: Individuals in government-controlled areas risked reprisal for criticizing government officials, particularly for alleged official corruption or suggestions that officials were unable to manage security matters. Such interference remained common outside the capital, particularly in Puntland and Somaliland.

Press and Media Freedom: Independent media were active and expressed a wide variety of views, although self-censorship was common due to a history of arbitrary arrest of journalists and search and closure of media outlets that criticized the government. While there were no reports of such interference in Mogadishu since President Farmaajo’s election, it remained common outside the capital, particularly in Puntland and Somaliland.

Somaliland authorities continued to fine and arbitrarily arrest journalists for defamation and other alleged crimes, including meeting with colleagues. Prison terms ranged from a few days to several months, and fines could be as high as 573,000 shillings (\$1,000). Journalists were intimidated and imprisoned for conducting investigations into corruption or topics deemed sensitive, such as investment agreements regarding the Berbera Port or the conflict between Somaliland and Puntland over the disputed Sool and Sanaag regions.

Violence and Harassment: Between January and August, the United Nations documented 20 cases of arbitrary arrests and or prolonged detentions of journalists and other media workers, of which 12 occurred in Somaliland. During that same period, five media outlets were closed. On July 26, a Somali soldier in Mogadishu killed a television cameraman; the death allegedly resulted from a personal property dispute. On September 18, another journalist was stabbed to death in Galkayo. Investigations in neither case found evidence that the killings were carried out because of the journalists’ work.

In January, two journalists were sentenced to two years’ imprisonment in Somaliland on charges that included conducting propaganda against the state.

On January 13, NISA officers reportedly beat and harassed two journalists at an airport in Galkaayo during a visit by President Farmaajo. No investigation was reported despite requests by the Puntland Media Association.

On February 17, Somaliland police arrested the bureau chief of London-based Universal TV in response to a news report broadcast by the station earlier in February.

In April a journalist was arrested in Middle Shabelle after reporting on a clash between security forces. He was later released through negotiations between journalists and authorities.

In July a civil society activist was arrested in Garowe by Puntland police after making a Facebook post critical of the Puntland Government.

According to the Somaliland Journalists Association, local authorities continued to harass and arbitrarily detain journalists systematically.

Journalists based in the Lower Juba region continued to report that local security authorities harassed them.

Censorship or Content Restrictions: Journalists engaged in rigorous self-censorship to avoid reprisals.

In May Somaliland authorities banned two private television stations, accusing them of broadcasting propaganda and false news regarding the dispute between Somaliland and Puntland in Tukaraq, Sool region. Somaliland continued to punish persons who espoused national unification.

On June 13, in the midst of conflict between Somaliland and Puntland, the Puntland Ministry of Information instructed Puntland internet provider DSAT to remove the Somaliland television channel from the list of channels available in Puntland.

On June 19, the Hargeisa Regional Court ordered the suspension of *Waaberi*, the local newspaper, alleging the paper was not run by its registered owners.

Al-Shabaab banned journalists from reporting news that undermined Islamic law as interpreted by al-Shabaab and forbade persons in areas under its control from listening to international media outlets.

Libel/Slander Laws: Puntland and Somaliland authorities prosecuted journalists for libel.

On April 16, blogger Mohamed Kayse Mohamud was sentenced to 18 months in prison for comments he made in February calling Somaliland President Bihi a local, not national, president. Kayse’s lawyer said that police denied him access to Kayse during pretrial detention, which began February 7, and did not meet him until April 1, the first day of the trial.

National Security: Federal and regional authorities cited national security concerns to

suppress criticism and prevent press coverage of opposition political figures.

Internet Freedom

Authorities restricted access to the internet, but there were no credible reports that the government monitored private online communications without appropriate legal authority.

Al-Shabaab prohibited companies from providing access to the internet and forced telecommunication companies to shut data services in al-Shabaab-controlled areas.

According to the International Telecommunication Union, less than 2 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

Academics practiced self-censorship.

Puntland required individuals to obtain government permits to conduct academic research.

Except in al-Shabaab-controlled areas, there were no official restrictions on attending cultural events, playing music, or going to the cinema. The security situation, however, effectively restricted access to and organization of cultural events in the southern and central regions.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The federal provisional constitution provides for freedom of peaceful assembly, but the government limited this right. A general lack of security effectively limited this right as well. The federal Ministry of Internal Security continued to require its approval for all public gatherings, citing security concerns, such as the risk of attack by al-Shabaab suicide bombers.

In May Somaliland authorities in the Sool region arrested 57 demonstrators for staging a protest in support of Somali unity, including some in support of Puntland. All the demonstrators were later released.

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

Freedom of Association

The provisional federal constitution provides for freedom of association, but government officials harassed NGO workers. There were also reports that regional authorities restricted freedom of association. Al-Shabaab did not allow most international NGOs to operate.

Persons in the southern and central regions outside of al-Shabaab-controlled areas could freely join civil society organizations focusing on a wide range of problems. Citizens generally respected civil society organizations for their ability to deliver social services in the absence of functioning government ministries.

Regional administrations took steps to control or gain benefit from humanitarian organizations, including by imposing duplicative registration requirements at different levels of government; attempting to control humanitarian organization contracting, procurement, and staffing; and using opaque and vague taxation.

c. Freedom of Religion

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

d. Freedom of Movement

The provisional federal constitution states that all persons lawfully residing in the country have the right to freedom of movement, to choose their residence, and to leave the country. Freedom of movement, however, was restricted in some areas.

Abuse of Migrants, Refugees, and Stateless Persons: The country hosts a relatively small number of refugees, primarily from Yemen, Ethiopia, and Eritrea. Economic migrants also use the country as a transit point in route to the Gulf, which exposes them to exploitation and abuse primarily by human traffickers.

The government and Somaliland authorities cooperated with UNHCR and the International Organization for Migration to assist IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year dialogue continued between humanitarian agencies, the FGS, and regional authorities to remove checkpoints and facilitate movement of humanitarian assistance, food aid, and essential commodities.

In-country Movement: Checkpoints operated by government forces, allied groups, armed militias, clan factions, and al-Shabaab inhibited movement and exposed citizens to looting, extortion, harassment, and violence. Roadblocks manned by armed actors and attacks on humanitarian personnel severely restricted movement and the delivery of aid in southern and central sectors of the country.

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

Attacks against humanitarian workers and assets impeded the delivery of aid to vulnerable populations.

Somaliland prohibited federal officials, including those of Somaliland origin who purported to represent Hargeisa's interests in Mogadishu, from entering Somaliland. It also prevented its citizens from traveling to Mogadishu to participate in FGS processes or in cultural activities.

Foreign Travel: Few citizens had the means to obtain passports. In view of widespread passport fraud, many foreign governments did not recognize Somali passports as valid travel documents. Beginning August 1, Norway began recognizing Somali passports of all types.

Internally Displaced Persons (IDPs)

Continuing conflict during the year led to an increase in internal displacement. The country was home to more than 2.6 million IDPs. The food security situation continued to improve due to a sustained humanitarian response and an above-average rainy season, but needs remained critical. As of August, 4.6 million persons were in need of assistance, more than before the onset of the 2016 drought crisis.

UNHCR advocated for the protection of IDPs and provided some financial assistance given the group is a population of concern, and Somalis who have returned often wind up in IDP camps.

While government and regional authorities were more involved in the recent famine prevention and drought response than in prior years, their capacity to respond remained extremely limited. In addition, forceful evictions of IDPs continued. Since January more than 204,000 individuals have been evicted. Private persons with claims to land and government authorities, for example, regularly pursued the forceful eviction of IDPs in Mogadishu. Increased reports of sexual and gender-based violence accompanied increased displacement, including reports of incidents committed by various armed groups and security personnel.

Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the settlements.

Protection of Refugees

Refoulement: The provisional federal constitution states that every person who seeks refuge in the country has the right not to be returned or taken to any country in which that person has a well-founded fear of persecution. There was no official system for providing such protection to refugees.

Access to Asylum: The provisional constitution recognizes the right to asylum in accordance with international treaties; however, the FGS had yet to implement a legal framework and system to provide protection to refugees on a consistent basis. Authorities, however, granted prima facie status to most refugees, most of whom were Yemeni.

Employment: Employment opportunities were limited for refugees, Somali returnees, and other vulnerable populations. Refugee returnees from Kenya reported limited employment opportunities in the southern and central sections of the country, consistent with high rates of unemployment throughout the country.

Access to Basic Services: The FGS continued to work with the international community to improve access to basic services, employment, and durable solutions for displaced populations, although this remained a challenge primarily due to security, lack of political will, and financial constraints.

Section 3. Freedom to Participate in the Political Process

The provisional constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but citizens could not exercise that ability.

Elections and Political Participation

Recent Elections: In 2015 the FGS decided direct elections during the year would not be possible due to security concerns; it subsequently developed a plan for indirect elections by electoral colleges selected by elders. Indirect elections for the federal parliament's two houses, concluded in January 2017, and parliament elected the president in February 2017. Indirect elections for the lower house of parliament--the House of the People--expanded the electorate from 135 elders to 14,025 electoral college delegates selected by the elders; 51 delegates selected by clan elders were responsible for voting on each lower house seat, and delegates were required to include 30 percent (16) women and 10 youths.

In 2012 the Transitional Federal Government completed the 2011 Roadmap for Ending the Transition, collaborating with representatives of Puntland, Galmudug, the ASWJ, and the international community. The process included drafting a provisional federal constitution, forming an 825-member National Constituent Assembly that ratified the provisional constitution, selecting a 275-member federal parliament, and holding speakership and presidential elections. The FGS was scheduled to review and amend the provisional constitution and submit it for approval in a national referendum, but the process remained incomplete.

Somaliland laws prevent citizens in its region from participating in FGS-related processes, although the federal parliament includes members “representing” Somaliland.

In 2012 Puntland’s constituent assembly overwhelmingly adopted a state constitution that enshrines a multiparty political system. In 2014 Abdiweli Mohamed Ali “Gaas” defeated incumbent President Abdirahman Mohamed “Farole” by one parliamentary vote in a run-off election broadcast live on local television and radio stations. President Farole accepted the results. Parliament also elected Abdihakim Abdulahi as the new vice president. Presidential elections were scheduled for January 2019 after a new parliament is scheduled to be formed in December.

The South West State parliament was formed in 2015 following the 2014 state formation conference, during which traditional elders and delegates elected Sharif Hassan Sheikh Adam as the region’s first president. Elections were scheduled for November and were delayed until December 19.

In 2015 the FGS officially inaugurated the 89-member Galmudug assembly; the members had been selected by 40 traditional elders representing 11 subclans. Later that year the assembly elected Abdikarim Hussein Guled as Galmudug’s first president. The ASWJ refused to accept the election results and unilaterally established its own self-declared administration for those parts of Galmudug it controlled. In February 2017 Guled resigned, reportedly due to health problems. Ahmed Duale Gelle “Haaf” was elected in May 2017 and initiated reconciliation talks with the ASWJ.

Parliamentary elections in Somaliland, last held in 2005, were overdue by 13 years. Somaliland has a bicameral parliament consisting of an appointed 86-member House of Elders, known as the Guurti, and an elected 82-member House of Representatives with proportional regional representation. The House of Elders voted in March 2017 to further postpone parliamentary elections to April 2019. There were allegations the House of Elders was subject to political corruption and undue influence. In November 2017 Somalilanders overwhelmingly elected ruling Kulmiye Party candidate Muse Bihi president. Bihi was peacefully sworn in in December 2017.

In 2013 the FGS and Jubaland delegates signed an agreement that resulted in the FGS’s formal recognition of the newly formed Jubaland administration. Ahmed Mohamed Islam “Madobe” was selected as president in a 2013 conference of elders and representatives.

In 2016 the FGS launched the state formation conference for Hiiraan and Middle Shabelle regions, the final federal member state to be constituted within the federal system. The process concluded with the formation of Hirshabelle State, the formation of the Hirshabelle assembly, and the election of Hirshabelle president Ali Abdullahi Osole in 2016, although the state assembly voted to impeach Osole in August and elected Mohamed Abdi Waare in September. The state formation process was marred by allegations that the FGS president interfered with the process to influence the Somali presidential elections by placing his supporters in key positions in the new state

administration and providing for significant representation by his subclan. The traditional leader of the Hawadle subclan, a large constituency in Hiiraan, refused to participate.

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

Political Parties and Political Participation: In 2016 the president signed the political parties law, which created the first framework for legal political parties since 1969, when former president Siad Barre banned political activities after taking power in a coup. The law required that all politicians join a political party by the end of 2018. As of November, 25 national parties had registered with the National Independent Election Commission. Prior to the law, several political associations had operated as parties. The provisional constitution provides that every citizen has the right to take part in public affairs and that this right includes forming political parties, participating in their activities, and seeking election for any position within a political party.

The Somaliland and Puntland constitutions and electoral legislation limit the number of political parties to three and establish conditions pertaining to their political programs, finances, and constitutions.

In December 2017 NISA raided the home of the leader of the Wadajir Party, leading to a firefight that left five of his bodyguards dead. The party leader, Abdirahman Abdishakur Warsame, a vocal critic of President Farmaajo, was arrested and detained for two days. In January he filed suit against Farmaajo’s then chief of staff Fahad Yasin.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. Cultural factors, however, limited women’s participation. While roadmap signatories agreed that women should hold at least 30 percent of the seats in the federal parliament prior to the country’s transition to a permanent government, women were elected to only 14 percent of 275 seats in parliament in 2012. The 30 percent quota met significant resistance in 2016-17 from clan elders, political leaders, and religious leaders, but women’s representation in parliament increased to 24 percent. The 26-member cabinet had four women.

Civil society, minority clans, and Puntland authorities called for the abolition of the “4.5 formula” by which political representation was divided among the four major clans, with the marginalized “minority” clans combined as the remaining “0.5” share. This system allocated to marginalized clans and other groups a fixed and low number of slots in the federal parliament. Under the provisional constitution, the electoral process was intended to be direct and, thus, diverge from the 4.5 formula, but federal and regional leaders decided in 2016 to revert to the 4.5 formula in determining lower house composition.

Somaliland had two women in its 86-member House of Representatives. The sole woman occupying a seat in the House of Elders gained appointment after her husband, who occupied the seat, resigned in 2012. Women traditionally were excluded from the House of Elders. There were two female ministers among the 24 cabinet ministers.

A woman chaired the Somaliland Human Rights Commission, while a minority youth served as deputy chair. The Somaliland president engaged a presidential advisor on minority problems.

Women had never served on the Council of Elders in Puntland. Traditional clan elders, all men, selected members of Puntland’s House of Representatives. Two women served in the 66-member House of Representatives. The minister of women and family affairs was the only woman serving in the cabinet. The nine-member electoral commission included one woman.

Section 4. Corruption and Lack of Transparency in Government

Government officials frequently engaged in corrupt practices. The law provides for criminal penalties for corruption by officials, but the government did not implement the law effectively. In 2015 the SEMG noted the “apparent impunity enjoyed by those who have engaged in misappropriation of public finances perpetuates a culture of corruption in Somali politics.” President Farmaajo was elected on an anticorruption agenda and initially took few steps to address corruption. During the year Prime Minister Khayre acted more aggressively to address corruption throughout the government.

Corruption: Following years of pressure from the international community, Prime Minister Khayre directed a series of high-profile leadership changes and arrests at all levels of the government. He publicly condemned corruption and endorsed legislation aimed at creating more transparency in government budgeting and contracting. Corruption, however, remained an issue. The 2017 Communications Act created an independent communications commission intended to allow smaller companies a voice in an industry. In actuality, the majority of the seats went to Hormuud Telecom, essentially a monopoly with close ties to government, and smaller players were left out.

The Financial Governance Committee--an advisory body with no legal authority but responsible for reviewing all government contracts for more than 2.8 billion Somalia shillings (\$5 million)--consisted of FGS members from the Ministry of Finance, Central Bank, Office of the President, and Office of the Prime Minister, as well as the chair of the parliamentary finance committee and state attorney general. Four delegates were funded by international financial institutions. Although compliance among government ministries, departments, and agencies continued to improve, some ministries bypassed the governance committee when negotiating important public contracts.

The SEMG continued to report on the export of charcoal in violation of a UN Security Council ban. Charcoal production and export continued in areas controlled by al-Shabaab, the Jubaland administration, and Kenyan AMISOM forces; most of the illegal export was from Kismayo, according to the SEMG.

Somaliland had a national auditor and a presidentially appointed governance and anticorruption commission, but it did not prosecute any Somaliland officials for corruption.

Al-Shabaab extorted high and unpredictable “zakat” (a Muslim obligation to donate to charity) and “sadaqa” (a voluntary charity contribution paid by Muslims) taxes in the regions it controlled. Al-Shabaab also diverted and stole humanitarian food aid.

Financial Disclosure: The law does not require income and asset disclosure by appointed or elected officials. In March 2017 Prime Minister Hassan Ali Khayre asked cabinet officials to declare their assets, but the government provided no details on the submission requirements or verification mechanisms, and no officials have voluntarily declared their assets.

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

A number of local and international human rights groups operated in areas outside al-Shabaab-controlled territory, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Security concerns constrained NGOs’ ability to operate in southern and central areas. International and local NGOs generally worked without major restrictions in Puntland and Somaliland, although clan politics, localized violence, and perceived interference with traditional or religious customs sometimes curtailed NGO activity in these areas.

Authorities sometimes harassed or did not cooperate with NGOs, for example, by dismissing findings of official corruption. Harassment remained a problem in Somaliland.

In August the minister of planning tweeted that the government would request all international NGOs to establish a physical presence, including senior leadership, in the country before January 1, 2019, or risk deregistration.

Government Human Rights Bodies: The provisional federal constitution calls for the formation of an independent national human rights commission and a truth and reconciliation commission within 45 days and 30 days, respectively, of the formation of the Council of Ministers in 2012. In 2016 the FGS president signed the human rights commission bill into law, but commissioners were not appointed by year’s end. No action on the proposed truth and reconciliation commission was taken by year’s end. There was no formal government mechanism for tracking abuses.

Limited resources, inexperienced commissioners, and government bias restricted the effectiveness of the Somaliland Human Rights Commission and Puntland’s Human Rights Defender Office.

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

Women

Rape and Domestic Violence: The law criminalizes rape, providing penalties of five to 15 years in prison for violations. Military court sentences for rape included death. The government did not effectively enforce the law. There are no federal laws against spousal violence, including rape, although in 2016 the Council of Ministers approved a national gender policy that gives the government the right to sue anyone convicted of committing gender-based violence, such as the killing or rape of a woman. On August 28, the Somaliland president signed into law the Sexual Offenses Bill, which provides punishment up to 20 years’ imprisonment for perpetrators and compensation for victims. Puntland enacted a state law against sexual offenses in 2016 that provides for life imprisonment or the death penalty for offenses such as rape using a weapon. In 2017 Puntland opened its first forensic laboratory, and the attorney general hired 10 female lawyers to serve as experts in rape and sexual violence cases.

Somali NGOs documented patterns of rape perpetrated with impunity, particularly of female IDPs and members of minority clans.

Government forces, militia members, and men wearing uniforms raped women and girls. While the army arrested some security force members accused of such rapes, impunity was the norm.

IDPs and members of marginalized clans and groups suffered disproportionately from gender-based violence. Police were reluctant to investigate and sometimes asked survivors to do the investigatory work for their own cases. Some survivors of rape were forced to marry perpetrators.

Authorities rarely used formal structures to address rape. Survivors suffered from subsequent discrimination based on the attribution of “impurity.”

In April following a clan conflict, an opposing clan member raped and attacked a 13-year-old girl, causing grievous bodily injuries. The Galmudug government had not prosecuted the alleged perpetrator.

Local civil society organizations in Somaliland reported that gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs and male students. It often occurred in poorer neighborhoods and among immigrants, returned refugees, and displaced rural populations living in urban areas.

Domestic and sexual violence against women remained serious problems despite the provisional federal constitution provision prohibiting any form of violence against women. While both sharia and customary law address the resolution of family disputes, women were not included in the decision-making process.

Al-Shabaab also committed sexual violence, including through forced marriages. Al-Shabaab sentenced persons to death for rape.

Female Genital Mutilation/Cutting (FGM/C): Although the provisional federal constitution describes female circumcision as cruel and degrading, equates it with torture, and prohibits the circumcision of girls, FGM/C was almost universally practiced throughout the country.

After a 10-year-old girl died following the FGM/C process in July, Attorney General Ahmed Ali Dahir promised to carry out an investigation and to bring responsible parties to court. Two sisters, ages 10 and 11, bled to death in Arawda North village in Galdogob district, Puntland in September after undergoing FGM/C. No charges had been filed in either case.

Other Harmful Traditional Practices: Adultery in al-Shabaab-controlled areas was punishable by death. In May a woman was stoned to death in the town of Sablale, Lower Shabelle Region after al-Shabaab members accused her of polygamy.

Sexual Harassment: The provisional federal constitution states that workers, particularly women, shall have a special right of protection from sexual abuse and discrimination. Nevertheless, sexual harassment was believed to be widespread.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women did not have the same rights as men and experienced systematic subordination to men, despite provisions in the federal constitution prohibiting such discrimination. Women experienced discrimination in credit, education, politics, and housing. In 2016, five months after the Council of Ministers approved a national gender policy to increase women’s political participation, economic empowerment, and the education of girls, the Somali Religious Council publicly warned the government against advocating for women in politics. The council called the 30 percent quota for women’s seats in parliament “dangerous” and against Islamic religious tenets and predicted the policy would lead to disintegration of the family. When the minister for human rights and women tabled the sexual offenses bill, religious clerics called for her to be criminally charged.

Only men administered sharia, which often was applied in the interests of men. According to sharia and the local tradition of blood compensation, anyone found guilty of the death of a woman paid to the victim’s family only half the amount required to compensate for a man’s death.

The exclusion of women was more pronounced in al-Shabaab-controlled areas, where

women’s participation in economic activities was perceived as anti-Islamic.

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

Children

Birth Registration: The provisional federal constitution provides that there is only one Somali citizenship and calls for a special law defining how to obtain, suspend, or lose it. As of year’s end, parliament had not passed such a law.

According to UNICEF data from 2010 to 2015, authorities registered 3 percent of births in the country. Authorities in Puntland and in the southern and central regions did not register births. Birth registration occurred in Somaliland, but numerous births in the region were unregistered. Failure to register births did not result in denial of public services, such as education.

Education: The provisional constitution provides the right to a free education up to the secondary level, but education was not free, compulsory, or universal. In many areas, children did not have access to schools. Nearly one-half of the student-age population remained out of school due to barriers such as poverty in rural areas, poor school safety, exorbitant school fees, and competing household and labor demands. NGOs and nonstate private actors attempted to fill this gap, but with different curricula, standards, and languages of instruction. Preprimary Islamic education continued to be prevalent, and often led to late primary student enrollment. Girls faced additional challenges of early marriage and low prioritization of girls’ education, leading to even lower attendance. There was an insufficient supply of qualified teachers, particularly female teachers.

The government lacked funds to provide effective education countrywide, a gap partially filled by NGOs and nonstate private actors, and its reach was often limited to more secure urban areas.

Child Abuse: Child abuse and rape of children were serious problems and there were no known efforts by the government or regional governments to combat child abuse. Children remained among the chief victims of continuing societal violence.

The practice of “asi walid,” whereby parents placed their children in boarding schools, other institutions, and sometimes prison for disciplinary purposes and without any legal procedure, continued throughout the country.

Early and Forced Marriage: The provisional federal constitution requires both marriage partners to have reached the “age of maturity” and defines a child as a person younger than 18. It notes marriage requires the free consent of both the man and woman to be legal. Early marriages frequently occurred. In areas under its control, al-Shabaab

arranged compulsory marriages between its soldiers and young girls and used the lure of marriage as a recruitment tool. There were no known efforts by the government or regional authorities to prevent early and forced marriage.

Sexual Exploitation of Children: Child prostitution is illegal in all regions. There is no statutory rape law or minimum age for consensual sex. The law does not expressly prohibit child pornography. The law on sexual exploitation was rarely enforced, and such exploitation reportedly was frequent.

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

Displaced Children: There was a large population of IDPs and children who lived and worked on the streets.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>).

Anti-Semitism

There was no known Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The provisional federal constitution provides equal rights before the law for persons with disabilities and prohibits the state from discriminating against them. Authorities did not enforce these provisions. The provisional federal constitution does not discuss discrimination by nongovernmental actors.

The needs of most persons with disabilities were not addressed. According to Amnesty International, persons with disabilities faced daily human rights abuses, such as unlawful killings, violence including rape and other forms of sexual violence, forced evictions, and lack of access to health care or an adequate standard of living. Children and adults with all types of disabilities were often not included in programs aimed at supporting people in the country, including humanitarian assistance. IDPs were often victims of multiple forced evictions. Domestic violence and forced marriage were

prevalent practices affecting persons with disabilities. Women and girls with disabilities faced an increased risk of rape and other forms of sexual violence, often with impunity, due to perceptions that their disabilities were a burden to the family or that such persons were of less value and could be abused.

Without a public health infrastructure, few services existed to provide support or education for persons with mental disabilities. It was common for such persons to be chained to a tree or restrained within their homes.

Local organizations advocated for the rights of persons with disabilities with negligible support from local authorities.

National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas, the predominant clan excluded members of other groups from effective participation in governing institutions and subjected them to discrimination in employment, judicial proceedings, and access to public services.

Minority groups, often lacking armed militias, continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

In September an ethnically Bantu man in Mogadishu was burned to death by the family of his recently married nephew's wife because they belonged to a higher-ranking clan.

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

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

Same-sex sexual contact is punishable by imprisonment for three months to three years. The country's penal code classifies sexual violence as an “offense against modesty and sexual honor” rather than as a violation of bodily integrity, and punishes same-sex intercourse. The law does not prohibit discrimination based on sexual orientation or gender identity. There were no known lesbian, gay, bisexual, transgender, and intersex (LGBTI) organizations and no reports of events. There were few reports of societal violence or discrimination based on sexual orientation or gender identity due to severe societal stigma that prevented LGBTI individuals from making their sexual orientation or gender identity known publicly. There were no known actions to investigate or punish those complicit in abuses. Hate crime laws or other criminal justice mechanisms do not exist to aid in the prosecution of bias-motivated crimes against members of the LGBTI community.

HIV and AIDS Social Stigma

Persons with HIV/AIDS continued to face discrimination and abuse in their local communities and by employers in all regions. The United Nations reported that persons with HIV/AIDS experienced physical abuse, rejection by their families, and workplace discrimination and dismissal. Children of HIV-positive parents also suffered discrimination, which hindered access to services. There was no official response to such discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The provisional federal constitution provides for the right of every worker to form and join a trade union, participate in the activities of a trade union, conduct legal strikes, and engage in collective bargaining. No specific legal restrictions exist that limit these rights. The law does not provide limits on the scope of collective bargaining. The provisional federal constitution does not address antiunion discrimination or the reinstatement of workers fired for union activity. Legal protections did not exclude any particular groups of workers. While penalties for violating the provisions of the 1972 labor code included six months in jail, the government lacked the capacity to enforce applicable laws effectively.

Government and employers did not respect freedom of association or collective bargaining rights. The government interfered in union activities. In June the FGS transmitted a memorandum of understanding signed between the Ministry of Labor and Social Affairs and the Federation of Somali Trade Unions (FESTU) agreeing to develop a shared set of enforceable principles, noting that FESTU is the most representative national trade union organization in the country, that the FGS and FESTU should establish a tripartite dialogue, and that the head of FESTU represents as worker delegate for the country. Two affiliated unions claimed that in February government officials called the hotels where they were holding meetings and asked the hotels to cancel the reservations for the unions.

In June FESTU became accredited to the International Labor Organization (ILO's) International Labor Conference to represent Somali workers after the International Trade Unions Confederation (ITUC) submitted an objection against government-accredited persons who attended as workers' delegates. The delegates were not trade union representatives and not genuine officials of FESTU. The FGS had accredited representatives over the past four years who FESTU argued were not genuine trade unionists. The ILO's Credentials Committee agreed with the objection of ITUC and revoked the credentials of individuals accredited by the government as workers representatives, allowing FESTU leaders to be accredited as official delegation, representing workers of Somalia at the conference.

b. Prohibition of Forced or Compulsory Labor

The provisional federal constitution prohibits slavery, servitude, trafficking, or forced labor for any purpose. Authorities did not effectively enforce the law. Under the pre-1991 penal code, applicable at the federal and regional levels, the penalty for slavery is imprisonment for five to 20 years. The penalty for using forced labor is imprisonment for six months to five years. Although the penalties appeared sufficiently stringent, they were rarely enforced. There were no known efforts by the government to prevent or eliminate forced labor in the country. The Ministry of Labor and Social Affairs did not have an inspectorate and did not conduct any labor-related inspections.

Forced labor occurred. Children and minority clan members were reportedly used as porters to transport the mild narcotic khat (or “miraa”) and in farming and animal herding, crushing stones, and construction. Al-Shabaab forced persons in their camps to move to the countryside, reportedly to raise cash crops for the organization.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

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 younger than 18 from night work in the industrial, commercial, and agricultural sectors, apart from work that engages family members only. The provisional federal constitution states, “No child may perform work or provide services that are not suitable for the child’s age or create a risk to the child’s health or development in any way.” The provisional federal constitution defines a child as any person younger than 18.

The federal Ministries of Labor and Social Affairs and of Women and Human Rights Development, as well as the Somali National Police, are responsible for enforcing child labor laws. The ministries, however, did not enforce these laws. Many of the laws related to the commercial exploitation of children are included in the 1962 penal code. These laws were not adequate to prevent child labor, as many of the fines were negligible due to inflation. The government participated in campaigns to remove children from participation in armed conflict (see section 1.g.).

Child labor was widespread. The recruitment and use of child soldiers remained a problem (see section 1.g.). Youths commonly worked in herding, agriculture, household labor, and forced begging from an early age. Children broke rocks into gravel and worked as vendors and transporters of cigarettes and khat on the streets. UNICEF estimated that 49 percent of children between the ages of five and 14 were in the workforce between 2009 and 2015.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination regarding race, sex, disability, political opinion, color, language, or social status, but the government did not effectively enforce those laws and regulations. The labor code requires equal pay for equal work. According to the 1972 labor code, penalties included imprisonment up to six months and/or a fine of not more than 1,000 Somali shillings (less than one dollar). Penalties were not sufficient to deter violations. The law does not prohibit discrimination on the basis of religion, age, national origin, social origin, sexual orientation or gender identity, or HIV-positive status or other communicable diseases.

Bantu communities, primarily living between the Juba and Shabelle rivers in southern Somalia, continued to face discrimination, including verbal abuse, and being forced to adopt Arabic names. The discrimination was renewed in IDP camps, where Bantu women were not protected by traditional clan structure. Ethnic Bantu Federal Parliamentarian Mohamed Nur spoke before the Parliament about his experiences confronting prejudice in the country.

e. Acceptable Conditions of Work

There was no national minimum wage. According to the World Bank, 69 percent of the population covered by the Somali High Frequency Survey Wave Two lived in poverty.

The labor code provides for a standard workweek of 48 hours and at least nine paid national holidays and 15 days’ annual leave, requires premium pay for overtime, and limits overtime to a maximum of 12 hours per week. The law sets occupational health and safety standards. The law does not specifically address whether workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

There was no organized effort to monitor working conditions. The Ministry of Labor and Social Affairs is responsible at the federal level for establishing occupational safety and health standards and enforcement, although it was not effective. There were no labor inspectors.

Wages and working conditions were established largely through arrangements based on supply, demand, and the influence of workers’ clans. There was no information on the existence or status of foreign or migrant workers in the country. Most workers worked in the informal sector.

Authorities did not have the capacity to protect workers who wished to remove themselves from situations that endangered their health or safety, although no such cases were reported.

ecoi.net summary:

Annual report on human rights in 2018



Country:

Somalia

Source:

USDOS – US Department of State </en/source/11558.html>

Original link:

<https://www.state.gov/j/drl/rls/hrrpt/2018/af/289009.htm> (<https://www.state.gov/j/drl/rls/hrrpt/2018/af/289009.htm>)

Document type:

Periodical Report

Language:

English

Published:

13 March 2019

Document ID:

2004190

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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

