



Somalia

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Somalia¹ has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. In 2000, the Djibouti Conference, made up of local and regional leaders, established a 3-year Transitional National Government (TNG) and selected a 245-member Transitional national Assembly (TNA). Despite the expiry of the term in August, both institutions continued to function at year's end. In August 2000, the TNA elected Abdiqassim Salad Hassan as Transitional President. Administrations in the northwest (Somaliland) and northeast (Puntland) of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious inter-clan and intra-clan fighting occurred in parts of the country, notably in Puntland, the central regions of Hiran and Middle Shabelle, the southern regions of Bay, Bakol, Gedo, Lower Shabelle, Middle Juba, Lower Juba, and in Mogadishu. In Baidoa, the Rahanweyn Resistance Army (RRA) that controls Bay and Bakol splintered, resulting in continued fighting by RRA leaders to assert control over Baidoa. No group controlled more than a fraction of the country's territory. Since October 2002, the Inter-Governmental Authority for Development (IGAD) sponsored a reconciliation conference led by Kenya, in association with Ethiopia, Djibouti, Eritrea, and Uganda. All major political and military leaders attended as well as elders, religious leaders, and members of civil society. There was no national judicial system.

Leaders in the northeast proclaimed the formation of Puntland in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country; however, the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In 2001, traditional elders elected Jama Ali Jama as the Puntland President. Yusuf refused to accept the elders' decision, and in 2001, he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. In 2002, President Yusuf seized Bosasso and controlled Puntland in general. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. In addition to Yusuf's and Jama's competing claims on the presidency, General Adde Musse in April attempted to seize Puntland with Somaliland support. After intensive mediation efforts by traditional elders, Musse reconciled with Yusuf. A ban on political parties in Puntland remained in place.

In the northwest, the Republic of Somaliland continued to proclaim its independence within the borders of former British Somaliland but did not have international recognition. Somaliland's Government included a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. Presidential elections were held on April 15 and the ruling United People's Democratic Party (UDUB) won a very close victory in elections determined to be credible and significantly transparent.

Clan and factional militias, in some cases supplemented by local police forces continued to function with varying degrees of effectiveness in the country. Police and militia members committed numerous, serious human rights abuses throughout the country.

The country's population was estimated to be between 7 and 8 million. The country was very poor with a market-based economy in which most of the work force was employed as subsistence farmers, agro-pastoralists, or pastoralists. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban by Saudi Arabia continued and seriously harmed an already devastated economy. The country's economic problems continued to cause severe unemployment and led to pockets of malnutrition in southern areas of the country.

The country's human rights record remained poor, and serious human rights abuses continued. Citizens did not have the right to change their government because of the absence of an established central

authority. Numerous civilians were killed in factional fighting, particularly in Puntland, Gedo, Bay, Bakol, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba, and in Mogadishu. Kidnapping remained a problem, particularly in Mogadishu. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention remained problems. Impunity was a problem. In most regions, the judicial system relied on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code. Citizens' privacy rights were limited. There were restrictions on freedom of speech, press, assembly, association, religion, and movement. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. Abuse of children remained a problem. Abuse and discrimination against ethnic and religious minorities in the various clan regions persisted. There was no effective system for the protection of workers' rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking in persons remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Political violence and banditry have been endemic since the 1991 revolt against Siad Barre. Since that time, tens of thousands of persons, mostly noncombatants, have died in inter-factional and inter-clan fighting. The vast majority of killings during the year resulted from clashes between militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings continued as a result of inter-clan and intra-clan fighting between the following groups: The RRA sub-factions in Bay and Bakol regions; the Somali National Front (SNF) sub-factions in north Gedo; the Awlyahan and Bartire clans in Buale; the Dir and Habargidir clans in Galkacyo; the TNG and warlord Muse Sudi in Mogadishu; the forces of warlord Muse Sudi and those of Mohammed Dere in and around north Mogadishu and Jowhar; Abdullahi Yusuf's forces and those of General Adde Muse in Puntland; and the SRRC and Juba Valley Alliance in Kismayu.

Police and militia members killed several persons during the year. For example, on January 17, militiamen killed Mr. Abdullahi Omar Yabarow, a truck driver also known as Hareri Adle, and stole his truck on the road between Mogadishu and Afgoye. On February 26 and 27, 15 civilians were killed and over 50 others injured after fighting broke out between militiamen loyal to Muse Sudi Yalahow and Omar Filish in the Medina district of southern Mogadishu.

No action was taken against the responsible members of the security forces for abuses committed in 2002 and 2001, including during clashes with militia.

There was no action taken against the responsible members of militias in the reported 2001 cases of killing of members and supporters of the TNG.

Attacks against humanitarian and nongovernmental organization (NGO) workers resulted in at least four deaths during the year. On September 14, militia members reportedly killed a Kenyan national working with the Nairobi-based Adventist Development Relief Agency (ADRA) near Damassa village on the Kenya/Somalia border in revenge for a Marehan Ali Dere clan cattle rustler killed in August. On October 5, unknown persons shot and killed Sister Anna Lena Tonelli, an Italian aid worker, while she was visiting patients in the Borama General Hospital in Somaliland. On October 20, unknown persons shot and killed two British aid workers in their home in the Somaliland town of Sheikh. The motives for these killings remained unclear, and no suspects had been identified at year's end.

There were no developments in the February 2002 murder of Veren Karer, a Swiss national funded by a Swiss NGO who was running a primary school and clinic, and an October 2002 attack on a Doctors Without Borders (MSF) clinic in Adan Yabal in Middle Shabelle, during which one patient was killed and two persons were injured. The MSF clinic resumed operations during the year.

The Dr. Ismael Jumale Human Rights Center (DIJHRC) reported that more than 550 civilians were killed, mostly by militia members, during the year.

Conflicts between rival militias resulted in deaths during the year. For example, in July, 43 persons were killed and more than 90 others were injured during 2 days of fighting between Sa'ad Habir Dir sub-clan militia and Dir sub-clan militia. On July 27, approximately 120 Harin militiamen attacked the Leysan militia in Gofgadud village, northwest of Baidoa, killing 6 persons and injuring 10 others. In November and December, at least 100 persons were killed and more than 200 injured during several days of fighting over a land between the Darod sub-clan and the Dir sub-clan militias. No action was taken against those responsible by year's end.

There were no developments in the numerous reported cases of killings by militia members, including clashes between rural militias, in 2002 and 2001.

There were landmines throughout the country; however, statistics on the number of deaths caused by landmines were not available at year's end.

During the year, there were numerous killings by unknown assailants. For example, on July 3, unknown persons shot and killed Dr. Husayn Muhammad Nur, a prominent eye specialist, in front of his clinic in Mogadishu. On October 19, unknown persons shot and killed Shaykh Ibrahim Ali Abdulle, a prominent member of the TNG, in Nairobi, Kenya. On December 8, unknown persons shot and killed Colonel Mahmud Abdi Jama, a senior police officer, in Hargesia, Somaliland. No suspects had been identified in these cases by year's end.

Inter-clan fighting resulted in numerous deaths during the year. On August 28, two persons were killed and seven others injured after rival Abgal clan militias fought in Balad district, north of Mogadishu. On August 16, Hawadle clan members killed an unknown number of persons from the Galjecel clan in Buloburte apparently in revenge for a killing earlier in the year. On August 17, members of the Galjecel clan carried out a revenge killing against a member of the Hawadle clan in Jicibow. On September 15, unknown persons of the Sheikhal clan reportedly killed at least one person after a truck from the Habargidir clan was ambushed north of Jilib.

There were no developments in the reported killings due to inter-clan fighting in 2002 and 2001.

There were no additional developments in the 2001 report that Ethiopian soldiers killed 5 persons after they fired shots into a group of demonstrators in the southwest.

b. Disappearance

There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

Unlike in the previous year, there were no reports that NGO workers were kidnapped.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. The DIJHRC reported that at least 185 abductions occurred in Mogadishu during the year. For example, on January 9, Idow Mohamed Ahmed, a businessman from Bakara market was kidnapped as he was leaving for his residence in Hawlwadag district in Mogadishu. He was released 5 days later after negotiations between his family and elders representing the kidnappers. On January 15, Hafsa Ahmed Sheikh Abdullah, a 13-year-old girl, was kidnapped from her residence in Hodan district in Mogadishu. She was released 2 days later after negotiations between her family and elders representing the kidnappers.

There were no investigations or action taken against the perpetrators of kidnappings that occurred during the year, in 2002 or 2001.

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

The Transitional National Charter, adopted in 2000, but still not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported. Prison guards beat inmates in prison.

A July 2002 court sentence of amputation was not carried out after the TNG's Justice Minister and local human rights groups objected to the verdict.

Security forces, police, and militias also injured persons during the year. Acts of violence, including several killings, continued against supporters or members of the TNG (see Section 1.a.).

In their annual report, the DIJHRC reported that during the year there were 31 rape cases in Mogadishu, largely committed by militia members. There continued to be reports of rapes of Somali women and girls in refugee camps in Kenya during the year. The majority of the rapes were perpetrated by Somali bandits who crossed over the border; a small number of the rapes were committed by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August 2002, but estimated that the actual number was likely 10 times greater. In 2002, the aid agency CARE estimated that approximately 40 women were raped every month in 4 refugee camps; other reports indicated that 10 percent of Somali women in the camps have been raped. The rapes

usually followed looting attacks by bandits and occurred when women and girls left the camps to herd goats or collect firewood or at night when bandits enter the refugee camps. The victims ranged in age from 4 to 50 years of age, and many of the rapes reportedly resulted in pregnancies.

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (see Section 1.a.).

There was no action taken on the February 2002 hand grenade attack on the residence of then TNG Prime Minister Hassan Abshir Farah or the numerous reported cases in 2001.

No action reportedly was taken against TNG, Somaliland, and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2002 or 2001.

Although reliable statistics were not available, a large number of persons were killed and injured as a result of inter-factional and inter-clan fighting (see Section 1.a.).

In December, there were reports that Ethiopian troops of Somali ethnicity participated in the capture of the town of El Waq, and they remained there at year's end.

Prison conditions remained harsh and life threatening. In 2002, Hareryale, a prison established between north and south Mogadishu, reportedly held hundreds of prisoners, including children. Conditions at Hareryale were described as overcrowded and poor. Similar conditions existed at Shirkhole prison, a prison in south Mogadishu, and at a north Mogadishu prison for Abgel clan prisoners run by warlord Muse Sudi. In 2001, the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajar, visited prisons in Hargeisa and Mogadishu and reported that conditions had not improved in the 3 years since his last visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training persisted in prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was common in many prisons. The detainees' clans generally paid the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies. Ethnic minorities made up a disproportionately large percentage of the prison population.

According to an international observer in 2002, men and women were held separately in the Puntland prison in Bosasso; this was the case in other prisons as well. Juveniles frequently were held with adults in prisons. A major problem continued to be the incarceration of juveniles at the request of families who wanted their children disciplined. The juveniles were held without charge, and they frequently spent long periods of incarceration with adults. Pretrial detainees and political prisoners were held separately from convicted prisoners.

The Puntland Administration permitted prison visits by independent monitors. Somaliland authorities permitted prison visits by independent monitors, and such visits occurred during the year. The DIJHRC visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile

In the absence of constitutional or other legal protections, various factions continued to engage in arbitrary detention.

Corruption within the various police forces was endemic. The police forces throughout the country engaged in politics. The TNG has a 3,500-officer police force and a militia of approximately 5,000 persons. In Somaliland more than 60 percent of the budget is allocated to maintain a militia and police force composed of former troops. Abuses by police and militia members were rarely investigated; impunity was a problem.

On April 1, the Juba Valley Alliance (JVA) authorities in Kismayo detained 24 crewmembers of a Korean-registered fishing vessel, Beira 9, near the port of Kismayo. The authorities demanded 3 months of fishing fees and an unspecified amount of money for security services. Although it was unclear whether any money was paid, the ship and crew were released after approximately 45 days.

There were reports that authorities in the TNG, Somaliland, Puntland, and in areas of the south detained local or foreign journalists (see Section 2.a.).

It was unknown whether persons detained in 2001 were released during the year.

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

e. Denial of Fair Public Trial

There was no national judicial system.

The Transitional Charter provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter still had not been implemented by year's end. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari'a, the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. For example, in Bosasso and Afmadow, criminals were turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. Under the system of customary justice, clans often held entire opposing clans or sub-clans responsible for alleged violations by individuals.

There were three functioning Shari'a-based entities—one in the Daynile area and two in the Beledweyne area; however, both largely acted as administrative units, not courts.

Although Somaliland has a Constitution based on democratic principles, it continued to use the pre-1991 Penal Code. The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. There is a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges.

The Puntland Charter has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama. The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system.

The Transitional Charter provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal did not exist in those areas that apply traditional and customary judicial practices or Shari'a. These rights more often were generally respected in regions that continued to apply the former government's Penal Code, such as Somaliland and Puntland.

There was no investigation or action taken against the more than 50 gunmen responsible for the 2001 attack on an Islamic court in Mogadishu.

There were no reports of political prisoners.

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

The Transitional Charter provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in previous years. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, authorities generally did not respect this right in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Charter provides for freedom of speech and the press; however, the charter was not implemented by year's end, and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right was not respected in practice. The Somaliland Constitution also provides for freedom of the press; however, this right was restricted in practice.

In 2002, the TNA passed a Press Bill that requires all media to register with the Minister of Information and imposes penalties for false reporting. Critics alleged that if enforced the law would give the TNG powers of censorship; however, there were no reports that the law was enforced during the year.

The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and were critical of the faction leaders.

Somaliland has two daily newspapers, one government daily, and one independent. There also is an English language weekly newspaper. The Government tolerated criticism by journalists during the year.

The majority of citizens obtained news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmitted a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operated small radio stations. The TNG began operating an FM station in 2002. A radio station funded by local businesses operated in the south.

Journalists were harassed during the year. For example, on January 17, armed militiamen allied to a prominent Mogadishu businessman attacked the HornAfrik television and radio stations in Mogadishu in retaliation for a story they had aired allegedly linking the businessman to terrorists. The militiamen allowed the station to go on air later in the day after a series of mediated talks by clan elders.

On June 30, TNG authorities arrested and detained two Mogadishu-based Benadir radio journalists, Abdirahmam Muhammad Hudeyfi and Husayn Muhammad Ghedi. Benadir Radio alleged they were arrested "for exercising their right to inform the public." However, TNG authorities claimed that the two were arrested "for stealing a cellular phone." They were released without charge after 4 days.

On August 24, Puntland authorities arrested and detained two local independent journalists in Galkacyo, Puntland. The two journalists, Adam Nur Mohamed, editor of the Galkacyo-based Yamayska Weekly newspaper, and Dahir Abdulkader Aflow, a member of the former Bulsho Weekly newspaper, were kept in detention for approximately 28 hours before being released.

There were no developments in the 2002 cases in which journalists were harassed and arrested.

On May 12, Puntland authorities restored the broadcasting license of the Somali Broadcasting Corporation (SBC) after its owners petitioned Puntland President Yusuf. The SBC was accused of bias in favor of Yusuf's rival, Ali Jama.

On September 16, Somaliland's information minister, Abdullahi Mohammed Duale, issued a statement banning independent television and radio stations in Somaliland, alleging that they posed a threat to national security. Somaliland Television, which operated under a temporary license issued by the Government, was exempt from the ban.

In May, authorities lifted a ban on one of two BBC correspondents who had been prohibited in 2002 from filing reports in Puntland.

Several telephone companies and Internet providers operated freely and provided service throughout the country during the year. The authorities did not restrict access to the Internet.

There were restrictions on academic freedom; academics operated under restrictions similar to those imposed on members of the media. There was no organized higher education system in most of the country. There were two universities in Mogadishu, two in Somaliland, and one in Puntland.

b. Freedom of Peaceful Assembly and Association

There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens were free to assemble in public, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year. The Government of Somaliland banned political demonstrations following the closely contested April multiparty elections (see Section 3).

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties. The Somaliland Constitution provides for freedom of association, and in a 2001 referendum, Somaliland voters approved legislation that governs the formation of political parties, and limits the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, was responsible for considering applications. The law provides that approved parties that win 20 percent of the vote in Somaliland elections would be allowed to operate. There were three approved parties operating after the April elections.

Professional groups and local NGOs operated as security conditions permitted.

c. Freedom of Religion

There was no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter establishes Islam as the national religion. Some local administrations, including Somaliland and Puntland, have made Islam the official religion in their regions.

In 2002, Abdallahi Yusuf decreed that only Shaff'iyyah, a moderate Islamic doctrine followed by most citizens, would be allowed in Puntland. Unlike in the previous year, Puntland security forces did not enter mosques in Bosasso to compel compliance during the year; however, the administration monitored religious activities very closely.

Under the regulations in Somaliland, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited. In Puntland, religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, as long as they refrained from proselytizing. Unlike in the previous year, there were no reports that persons were deported for allegedly proselytizing.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, appeared to regroup during the year. They were more actively engaged in the private sector and in political activities throughout the country.

There was a small, low profile Christian community. Christians, as well as other non-Muslims who proclaimed their religion sometimes faced societal harassment.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Transitional Charter and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens did not have the documents needed for inter-national travel.

On August 28, militia in Galkacyo halted a U.N. vehicle traveling with Somaliland license plates. After negotiations with the militiamen, the license plates were removed and the vehicle was permitted to continue on.

In 2001, in the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtained water and charged them to take water from the river. The militia members also reportedly charged money from persons who were going into or out of the town. Persons who refused to comply with the extortion attempts reportedly were punished by having their belongings taken or were killed by militia members.

In September, the U.N. estimated that there were 350,000 internally displaced persons (IDPs) in the country, most of them women and children. Of this number, approximately 150,000 lived in Mogadishu, with another 15,000 in the southern port city of Kismayo, and the remainder scattered around the country. The majority of IDPs in the country reportedly lived in old schools and former government buildings.

The U.N. estimated that approximately 205,000 Somalis were living as refugees in neighboring countries, including approximately 157,000 in Kenya at the end of 2002, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 28,000 Somali refugees in Ethiopia and 20,000 Somali refugees in Djibouti at year's end.

As security conditions continued to improve in many parts of the country, refugees and IDPs returned to their homes. According to UNHCR figures, by November, the UNHCR sub-office in Hargeisa in cooperation with relevant UNHCR offices in neighboring countries had repatriated 246 Somali refugees from Djibouti; 680 from Kenya; and 9,400 from Ethiopia. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. In September, the U.N. Independent Expert on Human Rights visited several IDP camps in Somaliland and found them among the worst in the world. He reported that the camps were overcrowded, had poor sanitation, and there was little or no access to employment and education. No local, regional, or U.N. authorities have taken responsibility for the camps.

Despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year. For example, according to a U.N. official, at least 21 refugees drowned after they and dozens of others were forced off a boat at gunpoint by smugglers on a voyage from the northeast to Yemen in September.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees.

At the end of 2002, some Tanzanian refugees were living in an open yard at the Hamar School, and a second group moved to another location. By year's end, some of the Tanzanian refugees have voluntarily returned to their home country while approximately 100 others were scattered and trying to earn a living in Mogadishu.

There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya (see Section 1.c.).

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

In the absence of a fully functioning national government, citizens cannot exercise the right to change their government. In most regions, local clan leaders function as de facto rulers. Although many such groups derived their authority from the traditional deference given clan elders, most faced opposition of varying strength from clan groups and political factions.

In 2000 in Arta, Djibouti, more than 900 delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. In November 2001, Abdiqassim appointed Hassan Abshir Farah as Prime Minister.

The Transitional Charter, still not implemented by year's end, provides for universal suffrage. Both the Puntland and Somaliland administrations provided for universal suffrage.

Presidential elections in Somaliland were held on April 15, with the participation of three political parties: The Democratic United Peoples' Movement (UDUB), Solidarity Party (Kulmiye), and the Party for Justice and Democracy. The incumbent UDUB President, Dahir Riyale Kahin, won by only 80 votes. Kulmiye initially disputed the results; however, it was resolved through mediation by traditional elders. Unofficial diplomatic observers considered the elections credible and sufficiently transparent. Parliamentary elections were postponed indefinitely.

In Somaliland, there is a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which equaled the boundaries of the Somaliland state that achieved international recognition in 1960. In 2001, a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament.

In 1998, Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based sub-clans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November 2001, elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision, and, in December 2001, he militarily seized Garowe, reportedly with Ethiopian support, which forced Jama to flee to Bosasso. In May 2002, Yusuf occupied Bosasso by force and declared himself President of Puntland. During the year, General Adde Musse, a former army general, organized Jama Ali Jama's militiamen, drawn primarily from the Majerten Osman Mohamoud sub-clan, and established a base in Somaliland. General Musse's forces attacked Puntland twice from their base in Somaliland without success. Puntland traditional elders then intervened and brokered a peace agreement between Musse and Yusuf, which was signed in May. In May, the two joined their forces and began sharing power. General Musse's militiamen were integrated into the Puntland

forces, and a good number of his senior officers absorbed into the Puntland administration.

Jama Ali Jama subsequently attended the Somali National Peace and Reconciliation Conference held in Kenya. He helped form the National Salvation Council (NSC), a new political alliance aimed at countering the Ethiopian-backed Somali Reconciliation and Restoration Council (SRRC). He appears to have a role to play at the national level, but he exercised no power in Puntland at year's end.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference. During the year, several Mogadishu-based faction leaders formed alliances with the TNG.

Somaliland and Puntland continued to contest the Sanaag and Sol regions and the Buhodle district during the year. Both governments sent administrators to the Sanaag and Sol regions, and both governments exerted influence in various communities. In December 2002, the Somaliland president traveled to Las Anod in Sool to assert Somaliland authority, and a battle with Puntland forces took place and several persons were killed. In December 2002, forces from Puntland seized Las Anod, arrested several pro-Somaliland officials, and established a new administration in the area. The occupying Puntland forces also started collecting revenues from the local population and destroying structures in the town center. Somaliland troops were mobilized approximately 40 miles east of Las Anod and the situation was very tense at year's end.

A reconciliation conference, begun in October 2002, continued during the year on the outskirts of Nairobi. The conference worked with political and military leaders and civil society representatives to form a new government. Somaliland did not join the conference. In late 2002, six committees were created and produced reports on land and property rights; disarmament, demobilization and reintegration; economic recovery; regional and international relations; conflict resolution and reconciliation; and a draft charter. Early in the year, the conference moved to Nairobi and Kenya's Special Envoy Elijah Mwangale was replaced by Ambassador Bethuel Kiplagat. A transitional charter was drafted and adopted, under highly disorganized and possibly irregular circumstances, by the Plenary at the reconciliation conference. However, in part because of the manner in which it was adopted, several factions did not accept the Charter. At year's end, there were efforts to call for a Somali leaders' retreat to discuss and settle all contested issues.

In the TNA, there were 25 women in the 245-seat Assembly. A woman held the post of Foreign Minister in the Somaliland Government; in addition, several women were important behind-the-scenes figures in the various factions. There were 5 female members of the 69-seat Puntland Council of Elders.

Minorities held 25 seats in the TNA.

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

A number of domestic and international human rights groups generally operated without official restriction, investigating and publishing their findings on human rights cases. Authorities were somewhat cooperative and responsive to their views. Several local human rights groups were active during the year, including the Mogadishu-based DIJHRC, Isha Baidoa Human Rights Organization in Bay and Bakol regions, and the Hargeisa-based Horn of Africa Human Rights Watch Committee (Horn Watch). The DIJHRC investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. The Mogadishu-based Somali Journalists Network (SOJON) monitored human rights violations against journalists in Mogadishu. Women's NGOs and members of civil society also played an important role in galvanizing support in the country for the reconciliation talks in Kenya.

NGOs and aid agencies operated freely throughout the country. Puntland leader Abdullahi Yusuf lifted a 2002 ban on U.N., European Union, and NGO operations in Puntland. Despite threats in March, authorities did not close any NGOs during the year.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG and Somaliland authorities permitted visits by U.N. human rights representatives during the year.

Security problems complicated the work of local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least four deaths (see Section 1.a.). Several attacks on NGOs disrupted flights and food distribution during the year. In August, local officials closed Galkacyo and Garowe airstrip to U.N. air operations because of a dispute over landing fees. On September 14, militia members reportedly killed a Kenyan NGO worker (see Section 1.a.).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transitional Charter, adopted in 2000 but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women

Domestic violence against women occurred. Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. There were no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes (see Section 1.e.). Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts (see Section 1.c.). Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was a widespread practice. There were estimates that approximately 98 percent of women have undergone FGM. The majority of women were subjected to infibulation, the most severe form of FGM. In Somaliland, FGM remained illegal under the Penal Code; however, the law was not enforced. In Puntland legislation prohibited FGM in northeastern areas of the country; however, in practice the law was not enforced strictly. U.N. agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs.

Prostitution is illegal; however, it was a problem, but because it is culturally proscribed, it was not reported.

Women were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly according to the Shari'a and local tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family than if the victim were a man.

Several women's groups in Mogadishu, Hargeisa (Somaliland), Bosaso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. During the year, the local NGO "Save Somali Women and Children" held a number of workshops on women's and children's rights, including a regular monthly "Gender Forum" in which women gathered to discuss women's rights.

Children

Children remained among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths were members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. Approximately 10 to 20 percent of the school-age population attended school; more boys than girls were enrolled in school. There were three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Parents generally paid fees for their children's education. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools. These schools were inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture.

Medical care was rudimentary, and only a small percentage of children had access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country; however, it occurred. There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was performed on approximately 98 percent of girls (see Section 5, Women).

Child prostitution was a problem; however, because it is culturally proscribed, it was not reported.

Trafficking in children for forced labor was a serious problem (see Section 6.f.).

During August and September 2002, the U.N. Independent Expert on Human Rights visited Kismayo, Lower Juba, Bosasso, Puntland, and Hargeisa, Somaliland. He reported that children were recruited as soldiers in Puntland and that many juveniles were incarcerated with adults by their parents for disciplinary problems (see Section 1.c.).

Persons With Disabilities

In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that provided services for persons with disabilities.

National/Racial/Ethnic Minorities

More than 80 percent of citizens shared a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumal, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between these groups and mainstream clans was restricted. These groups had limited access to whatever social services were available, including health and education. Members of minority groups continued to be subjected to killings, harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6 Worker Rights

a. The Right of Association

The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and broke up the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions did not function freely.

The Transitional Charter, the Puntland Charter, and the Somaliland Constitution establish the right of freedom of association, but no unions or employer organizations existed.

b. The Right to Organize and Bargain Collectively

Wages and work requirements in the traditional culture were established largely by ad hoc bartering, based on supply, demand, and the influence of the worker's clan.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The pre-1991 Penal Code prohibited forced or bonded labor, including by children; however, there reports that such practices occurred (see Sections 6.d. and 6.f.). Local clan militias generally forced members of minority groups to work on banana plantations without compensation. There are reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The pre-1991 Labor Code prohibited child labor; however, child labor was a problem, and there were child soldiers (see Sections 5 and 6.f.). Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. In 2002, it was reported that 32.5 percent of children between the ages of 5 and 14 worked. However, the percentage of children engaged in labor was believed to be even higher during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.

e. Acceptable Conditions of Work

There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons

The pre-1991 Penal Code prohibited trafficking; however, there were reports of trafficking during the year. The number of women being trafficked from the country appeared to be small.

Trafficking in children for forced labor was a serious problem. There were reports of a significant increase in the smuggling of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

¹ The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.