

## SOMALIA\*

Somalia has an estimated population of seven million. The territory, which was recognized as the Somali state from 1960 to 1991, fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Government (TFG) in Mogadishu, the self-declared Republic of Somaliland in the northwest, and the semiautonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative governmental institutions and organize national elections. In January 2009 an expanded Transitional Federal Parliament (TFP), established under the internationally backed Djibouti Peace Process (DPP), extended the TFG's mandate until August 2011 and elected Sheikh Sharif Sheikh Ahmed as TFG president. The DPP stalled in 2009 as the government came under pressure from armed extremist groups and the TFG's top leadership engaged in political infighting.

On June 26, the Somaliland administration conducted its second direct presidential election in five years. On July 2, the Somaliland independent national elections commission declared Ahmed Mohamed Mohamud "Silanyo" as the winner in a presidential election that domestic and international observers declared as free and fair.

Islamist extremists increased attacks on Puntland regional officials. During the year 50 senior government officials and security officers were killed in roadside bombs and gun violence, mostly in Puntland's Bari Region. In Somaliland's disputed Sool and Sanaag regions, disaffected sub-clans waged sporadic violence against government officials.

Security forces reported to civilian authorities in the Puntland and Somaliland administrations. Even though TFG security forces reported to civilian authorities, there were instances in which elements of the security forces acted independently of civilian control.

There were reports of several isolated incidents where rogue TFG troops and allied militia opened fire on public transport vehicles, extorted money at checkpoints, and looted private businesses. In most of these cases, other TFG security forces intervened. Puntland security forces indiscriminately repatriated internally displaced southern Somalis, resulting in family separations and the loss of property and business. The administration alleged that the southerners were responsible for insecurity in Puntland. Fighting by TFG troops, allied militias, and African Union

Mission in Somalia (AMISOM) forces against antigovernment forces, terrorist groups, and extremist elements affected thousands of civilians in Mogadishu. Intermittent resource-related sub-clan disputes escalated into minor armed conflicts. Targeted assassinations continued. Terrorist group al-Shabaab claimed responsibility for suicide and roadside bombings against TFG troops, government officials, and AMISOM peacekeepers. There were four suicide bombings that targeted TFG officials and offices and AMISOM installations. Security forces in Puntland and Somaliland reported to government authorities, such as the Ministry of Defense. While TFG forces reported to government authorities, TFG-allied militia/paramilitary forces reported to clan or factional militia commanders and were outside the control of official authorities. There were instances when TFG security forces acted independently of civilian control. During the year TFG forces, with AMISOM support, increased the amount of TFG-controlled territory in Mogadishu to as much as 60 percent of the city.

Despite security and capacity problems, the TFG continued to focus on human rights. It designated a human rights official in the Ministry of Justice and a Focal Point for Human Rights and Child Protection in the Office of the Prime Minister and participated in international efforts to encourage better human rights practices. The human rights situation in al-Shabaab and allied extremist-controlled areas deteriorated further during the year. Absence of effective governance institutions and rule of law, the widespread availability of small arms and other light weapons, and al-Shabaab's increased enforcement of extremist societal norms contributed to a worsening human rights situation, particularly in Central and South Somalia.

Human rights abuses included arbitrary killings, kidnappings, torture, rape, amputations, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest, deportation, and detention. In part due to the absence of functioning institutions, perpetrators of human rights abuses, mostly in al-Shabaab controlled areas of Central and South Somalia, were rarely punished. Denial of a fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rape and female genital mutilation; child abuse; recruitment of child soldiers; trafficking in persons; abuse of and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor; and child labor were also problems.

Members of extremist antigovernment groups, and the al-Shabaab terrorist organization, some of whose members were affiliated with al-Qaida, committed an increasing number of egregious human rights violations, including killings of TFG

officials and civilians; kidnappings and disappearances; attacks on journalists, aid workers, civil society leaders, and human rights activists; restrictions on freedom of movement; and displacement of civilians. In an August 10 media release, the UN Independent Expert (UNIE) on the Situation of Human Rights in Somalia listed as human rights abuses: "summary executions, including beheadings of innocent people, amputations, flogging, whipping, forcible marriage of young girls to militiamen, use of civilians as human shields, imposition of the strictest dress code on women and prohibition of the use of public mass media, and the bans imposed on listening to music and public gathering, all with lack of due process."

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a.     Arbitrary or Unlawful Deprivation of Life**

The TFG or its agents did not commit any politically motivated killings. However, there were several reports that the TFG or its agents committed arbitrary or unlawful killings. Security forces reportedly killed several drivers of public transport vehicles and passengers at Mogadishu checkpoints. There were no reports that Somaliland and Puntland administrations or their agents committed arbitrary or unlawful killings.

Fighting between TFG forces and allied militias against extremist antigovernment groups resulted in at least 2,000 civilian deaths in Mogadishu. Al-Shabaab and other extremist groups committed political killings and assassinations in Puntland and the South and Central Regions of Somalia (see section 1.g.).

Politically motivated killings by extremist antigovernment elements and terrorist organizations resulted in the deaths of approximately 10 senior TFG officials, including members of parliament and security officials (see section 1.g.).

Prominent peace activists, community leaders, clan elders, and their family members became targets and were killed or injured for their roles in attempted peace building. There were no reports of government involvement in these killings, but the government neither identified nor was capable of punishing the perpetrators. Reports indicated that al-Shabaab and its affiliated militias were behind many of these killings. On June 27, unknown gunmen killed a father and his son in Elasha Biyaha locality near Mogadishu. The victims reportedly worked with a local telecommunications company. On June 29, unknown assailants shot

and killed Abdi Mohamed Kahiye, a well-known businessman in the Bakara market. Kahiye reportedly was targeted for his critical views of al-Shabaab and insurgent group Hisbul Islam who control the market. On August 15, unidentified armed men killed Mohamed Tahlil Warsame, chairman of the Council of Somali Peace Seekers, in Elasha Biyaha. On several occasions, al-Shabaab leaders issued death threats against anyone working for or suspected of having links to the TFG.

There were no reports that the government summarily executed persons during the year and no reports that excessive force by the TFG resulted in the death of demonstrators.

Unlike in 2009, there were no reports of excessive force by Somaliland government forces resulting in the deaths of demonstrators.

There were no reports of government forces deliberately killing street children; however, children were caught in crossfire during fighting between forces.

Throughout the year militants periodically fired mortars at Villa Somalia, the presidential palace in Mogadishu. On July 1, an improvised explosive device detonated inside a meeting hall in the presidency a few hours before a planned ceremony for Somalia's 50th Independence Day anniversary. On August 30, al-Shabaab mortars hit the presidential palace compound, killing four AMISOM peacekeepers. Several other mortar attacks on the president's residence landed in surrounding neighborhoods, causing civilian deaths, injuries, destruction of property, and displacement. In August and September, an al-Shabaab offensive in Mogadishu resulted in high civilian casualties and new displacements. The UN High Commissioner for Refugees (UNHCR) estimated 230 civilians were killed, 400 injured, and 23,000 displaced from their homes during the first two weeks of fighting. In April 2009 a mortar attack on the parliament building in Mogadishu killed a police officer and three children and wounded several other persons. In May 2009 mortar attacks on the police academy killed and wounded civilians in the vicinity. In September 2009 groups associated with al-Shabaab launched mortar attacks on a disabled veterans' home, killing an estimated 11 and wounding 20; al-Shabaab claimed responsibility.

Fighting among armed moderate and extremist religious factions as well as between extremists themselves caused hundreds of civilian casualties and displacements. On April 27, for example, clashes between the TFG-allied Ahlu Sunna Wal Jama'a (ASWJ), a historically nonpolitical moderate Islamic organization, and al-Shabaab in Mogadishu killed an estimated 15 civilians and

injured 50 others. Most of the civilian casualties were caused by mortar exchanges between the two groups. On June 2, several persons were killed in clashes between ASWJ and al-Shabaab in Marergur, Galgaduud Region.

Senior members of the TFG were killed. For example, on May 9, unknown gunman shot and killed Ali Yare, deputy police chief of Darkenley police station in Mogadishu. On July 9, Salad Hared Farah, spokesman for TFG militia in parts of Hiraan Region, was killed in Beledweyne; Al-Shabaab in Beledweyne claimed responsibility.

On August 24, two al-Shabaab gunmen disguised in TFG military uniforms killed 31, including four members of parliament (MPs), at the Hotel Muna in Mogadishu's Hamarweyne District. On September 9, AMISOM peacekeepers disrupted an al-Shabaab attack on a meeting of TFG and international officials at Mogadishu airport. Three peacekeepers and several civilians were killed in the gunfire and suicide explosions.

During the year several Puntland officials were also killed. For example, on January 5, unknown gunmen shot and killed Abdullahi Ali Osman, a Puntland MP, as he left a mosque in Bossaso. Police arrested two suspects. On July 10, a roadside bomb killed four Bossaso port security police and wounded eight.

Islamic extremists imposed strict social edicts resulting in the deaths of several persons.

During the year unknown assailants killed two journalist and media owners (see section 2.a.).

Attacks on humanitarian workers, nongovernmental organization (NGO) employees, and foreign peacekeepers resulted in deaths during the year (see section 5).

Hundreds of civilians were killed in inter- or intra-clan militia clashes throughout the country. The killings resulted from clan militias fighting for political power and control of territory and resources; revenge attacks; banditry and other criminal activity; private disputes over property and marriage; and vendettas after incidents such as rape, family disagreements, killings, and abductions. Authorities investigated very few of these cases, and there were few reports that any of the cases resulted in formal action by the local justice system.

Despite local efforts to mitigate interclan conflicts, Galkayo and surrounding nomadic villages experienced the most severe and frequent armed clashes in the country. An estimated 100 civilians were killed and hundreds others displaced from their homesteads in water and land resource-related reprisal attacks during the year. Intermittent intraclan armed clashes over resource sharing were also reported in other parts of the Mudug Region, as well as in remote villages between Burao and Buuhoodle towns, in Bari Region, and in parts of Bay, Lower and Middle Shabelle, Hiraan, and Galgaduud regions, resulting in several civilian deaths.

No action was taken against security force or militia members who committed killings in 2009 or 2008, and there was little progress in the investigations of killings reported in previous years. On January 17, a Bossaso court found Abdinassir Ahmed Ali guilty of the November 2009 killing of Judge Mohamed Abdi Warabe and sentenced him to death by firing squad. Two accomplices were sentenced to jail terms of three and 10 years. On August 12, residents of Jurile village, 70 miles south of Bossaso, awarded compensation to the victim of an unjustified 1996 vigilante killing.

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

b. Disappearance

During the year there were no reports of politically motivated disappearances, although these types of disappearances could have easily been concealed due to overall insecurity in the country. Abduction as a tactic in clan disputes, however, was reported but less frequently than in previous years. The Somali NGO Safety Preparedness and Support Program reported a decreased incidence of kidnapping, in part because of fewer international staff in the country.

Clan militia groups and criminal gangs made ransom demands on abductees or demanded property or hostage exchanges as preconditions to the release of abductees. Unlike the previous years where the majority of reported kidnappings were in the southern regions of Somalia, especially in areas surrounding Mogadishu, most kidnappings were reported in the Sool and Sanaag and Mudug regions. Two NGO workers were kidnapped during the year (see section 5).

There was a general decline in the number of maritime piracy attacks and the kidnapping of ship crew in the first quarter of the year in the Gulf of Aden as a result of international antipiracy efforts and cooperation of the shipping industry.

However, the number of successful piracy attacks increased in the second half of the year and continued to complicate humanitarian efforts to provide essential commodities to thousands of people in need (see section 1.g.). Sources from international NGOs suggested that pirates were holding approximately 20 vessels and 630 persons at year's end.

Government officials did not undertake investigations into or actions against kidnappers. According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), 10 aid workers, the majority kidnapped in previous years, still remained in captivity at year's end.

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

The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter, also referred to as the Puntland interim constitution, prohibits torture "unless sentenced by Islamic Sharia courts in accordance with Islamic law." There were no reports of the use of torture by TFG, Puntland, or Somaliland administrations during the year. Various clan militias, al-Shabaab, and Hisbul Islam continued to torture their rivals and civilians.

Unlike in previous years, there were no reports of police raping women; however, there continued to be reports of irregular/clan militias using rape to punish and intimidate rivals. Rape was commonly perpetrated in interclan conflicts.

There were no reports of TFG, Puntland, or Somaliland authorities taking action against persons or groups responsible for torturing, beating, raping, or otherwise abusing persons.

During the year TFG officials were victims of assassination attempts. On May 27, the TFG's humanitarian affairs minister Mohamamud Abdi Ibrahim survived a roadside explosion. The minister's car was in a convoy transporting two other ministers at the time of the explosion. Three of the minister's security team and a child and an adult near the site of the explosion were injured.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening in all regions. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and

pneumonia were widespread. Abuse by guards was common. Detainees' families and clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.

As a result of the worsening security situation and infiltration of violent extremists in TFG-controlled parts of Mogadishu, TFG police arrested suspects in security operations. However, there were fewer prisoners and detainees held in TFG prisons than in previous years. TFG prison officials reported that there were an estimated 400 prisoners held at Mogadishu central prison. As part of their efforts to strengthen the rule of law and improve security in Somalia, in mid-September official foreign donors sponsored training for the TFG Police Advisory Committee (PAC) held in South Africa. PAC is a civilian oversight authority established to ensure prisoners and detainees are treated in accordance with international human rights standards.

There have been no reports of TFG-allied militias operating detention centers since the end of Abdullahi Yusuf's regime in 2008. Antigovernment extremist elements and clan leaders, however, reportedly continued to operate detention centers in which conditions were harsh and guards frequently abused detainees. Al-Shabaab and affiliated extremist armed groups operated dilapidated detention centers in areas under their control in the south and central regions. Although there were no official numbers, informal/unpublished sources estimated that thousands were incarcerated throughout extremist-controlled areas in inhumane conditions for relatively minor offenses such as smoking, listening to music, watching or playing soccer, and not wearing the hijab. There were no reports by human rights organizations and civil society leaders in Mogadishu of the existence of makeshift detention centers in Mogadishu where prisoners were held during and after episodes of heavy fighting.

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

The Puntland and Somaliland administrations permitted prison visits by independent monitors. A September 2009 report by the UNIE described conditions at Puntland's Garowe central prison as "terribly bad" due to lack of capacity. The updated March 23 UNIE report referred to "terrible detention conditions of the central prison in Garowe, in particular keeping prisoners in shackles."



Somaliland authorities and the UN Development Program (UNDP) set up an independent prisoner monitoring committee. The UNDP also trained the prison custodial corps on human rights. There were no visits by the International Committee of the Red Cross to prisons in the country during the year; however, a prisons conditions management committee organized by UNDP and composed of medical doctors, government officials, and civil society representatives continued to visit prisons in Somaliland. During the year UNDP managed a program to improve Somaliland prisons by building new facilities and assisting in training wardens and judicial officials.

#### d. Arbitrary Arrest or Detention

In the absence of enforced constitutional or other legal protections, the TFG, its allied militias, and various clan militias across the country continued to engage in arbitrary arrest and detention without due process. Although precise figures were unobtainable, local human rights organizations and international organizations reported that, although there were fewer arrests than the previous years, the TFG continued to arrest and detain persons, most of whom were quickly released. There were no allegations that these detainees were subjected to beatings, mistreatment, or torture.

In the wake of increased extremist-instigated insecurity in Bossaso, Puntland, security forces reportedly arbitrarily arrested people, especially immediately after security incidents. The victims of arbitrary arrests in Puntland were mostly journalists and Somalis from the South. While arbitrary arrest or detention was a common phenomenon in the previous Somaliland government, there was none reported during the year.

Al-Shabaab and Hisbul Islam militias across the south central region arbitrarily arrested persons and detained them without charge.

#### Role of the Police and Security Apparatus

The police were generally ineffective, underpaid, and corrupt. With the possible exception of a few UN-trained police known as the Somali Police Unit, members of the TFG titular police forces in Mogadishu often directly participated in politically based conflict and owed their positions largely to clan and familial links rather than to government authorities. There were no allegations of TFG security officials engaging in extrajudicial killings; however, as in previous years, there

were some media reports of TFG troops engaging in indiscriminate firing on civilians, arbitrary arrest and detention, extortion, looting, and harassment.

In all three regions, abuse by police and militia members were rarely investigated, and a culture of impunity remained a problem. Police generally failed to prevent or respond to societal violence.

### Arrest and Detention

Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most areas of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained; however, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.

Arbitrary arrest was a problem countrywide.

Authorities in Puntland arbitrarily arrested journalists (see section 2.a.). Al-Shabaab and associated militia routinely arrested and threatened journalists as well.

There were no reports of TFG forces arresting journalists, NGO workers, or UN employees (see section 4). Similarly, there were no reports of TFG-allied militia arresting persons at random and demanding "bail" from their family members as a condition for their release. However, media reports indicate that TFG security forces and corrupt judicial officers, politicians, and clan elders used their influence and monetary inducements to set detainees free from allegations of petty and extreme crimes.

Unlike in previous years, there were no reports of politically motivated arrests in Somaliland. Authorities in Somaliland, Puntland, and the TFG arrested or detained numerous persons accused of terrorism and of supporting al-Shabaab.

Extremist elements also arrested and detained persons in their areas of control. For example, on January 25, Hisbul Islam militia arrested three traditional elders for allegedly holding unauthorized meetings with residents of Hakow village in the Lower Shabelle Region. The elders were moved to and detained at Toratorow town before their release on January 27 after the intercession of other elders. On April

17, armed al-Shabaab militia in Baidoa arrested Alin Hilowle, program officer of the Isha Human Rights Organization, and detained him at an undisclosed location. It was later confirmed that Hilowle was transferred to Mogadishu where he was reportedly tortured into confessing that he had been compiling and relaying information regarding al-Shabaab human rights abuses in Bay and Bakol regions. There were unconfirmed media reports that Hilowle escaped from al-Shabaab custody in early October after they allowed him to attend the burial of one of his sons in Baidoa under tight security. Hilowle's whereabouts remained unknown.

On August 11, Hisbul Islam militia arrested Haji Jaylani Moalim, a renowned herbalist, and three of his children at their home and detained them without charge. The family was released after one week in custody.

e. Denial of Fair Public Trial

The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer.

The TFC provides for a high commission of justice, a Supreme Court, a court of appeal, and courts of first instance; however, in practice no such courts exist. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Sharia, and the penal code of the pre-1991 Said Barre government. In May 2009 President Sheikh Sharif ratified a parliamentary bill establishing Sharia nationwide; however, at year's end there were no official institutions charged with the administration of Sharia. In August 2009 President Sharif established a military court for members of the TFG armed forces, but this court did not operate in practice. In areas that al-Shabaab controlled, Sharia was enforced; however, there were no trained Sharia judges to preside over cases. Al-Shabaab's interpretation of Sharia law resulted in uneven and at times draconian sentencing. For example, on July 26, al-Shabaab militia publicly flogged a young man and woman in Mogadishu's Livestock Market in the Huriwaa district for allegedly having sexual intercourse outside of wedlock. An al-Shabaab "judge" announced that the young woman confessed to the relationship, and she was consequently whipped 100 lashes. The young man denied the charges and was subsequently whipped 30 lashes.

The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland constitution is based on democratic principles, but the region continued to use laws that predate the

constitution, some of which contradict democratic principles. Functional courts exist, although there was a serious lack of trained judges and a shortage of legal documentation to build judicial precedence. Untrained police and other unqualified persons reportedly served as judges. International NGOs reported that local officials often interfered in legal matters and that the Public Order Law in Somaliland was often used to detain and incarcerate persons without trial.

The Puntland interim constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance. Despite having some functionality, these courts lacked the capacity to provide equal protection under the law.

Traditional clan elders mediated and resolved intra- and inter-clan conflicts throughout the country. During the year traditional elders in Somaliland intervened in political disputes between the government and opposition political parties. Clans and sub-clans frequently used traditional justice, which was swift. Traditional judgments sometimes held entire opposing clans or sub-clans responsible for alleged violations by individuals.

#### Trial Procedures

Without a functioning judicial system, there were no standard trial procedures in the southern and central regions. The TFC provides for the right of every person to legal proceedings in a competent court. The TFC states every person enjoys the presumption of innocence, the right to be present and consult with an attorney at any time, and adequate time and facilities to prepare a defense. It also provides a guarantee of free legal services for individuals who cannot afford them. While not explicitly mentioned in the TFC, there was a presumption of the right to a public trial and jury, rights pertaining to witnesses and evidence, and the right of appeal. Most of these rights were not respected in practice and did not exist in those areas that applied traditional and customary practices or Sharia.

With the support of UNDP programs addressing judicial reform, Somaliland registered some improvement, except in cases of a political nature. Defendants generally enjoyed a presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney in all stages of criminal proceedings. Defendants can question witnesses and present witnesses and evidence on their behalf and have the right of appeal. Somaliland provides free legal representation for defendants who face serious criminal charges and are

unable to hire the services of a private attorney. Authorities in this region did not recognize the TFC and continued to apply the Somaliland constitution and pre-1991 laws. However, a worrying trend of regional and district security committees circumventing due process by ordering arrests and issuing sentences continued. Reportedly, hundreds of persons were serving varying prison terms imposed by security committees.

In Puntland, clan elders resolved the majority of cases using traditional methods known as Xeer; those with no clan representation in Puntland, however, were subject to the administration's more formalized judicial system. In this system, as outlined in Puntland's interim constitution, defendants enjoy a presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney at all stages of criminal proceedings. Defendants can question witnesses and present witnesses and evidence on their behalf and have the right of appeal. There were numerous alleged instances of political and executive interference in the determination of high-profile political or security cases, especially concerning journalists. As in the other regions, the constitution stipulates that free legal representation be provided for defendants who cannot afford an attorney; in practice, these and other rights were not respected.

#### Political Prisoners and Detainees

There were no official reports of political prisoners or detainees, although some arrests and detentions, especially in Somaliland, appeared to be politically motivated. In September 2009 there were reports that Somaliland authorities arrested and detained more than 100 persons, including several opposition leaders, after four persons were killed during demonstrations in Hargeisa. In August an estimated 270 prisoners, including those arrested in September 2009, were released from Somaliland prisons through a presidential amnesty.

Somaliland's Parliamentary Committee on Justice and Constitution reported in March that half of the 765 prisoners and remandees held in the Mandheera Prison were detained on the orders of regional or district security committees. There was no information available for instances of political prisoners in either Puntland or TFG controlled areas.

#### Civil Judicial Procedures and Remedies

The inability of the judiciary to handle civil cases involving such matters as defaulted loans or other contract disputes encouraged clans to take matters into

their own hands and led to increased inter-clan conflict. There were no lawsuits seeking damages for, or cessation of human rights violations due to the inadequate, nonexistent, and/or routinely corrupt court system. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

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

The TFG provides for the sanctity of private property and privacy. Unlike previous years, there was a reduction in reports of both TFG and extremist militia involved in looting, land seizure, and forced entry into homes in Mogadishu and elsewhere with impunity. The Puntland interim constitution and the Somaliland constitution recognize the right to private property. There were no reports of authorities in those regions infringing on these rights.

On July 7, TFG-allied militia looted and forcefully extorted money from small-scale traders in Mogadishu's Wadjir District. The TFG did not take action against the perpetrators. Although there were fewer reported cases of TFG militia and allied forces extorting money from taxi, bus, and truck drivers, the practice continued during the year, at times resulting in civilian deaths. For example, on April 16, a TFG militia member at the Mogadishu-Afgooye Road checkpoint killed a passenger and wounded a driver following a disagreement.

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

Killings

Fighting during the year between TFG and allied forces against al-Shabaab and Hisbul Islam resulted in the deaths of more than 2,000 civilians throughout Somalia. In Mogadishu, al-Shabaab conducted almost daily attacks and offensives against the TFG and AMISOM; there were numerous media reports of civilian deaths from TFG and AMISOM forces responding to these attacks. According to the Mogadishu-based Elman Human Rights Organization, violence in Mogadishu killed an estimated 918 civilians. According to Lifeline, a Mogadishu-based local human rights organization that provides free ambulances to Mogadishu residents, 5,814 civilian injuries were reported during the year. On January 14, al-Shabaab launched an attack on the presidential palace, killing 21 civilians and injuring 30. On January 31, a barrage of TFG/AMISOM mortar attacks against militant positions in Yaqshiid and Huriwaa districts of Mogadishu killed 14 and injured 50

civilians. On June 3, clashes between al-Shabaab and the TFG in Mogadishu killed 20 and injured an estimated 80 civilians. Conflicts in various parts of the country displaced thousands of people throughout the year.

All parties to the conflict reportedly employed indiscriminate lethal tactics; generally, no action was taken against those responsible for the violence. Antigovernment and extremist groups, particularly al-Shabaab, were responsible for launching mortar attacks from hidden sites within civilian populated areas and using civilians as human shields. For example, on November 17, artillery gunfire between AMISOM and extremist groups killed at least 21 civilians in Mogadishu. In addition, extremist groups conducted suicide bombings; used land mines and remote-controlled roadside bombs; and conducted targeted killings of journalists, aid workers, and civil society leaders. TFG and AMISOM forces responded to these attacks, which sometimes resulted in shelling of civilian-populated areas. International human rights observers accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and a failure to take steps to minimize civilian harm.

Since the collapse of the government in 1991, tens of thousands of persons, mostly noncombatants, have died in interclan and intraclan fighting and factional armed conflict. For example, on April 25, al-Shabaab launched mortar attacks on TFG troop's positions, and TFG counterattacks killed 16 and injured more than 30 civilians.

Al-Shabaab and other extremist groups summarily executed an unknown number of persons whom they accused of spying for the "enemy"—the TFG and AMISOM—and other specious charges in Somalia's South and Central regions. On May 26, for example, an al-Shabaab firing squad executed Mohamed Gaboobe, whom al-Shabaab had accused of murder. On July 1, Al-Shabaab militia executed 20-year-old Mohamed Guleid Hosh, who was accused of insulting the Prophet Muhammad. In January 2009 al-Shabaab publicly executed by firing squad Abdirahaman Haji Mohamed "Waldire" after an al-Shabaab court convicted him of espionage and apostasy; Ahmed was a prominent Juba Region politician and militia leader. On September 28, al-Shabaab publicly executed two young men in Mogadishu after an al-Shabaab court convicted them of espionage. On July 9, al-Shabaab publicly executed 38-year-old former TFG military trainer Ibrahim Abdikadir Hasan by firing squad in Baidoa. Hassan was arrested in March on charges of being a spy for Ethiopia. Similarly, extremist armed groups in the Juba, Bay, and Bakol regions arrested and beheaded several persons they accused of spying. For example, on November 10, al-Shabaab militia beheaded four people in Waradhumale in

Galgaduud Region for their association with ASWJ, a group they perceived as having strong ties with the TFG. In addition, on October 27, al-Shabaab executed two teenage girls, Ayan Mohamed Jama, 18, and Huriyo Ibrahim, 15, in the al-Shabaab-controlled town of Belet Weyne after an al-Shabaab "judge" sentenced the girls to death for spying. They were executed while blindfolded and handcuffed after a hearing in which no evidence was presented nor was legal representation allowed.

In July 2009 al-Shabaab from Bay and Bakol regions beheaded an elderly disabled man after removing his eyes. In a move to frighten and intimidate the citizenry, al-Shabaab reportedly fitted the man's spectacles on his dismembered head and publicly displayed it. On July 26, Hisbul Islam militia in Afgoe, Lower Shabelle, executed a man accused of defiling a 12-year-old girl. The man was buried waist-deep and pelted with stones until he died. As was common in public executions, the militia rounded up members of the community to compel them to witness the execution.

Roadside bombings, suicide attacks, and armed raids targeting TFG officials and sympathizers as well as civil society groups continued throughout the year. Antigovernment extremist groups were responsible for numerous killings of government officials and police. Politically motivated killings by al-Shabaab and its affiliates resulted in the deaths of several TFG officials and members of the Banadir regional administration, including district commissioners and their deputies and security and court officials.

Al-Shabaab claimed responsibility for several attacks against the TFG and its supporters during the year. For example, on May 24, al-Shabaab claimed responsibility for a landmine explosion at a TFG checkpoint in Mogadishu's Buula Hubeey neighborhood that killed three TFG soldiers and injured four. The explosion also injured two children. On June 9, an explosion of a remote-controlled device killed nine TFG police on foot patrol near the police academy, in Mogadishu's Hamar Jajab District. Seven civilians were also killed in the attack. On August 17, a remote-controlled roadside explosion targeting Guriel District Commissioner Osman Isse Nur "Tar-dhuleed" injured two of his children who were riding in the car with him. ASWJ militia arrested 10 suspects in the attack.

The TFG's Waberi police station commander was killed during August 23 to 25 clashes between the TFG and al-Shabaab. On August 24, an al-Shabaab armed raid and subsequent suicide attack on a Mogadishu hotel killed 31 persons, including four MPs. On September 20, AMISOM peacekeepers killed a lone gunman



reportedly on a suicide mission as he tried to gain access to the presidential palace. The gunman belonged to extremist group Hisbul Islam and reportedly intended to kill his uncle, the interior minister. Unlike in 2009, there were no reports of al-Shabaab taking TFG forces hostage or summarily executing any security officers.

There were no reported cases of TFG security forces killing civilians whom they suspected of planning attacks or giving information to antigovernment forces, as was common in previous years; however, civilians were killed or injured during clashes between members of the TFG's security forces and affiliated militia in parts of Mogadishu. For example, on February 10, armed clashes between TFG police and military killed four and wounded several others in Hamar Jajab District. On April 28, crossfire among TFG militia in Wadajir District reportedly killed three and wounded another seven. Similar clashes in Madena District the following day killed two persons and wounded five. On June 28, fighting between TFG-allied militia along Mogadishu's Afgooye-Mogadishu road killed two persons. Clashes erupted when the militia disagreed over extortion fees collected from vehicles at a check point. Such intra-TFG militia clashes reportedly occurred when other security forces intervened to stop looting and extortion, when militia disagreed on the sharing of the loot, or over unpaid allowances.

Unlike in previous years, security forces did not kill persons waiting for food aid.

No action was taken against security officials responsible for civilian deaths during the year.

During the year TFG forces and AMISOM peacekeepers disrupted several al-Shabaab attempts to topple the TFG from power. For example, on April 27, AMISOM peacekeepers destroyed an explosives-laden truck as it approached an AMISOM base in Mogadishu. All three suicide bombers in the truck were killed, and two peacekeepers were injured. On September 9, al-Shabaab claimed responsibility for twin suicide truck bomb explosions near the Mogadishu international airport. AMISOM reportedly shot five bomb-strapped al-Shabaab militia as they tried to sneak into the airport during the resulting mayhem. Four civilians and three peacekeepers were killed in the attack.

In 2009 Al-Shabaab killed nearly 120 persons and injured approximately 200, mostly civilians, in eight suicide attacks against TFG and AMISOM targets. Of these, the December 2009 suicide bombing at the Benadir University graduation was the deadliest; the attack killed 22 civilians, including three TFG ministers, and injured as many as 50 other civilians.

Few cases of land mines and unexploded ordinance (UXO) were reported during the year compared with 2009. However, antipersonnel and antitank land mines, most of them remotely controlled, were frequently deployed by antigovernment groups against TFG forces, its allied militias, and civilians. For example, on September 1, a landmine explosion along Mogadishu's industrial road killed an estimated nine and injured 25, all of them passengers on three public transport vehicles.

On January 7, a remotely detonated landmine blew up a car in a convoy of vehicles transporting General Mohamed Gele Kahiye, TFG military chief, killing two of his security guards and injuring six soldiers. On July 26, extremist groups targeted TFG Mogadishu administrators with two bombs, causing several civilian casualties. Two TFG soldiers were killed and four wounded in a roadside explosion which went off in the Alqalow neighborhood in Wadajir District. A similar attack on TFG troops on patrol killed three and injured two.

On August 4, a bomb killed eight women and injured many others working in an employment program to clean up areas of Mogadishu. This was the second time female volunteers were targeted in Mogadishu.

Armed extremists' destruction of Sufi shrines degenerated into attacks on places of worship. In purported intra-extremist violence on May 1, twin explosions inside a packed mosque in Mogadishu's Bakara market killed 45 worshippers and injured an estimated 100, including top leaders of al-Shabaab and its allied militia. Another mosque attack on May 2 killed two and injured 13 after prayers in the al-Shabaab-controlled port town of Kismayo.

Attacks on and harassment of humanitarian, religious, and NGO workers resulted in numerous deaths during the year.

Unlike previous years when UXO killed several children, there were no reported incidents of children killed or injured in UXO-related accidents. However, violence in Mogadishu affected many children. According to UNOCHA, the World Health Organization estimated 262 children were among the 1,025 patients treated in the two main hospitals in Mogadishu.

Land mines killed or injured police officers and local administrators. For example, on May 12, former Mogadishu governor Mohamed Omar Habeeb "Mohamed Dheere" escaped a roadside explosion. The explosion killed one and injured three

of his guards. On May 24, a remote-controlled roadside bomb intended for Middle Shabelle Governor Mohamud Ali "Jowhar" injured one of his assistants. On May 27, a roadside explosion targeting a government minister's convoy in the KM4 area of Mogadishu killed one civilian and wounded two children.

On November 3, a landmine explosion killed several nomadic people and injured others in Ilguule, Guriel District, after it blew up a vehicle they were travelling in. On December 5, three people were injured in a landmine explosion that destroyed a vehicle in Goldogob, Mudug Region.

### Physical Abuse, Punishment, and Torture

On April 26, in Mogadishu's Deyniile District, al-Shabaab chopped off the right hand of an alleged thief and executed an accused murderer. An al-Shabaab "Sharia" judge claimed Shiine Abukar Hersi, whose right hand was amputated, was charged with stealing used bedding. An al-Shabaab firing squad executed Mohamed Ahmed Qasim, whom the al-Shabaab judge accused of murder. On July 16, al-Shabaab militia amputated the right hands of two young men in Balad. The al-Shabaab court convicted the two, Murshid Ahmed Adan and Hassan Omar Mohamed, of robbery. The al-Shabaab judge claimed Aden and Mohamed confessed to stealing 45 million Somali shillings (\$1,400) and two million Somali shillings (\$60) respectively. As in previous years, Al-Shabaab carried out these amputations and other violent physical punishment in front of community members whom they forced to attend. Al-Shabaab carried out numerous other crude punishments on specious grounds in areas under their control in South and Central Somalia.

Al-Shabaab used torture on TFG members and individuals suspected to be sympathetic to the government.

Unlike previous years, there were no reports of extremist groups using crude weapons to cause physical and psychological harm. In 2009 al-Shabaab militia reportedly molded plastic into sharp tools that they used as torture instruments.

On August 16, a passerby rescued an unconscious man who was dumped in Dayniile. The man indicated that al-Shabaab militia members had abducted him and two others from their workplace in the Bakara market and cut out their tongues; the two other men had already bled to death. Al-Shabaab targeted them on suspicion that they were spies. On April 24, five headless bodies were found in Mogadishu; residents identified the victims as construction workers who

participated in the renovation of Somalia's former parliament building. Observers believed that al-Shabaab targeted these men for "aiding the enemy."

### Child Soldiers

The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Without established birth registration systems, it was often difficult to determine the exact age of persons, including recruits to armed groups. The July 2009 report of the UN Security Council Working Group on Children and Armed Conflict cited the TFG, Ahlu Sunna wal Jama'a, al-Shabaab, Hisbul Islam, clans, and the Puntland regional administration as continuously recruiting children into their militias. In May the UN Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary General (SRSG) for Children and Armed Conflict reported an increase in the recruitment of children, some as young as nine, in armed conflict in Somalia. In response, TFG Prime Minister Mohamed Abdullahi Mohamed committed his government to eradicating the practice in a meeting with this SRSG and agreed to designate a focal point to work with the UN to pave the way towards the signing of an action plan and an official agreement to secure and verify the release of child soldiers.

The TFG did not conscript or condone the recruitment of child soldiers for use by its National Security Force or allied fighting units. However, there were reports that a small number of under-age persons remained associated with TFG forces, and the TFG pledged to address this issue comprehensively. Children were most heavily recruited and forcibly conscripted by clan militias and antigovernment groups.

Al-Shabaab conscripted children into armed conflict and military operations in addition to using them to plant roadside bombs and other explosive devices. According to the UN, al-Shabaab recruited children as young as eight from schools and madrassas and trained them to plant bombs and carry out assassinations for financial reward. In May 2009 TFG police arrested 11 minors who had been kidnapped in Lower Shabelle Region and forced into al-Shabaab militias. All of the children were subsequently released to their parents or guardians. In Kismayo, Baidoa, and Merka, al-Shabaab forced boys 15 and older to fight as "mujahedeen" or face execution. In 2009 al-Shabaab killed an estimated 16 teenagers after they refused to become al-Shabaab fighters.

Because of the risk in intervening directly with militia groups, UNICEF protection partners engaged in low-profile condemnation of child recruitment while undertaking public education and youth empowerment initiatives. UNICEF also assisted the TFG in preparing an action plan that would include measures to screen its troops, as well as establish mechanisms to prevent further child recruitment.

The Somaliland constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces.

#### Other Conflict-related Abuses

Deteriorating security conditions complicated the work of local and international organizations, especially in the South. During the year attacks on NGOs, seizure of NGO premises, and looting hindered humanitarian aid delivery. As a result of killings, extortion, threats, and harassment, some organizations evacuated their staff or halted food distribution and other aid-related activities. In addition, al-Shabaab banned an unprecedented number of international NGOs from areas under its control, and several other international NGOs were forced to scale down their humanitarian operations after refusing to agree to al-Shabaab extortion demands.

During the year piracy off the coast continued; the International Maritime Bureau identified the country's territorial waters as the most dangerous in the world. Pirates increased hijackings and unsuccessful attacks on vessels off the Somali coast, despite increased international attention. Fewer incidents occurred in the Gulf of Aden because of increased patrols, but there were more attacks further offshore. Most of the ships continued to be brought into the waters off the coast of Puntland and held near the coastal towns of Eyl, Hobyo, and Haradere. Fueled by lucrative ransoms, these towns developed a burgeoning industry to support the pirates and their hostages. Following ransom payments, which in some cases reached several millions of dollars, the hijacked vessels and hostages were often released. In each instance, crews were held hostage until a ransom was paid.

Puntland security forces made little progress against pirates operating along the coast, but there were some signs of progress over the year. During raids on pirates' hideouts, Puntland security arrested several suspected pirates, and some were sentenced to long jail terms in subsequent trials. Clan elders and religious groups continued sensitization efforts begun in 2009 in Puntland's coastal towns to demobilize pirates and discourage youth from joining them. In part due to their efforts, several former pirates renounced piracy. On June 16, the Puntland

administration, with the support of an NGO, enrolled several reformed pirates in a vocational training center in Garowe to acquire technical skills.

On May 18, Puntland police arrested 10 pirates, including pirate cartel leader Abshir Abdullahi Boyah, and seized ransom money and a vehicle in Garowe. On June 3, Puntland police rescued a ship and 24 crew members from pirates who had hijacked it the day before. Police arrested 10 suspected pirates in the rescue operation, which left two police officers injured. Puntland contracted a private security firm to assist in its counterpiracy efforts. The firm, billed as a "Public Private Partnership" by the Puntland administration, is reportedly providing training to hundreds of antipiracy militia.

On October 11, armed pirates ambushed the Puntland minister of ports' convoy in the Jariban, Mudug Region, where the minister was visiting coastal communities to advocate against piracy. The pirates reportedly took the minister hostage after brief armed clashes with the minister's security. The pirates set him free several days later following the intervention of clan elders who negotiated for his release.

Twenty-two vessels and an estimated 600 crew members remained in the custody of Somali pirates.

While the TFG did not hamper humanitarian aid delivery, it was unable to prevent attacks on UN and NGO personnel and assets. The deteriorating security situation and continued targeting of national and international relief organizations presented significant challenges to humanitarian operations, particularly in the South and parts of Central Regions. The Inter-Agency Standing Committee on Somalia report released in October notes that "between October 2008 and September 2010, eighteen humanitarian organizations have stopped activities due to their direct expulsion by armed groups or as a consequence of interference in their programs. This interference ranges from 'taxation' and extortion to the seizure of compounds, supplies, and assets." Although humanitarian access constrictions experienced in 2009 continued, there was a significant reduction in the number of violent incidents involving humanitarian workers and assets. UNOCHA reported 34 security incidents were directed at humanitarian workers or assets between January and August, compared with 68 during the same period in the previous year. This decrease could be attributed to the more limited presence of international staff, loss of compounds, and strict changes in and adherence to security protocols.

According to the UN secretary general's September 9 report on Somalia, "[insecurity] hampered United Nations operations in Somalia, limiting freedom of

movement for United Nations staff and contractors." According to the report, al-Shabaab seized the compound of the UN World Food Program (WFP) and the houses of six national staff in Wajid and attempted to loot non-food items from the WFP compound in Buaale.

In its August humanitarian overview report, UNOCHA reported that Puntland had experienced some access problems, especially in July and August, as a result of internal conflicts and looting of relief food supplies and assets. Access was generally good in Somaliland. There was a reduction in attacks on humanitarian personnel but a marked increase in al-Shabaab raids on UN and international NGO compounds, offices, and warehouses, in which they looted humanitarian supplies, food, equipment, and other assets.

Two aid workers were killed during the year, down from 10 the previous year. At year's end, 10 humanitarian workers who were previously abducted still remained unaccounted for. Relief agencies continued to operate with significantly reduced or no international staff. Aid agencies increasingly relied on local Somali staff, who were also under threat, and partnerships with local implementing organizations to deliver relief assistance to vulnerable beneficiaries.

On April 27, unidentified gunmen killed Mohamed Mayow Mohamed, an employee of a local NGO that supplies water to camps for internally displaced persons (IDPs) around Mogadishu. On June 18, unknown armed persons kidnapped Said Moalin Bashir, a Mine-Action employee. On August 30, a Mogadishu nurse reportedly was abducted as she left work. The kidnappers set the nurse free on September 3, reportedly without receiving any ransom payment.

Al-Shabaab banned approximately 10 international NGOs from working in areas under its control. Several other NGOs suspended their operations, being unable to meet extortion demands. On January 22, al-Shabaab militia raided World Health Organization and Save the Children premises in Beledweyne and looted computers and other equipment after briefly holding local staff hostage. On April 8, al-Shabaab stormed and took over the WFP compound in Wajid, Bakol Region. Al-Shabaab also took control of Wajid's airstrip, which was the largest humanitarian hub in south and central Somalia.

On August 31, al-Shabaab attacked and occupied international NGO Adventist Relief and Development Association's offices in Beledweyne and Bulaburde towns, Hiran Region. Evacuating the offices the same day, al-Shabaab took with them equipment such as computers and furniture. The organization had been

implementing education and livelihood projects, and 180,000 beneficiaries were affected by its closure.

There were no developments in kidnapping cases from 2008 and 2009. The estimated 10 aid workers kidnapped in 2008 and 2009 remained in captivity at year's end.

In 2008 simultaneous explosions in Hargeisa targeting the UNDP, the Somaliland Elections Commission, and the Ethiopian embassy, as well as Puntland administration offices in Bossaso, killed 20 persons and injured 37. On May 28, a Hargeisa regional court arraigned 11 suspects in the attack. In July the court acquitted nine of the suspects for lack of evidence and sentenced two others to a jail term of 18 months each for obstruction of justice. The court also delivered in absentia death sentences to five suspects who were on the run. On September 16, Somaliland security arrested Osman Yusuf Odawa, one of the suspected masterminds who had already been sentenced to death by hanging; he remained in custody awaiting the implementation of this sentence.

## Section 2    Respect for Civil Liberties, Including:

### a.    Freedom of Speech and Press

The TFC and the Somaliland constitution provide for freedom of speech and of the press. The Puntland interim constitution provides for press freedom "as long as journalists respect the law"; however, this right was not respected in practice. Instances of violence, including murder, harassment, arrest, and detention of journalists in all regions of Somalia continued. Journalists engaged in rigorous self-censorship to avoid reprisals.

The print media throughout Somalia consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one or another of the factions. Several of these dailies were nominally independent and published criticism of political leaders and other prominent persons.

In Somaliland there were seven independent daily newspapers. There was also one government daily and two English-language weekly newspapers. There were three independent television stations and one government-owned station. Although the Somaliland constitution permits independent media, the Somaliland government consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland was government owned.



Most citizens obtained news from foreign radio broadcasts, primarily the BBC's Somali Service and the Voice of America's Somali Service, which transmitted Somali-language programs daily. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern areas of the country. There were at least six independent radio stations in Puntland. Conditions in the country precluded a full accounting of all media; there were numerous small, relatively unknown local FM radio stations throughout the country. On March 28, in Kismayo, al-Shabaab opened an FM radio station.

Unlike in the previous years, journalists did not receive direct threats from the TFG. However, al-Shabaab and other extremists continued to harass journalists, and the overall climate for freedom of speech and press deteriorated. Journalists reported that al-Shabaab threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Reporters also remained under threat if they published criticism of the government. The Kismayo al-Shabaab administration continued to enforce rules for journalists, including a requirement to refrain from reporting news that undermined Islamic law.

Journalists and media organizations in Puntland and Southern Somalia reported harassment, including killings, kidnappings, detention without charge, and assaults on persons and property. As in previous years, experienced field reporters and senior editors fled the country due to direct threats from antigovernment groups.

During the year two journalists were killed in targeted or collateral incidents, down from nine in 2009. On May 4, al-Shabaab claimed responsibility for the murder of Sheikh Nur Mohamed Abkey, a journalist with the Somali government's Somalia National News Agency. On August 24, journalist Garkhat Awale was killed while working on the Hurma Radio transmitter in Mogadishu. It is unclear whether he was targeted or hit by a stray bullet.

There were no arrests in connection with any killings or attempted killings of journalists during the year.

Unlike previous years, there were no reports that the TFG or Somaliland ordered the arrest of journalists.

During the year there continued to be incidents of banning journalists and arresting them in the Puntland Region. For example, on August 10, Puntland authorities banned Nuh Musse Birjeeb, a contractor for Voice of America, from reporting; Birjeeb had conducted an interview with an Islamic insurgent leader. Days later, the Puntland information minister lifted the ban. On August 13, Abdifatah Jama Mire, director of radio station Horseed Media, was arrested for broadcasting an interview with an armed Muslim extremist leader active in Puntland. Seventeen hours later, Mire was sentenced to six years in prison for his actions. At year's end his case was being appealed. On August 15, the Puntland information minister banned media from reporting on violent extremist leaders active in Puntland.

Several broadcasting stations were closed or expropriated by extremist administrations during the year. For example, on March 24, al-Shabaab took over radio stations in Kismayo and Baidoa. On August 23, al-Shabaab militia expropriated privately owned Radio Holy Qur'an and continued to use the station's radio frequency for its propaganda. The original owners relocated to TFG-controlled areas of Mogadishu and started broadcasting in an attempt to reclaim the station's brand. In September al-Shabaab closed and looted Hornafrik. In April 2009 al-Shabaab closed Radio Mandeeq after it broadcast news about a clan dispute. Also in April 2009, the al-Shabaab administration in Baidoa closed Radio Jubba and detained three journalists who were freed the following day after an agreement that the station would no longer broadcast music. In September 2009, al-Shabaab ordered the closure of Radio Warsan, a local FM station in Baidoa, and detained the radio's director, Hilal Sheikh Shuayb. He was reportedly arrested for failure to obey al-Shabaab's order for radio stations to stop broadcasting advertisements with music and to broadcast the call for prayer. He was released after two days in detention.

Journalists reported continued pressure from al-Shabaab and opposition elements to provide favorable reporting for each side, with threats of reprisal if reporting was perceived to be critical of them. On March 18, al-Shabaab warned the director of Shabelle Radio not to air information about the TFG. The same month al-Shabaab arrested two other journalists in Gedo Region for reporting unfavorably about the group. The journalists, who worked for Somali Broadcasting Corporation and Somaliweyn Radio, were held for three days, during which time they were beaten and drenched with mud, according to their statements to the media. On April 13, al-Shabaab banned all Somali radio stations from playing music. Many complied under the implied threat of violence.

Unlike in previous years, there were no reports that the TFG pressured journalists to produce positive reporting.

### Internet Freedom

There were no government restrictions on access to the Internet; however, extremists in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists. Media outlets continued to create Web sites associated with their broadcast operations, resulting in a proliferation of news-oriented Somali language Web sites. According to International Telecommunication Union statistics for 2008, approximately 1 percent of the country's inhabitants used the Internet; however, independent researchers noted this figure may be higher because Internet users frequently accessed the technology in cyber cafes and other public centers and Somalia's Internet country domain was not in use at the time; the domain was still not in use at year's end.

### Academic Freedom and Cultural Events

There were several functioning universities—three each in Mogadishu, Somaliland, and Puntland. Dozens of others existed only in name. Authorities imposed restrictions on academic freedom, and academics practiced self-censorship. In Puntland, a government permit was required to conduct academic research.

During the year there were fewer direct attacks on schoolchildren, teachers, and schools across the country. Most attacks involved indirect or stray fire on children and schools due to fighting or mortar shelling in Mogadishu. In one case, university students reportedly were among nine killed when a roadside bomb, probably intended for AMISOM troops, hit a minibus on August 31. Unlike in previous years, TFG forces were not responsible for any of these attacks. Al-Shabaab, other antigovernment groups, and ordinary criminals were responsible for targeted attacks.

There were no developments in the 2008 incident in which TFG security forces stormed the Somali Youth League Primary and Secondary school and the Imam Shafi'i Primary School in Mogadishu.

Al-Shabaab and armed militia associated with the former Union of Islamic Courts attacked schools and killed teachers and other education workers. For example, in February 2009, unknown armed militia forcefully entered Yusuf Kownayn School

in Mogadishu's Wadajir District. The militia reportedly robbed, beat up, and harassed teachers and students.

There were no official restrictions on attending cultural events, playing music, or going to the cinema outside of al-Shabaab controlled areas. However, the security situation effectively restricted access to and organization of cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The TFC, Somaliland, and Puntland constitutions provide for freedom of assembly; however, the lack of security effectively limited this right in many areas. Unlike in previous years, there were no reports of security forces in Somaliland, Puntland, and TFG controlled areas employing excessive force to disperse demonstrators. However, freedom of assembly and/or association was extremely curtailed. Al-Shabaab did not allow gatherings of any kind without prior consent from its militia.

Somaliland security agents often prevented opposition parties from organizing public gatherings and demonstrations until after the Somaliland Electoral Commission officially opened campaigns for presidential elections in May.

There were no updates on the 2008 and September 12 killings of demonstrators in Somaliland and Mogadishu, respectively, and neither the TFG nor the Somaliland administration took action to punish the police perpetrators.

Freedom of Association

The TFC provides for freedom of association, and unlike in previous years, there were no reports that the TFG restricted freedom of association.

The Puntland interim constitution provides for freedom of association; however, the Puntland administration continued to ban all political parties.

The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The TFC, the Puntland interim constitution, and the Somaliland constitution provide for freedom of movement; however, this right continued to be restricted in some parts of the country. There was a general reduction of checkpoints prevalent in South and Central regions in Somalia since 2009, and Puntland security forces dismantled ad hoc checkpoints run by armed clan militias. However, ad hoc checkpoints operated by armed militias, clan factions, TFG-allied groups, and al-Shabaab and its affiliates inhibited passage and exposed travelers to looting, extortion, and harassment, particularly civilians fleeing conflict. Few citizens possessed or had the means to obtain documents needed for international travel.

The law does not prohibit forced exile. Somaliland laws prohibit Somalilanders from participating in TFG politics. Over the year, Somaliland authorities banished several prominent TFG politicians who were serving or had served in TFG as MPs or ministers from Somaliland. On December 13, Somaliland's president, through a presidential decree, pardoned Mohamed Abdullahi Jama "Sifir," a prominent TFG politician who once served as an MP, deputy prime minister, and minister in the TFG, following Sifir's application expressing his recognition of Somaliland's separate status from that of Somalia.

During the year there were no organized repatriations to any region except the aforementioned estimated 1,000 persons that Puntland expatriated to South Galkayo.

Internally Displaced Persons

UN agencies estimated that since January 2007 more than 1.2 million persons had fled their homes in Mogadishu and its surroundings as a result of targeted attacks by al-Shabaab and continued conflicts between TFG forces and antigovernment groups. The Somalia office of the UNHCR, based in Kenya, estimated that there were 1.46 million IDPs in the country as a result of internal conflict, flooding, droughts, and other causes going back to the early 1990s but with much higher numbers in recent years.

Many of the newly displaced lived without basic services, primarily settling on the Afgooye corridor between Mogadishu and Baidoa. Militia groups aligned with both sides of the conflict restricted IDP access during food distributions. The deterioration in security severely restricted the movement of aid workers and the distribution of urgently needed assistance to IDPs. Increased targeting of aid workers, "taxes" and extortion demands on humanitarian aid, and al-Shabaab's expulsion of WFP in January made it more difficult to deliver basic services.

Authorities in Puntland forcefully repatriated Somalis from South and Central regions allegedly for being behind a spate of insecurity in Puntland cities. Puntland's political leadership has over the years consistently claimed persons from South and Central Somalia were responsible for increased insecurity in the region; IDPs in general were regarded with suspicion—as al-Shabaab supporters or criminals by locals. At year's end news reports highlighted the ongoing issue of sexual and gender-based violence against IDP women living in Somalia, primarily around Galkayco. The UNHCR acknowledged that perpetrators were primarily young men from the local area who take advantage of weakened clan protection among IDPs to act with impunity. Lack of a proper judicial system and weak police intervention prevented survivors from bringing prosecutions against perpetrators.

Authorities in Puntland forcefully repatriated Somalis from South and Central regions allegedly for being behind a spate of insecurity in Puntland cities. Puntland's political leadership has over the years consistently claimed persons from South and Central Somalia were responsible for increased insecurity in the region.

### Protection of Refugees

The TFC states that political asylum may be granted to persons who flee their or another country because of political, religious, and cultural persecution. However, there was no official system for providing such protection. The authorities provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and in practice the authorities granted refugee status or asylum.

The UNHCR reported that at year's end there were 1,800 refugees residing in Somalia and 24,415 asylum seekers in Somaliland and Puntland, a slight increase over 2009. Refugees and asylum seekers were mainly from the Oromiya and Ogadeni regions of Ethiopia. With the absence of a formal national asylum framework, refugees in Somaliland and Puntland face arbitrary detention and

discrimination and have limited access to justice and protection through local systems.

Human rights organizations estimated there were as many as 1.46 million Somalis displaced due to conflict, food shortages, and inflation. According to a November UN Somalia humanitarian overview report, "The number of people in need of humanitarian assistance reduced by 25 percent to two million people, in part due to the good harvest." However, insecurity in the south and central regions limited the access of UN and international aid workers. UN agencies reported that 10 humanitarian workers were killed during the year. Somaliland authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

The UNHCR estimated that during the year more than 40,000 citizens attempted more than 900 illegal boat crossings from Somaliland, Puntland, and neighboring Djibouti to Yemen, resulting in at least 273 confirmed deaths. By the end of November, there were 44,216 recorded new arrivals in Yemen, a 12.4 percent reduction in the number of new arrivals during the same period in 2009. The decline was due, in part, to the measures taken by the Puntland authorities to discourage human smuggling from Bossaso to Yemen. The UNHCR estimated that 165,201 Somali refugees were in Yemen at the end of 2010.

In 2007 the Kenyan government closed its border to all traffic to and from Somalia, although it later allowed humanitarian relief supplies to enter Somalia across its shared border on a case-by-case basis. Despite the border closure, 58,561 asylum seekers were at the already-overcrowded Dadaab refugee camp in Kenya. During the year Kenya announced that it would set up a screening center at the Liboi border to ensure only genuine refugees were allowed into the camps. In the same period, an estimated 23,356 asylum seekers entered Ethiopia, bringing the number of Somali refugees there to more than 77,000. By the end of the year, the Bolkamayo camp in southeastern Ethiopia had already reached its capacity of 20,000 refugees. The UNHCR estimated at year's end that it was providing humanitarian assistance and protection to more than 623,408 Somalis in Kenya, Yemen, Ethiopia, Djibouti, Tanzania, Eritrea, and Uganda.

During the year there continued to be reports that Somali women, girls, and in isolated cases, men were raped in refugee camps in Kenya.

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

The TFG failed to make progress on prescribed tasks necessary for transition to a popularly elected federal government. In January 2009 the Djibouti Process expanded parliament and extended the TFG mandate until August 2011 to provide more time to prepare the country for national elections. However, like the administrations that preceded it, the TFG administration was wholly unsuccessful in delivering on its core transitional tasks.

Unlike in previous years when clan leaders operated as de facto rulers in most regions under the nominal control of the TFG, much of the country remained under the rule of armed militias during year, many associated with the al-Shabaab terrorist group. Although al-Shabaab often collaborated with clan leaders in the areas it controlled, many clan leaders continued to face opposition from intraclan groups and political factions.

The Somaliland constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage. Although the constitution of semi-autonomous Puntland provides citizens the right to change their government peacefully, only members of parliament selected by traditional clan elders exercised this right, supposedly acting on the behalf of the people.

### Elections and Political Participation

The Transitional Federal Charter is the legal framework for the transitional federal institutions of parliament and government; the mandate for the TFIs expires in August 2011.

In February 2009 President Sharif appointed Omar Abdirashid Ali Sharmarke as the TFG prime minister; Sharmarke was forced to resign in September 2010. On October 14, president Sharif appointed Mohamed Abdullahi Mohamed "Farmajo" as prime minister. A rift between the president and the speaker of parliament divided parliament into two opposing camps and delayed Farmajo's confirmation until October 31. On November 12, Farmajo named an 18-member cabinet almost exclusively drawn from the Somali diaspora. The prime minister named nine state ministers and 18 deputy ministers.

Somaliland has a constitution and bicameral parliament with proportional clan representation and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in nearly all of the territory



they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

Due in part to concerted international pressure to hold elections, the ruling UDUB party of Somaliland President Dahir Riyale Kahin abandoned repeated efforts to postpone elections. Elections were held on June 26. Independent international and domestic observers described the elections as generally free and fair. There were reports of government restrictions on opposition parties' access to state-owned media, and claims of government use of state resources in elections campaigns. At least two incidents of violence against election officials carried out by separatist clan militia were reported in parts of the disputed Sool and Sanaag regions.

In 1998 Puntland declared itself a semiautonomous regional government during a consultative conference of delegates from six regions that included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. However, provisions of the Puntland constitution that parliament endorsed in June 2009, which called for the establishment of multiparty democracy in two years, were not enacted. The new constitution limits the number of political parties to three. In January 2009 the council elected Abdirahman Mohamed Mohamud "Faroole" as Puntland's president. The former president, General Mohamud Muse Hersi "Adde Muse," who was one of several candidates, conceded defeat and peacefully handed over power to the new president. Parliamentary representatives were seated by their respective clan elders in the six administrative regions, and the same 66 representatives announced in December 2008 by Puntland's election and ratification commission remained in office.

Somaliland and Puntland continued to contest parts of the Sool and Sanaag Regions, as well as the Buhodle District of Togdheer Region during the year. Both governments maintained elements of their administrations in the Sanaag and Sool Regions, and both governments exerted influence in various communities. During the year there were no renewed hostilities in Las Anod, Sool Region, between Puntland and Somaliland forces. The new Somaliland administration under President Mohamed Mohamud "Silanyo" called for cooperation between Somaliland and Puntland. Claiming a common threat from armed extremist

militias, the two administrations separately announced readiness to cooperate on the security front.

However, a new separatist clan militia named Sool, Sanaag, and Cayn (SSC) emerged. The militia sought to establish an SSC region autonomous from both the Somaliland and Puntland administrations within its area. The militia clashed with Somaliland forces on several occasions during the year. In an effort to find a peaceful solution to the political and security situation of the region, President Silanyo formed a ministerial commission to produce recommendations on the way forward.

There were 37 women in the expanded 550-seat TFP; there were only seven women selected as MPs out of the additional 275 MPs that were appointed when the ARS entered the TFG. The number fell short of the TFC requirement that at least 12 percent of parliamentary seats be reserved for women.

Despite low female representation in the Somaliland administration, President Silanyo appointed three women to his new 26-member cabinet. There were only two women in the 82-member lower house of parliament, but for the first time a woman sat in the Somaliland lower house after taking over the position left vacant by her deceased husband.

In Puntland there have never been any women on the Council of Elders. In December 2008, two women were selected as representatives to the 66-member parliament, reduced from five in the previous parliament. Only three women were appointed to Puntland's 40-member cabinet and only one as a full minister.

There were 60 members of Somali minority ethnic groups in the TFP and four in the TFG cabinet. There were no members of minority groups in the Somaliland or Puntland cabinets.

#### Section 4 Official Corruption and Government Transparency

The law does not provide criminal penalties for official corruption, and officials engaged in corrupt practices with impunity. Corruption marked almost every transaction in the country, and there was no regulatory or penal framework in place to combat it. This was true even in the provision of humanitarian assistance. A number of TFG ministers were named in a March 2010 UN monitoring report as engaging in visa-related scams. In response the TFG pledged to investigate.

Government officials in all three regions were not subject to financial disclosure laws.

There were no laws providing for public access to government information.

After the appointment of Prime Minister Farmajo in October and the formation of his new cabinet, TFG anticorruption measures and messages increased. Anticorruption measures figured prominently in a TFG draft "Road Map" that began to circulate in December; these included the establishment of a national anticorruption commission and official recognition that corruption hinders the overall functions of the government and security sector. Also in December, the TFG released a comprehensive budget, the first in 20 years, which the finance and treasury minister stated would "go a long way in fighting corruption." The TFG streamlined efficient revenue collection at the Mogadishu port, the main source of income for the TFG, which led to a boost in customs-related revenue.

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

A number of domestic and international human rights groups operated in some areas of the country, investigating and publishing their findings on human rights cases; however, security considerations constrained their ability to operate freely. In contrast with previous years, government officials were responsive to their views, although the TFG had limited capacity to implement human rights programs. There was also an increase in al-Shabaab's targeting of civil society groups, peace activists, media, and human rights and humanitarian organizations. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Elman Peace and Human Rights Center (EPHRC), Peace and Human Rights Network, Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, Coalition of Grassroots Women's Organization (COGWO), and other local human rights groups were active during the year, although less than previously because of the increased targeting by al-Shabaab. The DIJHRC, EPHRC, and COGWO continued to investigate and document human rights violations, study the causes of the continuing conflict in the Mogadishu area, and conduct human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, Puntland Development and Research Centre, and several women's NGOs and civil society organizations also played a role in promoting intraclan dialogue in Puntland and parts of the south central region.

During the year attacks and incidents of harassment of humanitarian, religious, civil society, and NGO workers resulted in numerous deaths. Unlike in previous years, TFG officials did not accuse NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces, nor did the TFG intimidate and arrest NGO workers. However, on numerous occasions, al-Shabaab extorted money from local and international NGOs, threatening serious consequences for noncompliance. Al-Shabaab militia expelled international NGOs, and raided and looted humanitarian supplies and equipment from NGO compounds in regions under its control.

International and local NGOs generally worked without major restrictions in Puntland and Somaliland. The TFG did not interfere with NGO operations.

There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments during the year.

There were no developments in cases of attacks on aid workers, human rights observers, and international NGOs reported in previous years.

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

The TFC prohibits discrimination on the basis of gender or national origin; however, societal discrimination based on clan and ethnic origin, violence against women, and widespread abuse of children continued to be serious problems. The Somaliland constitution and the Puntland interim constitution prohibit discrimination on the basis of gender or national origin, but these rights were not respected in practice as there was lack of effective government enforcement of these laws.

### Women

Laws prohibiting rape exist in Puntland, Somaliland, and TFG-controlled areas; however, they were not enforced. There were no laws against spousal rape. While there were prosecutions of rape cases in Puntland and Somaliland, there were no reports of the TFG prosecuting rape cases during the year. The UNHCR and UNICEF documented patterns of rape perpetrated with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in rape, and rape was commonly used in interclan conflicts. Traditional approaches to dealing with rape

tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and the victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. In 2008 the UNIE reported that in Mogadishu and Kismayo, IDP women and girls, particularly those belonging to minority groups, were increasingly the targets of sexual violence by youth gangs. In Somaliland gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and displaced rural populations living in urban areas. Many cases were not reported.

In his September 16 report on the situation of human rights in Somalia, the UN independent expert recounted widespread sexual and gender-based violence in all regions of Somalia. Domestic violence against women remained a serious problem. There were no laws specifically addressing domestic violence; however, both Sharia and customary law address the resolution of family disputes. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women suffered disproportionately in the country's civil war and interclan fighting.

In the country's overwhelmingly patriarchal culture, women did not have the same rights as men and were systematically subordinated. Polygamy was permitted. Under laws promulgated by the former government, girls and women could inherit property, but only half the amount to which their minor and adult brothers were entitled. Similarly, according to Sharia and the local tradition of blood compensation, anyone found guilty of the death of a woman must pay half the amount that would be payable to the aggrieved family if the victim were male.

Women do not have the right to decide freely the number, spacing, and timing of their children and often faced discrimination, coercion, and violence when they attempted to exercise these rights. In part because of cultural sensitivities, there was limited information about and access to contraception. With inadequate health care, women rarely had skilled attendance during childbirth or essential obstetric and postpartum care. In Somaliland and Puntland, international programs ensured that women were equally diagnosed and treated for sexually transmitted infections, including HIV. There were limited programs in the southern and central regions, largely because of al-Shabaab's access restrictions on humanitarian agencies.

Many Somali women have assumed a greater burden by becoming the sole bread winners for their families. Women form a negligible part of those employed in both the formal public and private sectors because of disparities in education. Women continue to experience economic discrimination in areas under al-Shabaab control because of al-Shabaab's extremist position, which regards women's participation in economic activities as anti-Islamic. Despite difficult economic conditions generally prevalent in Somalia, women were not discriminated against in terms of owning or managing businesses. There are no visible government efforts in any region of Somalia to combat economic discrimination.

Women's groups in Mogadishu, Hargeisa, Bossaso, and other major towns in South Central Somalia, Somaliland, and Puntland actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.

### Children

In the absence of functioning central authority, births were not registered in Puntland or southern and central Somalia. The failure to register births was not a key factor in the denial of public services. Birth registration was taken seriously in Somaliland for hospital and home births; however, limited government capacity, combined with the nomadic lifestyle of many persons, caused numerous births to go unregistered. In Puntland citizenship is derived from one's parents and not by birth within the region's territory. By extension, any child born in Puntland to a father from non-Puntland sub-clans is not entitled to Puntland citizenship.

Primary education was not compulsory, free, or universal in all regions of Somalia. Since the collapse of the state in 1991, education services have been partially revived in various forms, including a traditional system of Qur'anic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. In al-Shabaab-controlled areas, "jihad" was added to the curriculum of elementary schools. There was a continued influx of foreign teachers to teach in private Qur'anic schools and madrassas. These schools were inexpensive and provided basic education; however, there were reports that they required the veiling of small girls and other conservative Islamic practices not traditionally found in the local culture. Child abuse and rape were serious problems, although no statistics on their prevalence were available. UNICEF reported

that throughout Somalia, "Rape and other grave sexual violence against children continued to be a major protection concern." There were no known efforts by regional governments to combat this practice. Children remained among the chief victims of continuing societal violence. UNICEF and other international NGO child-protection monitors verified that hundreds of children were killed or injured during the year as a direct result of conflict.

The practice of female genital mutilation (FGM) was widespread throughout the country. As many as 98 percent of women and girls had undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland and Puntland, FGM is illegal, but the law was not enforced. UN agencies and NGOs tried to educate the population about the dangers of FGM, but there were no reliable statistics to measure the success of their programs.

Child marriage was prevalent throughout Somalia. In rural areas parents often married off their daughters as young as age 12.

Militia members raped children during the conflict and departure of civilians from Mogadishu.

Child prostitution was practiced, and like all other forms of prostitution, was legally prohibited in all areas. In al-Shabaab areas, the penalty was flogging or even death by stoning. There is no formal statutory rape law or minimum age for consensual sex. Child pornography is not expressly prohibited.

Children occasionally were enlisted in the TFG security forces, and TFG-allied militias such as ASWJ (see section 1.g.). Antigovernment and extremist groups routinely recruited and used child soldiers (see section 1.g.).

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

UNICEF and the UNDP started a project to provide abandoned children and child prisoners with legal and other protection assistance. The juvenile justice program also educated justices and lawyers about human rights problems for children.

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

### Anti-Semitism

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

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

The TFC, Somaliland constitution, and Puntland interim constitution all prohibit discrimination on the basis of intellectual or physical disabilities. None of the three administrations restrict the right of people with disabilities to vote or participate in civic affairs.

The TFC reads that the state is responsible for the welfare of persons with disabilities, along with orphans, widows, heroes who contributed to and fought in defense of the country, and the elderly.

The Somaliland constitution notes that the state is responsible for the health, care, development, and education of mothers, children, the disabled, persons who have no one to care for them, and mentally handicapped persons.

The Puntland interim constitution safeguards and advocates for the rights of orphans, disabled persons, and whoever needs the protection of the law

There are no laws in any of the three areas to ensure building access.

In the absence of functioning governing institutions, the needs of most persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of persons with disabilities reported numerous cases of discrimination.

There was widespread abuse of persons with mental illness. Without a public health infrastructure, there were no specialized institutions to provide care or education for the mentally ill. It was common for such persons to be chained to a tree or restrained within their homes.



### National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. UNIE estimated that minority groups constitute approximately 22 percent of the population. In most areas, members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, Faqayaqub, and Somaliland's Gabooye. Intermarriage between minority groups and mainstream clans was restricted by custom. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and suffer from numerous forms of discrimination and exclusion.

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

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

### Other Societal Violence or Discrimination

Persons with HIV/AIDS continued to face discrimination and abuse in their local communities and by employers in all parts of the country. UNICEF reported that persons with HIV/AIDS were subjected to physical abuse, rejected by their families, and subjected to workplace discrimination and dismissal. Children with HIV-positive parent(s) also suffered discrimination, which hindered prevention efforts and access to services.

## Section 7 Worker Rights

### a. The Right of Association

The 1960 constitution allows workers to form and join unions, and the TFG respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the journalist association NUSOJ. Other unions existed in name but engaged in no activities during the year. The Puntland interim constitution and the Somaliland constitution also protect workers' freedom of association; however, labor laws were not enforced in the country, resulting in an absence of effective protection for workers' rights.

The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but it undertook no activities during the year.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. In practice there were no reports of workers attempting to strike.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by laws in Somalia, Somaliland, and Puntland, but they were generally not enforced.

Wages and working conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The pre-1991 penal code and the TFC prohibit forced or compulsory labor, including by children. Children and individuals from minority clans were reportedly used in the khat trade as porters, as well in farming and animal herding.

d. Prohibition of Child Labor and Minimum Age for Employment

The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

Recruitment and use of child soldiers was a problem (see section 1.g.). Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce--31 percent of males and 41 percent of females. The actual percentage of working children was believed to be higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

In Somalia the ministries of Labor and Social Affairs and Gender and Family Affairs were responsible for enforcing child labor laws. In Somaliland it was the Ministry of Family and Social Development, and in Puntland it was the Ministry of Labor, Youth, and Sports. In practice none of these ministries enforced these laws.

e. Acceptable Conditions for Work

Although the TFC and the Somaliland constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There was no national minimum wage. There was no information on the existence or status of foreign or migrant workers in the country. With an estimated 43 percent of the population earning less than 30,000 Somali shillings (less than \$1) per day, there was no mechanism to attain a decent standard of living for workers and their families. During the year high inflation, continued insecurity, and other factors significantly decreased the standard of living in all areas of the country. By year's end, 3.5 million Somalis required emergency humanitarian assistance.

\*The United States does not have diplomatic representation in Somalia, and U.S. government personnel were not permitted to travel regularly into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U.S. government sources.