

# SOMALIA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Somalia is a federal parliamentary republic. 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. 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 chosen on clan affiliation and a power-sharing formula, and Upper House membership chosen by state assemblies. 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.

The provisional federal constitution states the armed forces are responsible for assuring the country’s sovereignty, independence, and territorial integrity. The Somalia National Army is also engaged in a continuing conflict with the insurgent Islamist group al-Shabaab in many parts of the country. The national, federal, and state police are responsible for protecting lives, property, peace, and security. The army reports to the Ministry of Defense, and the Somali Police Force reports to the Ministry of Internal Security. Civilian authorities did not always maintain effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killing, including extrajudicial killings, of civilians by federal government forces, clan militias, al-Shabaab, and unknown assailants; forced disappearances by al-Shabaab; torture and other cruel, inhuman, or degrading treatment or punishment by federal government forces, clan militias, al-Shabaab, and unknown assailants; arbitrary and politically motivated arrest and detentions, including of journalists by federal government forces and regional government forces; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; serious problems with the independence of the judiciary; the worst forms of restrictions on free expression, the press, and internet, including violence, threats of violence, and unjustified arrests and prosecutions of journalists, censorship, site blocking, and the existence of criminal libel laws; numerous acts of corruption; restrictions on political participation; unlawful recruitment or use of child soldiers by federal government forces, clan militias, Ahlu Sunna Wal Jama

(ASWJ), and al-Shabaab; the existence or use of laws criminalizing consensual same-sex sexual conduct between adults; violence against women and girls, partly caused by government inaction; forced labor; and the worst forms of child labor.

Impunity generally remained the norm. Government authorities took minimal steps to prosecute and punish officials who committed abuses, particularly military and police personnel.

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. Clan militias and 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 killings, including extrajudicial and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations (NGOs) and the United Nations. Al-Shabaab 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 2018. 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. In December 2018 Somalia National Army (SNA) members executed by firing squad six men suspected of affiliation with al-Shabaab in Bardera, Gedo Region. The men had been in prison for five months but had not yet been charged.

Residents of Bariire in the Lower Shabelle Region reported in June that al-Shabaab regularly forced locals to attend public executions, amputations, and other punishments as a means of intimidating the local population, particularly ahead of government operations in local areas.

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.

Unidentified attackers also killed persons with impunity, including judges, SNA soldiers, and other government officials, as well as journalists, traditional elders, and international organization workers.

Although the government rarely took action regarding serious human rights abuses, in August police arrested the security minister of Jubaland State, Abdirashid Hassan Abdinur, on unspecified charges. The UN Somalia and Eritrea Monitoring Group accused Abdinur of serious human rights abuses in 2014 and 2015, including killings, torture, unlawful detentions, and obstruction of humanitarian assistance. It was not clear whether Abdinur's arrest was due to human rights issues or political conflicts.

In February al-Shabaab attacked a hotel and killed 11 people with a car bomb in what police described as an attempted assassination of an appeals court judge.

## **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 four remaining Iranian fishermen kidnapped in 2015 by al-Shabaab in Somali waters near El-Dheer, Galguduud Region, one was released in September on humanitarian grounds.

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

The law prohibits torture and inhuman treatment. Nevertheless, torture and other cruel, inhuman, or degrading treatment or punishment occurred. In September local media reported the death of a prisoner following alleged maltreatment at the hands of Puntland police officers in Bosaso, Puntland.

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 that resulted in deaths and injuries.

In October the managing director of Radio Daljir was released from detention after reportedly being coerced to confess to a series of criminal activities related to his station's reporting on the Puntland Security Forces or face a lifetime prison sentence.

National Intelligence and Security Agency (NISA) agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells as well as criminal groups, 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. AMISOM alleged that al-Shabaab tortured residents under its control in el-Baraf for offenses ranging from failure to pay tax to being a government agent (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 juveniles were safer when held with members of their own subclan. There was a report of one female prisoner in Garowe who was housed separately from male inmates, although she lacked access to the vocational training offered to male inmates. Prison authorities often did not separate pretrial detainees from convicted prisoners, particularly in the southern and central regions.

Only inmates in Central Mogadishu, the Mogadishu Prison and Court Complex, and 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 very 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.

The UN's Human Rights and Protection Group reported from an October 2018 prison-monitoring mission the prison in Beletweyne, Hirshabelle, lacked medical personnel. In case of medical emergencies, prisoners were referred to the nearby SNA hospital. Prisoners in Hargeisa and Garowe reported in November 2018 they had access to medical facilities, although the medical wings lacked medication, and care for prisoners with mental health and other special needs was not adequate.

Prison infrastructure often was dilapidated, and untrained guards were often 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 Garowe and Hargeisa several times in 2018. 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.

Improvements: The Mogadishu Prison and Court Complex opened its first phase in February with space for 250 prisoners and accommodation for judges, prosecutors, and defense lawyers to stay during trials.

#### **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.

## 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 with a lawyer. The government held some suspects under house arrest, particularly high-ranking defectors from al-Shabaab with strong clan connections. In some cases security force members, judicial officers, politicians, and clan elders used their influence to have favored detainees released.

Arbitrary Arrest: Federal authorities, regional authorities, and al-Shabaab arbitrarily arrested and detained numerous persons, including persons accused of terrorism and either supporting or opposing al-Shabaab. Authorities frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests (see section 1.g.). The United Nations reported 218 individuals were arrested during security operations and routine security screening between January and August 2018. Most of those arrested were reportedly suspected of being al-Shabaab members, persons who had not paid taxes, or family members of security force deserters. In January more than 10 businessmen were arrested by Hirshabelle authorities after being accused of paying taxes to al-Shabaab in Jowhar.

Government and regional authorities arbitrarily arrested journalists and others perceived as critics. In January a poet who composed a poem criticizing police brutality, arbitrary detention, and degrading treatment of prisoners in Somaliland was arrested and charged with “insulting the police and the government.” A regional court in late February acquitted and released him.

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

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, a shortage of judges and court administrators, and judicial inefficiency resulted in trial delays.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the government did not always respect judicial independence and impartiality. 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 often 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 widespread 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. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals.

### **Trial Procedures**

The law provides for the right to a fair and public trial, but the lack of an independent functioning judiciary meant this right was often not enforced. According to the law, 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 law 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 law 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. There were no clear indications whether this decree remained in effect according to government policy, statements, or actions, 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**

Government and regional authorities arrested journalists as well as other persons critical of authorities, although arrests and harassment in Mogadishu substantially subsided since President Farmaajo's election in 2017. Neither government nor NGO sources provided any estimate of the number of political prisoners.

In December 2018 the candidate for South West State presidential election and prominent defector from the al-Shabaab leadership, Mukhtar Robow, was detained by AMISOM soldiers and brought to Mogadishu, where he was placed in the custody of NISA and later moved into house arrest.

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 law of Somaliland.

In September, Somaliland authorities arrested the editor of a news website and the director of a television station and shut down both the website and the station.

### **Civil Judicial Procedures and Remedies**

There were no known lawsuits seeking damages for, or cessation of, human rights abuses 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 internally displaced person (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.

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-Somalia claimed attacks against Somali authorities and other targets in Puntland, where it is based, and around Mogadishu, but there was little local reporting on its claims. State and federal forces killed civilians and committed sexual and gender-based violence, although there was a reduction in reported abuses. Clan-based political violence involved revenge killings and attacks on civilian settlements. Clashes between clan-based forces and with al-Shabaab in Puntland and Galmudug, Lower Shabelle, Middle Shabelle, Lower Juba, Baidoa, and Hiiraan regions also resulted in deaths.

According to the most recent UNSOM reports, between January and October 2018, 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 222 children killed and 481 children maimed from January through December, 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 2018.

Al-Shabaab committed religiously and 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. Al-Shabaab justified its attacks on civilians by casting them as false prophets, enemies of Allah, or as aligned with al-Shabaab's enemies.

Al-Shabaab claimed responsibility for a daylong siege in March of a hotel in Mogadishu in which 25 persons were killed and more than 130 injured.

Abductions: UNSOM recorded 176 abductions of civilians between January and August 2018, of which al-Shabaab committed a majority.

Between January and December, the UN Monitoring and Reporting Mechanism reported more than 1,150 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 2018, with civilians constituting 43 percent of casualties. Lower Shabelle and Benadir were the primary regions affected by IEDs.

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

UN officials documented the recruitment and use through March of more than 600 children, primarily by al-Shabaab, 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 December, the Ministry of Defense Child Protection Unit (CPU) carried out six screenings of hundreds of SNA soldiers at Somali bases in order to raise awareness about child soldier recruitment and verify the numbers of children in Somali Security Sector units. As of December the CPU found four child soldiers at one of the bases it examined. The four children were returned to their families. The unit acknowledged the difficulties it had in reaching some other bases and noted the risk of child recruitment in areas of Benadir, South West State, Hirshabelle, and Galmudug due to the presence of strong militias. The CPU continued the use of biometric registration and reported it had been a useful tool for increasing accountability in the police and military and helped detect and deter child soldier recruitment.

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 December, 1,495 children were recruited and used by armed forces and groups in the country. Al-Shabaab accounted for the majority of that number.

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.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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. As of August there were reports of 51 incidents in which humanitarian access was denied by armed groups or security incidents.

In January al-Shabaab claimed responsibility for an indirect fire attack on the main compound of the United Nations in Mogadishu, injuring two UN staff members and one contractor.

Al-Shabaab seized relief supplies. From January to December, there were 51 verified incidents of denial of humanitarian access. 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.

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.

The Islamic State in Somalia targeted business leaders for extortion in urban areas in an attempt to leave the remote mountains in Puntland where it had operated the last three years. It then targeted those businesses with violence when they did not pay the extortion demands.

During the year according to the Office of the UN High Commissioner for Refugees (UNHCR), due to insecurity and a worsening drought, more than 5,000 Somalis sought refuge in Ethiopia through November--approximately four times the total number of Somalis who fled to Ethiopia in 2018.

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 law 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., 1.d., and 1.g.).

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

Puntland law 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.

In March a senior official in the FGS Ministry of Foreign Affairs was fired after posting a story on Twitter calling for his country to establish ties with Israel and echoing his support for such an idea. He went into self-imposed exile, claiming that his safety and security had been undermined by the publicity of his firing.

In April and May, the Somaliland government arrested a journalist, an opposition youth leader, a civil servant, and a member of parliament for criticizing the government, either in online media or in public settings. Two were sentenced to

six months in prison, one was released after 32 days of detention, and the other was awaiting trial (see also section 1.d., Arbitrary Arrest and Detention).

Press and Media, Including Online Media: 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 of search and closure of media outlets that criticized the government. Eight outlets were closed, suspended, or blocked by government authorities, including four in Somaliland. Reports of such interference occurred in Mogadishu and remained common outside the capital, particularly in Puntland and Somaliland. Government authorities maintained editorial control over state-funded media and limited the autonomy of private outlets through direct and indirect threats. Threats were often applied through unilateral actions of security and other institutions.

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.

Puntland authorities in September demanded all journalists register with the information ministry, threatening that those who acted “unprofessionally” could be barred. Police also raided a privately owned radio station for reporting that a detainee had died during interrogation. Police also issued an arrest warrant for the station’s editor.

Violence and Harassment: Between January and December, the National Union of Somali Journalists (NUSOJ) documented 25 cases of arbitrary arrests or prolonged detentions of journalists and other media workers, of which nine occurred in Somaliland and eight occurred in Hirshabelle. Al-Shabaab claimed responsibility for three killings of journalists during the year. During the year the NUSOJ reported 17 instances in which journalists faced physical intimidation, including beatings, bullets being fired, and equipment being confiscated. In a July 2018 case, a soldier in Mogadishu killed a television cameraman; the death allegedly resulted from a personal property dispute. In July the government made public a military court verdict sentencing the soldier in absentia to five years’ imprisonment. The soldier fled and remained a fugitive.



Although security forces often acted with impunity against journalists, in a few cases the government took action against abusers. In March, Somalia's court of armed forces took two soldiers from the Presidential Guard Brigade into custody after they had been charged with abusing and threatening two journalists. Another member of the Presidential Guard was accused in June of kicking and punching a journalist covering the commemoration of the country's independence day.

There were several incidents during the year similar to the following one: In March armed police officers raided the office of Universal TV in Mogadishu in the middle of a live broadcast and reportedly began firing inside the building. No injuries were reported, but the minister of internal security vowed to initiate an investigation into the incident.

In July, two journalists were killed in an al-Shabaab attack and overnight siege on a hotel in Kismayo along with 24 other persons. They were the first journalists killed during the year.

In January a Radio Daljir journalist was reportedly accosted during a Puntland Security Force press briefing, following similar reports of targeted harassment in November and December 2018.

According to the Somaliland Journalists Association, local authorities continued to harass and arbitrarily detain journalists systematically. In June, Somaliland authorities shut down two privately owned television stations for two weeks. Authorities lifted the ban after they reached a "mutual understanding" with the stations. Most observers saw this as pressure on the stations to self-censor their content (see also section 1.e., Political Prisoners and Detainees).

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 February a regional court in Somaliland suspended the publication *Foore* for one year and fined its editor in chief three million Somaliland shillings (\$350) after claiming the publication had printed false news and antinational propaganda when it ran an October 2018 article about construction of a new presidential palace.

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: Laws providing criminal penalties for publication of “false news” existed in all three entities. Puntland and Somaliland authorities prosecuted journalists for libel.

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.

In May the minister of education threatened to block access to social media websites following allegations of cheating during national exams. While there were no reports that the ministry blocked the sites during the subsequent phase of testing, a high court ruled the action to be permissible.

### **Academic Freedom and Cultural Events**

There were no official restrictions on academic freedom in Somalia, but 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 law 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 September, South West State police detained seven civilians, including a journalist and a woman, for holding allegedly illegal political meetings in Baidoa and publicly criticizing the FGS's decision to block the former president Sharif Sheikh Ahmed's travel to Kismayo to attend Jubaland president Madobe's inauguration ceremony. They were charged with association for the purpose of committing crimes and four of them, including the journalist, were sentenced to three months' imprisonment and fine of 174,000 shillings (\$300) each.

Federal member state and local authorities issued measures curtailing freedom of association to maintain security. In September the Jubaland cabinet and South West State minister of interior publicly announced that political meetings could only occur with prior permission from the state authorities. In October, Bossaso's security committee issued a letter banning all public meetings and social gatherings in the city without prior permission from the authorities.

Security forces sometimes used excessive force in handling demonstrations. In April, Mogadishu police arrested 46 persons on charges including murder, looting, and destruction of property following protests that took place in the city after a rickshaw driver and his passenger were shot to death by a police officer. Five persons were killed in the demonstrations.

The UN Panel of Experts on Somalia reported that in December 2018 regional and federal forces in South West State used lethal force against demonstrators in Baidoa, killing 15 persons. One day prior to the outbreak of the demonstrations, South West police commissioner Colonel Mahad Abdirahman Aden advocated the use of deadly force against demonstrators. In August, Abdirahman was appointed as the head of the federal Custodial Corps. In February a fact-finding commission appointed by South West State authorities acknowledged the killings but failed to name any perpetrators.

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

## Freedom of Association

The law 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 in areas it controlled.

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 <https://www.state.gov/religiousfreedomreport/>.

### d. Freedom of Movement

The law provides 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.

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. In September the government temporarily banned air travel to Kismayo, Jubaland. Some observers complained this suspension was to prevent politicians from attending the inauguration of Jubaland's president, whose election was disputed.

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

The safety of humanitarian operations remained a key concern due to the volatile and unpredictable security situation. Attacks against humanitarian workers and assets impeded the delivery of aid to vulnerable populations. Through August at least 51 humanitarian personnel were directly affected by security incidents, the majority of which took place in southern and central Somalia.

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.

#### **e. Internally Displaced Persons**

The government and Somaliland authorities cooperated with UNHCR and the International Organization for Migration to assist IDPs.

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.

As of September continuing conflict and drought during the year led to an increase in internal displacement. The country was home to more than 2.6 million IDPs. More than 288,000 new displacements were recorded during the year, with 150,000 primarily conflict- or security-related and 120,000 caused by drought. The food security situation remained critical but stable, due to a sustained humanitarian response, despite a poor long rainy season and flooding during the short rainy season. The UN Office for the Coordination of Humanitarian Affairs reported more than 1.2 million Somalis have been acutely food insecure and needed immediate assistance for survival. UNHCR figures indicated residents continued to be displaced, albeit at a pace much lower than in 2017 or 2018. As of September, 5.2 million persons were in need of humanitarian 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 from refugee camps abroad often move to 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 forced evictions of IDPs continued. As of June, 134,000 individuals had been evicted, including 108,000 evicted in Mogadishu. 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.

#### **f. Protection of Refugees**

The country hosts approximately 35,000 refugees and asylum seekers, primarily from Yemen and Ethiopia, with smaller numbers from other countries, including Syria, Tanzania, and Eritrea. Economic migrants also use the country as a transit corridor en route to the Gulf, Yemen, and Europe that exposed them to exploitation and abuse, primarily by human traffickers.

FGS and Somaliland authorities cooperated with UNHCR and the International Organization for Migration to assist refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. As of September, UNHCR supported the return of more than 2,800 refugees. Another 7,700 Somalis were registered as having returned spontaneously from Yemen without the support of UNHCR.

There were frequent disruptions in return movements to Somalia due to continuing violence and conflict.

**Refoulement:** The law provides 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, however, for providing such protection to refugees.

Access to Asylum: The law 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 Yemenis while most other nationalities underwent individual refugee status determination procedures.

Employment: Employment opportunities were limited for refugees, Somali returnees, and other vulnerable populations. Refugees often engaged in informal manual labor that sometimes exposed them to abuses from members of the host community.

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.

Durable Solutions: In November 2018 the FGS established a federal-level Durable Solutions Secretariat to strengthen its response to internal displacement in the country, and it began operations in January. In addition FGS continued to lead the Sub-Working Group on Migration, Displacement and Durable Solutions, under the framework of the National Development Plan.

### **g. Stateless Persons**

There were no estimates of the number of stateless persons in the country. The law discriminates against women in that it does not allow women to transmit their nationality to their children.

### **Section 3. Freedom to Participate in the Political Process**

The law 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 clan elders; 51 delegates selected by clan elders were responsible for voting on each lower house seat, and delegates were required to include 30 percent women (16 members) and 10 youth members.

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 January, Said Abdullahi Deni won 35 of 66 parliamentary votes in the third and last round of the region's presidential electoral process. He gained four more votes than his closest challenger, General Asad Osman Abdullahi. Incumbent President Abdiweli Mohamed Ali "Gaas" lost in the first round and accepted the results.

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 2018 but were delayed until December 2018. Abdiaziz Hassan Mohamed "Laftagareen" won in the first round. Opposition candidates accused the FGS of manipulating the result and orchestrating the arrest of candidate and former al-Shabaab leader Mukhtar Robow. At least a dozen persons were killed in



violence on the margins of protests the weekend before the vote, including a state member of parliament and a young boy, although the South West State government investigation reported only four deaths.

Parliamentary elections in Somaliland, last held in 2005, were overdue by 14 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 postpone parliamentary elections to April. Somaliland's political parties continued to discuss holding parliamentary and local elections in the first quarter of 2020. 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.

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 and re-selected in August 2015. In August, Madobe received 56 of 74 votes of Jubaland's parliament amidst claims that he manipulated the selection of the state's electoral committee and attempted to intimidate would-be rivals, including one whose security guards exchanged fire with Jubaland security forces when he came to Kismayo to campaign. Two opposition figures in the state also claimed to be Jubaland's president after the process, although they protested the process and never registered.

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 pre-existing district committees to remain in place.

Political Parties and Political Participation: In 2016 the president signed the law on political parties that 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 all politicians to join a political party by the end of 2018. As of December, 63 national parties had provisionally registered with the National Independent Election Commission. Prior to the law, several political associations had operated as parties. The provisional constitution states 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.

Throughout the year political parties complained about the difficulties of gathering for meetings in Mogadishu. As of August provisionally registered national political parties complained that Federal Member State administrations continued to prevent them from opening regional offices.

In January police dispersed approximately 100 youth attending a seminar on governance organized by the national opposition party Wadajir.

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 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 the 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 has four women.

In March the Ministry of Women and Human Rights Development convened 350 delegates to draft the Somali Women's Charter that includes a demand for the inclusion of women's rights in the constitution and electoral law and calls for a 50 percent quota for women in all levels of governance. The charter has not been implemented.

In May, Hirshabelle president Waare appointed Safiya Jimale as the first female mayor of Beletweyne town.

Civil society, minority clans, and Puntland authorities, and some national opposition figures 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, thus transitioning 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.

Women have 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.

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. Two ministers among the 24 cabinet ministers were women.

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

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides for criminal penalties for corruption by officials, but the government did not implement the law effectively. Government officials reportedly engaged in corrupt practices with impunity. During the year there were numerous reports of government corruption. President Farmaajo was elected on an anticorruption agenda and initially took a few steps to address corruption.

Corruption: Following years of pressure from the international community, in September, President Farmaajo signed the anticorruption bill into law and undertook to work on the formation of an independent ethics and anticorruption commission. Corruption, however, remained an issue. In October the auditor general, for the first time in the country's history, publicly released 2018 compliance, financial, and special audits of government institutions. The release highlighted failures to comply with auditing legislation, instances of improper revenue collection and management, weaknesses in internal controls, and inconsistent submission of financial reports by federal government ministries. As part of the report, the auditor general noted that \$10.7 billion Somali shillings (\$18.4 million) in foreign assistance had not been properly accounted for in reports received from government ministries.

The Financial Governance Committee (FGC)--an advisory body with no legal authority but responsible for reviewing all government contracts for more than 2.8 billion Somalia shillings (five million dollars)--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. The FGC's 2019 report noted tangible financial governance progress in the security sector, domestic revenue, contract renegotiation, and the development of a core public financial management framework. The FGC also applauded the passage of a Public Financial Management law. At the same time, the FGC highlighted the need for more transparent management of the petroleum licensing process and a clear process for sharing natural resource revenue in order to avoid corrupt practices.

The UN Panel of Experts on Somalia continued to report on the export of charcoal in violation of a UN Security Council ban, although it noted that no significant shipments had taken place in 2019. 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 UN Monitoring Group on Somalia and Eritrea.

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

The UN panel reported on the substantial increase in "taxation" by Al-Shabaab, which 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. In particular the panel noted increased al-Shabaab extortion from the port and airport of Mogadishu. 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 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 of the country. 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 2018 the minister of planning tweeted 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. As of April pressure from the FGS to meet these requirements had eased.

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, but these provisions have not been implemented. 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 penalties for rape included death sentences. 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. In August 2018 the Somaliland president signed into law the

Sexual Offenses Bill that provides punishment of 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.

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. In Lower Shabelle, most rapes of local civilians occurred at checkpoints or in farms and villages near checkpoints. The majority of the checkpoints where abuses occurred were controlled by the SNA, although many local residents believed local militias controlled the checkpoints.

The work of approximately a dozen women's groups, civil society organizations, and health-care workers in Lower Shabelle helped to reduce the effects of rape cases across Lower Shabelle in spite of the lack of justice. The organizations provided treatment, counseling, community coordination, and training on sexual and gender-based violence throughout the region and at times joined the Lower Shabelle administration in community engagement once a town is cleared of al-Shabaab.

IDPs and members of marginalized clans and groups suffered disproportionately from gender-based violence. Gender-based violence, including rape, continued to affect women and girls when on the move to collect water, go to market, and cultivate fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans and unidentified armed men. As of July 31, partners of UNHCR's project Protection and Return Monitoring Network reported 462 cases of rape or attempted rape in Somalia, a figure thought to underestimate greatly the true total. 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 February, four young men were accused of gang-raping and killing a 12-year-old girl in Galkayo, Puntland. Three of the initially accused were convicted and in May sentenced to death. Prosecutors used DNA evidence for the first time in their case against the three young men.

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 laws 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. Exposure to domestic violence was also significantly heightened in the context of displacement and socioeconomic destitution. Survivors faced considerable challenges for accessing necessary multisectoral services, including health, psychosocial support, justice and legal assistance, concerns for their reputation, and their exclusion from their communities. In several cases survivors from violence and providers of sexual and gender-based violence services were directly threatened by authorities when such abuses were perpetrated by men in uniform.

Al-Shabaab also committed sexual violence, primarily through forced marriages. Al-Shabaab sentenced persons to death for rape. The organization forced marriages on girls and women between the ages of 14 and 20 in villages under its control. The families of the girls and young women generally had little choice but to acquiesce or face violence.

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. The FGS president's adviser on gender affairs, Ifrah Ahmed, and her foundation have lobbied religious, political, and community leaders for action to end FGM/C and to protect victims.

In February 2018 the Somaliland Ministry of Religious Affairs issued a fatwa to condemn the most severe forms of the practice of FGM/C and to allow FGM/C victims to receive compensation. The ministry did not specify punishments for the practice. Health workers from the Somaliland Family Health Association began traveling from village to village to explain that FGM/C had no health benefits and

could lead to health complications. Many women reportedly began to opt for less severe types of FGM/C.

Other Harmful Traditional Practices: Adultery in al-Shabaab-controlled areas was punishable by death. In May 2018 a woman was stoned to death in the town of Sablale, Lower Shabelle, after al-Shabaab members accused her of polygamy. Early and forced marriages frequently occurred (see section on Children).

Sexual Harassment: The law provides 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 law 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 one-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 prevented women from exercising such rights. By law girls and women could inherit only one-half the amount of property to which their brothers were entitled.



In March several media associations accused the Ministry of Women and Human Rights Development of preventing female journalists from covering the Women's Convention in Mogadishu and of inviting nonjournalist men to sit in on their behalf.

## **Children**

Birth Registration: Nationality is derived at birth from a Somali national father, but not from the mother, nor from birth in the country's territory. Children of Somali mothers can acquire Somali nationality after two years. 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 law 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, lack of security, 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. IDP children had much lower rates of attendance than nondisplaced children. 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 law requires both marriage partners to have reached the “age of maturity” and defines a child as a person younger than 18 but does not specifically outlaw child marriage. It notes marriage requires the free consent of both the man and woman to be legal. Early marriages frequently occurred. UNICEF estimated in 2006 that 45 percent of women married before age 18 and 9 percent before age 15. 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 for its soldiers. There were no known efforts by the government or regional authorities to prevent early and forced marriage.

Sexual Exploitation of Children: The law does not expressly prohibit using, procuring, and offering a child for prostitution, pornography, or pornographic performances. Additionally, children exploited in prostitution are not protected from criminal charges under the law. 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. UNICEF estimated that 1.7 million of the 2.6 million total IDPs were children.

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/reported-cases.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 <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law 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 law 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, education, or an adequate standard of living. Children and adults with all types of disabilities were often not included in programs aimed at supporting persons in the country, including humanitarian assistance. IDPs with disabilities 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.

In November the Somali Disability Empowerment Network publicly condemned remarks allegedly made by the commander of the Custodial Corps general Mahad Abdirahman Aden that persons with disabilities were not needed to serve as employees of the Custodial Corps, which operate the country's prisons.

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 dominant 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. Some observers believed minority clans' resentment over abuses made them more vulnerable to recruitment by al-Shabaab. Bantu advocacy groups stated the community's isolation from the government's security sector integration efforts pushed some Bantu youth into joining al-Shabaab.

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.

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 law 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 law 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 address antiunion discrimination or the reinstatement of workers fired for union activity. Legal protections did not exclude any particular groups of workers. Penalties were not sufficiently stringent to deter violations. The government did not effectively enforce these laws.

Government and employers did not respect freedom of association or collective bargaining rights. The government interfered in union activities. Two unions claimed that in February 2018 government officials called the hotels where they were holding meetings and asked the hotels to cancel the union reservations. The Federation of Somali Trade Unions (FESTU), the largest trade union federation in Somalia, submitted observations to the International Labor Organization (ILO), alleging a continuing pattern of harassment and intimidation, particularly among union leaders in telecommunications.

In June 2018 FESTU became accredited to the ILO's International Labor Conference to represent Somali workers after the International Trade Union Confederation (ITUC) submitted an objection to government-accredited persons who attended as workers' delegates. The delegates were not trade union representatives and not genuine officials of FESTU. The government had accredited representatives during the past four years whom FESTU stated were not genuine trade unionists. The ILO's Credentials Committee agreed with ITUC's objection and revoked the credentials of individuals accredited by the government

as workers' representatives, allowing FESTU leaders to be accredited as an official delegation and to represent workers of Somalia at the conference.

In April, FESTU organized a workshop attended by 12 unions affiliated with the federation. Discussions focused on organizing workers in the informal economy, advocating for a minimum living wage, and pressing the federal government to enact the draft national labor bill.

In March, Somali National Army troops in Middle and Lower Shabelle went on strike in protest over unpaid salaries.

### **b. Prohibition of Forced or Compulsory Labor**

The provisional federal constitution prohibits slavery, servitude, trafficking, or forced labor for any purpose. The government did not effectively enforce the law. The penalties for slavery and forced labor were insufficient to deter violations. 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*), 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 <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Existing law does not set a minimum wage 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. Legislation that comprehensively prohibits hazardous occupations and activities for children, however, does not appear to exist. While the pre-1991 law remains on the books it was not enforced. 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 provisional federal constitution does not set a minimum age for employment.

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 did not enforce these laws. The legal penalties for child labor are insufficient to deter violations. 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 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 <https://www.dol.gov/agencies/ilab/resources/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. Penalties were not sufficient to deter violations. The law does not prohibit discrimination on the basis of religion, age, national origin, social origin, stateless status, sexual orientation or gender identity, or HIV-positive status or other communicable diseases.

#### **e. Acceptable Conditions of Work**

The law does not provide for a national minimum wage.

The pre-1991 labor code provides for a standard workweek of 48 hours and at least nine paid national holidays and 15 days of annual leave. The law requires premium pay for overtime and work performed on holidays, and limits overtime to a maximum of 12 hours per week.

The law sets occupational health and safety standards, although the labor trade organization FESTU claimed they are insufficient to protect workers. The law does not specifically guarantee the right of workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor and Social Affairs is responsible at the federal level for establishing occupational safety and health standards and enforcement. The ministry did not effectively enforce labor laws. There were no labor inspectors. The government did not provide labor inspectors with the capacity to protect workers who wished to remove themselves from situations that endangered their health or safety.

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.