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2013 Scores

Status: Not Free
Freedom Rating: 7.0
Civil Liberties: 7
Political Rights: 7

Explanatory Note

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

Overview

The African Union force made major strides against the Shabaab – an extremist movement – which was forced from its major strongholds and sources of revenue, and saw a series of defections in 2012. The expiration of the Transitional Federal Institutions ushered in the inauguration of a new constitution, parliament, president, and prime minister in Somalia as the country began its transition toward a permanent government.

Somalia gained independence in 1960 as an amalgam of former British and Italian colonies populated largely by ethnic Somalis. A 1969 coup by General Siad Barre led to two decades of instability, civil strife, and the manipulation of clan loyalties for political purposes. After Barre's regime was finally toppled in 1991, the country descended into warfare between clan-based militias for over two decades.

Famine and fighting killed approximately 300,000 people in 1991 and 1992, prompting a UN humanitarian mission led by U.S. forces. The intervention soon deteriorated into urban guerrilla warfare with Somali militias. Over 100 UN peacekeepers, including 18 U.S. soldiers, were killed. The international community withdrew, largely turning its back on Somalia's civil strife for the next decade.

Attempts to revitalize the political process began in 2000 with a peace conference in Djibouti, where many of Somalia's factional leaders agreed to participate in a three-year transitional government. While this initiative quickly unraveled, a fresh effort in 2004 resulted in the establishment of a 275-seat Transitional Federal Assembly (TFA), in which the leading clans took

an equal number of seats, and a new Transitional Federal Government (TFG). That year, TFA members elected the Ethiopian-backed warlord Abdullahi Yusuf Ahmed to serve a five-year term as president. Divisions soon emerged within the TFG between his supporters and an alliance of Islamists and clan leaders. The Islamic Courts Union (ICU), a broad coalition of Islamists, eventually emerged as the dominant force within Mogadishu, and the group gained control of most of southern Somalia during 2006. The TFG retreated to the town of Baidoa, north of Mogadishu. Meanwhile, hard-liners within the ICU, backed by Eritrea, grew increasingly hostile toward neighboring Ethiopia. With tacit U.S. support, Ethiopia invaded Somalia to oust the ICU in December 2006, forcing the Islamists to the extreme south of the country.

The departure of the ICU prompted an insurgency against the Ethiopian-backed TFG by groups including the Shabaab, a radical ICU faction. All sides in the conflict committed severe human rights abuses, and as many as 400,000 people were displaced from Mogadishu in 2007.

Hopes for a political breakthrough were raised when a group of moderate exiled ICU leaders joined forces with non-Islamist opposition members to form the Alliance for the Reliberation of Somalia (ARS). UN-sponsored negotiations between the TFG and a faction of the ARS led to a 2008 power-sharing arrangement that doubled the size of the TFA. The Shabaab did not participate in negotiations and vowed to fight on. Ethiopian forces withdrew from Somalia in early 2009, and the expanded TFA was sworn in, electing the chairman of the ARS, Sheikh Sharif Sheikh Ahmed, as its new president.

Rampant corruption and infighting among the TFG's leaders paralyzed government business and destroyed much of the TFG's credibility. Prime Minister Omar Abdirashid Ali Sharmarke resigned in September 2010, and his replacement, Mohamed Abdullahi Mohamed, became embroiled in a dispute between President Sharif and the speaker of parliament over whether to extend the mandates of the Transitional Federal Institutions, which were due to expire in August 2011. Under a deal negotiated by Uganda in June of 2011, Mohamed was fired, and the president, the speaker, and his deputies had their terms extended until August 2012. A new prime minister, Abdiweli Mohamed Ali, was appointed.

Insurgents kept up their attacks, led by the Shabaab, which declared a formal alliance with Al Qaeda at the start of 2010. Mogadishu was the epicenter of the fighting; at least 2,000 civilians were killed there in 2010, including five government officials and six members of parliament who were caught up in an attack on a hotel.

Despite ongoing assaults, the Shabaab was unable to oust the TFG from Mogadishu, which relied upon a contingent of African Union (AU) troops to shift the momentum in its favor. The African Union Mission in Somalia (AMISOM) forced the Shabaab into what it described as a "tactical withdrawal" from Mogadishu in August 2011. The Shabaab was under increasing strain, deeply unpopular with the public, militarily weak, and undermined by internal splits. It came under further pressure in October 2011, when in response to a series of kidnappings across its border, Kenyan troops invaded southern Somalia. Ethiopian forces entered Somali territory from the west, squeezing the area under direct control of the Shabaab. In February 2012, the UN Security Council, which authorizes and largely funds the AMISOM mission, unanimously approved a troop surge, bringing the total force to 17,731. The Shabaab's losses grew as the year progressed as AMISOM forces slowly gained control over its remaining strongholds and defections increased. By late September 2012, the Shabaab had retreated from the city of Kismayo, its final significant stronghold, whose port was a major source of revenue.

In August 2012, a meeting of the country's National Constituent Assembly, consisting of clan elders and local leaders, youth, and women, overwhelmingly passed a new constitution by a margin of 621-13, though the security situation did not allow for them to put the document to a national vote. Clan elders subsequently selected a 275-member parliament. In September, Hassan Sheikh Mohamud became the first president chosen on the country's soil since the beginning of

the 21-year civil war. The parliament's selection of Mohamud – a relative political novice – and Ahmed's immediate acceptance of the result were seen as positive signs, though several allegations of corruption and fraud were documented during the election process. Al Jazeera reported that votes were bought and sold for payments as high as \$50,000. In October, President Mohamud appointed, and parliament approved, Abdi Farah Shirdon as prime minister, and a new cabinet was sworn in in November. The new government was the target of increasing terrorist violence. A suicide bombing targeted Mohamud two days into his new role, and unknown gunmen shot and killed new member of parliament Mustafa Haji Maalim in front his home in September.

The crisis in Somalia was exacerbated in 2011 by the Horn of Africa's worst drought in six decades, which combined with the absence of security and a functioning government to create a humanitarian emergency. The Shabaab impeded efforts to assist the victims, banning 16 international organizations from operating in areas under its control in November 2011. Although conditions began to improve in 2012, more than 2 million people faced food insecurity at crisis levels through December.

The security situation continued to fluctuate in the semiautonomous region of Puntland in northeastern Somalia where the authorities struggled to contain pro-Shabaab militias in the Galgala Mountains in the Bari region. While pirates used Somalia as a launch pad for attacks, the number of attacks declined by 65 percent in 2012 to the lowest level since 2009. According to the EU Naval Force-Somalia, there were 35 attacks in 2012, down from 176 the previous year. The last successful hijacking in the region occurred in May 2012.

Political Rights and Civil Liberties

Somalia is not an electoral democracy. Prior to the expiration of the TFI and the appointment of the new president and prime minister, the state largely ceased to exist in most respects and had no governing authority with the ability to protect political rights and civil liberties. The TFG, though recognized internationally, was deeply unpopular domestically, and its actual territorial control was minimal. Though the country is now transitioning to more permanent governing institutions, the government still retains little control of the territory and has little capacity to govern beyond Mogadishu. No effective political parties yet exist, and the political process continues to be driven by clan loyalty.

Since 1991, the northwestern region of Somaliland has functioned with relative stability as a self-declared independent state, though it has not received international recognition. The region of Puntland has declared a temporary secession until Somalia is stabilized, although calls for full independence have been on the rise. Elections for Puntland's 66-member legislature were held in 2008. The new parliament elected Abdirahman Muhammad Mahmud "Farole" for a four-year term as president in January 2009. The result was seen as a fair reflection of the will of the legislature, and power was transferred peacefully from the defeated incumbent. The Puntland authority briefly broke off cooperation with the TFG in 2011 in frustration at the under-representation of its interests in Mogadishu; the two sides reconciled at a conference the same year, but relations remain tense.

Corruption in Somalia is rampant, especially among TFG officials and parliamentarians. A leaked report of the UN Monitoring Group on Somalia and Eritrea suggested that 70 percent of revenues to Somalia between 2009 and 2010 were unaccounted for, and that up to 25 percent of total TFG expenditures in 2011 occurred within the offices of the president, prime minister, and speaker of parliament. TFG-affiliated militias in Mogadishu diverted emergency food aid meant for victims of Somalia's famine in 2011. Corruption is also pervasive in Puntland, where the authorities have been complicit in piracy. Somalia was ranked 174 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The new constitution calls for freedoms of speech and the press, though Somalia is one of the most dangerous countries in the world for journalists. According to Reporters Without Borders, 17 media workers were killed in Somalia in 2012, many at the hands of the Shabaab or unknown gunmen. The last of these incidents occurred in October when well-known Radio Kulmiye satirist Warsame Shire Awale was killed in Mogadishu after his on-air parody of the Shabaab. He was the fifth Radio Kulmiye victim in 2012. Radio is the primary news medium in Somalia. Internet and mobile telephone services are widely available in large cities, though poverty, illiteracy, and displacement limit access to these resources.

Freedom of assembly and the press were also seriously stifled in Puntland in 2012. After a round of protests in September – which sought to draw attention to perceived moves by Puntland's president Farole to postpone the January 2013 elections and extend his term by one year – Farole threatened to prosecute opposition, including "failed politicians and so called websites and media" for "supporting Puntland's enemies." In November, presidential guards fired on unarmed protestors and journalists in Gardo, resulting in at least four injuries. In early 2013, it was announced that the president's term would be extended to January 2014.

Nearly all Somalis are Sunni Muslims, but there is a very small Christian community. Both Somalia's new constitution and Puntland's charter recognize Islam as the official religion, though the constitution does include religious freedom clauses. The Shabaab has imposed crude versions of Islamic law in areas under its control, banning music, films, certain clothing, and in one area prohibiting men and women from walking together or talking in public. Anyone accused of apostasy risks execution. According to Compass Direct, a Christian nongovernmental organization (NGO) that tracks religious persecution, Zakaria Hussein Omar, a Christian, was publically executed by the Shabaab outside Mogadishu after being accused of working for a banned Christian humanitarian organization in January 2012. The Shabaab has also denied religious freedom to moderate Muslims and caused deep offense among many Somalis by destroying the graves of Sufi saints. The education system is severely degraded due to the breakdown of the state.

Freedom of assembly is not respected amid the ongoing violence. Many NGOs and UN agencies operating in Somalia have reduced or suspended their activities. In October 2012, Shabaab banned Islamic Relief, one of the few remaining aid organizations, claiming it was "covertly extending the operations of banned organizations." According to the Aid Worker Security Database, in 2012 alone, nine aid workers were killed, one was wounded, and four were kidnapped, including two international aid workers. In January, two aid workers abducted in October 2011 by Somali pirates were rescued by a team of American Navy SEALs. In August 2012, a representative of the UN Food and Agricultural Organization was killed in Marka, in southern Somalia. The Shabaab has blocked or impeded international aid agencies from getting supplies to food insecure regions.

Existing labor laws are not adequately enforced. With the exception of a journalists' association, unions in the country are not active.

There is no judicial system functioning effectively at the national level. The new constitution offers a judicial framework that includes the creation of a Constitutional Court, Federal Government courts, and Federal Member State courts, though these institutions have yet to be established. TFG authorities administered a mix of Sharia (Islamic law) and traditional Somali forms of justice and reconciliation. The harshest codes are enforced in areas under the control of the Shabaab, where people convicted of theft or other minor crimes are flogged or have their limbs amputated, usually in public. Independent monitors have been denied access to the detention facility run by the TFG's National Security Agency in Mogadishu, where interrogations of Shabaab suspects take place.

The rights of Somali citizens are routinely abused by the various warring factions. The TFG, the AU, and insurgent groups have fired shells indiscriminately into neighborhoods in Mogadishu. Children make up a large proportion of the civilian casualties. According to Amnesty

International, both the TFG and the Shabaab have unlawfully recruited child soldiers, some as young as eight. The new constitution includes a section on the rights of children, which outlaws the use of children in armed conflict. By restricting the movement of the population in the drought-hit areas it controls, the Shabaab has exposed hundreds of thousands of people to the risk of starvation.

Most Somalis share the same ethnicity, but clan divisions have long fueled violence in the country. The larger, more powerful clans continue to dominate political life and are able to use their strength to harass weaker clans.

Women in Somalia face considerable discrimination. Although outlawed under the new constitution, female genital mutilation is still practiced in some form on nearly all Somali girls. Sexual violence is rampant due to lawlessness and impunity for perpetrators, and rape victims are often stigmatized. The new constitution outlines the expectation that women be included in all branches of government and includes a non-discrimination clause that makes specific mention of women. As of August 2012, 30 members of Somalia's new parliament were female, about half of the 30 percent country's new quota.

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