

# SOMALIA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Somalia is a federal parliamentary republic led by President Mohamed Abdullahi Mohamed “Farmaajo,” whom the bicameral parliament elected in 2017. Farmaajo is the country’s second president since the Federal Government of Somalia was founded in 2012. The federal parliament consists of the 275-member House of the People and the 54-member Upper House. The country’s last parliamentary elections took place from October 2016 to January 2017. Caucuses selected House of the People members, with seats distributed according to clan affiliation and a power-sharing formula. State assemblies elected Upper House members. The parliamentary electoral process was widely viewed as marred by corruption, but the two houses of parliament elected President Farmaajo in a process viewed as fair and transparent. The government of the self-declared Republic of Somaliland controlled its jurisdiction.

The 2012 provisional federal constitution states federal police, overseen by civilian leadership in the Ministry of Internal Security, have responsibility for law enforcement and maintenance of order within the country. Many parts of the country remained outside government control, with the insurgent Islamist group al-Shabaab contesting government control. The African Union Mission in Somalia, under civilian African Union leadership, and the Somali National Army, under civilian leadership in the Ministry of Defense, are the primary internal security providers. Civilian authorities did not always maintain effective control over the security forces. Members of the federal and state security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, by government forces; torture and cruel, inhuman, or degrading treatment by the government; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious abuses in an internal conflict, including killing of civilians, enforced disappearances or abductions, torture and physical abuses or punishment, unlawful recruitment or use of child soldiers, and other conflict-related abuses; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, and criminal libel laws; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; pervasive acts of corruption; lack of investigation of and accountability for violence against

women; crimes involving violence or threats of violence targeting members of national/racial/ethnic minority groups; existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of child labor, including recruitment of children for use in armed conflict, forced labor, and commercial sexual exploitation.

Impunity generally remained the norm. Government authorities took some steps to prosecute and punish officials who committed abuses, particularly military and police personnel. COVID-19 exacerbated already pervasive sexual and gender-based violence.

Conflict during the year involving the government, militias, and al-Shabaab resulted in death, injury, and displacement of civilians. Clan militias and al-Shabaab continued to commit grave abuses throughout the country. Al-Shabaab committed the majority of severe human rights abuses, particularly terrorist attacks on civilians and targeted killings, including extrajudicial and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations and the United Nations. Al-Shabaab also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of speech, press, assembly, and movement.

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

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

There were multiple reports that federal and state government security forces, allied militias, and other persons wearing uniforms committed arbitrary or unlawful killings related to internal conflict (see section 1.g.). Military court prosecutors, with investigative support from police (Criminal Investigations Department), are responsible for investigating whether security force killings were justifiable and pursuing prosecutions, but impunity remained a significant issue (see section 1.e.). While reliable data is difficult to collect, reporting from the UN Assistance Mission in Somalia (UNSOM) indicated that between November 5, 2019, and August 13, there were 491 killings of civilians in the country due to conflict. While al-Shabaab and clan militias were the primary perpetrators, extrajudicial killings of civilians by state security, and to a much lesser extent by African Union Mission in Somalia (AMISOM), forces occurred.

According to UNSOM data, between November 5, 2019, and August 13, state authorities carried out 11 of 32 executions ordered by courts. On February 11, authorities executed two men in Bosasso for raping and killing a 12-year-old girl, and two Somalia National Army (SNA) soldiers were executed on May 16 for killing their comrades. Due to capacity issues in the civilian court system, authorities often transferred criminal cases, sometimes even involving children, to the military court system, even when military courts did not appear to have jurisdiction. Human rights organizations questioned the military courts' ability to enforce appropriate safeguards with regard to due process, the right to seek pardon or commutation of sentence, and the implementation of sentences in a manner that met international standards. Federal and regional authorities sometimes executed those sentenced to death within days of the court's verdict, particularly in cases where defendants directly confessed their membership in al-Shabaab before the courts or in televised videos. In other cases the courts offered defendants up to 30 days to appeal death penalty judgments.

There were no reports of arbitrary or unlawful killings by Somaliland authorities.

Al-Shabaab continued to carry out indiscriminate attacks and deliberately target civilians (see sections 1.g. and 6). According to UNSOM, al-Shabaab was responsible for approximately 60 percent of civilian casualties between November 5, 2019, and August 13. On May 23, al-Shabaab claimed responsibility for an improvised explosive device (IED) attack in Dinsor, Bay region, that killed a local women's leader and a nongovernmental organization (NGO) staff member.

On June 8, AMISOM admitted that its troops had inadvertently shot and killed three women in the course of a firefight with al-Shabaab fighters. AMISOM troops helped two wounded victims from the incident secure medical attention and promptly issued a press release expressing regret and a commitment to step up efforts to ensure civilian security.

On September 24, protests broke out in several towns in Gedo region over non-AMISOM Kenya Defense Forces' killing of at least one civilian near the town of El-Wak.

Fighting among clans and subclans, particularly over water and land resources, occurred throughout the year, particularly in Galmudug State and the regions of Hiiraan, Lower and Middle Shabelle, and Sool (see section 6). Revenge killings occurred (see section 6). The area around Wanlaweyn in Lower Shabelle region, South West State, saw fierce interclan fighting between clan militias starting in

April and continuing off and on throughout the year, with a number of atrocities sparking national outrage. As a result state and federal authorities, as well as international partners, intervened several times to defuse the situation, including by sending troops to separate the warring factions and conducting reconciliation meetings with clan elders and the local populace to mediate the disputes. Drivers of conflict in the area included: historical and existing friction between the two clan blocs; the negative influence of federal politicians, some of whom were stoking tensions along clan lines; the ramifications of recent restructuring and redeployment of security forces in South West State; and al-Shabaab's influence on and exploitation of the situation for its own purposes.

In April conflict occurred between the Galjecel and Shanta Alemod clan militias over the control of illegal checkpoints in Wanlaweyn. The fighting spilled into neighboring villages, leaving at least 24 dead, including 20 civilians. There were reports that several victims were mutilated, and one person was reportedly burned alive.

### **b. Disappearance**

During the year there were some cases of reportedly government-directed, politically motivated disappearances, particularly of journalists but also of political opponents. From February 29-March 2 National Intelligence and Security Agency (NISA) officers detained Radio Higsí journalist Mohamed Abdiwahab Nur "Abuja," reportedly in retaliation for his investigative journalism regarding the intelligence service's conduct. He was made to sign a confession under duress, released on March 2, detained again on March 7, and held incommunicado from his family and attorney for nearly five months. In August, NISA turned Abuja over to a military tribunal, charging him with murder and membership in al-Shabaab. On August 6, after a three-day trial, the military tribunal acquitted Abuja of all charges.

There were no reports of disappearances by or on behalf of Somaliland authorities.

Al-Shabaab continued to abduct persons, including humanitarian workers and AMISOM troops taken hostage during attacks (see section 1.g).

According to the International Maritime Bureau, as of September 21, pirates based in the country held no hostages.

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

## **Punishment**

The law prohibits torture and inhuman treatment, but there were credible reports that government authorities engaged in instances of torture and other cruel, inhuman, or degrading treatment or punishment.

NISA agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells, as well as against criminal groups. The organization held detainees for prolonged periods without following due process and mistreated suspects during interrogations.

There remained multiple credible reports of rape and sexual abuse by government agents, primarily in the security forces (see section 1.g.). For example, in April, SNA troops were implicated in four rapes of women and girls of various ages, with one as young as three years old, in Lower Shabelle region. The SNA soldiers involved reportedly were arrested and face trial in military tribunals. Experts attribute a decline in such instances to the increasing professionalization of those forces with international partner assistance.

Al-Shabaab imposed harsh punishment on persons in areas under its control. AMISOM alleged that al-Shabaab tortured residents in el-Baraf for offenses ranging from failure to pay taxes to being a government agent (see sections 1.a. and 1.g.). In September al-Shabaab militants attacked local villagers in Galmudug State who had refused to contribute livestock and small arms, according to an international press report, leaving 30 residents dead after a pitched battle.

AMISOM forces were implicated in rapes and other unspecified grave abuses of human rights while conducting military operations against al-Shabaab in Lower and Middle Shabelle, according to an advocacy organization. AMISOM headquarters staff investigated such allegations.

Torture and other cruel, inhuman, or degrading treatment or punishment at the hands of clan militias, some of which are government-affiliated, remained frequent. There remained a culture of impunity due to clan protection of perpetrators and weak government capacity to hold the guilty to account. Research indicated that such practices remained common along the road from Mogadishu to Afgooye at the hands of Hawiye clan-affiliated militias, some with strong ties to the SNA.

## **Prison and Detention Center Conditions**

With the exception of newly built facilities, prison conditions in most areas of the country remained harsh. Poor sanitation and hygiene, inadequate food and water, and lack of medical care were the norm.

Physical Conditions: Overcrowding in urban prisons--particularly following large security incidents involving arrests--sometimes occurred. Authorities occasionally held juveniles and adults together, due in part to the belief juveniles were safer when held with members of their own subclan. There was a report of one female prisoner in Garowe who was confined separately from male inmates, although she lacked access to the vocational training offered to male inmates. Prison authorities often did not separate pretrial detainees from convicted prisoners, particularly in the southern and central regions.

Conditions were better in the new Mogadishu Prison and Court Complex (MPCC) than in Mogadishu Central Prison (MCP). Two facilities--Garowe Prison in Puntland and Hargeisa Prison in Somaliland--met international standards and were reportedly well managed. As of June detainees at the Puntland Security Force detention facility in Bosasso received meals at least twice per day, consisting of rice and some form of protein, and had access to a rudimentary shower, according to observations by a foreign military service member. Prison conditions in such areas were believed to be harsh and at times life threatening.

Only inmates in the MCP, the MPCC, and Garowe and Hargeisa Prisons had daily access to showers, sanitary facilities, adequate food and water, and outdoor exercise. Inmates in most prisons relied on their family and clan to supplement food and water provisions. Although no signs of abuse were identified, the International Monitoring Committee raised concerns regarding the protection of basic human rights and the safety and well-being of prisoners.

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

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

On August 10, several inmates held at the MCP killed four guards and took the prison commander hostage during an hours-long siege. The attack resulted in 15 prisoner deaths and seven wounded. Four prison officers were killed and two wounded.

Al-Shabaab detained persons in areas under its control in the southern and central regions. Those detained were incarcerated under inhuman conditions for relatively minor offenses, such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab. Prison conditions in areas controlled by al-Shabaab and where traditional authorities controlled detention areas were often harsh and life-threatening. The UN Office on Drugs and Crime (UNODC) reported that several facilities at the federal member state (FMS) level suffered from frequent flooding, which required prisoners to be moved to temporary facilities, usually at police stations, until water receded.

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

Prisoners in the MCP and Garowe and Hargeisa Prisons had adequate access to visitors and religious observance. Infrastructure limitations in other prisons throughout the country impeded such activities. Transportation to court facilities while awaiting trial was limited, and information was limited and anecdotal on defendants' ability to access legal counsel while incarcerated in pretrial status or serving sentences.

Independent Monitoring: Authorities actively worked with international humanitarian and monitoring groups amid the COVID-19 pandemic, leading to some gains in access as these groups provided medical supplies and protective equipment for prison and detention center staff. UNODC staff maintained regular access to prisons where training and infrastructure support was delivered.

Somaliland authorities permitted some prison monitoring by independent nongovernmental observers during the year.

Geographic inaccessibility and insecurity impeded such monitoring in territory controlled by al-Shabaab or in remote areas where traditional authorities controlled detention areas.

Improvements: In February the government opened the MPCC as an integrated court and prison facility designed for judicial hearings and the detention of high-security detainees.

Unreliable power supply was a factor that worsened the impact of the August 10 MCP violence; international partners provided generators to enable the functionality of available security systems and controls, especially at night.

#### **d. Arbitrary Arrest or Detention**

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

#### **Arrest Procedures and Treatment of Detainees**

The provisional federal constitution provides for arrested persons to be brought before judicial authorities within 48 hours. The law requires warrants based on sufficient evidence and issued by authorized officials for the apprehension of suspects. The law also provides that arrestees receive prompt notification of the charges against them and judicial determinations, prompt access to a lawyer and family members, and other legal protections. Adherence to these safeguards was rare.

The federal government made arrests without warrants and arbitrarily detained individuals. The government sometimes kept high-profile prisoners associated with al-Shabaab in safe houses before officially charging them. The law provides for bail, although citizens were rarely aware of this right, authorities did not always respect this provision, and judicial personnel lacked adequate training in criminal procedures. In some cases security force members, judicial officers, politicians, and clan elders used their influence to have favored detainees released.

Arbitrary Arrest: Federal and regional authorities arbitrarily arrested and detained numerous persons, including persons accused of terrorism and either supporting or

opposing al-Shabaab. Authorities frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests (see section 1.g.).

Government authorities frequently arbitrarily arrested and detained journalists. In addition to the disappearance of Radio Higsis journalist Mohamed Abdiwahab Nur “Abuja,” (see section 1.b.) government authorities arbitrarily detained and arrested several other journalists on questionable charges and provided limited or no access to their families or attorneys. On September 6, Puntland officials in the Nugal region arrested Radio Daljir journalists Abdiqani Ahmed Mohamed and Khadar Awl when the two visited Nugal’s regional court complex to investigate a murder and rape case that had occurred in Garowe several months prior. They were released the following day but were threatened that the regional prosecutor’s office could charge them at any time with unspecified criminal offenses. Between October 16 and 21, NISA held Radio Kulmiye journalist Abdullahi Kulmiye Addow after he interviewed a businessman who reportedly criticized the government and expressed pro-al-Shabaab views. To secure Addow’s release, Radio Kulmiye agreed to suppress parts of the interview. NISA reportedly detained the interview subject as well but released him after one night because of his powerful clan connections.

Somaliland’s government continued to use arbitrary detention and arrest to curb negative reporting by journalists, particularly on the suppression of support for unification with Somalia and on the Sool and Sanaag regions, which are the subject of territorial disputes with Puntland. On November 4, Astaan TV Chief Executive Officer Abdimanan Yusuf was sentenced to five years in prison and a substantial fine on charges that remain unclear after being held incommunicado and denied access to his attorney since July 17, in violation of Somaliland’s law. On December 10, Somaliland authorities released Yusuf for reasons still unclear, according to Facility for Talo and Leadership, an independent policy institute. On August 23, the Somaliland Criminal Investigations Department staff detained Eryal TV journalist Liban Osman Ali for interviewing a woman detained for wearing an outfit made from Somalia’s flag.

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

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

The law provides for an independent judiciary, but the government did not always respect judicial independence and impartiality. The civilian judicial system remained dysfunctional and unevenly developed, particularly outside of urban areas. Some local courts depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on a combination of traditional and customary law, sharia (Islamic law), and formal law. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics. Authorities often did not respect court orders or were not able to enforce the orders. Without clear protocols and procedures in place for the transfer of military case to civilian courts, authorities prosecuted only a handful serious criminal cases.

The lack of accountability enabled judges to abuse their power. Civilian judges also lacked the necessary security to perform their jobs without fear. Cases involving security personnel or individuals accused of terrorism-related crimes were heard by military courts.

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

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

### **Trial Procedures**

The law provides for the right to a fair and public trial, but the lack of an independent functioning judiciary meant this right was often not enforced. According to the law, individuals have the right to a presumption of innocence. They also have the right to be informed promptly and in detail of the charges against them in a language they understand, although the law is unclear on whether the right to translation applies through all appeals. Detainees have the right to be

brought before a competent court within 48 hours of arrest, to communicate with an attorney of their choice (or have one provided at public expense if indigent), and to not be compelled to incriminate themselves. Authorities did not respect most rights relating to trial procedures. Clan politics and corruption often impeded access to a fair trial. The law does not address confronting witnesses, the right to appeal a court's ruling, the provision of sufficient time and facilities to prepare a defense, or the right to present one's own evidence and witnesses.

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

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

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

There was no functioning formal judicial system in al-Shabaab-controlled areas.

### **Political Prisoners and Detainees**

Government and regional authorities arrested journalists, as well as other persons critical of authorities. Neither government nor NGO sources provided any estimate of the number of political prisoners.

In 2018 South West State presidential election candidate and prominent defector from al-Shabaab leadership Mukhtar Robow was detained by AMISOM soldiers and brought to Mogadishu (see section 3). He was placed in NISA custody and later moved into house arrest. While Robow reportedly had some contact with the outside world, as of December, he remained under house arrest on unclear legal grounds.

Somaliland authorities continued to detain Somaliland residents employed by the federal government in Mogadishu, sometimes for extended periods. Somaliland authorities did not authorize officials in Mogadishu to represent Somaliland within or to the federal government and viewed such actions as treason, punishable under Somaliland law. On October 25, Somalia's former deputy prime minister, Mohamed Omar Arte, received a "presidential pardon" after renouncing his statements against Somaliland independence. He reportedly did so to visit his ailing father, who was resident in Somaliland.

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

There were only a handful of lawsuits during the year seeking damages for or cessation of human rights abuses. The Benadir Regional Court reported that it received four cases pertaining to abuses by NISA, police, and the Mogadishu municipality. Individuals generally do not pursue legal remedies for abuses due to a lack of trust and confidence in the fairness of judicial procedures. The provisional federal constitution provides for "adequate procedures for redress of abuses of human rights."

### **Property Restitution**

Some federal and state officials abused their positions to engage in land grabbing and forced evictions, primarily involving internally displaced person (IDP) returnees, without due process. Those driven from their homes were often too politically and socially disempowered to resist or obtain restitution (see section 2.d.).

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

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

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

### **g. Abuses in Internal Conflicts**

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

Al-Shabaab committed religiously and politically motivated killings that targeted civilians affiliated with the government and attacked humanitarian NGO employees, UN staff, and diplomatic missions. The group attacked soft targets, such as popular hotels in Mogadishu, killing noncombatants. Al-Shabaab often used suicide bombers, mortars, and IEDs. It also killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building, in addition to beheading persons accused of spying for and collaborating with Somali national forces and affiliated militias. Al-Shabaab justified its attacks on civilians by casting them as false prophets, enemies of Allah, or aligned with al-Shabaab’s enemies (see also section 1.a.).

On August 16, al-Shabaab conducted an attack at the Elite Hotel in the Lido Beach area of Mogadishu, killing at least 18 and injuring 25. A July 13 al-Shabaab suicide-vehicle-borne IED attack in Mogadishu targeting the SNA chief of defense forces killed three SNA soldiers and six civilians.

There were reports of AMISOM forces killing civilians, either deliberately or inadvertently (see section 1.a.).

Abductions: Al-Shabaab conducted kidnappings and abductions throughout the year.

Physical Abuse, Punishment, and Torture: Government forces and allied militias reportedly used excessive force, including torture. While some security force members accused of such abuses faced arrest, not all those charged were punished (see section 1.c.).

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

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

Implementation of the government's 2012 action plan to end the unlawful recruitment and use of children by the national army remained incomplete.

The Ministry of Defense Child Protection Unit (CPU) was a focal point within the federal government for addressing child soldiers within the country, including within government armed forces. During the year the CPU carried out screenings of thousands of SNA soldiers at SNA bases to raise awareness of unlawful child soldier recruitment and verify the numbers of children in Somali security sector units. The CPU continued the use of biometric registration and reported it was a useful tool for increasing accountability in police and the military and helping to detect and deter unlawful child soldier recruitment.

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

Al-Shabaab continued to recruit and force children to participate in direct hostilities, including suicide attacks. According to UN officials, al-Shabaab accounted for the majority of child recruitment and use.

Al-Shabaab raided schools, madrassas, and mosques and harassed and coerced clan elders to recruit children. Children in al-Shabaab training camps were subjected to grueling physical training, inadequate diet, weapons training, physical punishment, and forced religious training in line with al-Shabaab's ideology. The training also included forcing children to punish and execute other children. Al-Shabaab used children in combat, including placing them in front of other fighters to serve as human shields and suicide bombers. The organization sometimes used children to plant roadside bombs and other explosive devices. In addition al-Shabaab used

children in support roles, such as carrying ammunition, water, and food; removing injured and dead militants; gathering intelligence; and serving as guards. The country's press frequently reported accounts of al-Shabaab indoctrinating children according to the insurgency's extremist ideology at schools and forcibly recruiting them into its ranks.

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

Other Conflict-related Abuse: Armed groups, particularly al-Shabaab but also government forces and militia, deliberately restricted the passage of relief supplies and other items, as well as access by humanitarian organizations, particularly in the southern and central regions. Humanitarian workers regularly faced checkpoints, roadblocks, extortion, carjacking, and bureaucratic obstacles.

From January to September, there were 117 verified incidents of denial of humanitarian access by armed groups, security forces, or security incidents. Due to increased airstrikes and the loss of economically strategic towns and areas, al-Shabaab increased attacks against security forces along main supply routes. Increased insecurity along these routes impaired delivery of humanitarian supplies.

In September the Galmudug Ministry of Planning and International Cooperation issued a letter accusing unnamed humanitarian NGOs of influencing the South Galkayo district council elections, according to the UN Office for the Coordination of Humanitarian Affairs. The ministry warned that continued political activity on the part of the NGOs could result in disciplinary action, including revocation of work permits.

ISIS-Somalia targeted business leaders for extortion in urban areas as it attempted to leave the remote mountains in Puntland, where it had operated the last three years. It targeted businesspersons with violence when they did not meet extortion demands. According to a UN report, ISIS-Somalia carried out increased small-scale IED attacks and killings in Puntland, Mogadishu, and Lower Shabelle, where the group maintains pockets of presence.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of speech, including for the press, but neither federal

nor regional authorities respected this right. The law criminalizes the spreading of “false news,” which it does not define, with penalties including imprisonment of up to six months.

The government, government-aligned militias, authorities in Somaliland, Puntland, South West State, Galmudug, and Jubaland, ASWJ, al-Shabaab, and unknown assailants killed, abused, and harassed journalists with impunity (see sections 1.a., 1.d., and 1.g.). On August 20, the Somali Journalists Syndicate (SJS) filed a formal complaint with the Office of the UN High Commissioner for Human Rights (OHCHR) independent expert on the situation of human rights in Somalia, the UN Human Rights Council, and the OHCHR special rapporteur on the promotion and protection of the right to freedom of opinion and expression alleging that the government was in breach of its obligations to protect journalists from attacks. The SJS alleged that the government failed to investigate the February 17 killing of journalist Abdiwali Ali Hassan by unknown assailants and the July 12 killings of journalists Mohamed Sahal Omar and Hodan Nalayeh by al-Shabaab.

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

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

There was evidence that the government continued to use outdated legal authorities to suppress criticism and dissent. On April 14, police arrested Goobjoog Media Group Deputy Director Abdiasis Ahmed Gurbiye after he published a series of Facebook posts alleging that President Farmaajo ordered a donated ventilator moved from Mogadishu’s De Martini Hospital to the presidential office during the COVID-19 pandemic. The arrest drew criticism from domestic and international media rights NGOs amid allegations that the government was attempting to suppress a matter of public health concern and possible wrongdoing. On July 29, the Benadir Regional Court sentenced him to six months in prison and a monetary fine for “publication or circulation of false, exaggerated, or tendentious information capable of disturbing public order.” While Gurbiye was able to pay a fine to avoid serving his prison sentence, media organizations noted the chilling effect of his case on journalists attempting to report on government activities.

On September 14, Somaliland police detained freelance radio journalist Ilyas Abdi Ali, according to media sources, for a Facebook post calling for the release of Astaan TV CEO Abdimanan Yusuf (see section 1.d.).

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views, although self-censorship was common due to a history of arbitrary arrest of journalists and the search and closure of media outlets that criticized the government. Reports of such interference occurred in Mogadishu and remained common outside the capital, particularly in Puntland and Somaliland. Government authorities maintained editorial control over state-funded media and limited the autonomy of private outlets through direct and indirect threats. Threats were often applied through unilateral actions of security and other institutions.

Somaliland authorities continued to fine and arbitrarily arrest journalists for defamation and other alleged crimes, including meeting with colleagues. Penalties included prison terms ranging from a few days to several months, and fines. Journalists were intimidated and imprisoned for conducting investigations into corruption or topics deemed sensitive, such as investment agreements regarding the Berbera Port or the conflict between Somaliland and Puntland over the disputed Sool and Sanaag regions.

Violence and Harassment: The National Union of Somali Journalists recorded two killings of journalists in the country during the year. Domestic media organizations reported regular harassment by the security forces, NISA, clan and other private groups, and al-Shabaab (see also section 1.d.).

Somaliland authorities also regularly harassed journalists through arbitrary detention when they reported on government shortcomings or union with Somalia, particularly in the Sool and Sanaag regions disputed with Puntland. On September 7, Las Anood Mayor Abdiaziz Hassan Tarwale reportedly ordered the detention of Saab TV reporter Abdifatah Mohamed Abdi in response to his reporting on the destructive floods that washed away sections of the town's roads. On September 8, authorities detained Universal TV reporter Khadar Rigah, reportedly for covering a local businesswomen's protest against the city's demolition of business structures and increased imposition of taxes.

Censorship or Content Restrictions: Journalists engaged in rigorous self-censorship to avoid reprisals. Police forced one outlet in Barawe to cease broadcasting in a local dialect.

The publication *Foore* reopened after a one-year suspension imposed by a regional court in Somaliland for printing “false news and antinational propaganda” in a 2018 article concerning the construction of a new presidential palace. Somaliland authorities closed at least three outlets for their reporting, including Star TV and Universal TV in June.

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

Libel/Slander Laws: Laws providing criminal penalties for publication of “false news” existed throughout the country, including Somaliland. The law criminalizes blasphemy and defamation of Islam, with punishments including cash fines, up to two years in prison, or both.

National Security: Federal and regional authorities frequently cited national security concerns to suppress media and other criticism and to prevent press coverage of opposition political figures.

Nongovernmental Impact: Clan militias, criminal organizations, and terrorist groups, foremost among them al-Shabaab, actively sought to inhibit freedom of expression, including for members of the press, when it suited their interests.

On May 4, Said Yusuf Ali, a reporter for privately owned Kalsan TV, was stabbed to death in Mogadishu by unknown assailants. Shortly before his death, Ali had reported on the killing of a teacher in an Islamic school by al-Shabaab fighters.

## **Internet Freedom**

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

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

## **Academic Freedom and Cultural Events**

There were no official restrictions on academic freedom, but academics practiced self-censorship.

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

## **b. Freedoms of Peaceful Assembly and Association**

### **Freedom of Peaceful Assembly**

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

Political groups faced obstacles holding rallies, reportedly due to informal control by security forces of access to hotels and conference facilities. On November 29, opposition presidential candidates sent a request to the Ministry of Internal Security to hold an event with supporters on December 3 at a venue in Mogadishu. The government denied the request.

The government also used security forces to suppress peaceful political protests. On December 14, the government deployed security forces around Mogadishu to suppress planned protests by supporters of opposition presidential candidates against the incumbent president regarding implementation arrangements for the upcoming elections. Some protests nonetheless took place on December 15, with at least one devolving into violent clashes between unknown parties and federal forces, leaving at least four persons wounded. In response, the government deployed security forces to quell further demonstrations.

In April, Mogadishu municipal authorities restricted public gatherings and imposed a curfew to mitigate the spread of COVID-19. The forceful imposition of restrictions prompted hundreds of demonstrators to protest in the streets, according to an international news report.

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

### **Freedom of Association**

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

Persons in the southern and central regions outside of al-Shabaab-controlled areas could freely join civil society organizations focusing on a wide range of problems.

In addition to security and safety concerns, humanitarian organizations faced significant interference from federal and state authorities that attempted to impose taxation and registration requirements and control contracting, procurement, and staffing.

In August, Somaliland authorities issued a directive to international organizations and NGOs mandating that development and humanitarian assistance providers de facto recognize the self-declared independent republic's sovereignty and territorial claims. The directive also included articles on registration and asset management that, if fully implemented, would likely result in a significant disruption to humanitarian operations.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

The law provides that all persons lawfully residing in the country have the right to freedom of movement, to choose their residence, and to leave the country. Freedom of movement, however, was restricted in some areas, particularly in Somaliland.

In-country Movement: Checkpoints operated by government forces, allied groups, armed militias, clan factions, and al-Shabaab inhibited movement and exposed citizens to looting, extortion, harassment, and violence. Roadblocks manned by

armed actors and attacks on humanitarian personnel severely restricted movement and the delivery of aid in southern and central sectors of the country.

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

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

In September and October al-Shabaab imposed movement restrictions on civilians and humanitarian actors in Gedo region's Beled Hawo and Garbaharrey towns, hindering humanitarian health, nutrition, water, sanitation, and hygiene programming targeting approximately 100,000 persons.

#### **e. Status and Treatment of Internally Displaced Persons**

As of August continuing conflict and climate shocks during the year led to an increase in internal displacement. The country was home to more than 2.7 million IDPs. More than 893,000 new displacements were recorded during the year, with 177,000 primarily conflict- or security-related and 716,000 caused by flooding. Acute food insecurity and malnutrition levels remained elevated among IDPs--including in comparison with nondisplaced residents--although their magnitude and severity were lower than projected.

UNHCR advocated for the protection of IDPs and provided some financial assistance, and Somalis who have returned from refugee camps abroad often move to IDP camps. Fewer than 1,000 refugees returned to the country during the year, and those who returned previously continue to require humanitarian assistance.

While government and regional authorities were more involved in the famine prevention and drought response than in prior years, their capacity to respond was extremely limited. In addition forced evictions of IDPs continued. Forced evictions remained a significant protection issue, and relief agencies recorded the redisplacement of nearly 98,000 IDPs between January and August. Humanitarian actors' efforts likely prevented nearly 21,000 evictions between February and July, according to UNHCR. Private persons with claims to land and government authorities, for example, regularly pursued the forceful eviction of IDPs in

Mogadishu.

Increased reports of gender-based violence accompanied increased displacement, including reports of abuses committed by various armed groups and security personnel. Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the settlements.

The government worked to implement policies approved in November 2019 to increase protections of vulnerable populations. The government at both the federal and municipal levels developed policies and frameworks that aim to protect the rights of IDPs and promote lasting, durable solutions for them, including through local integration in urban areas.

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

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

The country hosted approximately 22,000 refugees and asylum seekers, primarily from Yemen and Ethiopia, with smaller numbers from other countries, including Syria, Tanzania, and Eritrea. Economic migrants also use the country as a transit corridor en route to the Gulf, Yemen, and Europe, which exposes them to exploitation and abuse, primarily by human traffickers.

As of September 30, UNHCR supported the return of 331 Somali refugees from countries of asylum. A further 447 Somalis were registered as having returned from Yemen without the support of UNHCR during the same period. There were frequent disruptions in return movements to Somalia due to continuing violence and conflict. On December 5, a UNHCR-supported voluntary repatriation program from Kenya restarted, targeting 300 refugee returnees by the end of the year.

Access to Asylum: The law recognizes the right to asylum in accordance with international treaties; however, the federal government had no legal framework or system to provide protection to refugees on a consistent basis. Authorities, however, granted prima facie status to Yemenis while most other nationalities underwent individual refugee status determination procedures.

Employment: Employment opportunities were limited for refugees. Refugees often engaged in informal manual labor that sometimes exposed them to abuses from members of the host community.

Refugee returnees from Kenya reported limited employment opportunities in the southern and central sections of the country, consistent with high rates of unemployment throughout the country.

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

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

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

#### **Elections and Political Participation**

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

In 2012 the Transitional Federal Government completed the 2011 *Roadmap for Ending the Transition*, collaborating with representatives of Puntland, Galmudug, ASWJ, and the international community. The process included drafting a provisional federal constitution, forming an 825-member National Constituent Assembly that ratified the provisional constitution, selecting a 275-member federal parliament, and holding speakership and presidential elections. The government has not yet reviewed and amended the provisional constitution and submitted it for approval in a national referendum.

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

In 2012 Puntland’s constituent assembly overwhelmingly adopted a state constitution that enshrines a multiparty political system. In January 2019 Said Abdullahi Deni won 35 of 66 parliamentary votes in the third and last round of the region’s presidential election process. He gained four more votes than his closest challenger, General Asad Osman Abdullahi. Incumbent President Abdiweli Mohamed Ali “Gaas” lost in the first round and accepted the results.

The South West State parliament was formed in 2015 following the 2014 state formation conference, during which traditional elders and delegates elected Sharif Hassan Sheikh Adam as the state’s first president. Elections were scheduled for November 2018 but were delayed until December 2018. Abdiiaziz Hassan Mohamed “Laftagareen” won in the first round. Opposition candidates accused the federal government of manipulating the result and orchestrating the arrest of candidate and former al-Shabaab leader Mukhtar Robow (see section 1.e.). At least a dozen persons were killed in violence on the margins of protests the weekend before the vote, including a state member of parliament and a young boy, although the South West State government investigation reported only four deaths.

In July 2019 a 2017 political settlement between the Galmudug interim administration and the ASWJ to consolidate the parliament, the cabinet, and security forces broke down, as the date for state elections approached. Protracted negotiations between stakeholders took place in June and July 2019, leading to a negotiated clan-based power-sharing model and timetable for elections to the 89-member state legislature. State parliamentary elections took place in November and December 2019. On February 2, Ahmed Abdi Kariye “Qoor” became Galmudug’s chief executive after a contentious parliamentary process.

In 2016 Hirshabelle was created as a federal member state (FMS) via a mediated union of the Hawiye clan majority Hiiran and Middle Shabelle regions. On October 31, following a politically contested process with allegations of federal government interference, Hirshabelle elected its 99-member state assembly along the lines of a clan-based power-sharing formula. On November 11, the assembly voted in Hirshabelle Vice President and Hawiye Abgaal subclan member Abdullahi Hussein “Guudlaawe” as president. The state presidential election outcome upset a delicate clan-based power-sharing arrangement. Hawadle factions

under Abubaker Warsame Huud contested the election outcome, including with threats of force to reverse the outcome.

In 2013 federal government and Jubaland delegates signed an agreement that resulted in the government's formal recognition of the newly formed Jubaland administration. Ahmed Mohamed Islam "Madobe" was selected as president in a 2013 conference of elders and representatives and re-selected in August 2015. In August 2019 Madobe received 56 of 74 votes in Jubaland's parliament amid claims that he manipulated the selection of the state's electoral committee and attempted to intimidate would-be rivals. On April 23, these two rivals signed a "coalition government" agreement with Madobe, withdrawing their claims to the presidency.

In 2017 Somalilanders elected ruling Kulmiye Party candidate Muse Bihi president with 55 percent of the vote, to runner-up and opposition Wadani Party member Abdurahman Mohamud Abdullahi's 40 percent. Vice president and Kulmiye Party member Abdurrahman Abdallahi Ismail (Saylici) has served in his position since 2010, having won re-election in 2017.

Somaliland has a bicameral parliament consisting of an appointed 86-member House of Elders, known as the Guurti, and an elected 82-member House of Representatives with proportional regional representation. The last elections for the House of Representatives took place in 2005, and elections are 10 years overdue. On August 24, Somaliland's three political parties, Kulmiye, Waddani, and For Justice and Development, signed an agreement with the National Electoral Commission to hold local and parliamentary elections by May 2021. According to media reporting, the agreed plan is scheduled to have elections first take place at the municipal level to pave the way for House of Representatives elections.

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

**Political Parties and Political Participation:** The provisional constitution states that every citizen has the right to take part in public affairs, and this right includes forming political parties, participating in their activities, and seeking election for any position within a political party. In 2016 the president signed a law on political parties that created the first framework for legal political parties since 1969, when former president Siad Barre banned political activities after taking

power in a coup. The law required all politicians to join a political party by the end of 2018. As of December, 106 national parties had provisionally registered with the National Independent Electoral Commission. Prior to the law, several political associations had operated as parties. The September 17 agreement reached by the National Consultative Council (NCC) of federal government and FMS leaders for a model and timeline for federal parliamentary and presidential elections in 2021 stated no political parties would be participating.

The Somaliland constitution and electoral legislation limits the number of political parties to three and establishes conditions pertaining to their political programs, finances, and constitutions.

Throughout the year political parties complained regarding the difficulties of gathering for meetings in Mogadishu. Registered national political parties complained that FMS administrations continued to prevent them from opening regional offices.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. Cultural factors, however, limited their participation. While signatories to the 2011 *Roadmap for Ending the Transition* agreed women should hold at least 30 percent of the seats in the federal parliament, women were elected to only 14 percent of the 275 seats in parliament in 2012. The 30 percent quota met significant resistance in the 2016-17 elections from clan elders, political leaders, and religious leaders, but women's representation in parliament increased to 24 percent. On October 1, the NCC released implementation details on the model and timeline for federal elections in 2021, in which they reaffirmed the 30 percent women's quota, despite continued resistance from some stakeholders, and expanded that quota to apply to clan caucuses, implementation committees, and the Dispute Resolution Committee. On October 21, the parliament confirmed a new 26-member cabinet, which included four women, reflecting a steady proportion compared to prior years.

In August, Beledweyne Mayor Safiya Jimale, appointed in May 2019 as the town's first female mayor, was removed under unclear circumstances but replaced with another female mayor, Nadar Tabah Malin.

Civil society, minority clans, Puntland authorities, and some national opposition figures called for the abolition of the "4.5 formula" by which political representation was divided among the four major clans, and the marginalized

“minority” clans were combined as the remaining “0.5” share. This system allocated to marginalized clans and other groups a fixed number of seats in the federal parliament that advocates from these communities continue to claim underrepresents the real size of these populations. The country conducted its last publicly available census in 1975, so the validity of these criticisms remains unclear. Under the provisional constitution, the electoral process was intended to be direct, thus transitioning from the 4.5 formula, but during the year federal and regional leaders decided to maintain the 4.5 formula in determining lower house composition.

Somaliland had one woman in its 86-member House of Representatives. Women traditionally were excluded from the House of Elders. Two ministers among the 24 cabinet ministers were women.

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

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

The law provides for criminal penalties for corruption by officials, but the government did not effectively implement the law. Government officials reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: Corruption remained endemic despite an anticorruption law. The government had not created an independent ethics and anticorruption commission despite President Farmaajo’s commitment in 2019 to do so.

The Financial Governance Committee (FGC)--an advisory body that has no legal authority but is responsible for reviewing all government contracts for more than \$5 million--consisted of federal government members from the Ministry of Finance, the Central Bank, the Office of the President, and the Office of the Prime Minister, as well as the chair of the parliamentary finance committee and the Office of the State Attorney General (approximately equivalent to a solicitor general). Four delegates were funded by international financial institutions. During the year the FGC provided support to the federal government and federal member states on public financial management, fiscal federalism, oil and gas licensing, concessions and contracts, and central banking. FGC support activities

included advising on a model production sharing agreement for energy concessions and assisting with initiating a tender to select a new passport supplier.

On August 24, the Benadir Regional Court convicted Ministry of Health Director General Abdullahi Hashi Ali and three senior colleagues of embezzlement and misuse of government seals and certifications for personal profit in relation to funds from international donors to combat the COVID-19 pandemic. Ali received nine years in prison, a lifetime ban on holding public office, and a fine, with his accomplices (Mohamud Bulle Mohamed, Mahdi Abshir, and Bashir Abdi Nur) receiving sentences ranging from three to 18 years' imprisonment and various fines. Five other individuals arrested were acquitted of all charges.

The UN Panel of Experts on Somalia reported that it found no recent evidence of charcoal exports from the country (banned by the UN Security Council). Charcoal production for the domestic market continued in areas controlled by al-Shabaab, the Jubaland administration, and Kenyan AMISOM forces. The Panel of Experts expressed concern that significant stockpiles of charcoal, valued at more than \$40 million, were consolidated at several potential export sites.

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

The UN Panel of Experts reported on the continued "taxation" by al-Shabaab, which extorted *zakat* (a Muslim obligation to donate to charity) and *sadaqa* (a voluntary charity contribution paid by Muslims) in the regions it controlled. The Panel of Experts found that al-Shabaab remained in a strong financial position and was generating a significant budgetary surplus. The Panel of Experts also found that although Somalia had taken steps to strengthen its financial sector to combat terrorism, al-Shabaab was using formal financial institutions to store and transfer funds.

Financial Disclosure: The law does not require income and asset disclosure by appointed or elected officials.

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

A number of local and international human rights groups operated in areas outside al-Shabaab-controlled territory, investigating and publishing their findings on

human rights cases. Government officials were somewhat cooperative and responsive to their views. Security concerns constrained NGOs' ability to operate in southern and central areas of the country. International and local NGOs generally worked without major restrictions in Somaliland, although clan politics, localized violence, and perceived interference with traditional or religious customs sometimes curtailed NGO activity in these areas.

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

The United Nations or Other International Bodies: During the year the government allowed the Panel of Experts to return after barring it in 2019, but due to COVID-19-related travel restrictions, the most recent mission was conducted remotely.

On October 25, Somaliland issued a statement suspending all activities by UN agencies and other international humanitarian and development partners in its territory.

Government Human Rights Bodies: The provisional federal constitution calls for the formation of an independent national human rights commission and a truth and reconciliation commission within 45 days and 30 days, respectively, of the formation of the Council of Ministers in 2012, but these provisions have not been implemented. There was no formal government mechanism for tracking abuses.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, providing penalties of five to 15 years in prison for violations. Military court penalties for rape included death sentences. The government did not effectively enforce the law. There are no federal laws against spousal violence, including rape. During the year the federal government introduced a sexual intercourse bill that would have legalized child marriage, codified weak protections for victims of sexual violence and assault, and instituted weak procedures for investigating and prosecuting sexual offenses. While parliament rejected the bill, the introduction of the sexual intercourse bill rather than the sexual offenses bill that had been in development since 2018 raised significant concerns among the international community that efforts to combat

gender-based violence and to strengthen rights for women and girls were losing ground in the country.

According to the UN Population Fund (UNFPA) and international and local NGOs focused on combatting sexual and gender-based violence, since the onset of the COVID-19 pandemic, Somalis, particularly women and girls, have faced greater risk of sexual and gender-based violence. According to the Somali Women Development Center, over 50 percent of sexual and gender-based violence perpetrators lived in the same home as survivors or are neighbors. Anecdotal and survey data indicate that the closure of schools and some workplaces, as well as government curfew and social distancing measures, have led women and girls to spend more time in the home. This factor has placed them at greater risk due to the increased amount of time spent with potential or serial perpetrators, with fewer options to get away from abusers. There are some data to indicate the COVID-19 led to a meaningful increase in sexual and gender-based violence in the country.

Government forces, militia members, and individuals wearing what appeared to be government or other uniforms raped women and girls. While the army arrested some security force members accused of such rapes, impunity was the norm. In Lower Shabelle, most rapes of local civilians occurred at checkpoints or in farms and villages near checkpoints, which many local residents believed were controlled by local militias.

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

IDPs and members of marginalized clans and groups suffered disproportionately from gender-based violence. Local NGOs documented patterns of rape perpetrated with impunity, particularly of female IDPs and members of minority clans.

Gender-based violence, including rape, continued to affect women and girls when on the move to collect water, go to the market, and cultivate fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans, and unidentified

armed men. In September, UNHCR and NGO partners in the UN Protection Cluster recorded 323 incidents of sexual and gender-based violence, including cases of rape or attempted rape, a figure thought to underestimate greatly the true total. Police were reluctant to investigate and sometimes asked survivors to do the investigatory work for their own cases. Some survivors of rape were forced to marry perpetrators.

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

On September 2, a court in Garowe exonerated six men suspected of raping and killing a woman in 2019, based on the findings and testimony provided by the Bureau of Forensic Science. This exoneration was the first in the country to use DNA evidence.

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

Domestic and sexual violence against women remained serious problems despite laws prohibiting any form of violence against women. While both sharia and customary law address the resolution of family disputes, women were not included in the decision-making process. Exposure to domestic violence was also significantly heightened in the context of displacement and socioeconomic destitution. Survivors faced considerable challenges accessing necessary services, including health care, psychosocial support, and justice and legal assistance; they also faced reputational damage and exclusion from their communities. In several cases survivors and providers of services for gender-based violence survivors were directly threatened by authorities when such abuses were perpetrated by men in uniform.

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

Female Genital Mutilation/Cutting (FGM/C): Although the provisional federal constitution describes female circumcision as cruel and degrading, equates it with

torture, and prohibits the circumcision of girls, FGM/C was almost universally practiced throughout the country. According to the government's *2020 Health and Demographic Survey*, supported by the UNFPA, FGM/C remains widespread in the country, with 99 percent of women and girls between 15 and 49 having received the procedure.

A fatwa issued by the Somaliland Ministry of Religious Affairs condemns the most severe forms of the practice of FGM/C and allows FGM/C victims to receive compensation but does not specify punishments for the practice. Health workers from the Somaliland Family Health Association traveled from village to village to explain that FGM/C had no health benefits and could lead to health complications. Type III (infibulation) has been predominant type. Many women reportedly began to opt for less severe types of FGM/C.

In May an international NGO reported a significant increase in cases during the COVID-19 lockdown with cutters traveling door to door offering to cut girls while they were home from school. The increase was also linked to Ramadan.

Other Harmful Traditional Practices: Adultery in al-Shabaab-controlled areas was punishable by death. Child, early, and forced marriages frequently occurred (see section 6 on Children).

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women did not have the same rights as men and experienced systematic subordination to men, despite provisions in the law prohibiting such discrimination. Women experienced discrimination in credit, education, politics, and housing. When the former minister of women and human rights development tabled a sexual offenses bill in 2018, religious clerics called for her to be criminally charged. She received political and other pressure in connection to the bill, which parliament has yet to take up for debate.

Only men administered sharia, which often was applied in the interests of men. According to sharia and the local tradition of blood compensation, anyone found

guilty of the death of a woman paid to the victim's family only one-half the amount required to compensate for a man's death.

The exclusion of women was more pronounced in al-Shabaab-controlled areas, where women's participation in economic activities was perceived as anti-Islamic.

While formal law and sharia provide women the right to own and dispose of property independently, various legal, cultural, and societal barriers often prevented women from exercising such rights. By law girls and women could inherit only one-half the amount of property to which their brothers were entitled. There were legal barriers to women working the same hours as men and restrictions on women's employment in some industries.

## **Children**

Birth Registration: Nationality is derived at birth from a Somali national father but not from the mother, nor from birth in the country's territory. Children of Somali mothers may acquire Somali nationality after two years. The provisional federal constitution provides that there is only one Somali citizenship and calls for a special law defining how to obtain, suspend, or lose it, but as of year's end parliament had not passed such a law.

Authorities reportedly registered only a small percentage of births in the country. Failure to register births did not result in denial of public services such as education.

Although birth registration occurred in Somaliland, numerous births in the region were unregistered.

Education: The law provides the right to a free education up to the secondary level, but education was not free, compulsory, or universal. In many areas children did not have access to schools. Nearly one-half of the school-age population remained out of school due to barriers such as poverty in rural areas, lack of security, exorbitant school fees, and competing household and labor demands. NGOs and nonstate private actors attempted to fill this gap, but they used different curricula, standards, and languages of instruction. Preprimary Islamic education continued to be prevalent and often led to late primary student enrollment. Girls faced additional obstacles such as early marriage and low prioritization of girls' education, leading to even lower attendance. IDP children had much lower rates of

attendance than nondisplaced children. There was an insufficient supply of qualified teachers, particularly female teachers.

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

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

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

Child, Early, and Forced Marriage: The law requires both marriage partners to have reached the “age of maturity” and defines a child as a person younger than 18 but does not specifically outlaw child marriage. It notes marriage requires the free consent of both the man and woman to be legal. Early marriages frequently occurred. UNICEF estimated in 2006 that 45 percent of women married before age 18 and nine percent before age 15. In the government’s *2020 Health and Demographic Survey*, supported by the UNFPA, more than 62 percent of married women and 74 percent of unmarried women aged 15-49 indicated they understood forced marriage as a form of domestic violence. In areas under its control, al-Shabaab arranged compulsory marriages between its soldiers and young girls and used the lure of marriage as a recruitment tool for its soldiers. There were no known efforts by the government or regional authorities to prevent child, early, and forced marriage.

Sexual Exploitation of Children: The law does not expressly prohibit using, procuring, and offering a child for prostitution, pornography, or pornographic performances. Additionally, children exploited in commercial sex are not protected from criminal charges under the law. There is no statutory rape law or minimum age for consensual sex. The law does not expressly prohibit child pornography. The law on sexual exploitation was rarely enforced, and such exploitation reportedly was frequent.

Displaced Children: There was a large population of IDPs and children who lived and worked on the streets. UNICEF estimated that 1.7 million of the 2.7 million total IDPs were children.

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

### **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

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

The needs of most persons with disabilities were not addressed. According to Amnesty International, persons with disabilities faced daily human rights abuses, such as unlawful killings; violence including rape and other forms of gender-based violence; forced evictions; and lack of access to health care, education, or an adequate standard of living. Children and adults with all types of disabilities were often not included in programs aimed at supporting persons in the country, including humanitarian assistance. IDPs with disabilities were often victims of multiple forced evictions. Domestic violence and forced marriage were prevalent practices affecting persons with disabilities. Women and girls with disabilities faced an increased risk of rape and other forms of gender-based violence, often with impunity, due to perceptions that their disabilities were a burden to the family or that such persons were of less value and could be abused.

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

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

### **Members of National/Racial/Ethnic Minority Groups**

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

Minority groups, often lacking armed militias, continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion. Some observers believed minority clans' resentment over abuses made them more vulnerable to recruitment by al-Shabaab. Bantu advocacy groups stated the community's isolation from the government's security sector integration efforts pushed some Bantu youth into joining al-Shabaab.

Bantu communities, primarily living between the Juba and Shabelle Rivers in the southern part of the country, continued to face discrimination, including verbal abuse and being forced to adopt Arabic names. The discrimination was renewed in IDP camps, where Bantu women were not protected by traditional clan structure.

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

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The 1963 penal code criminalizes “carnal intercourse with a person of the same sex” with a penalty of three months to three years’ imprisonment. The country’s law classifies sexual violence as an “offense against modesty and sexual honor” rather than as a violation of bodily integrity and punishes same-sex intercourse. There remains a pervasive social stigma against same-sex relationships, and the law does not prohibit discrimination based on sexual orientation or gender identity. There were no known lesbian, gay, bisexual, transgender, and intersex (LGBTI) organizations and no reports of events.

There were few reports of societal violence or discrimination based on sexual orientation or gender identity due to severe societal stigma that prevented LGBTI individuals from making their sexual orientation or gender identity known publicly. Anecdotal information indicated that some families sent children they suspected of being homosexual to reform schools in the country, but reporting on this practice largely stayed out of the public sphere. There were no known actions to investigate or punish those complicit in abuses. Hate crime laws or other criminal justice mechanisms do not exist to aid in the prosecution of bias-motivated crimes against members of the LGBTI community.

In Somaliland the situation was largely the same. Same-sex relationships are illegal and socially taboo.

### **HIV and AIDS Social Stigma**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of every worker to form and join a trade union, participate in the activities of a trade union, conduct legal strikes, and engage in collective bargaining. No specific legal restrictions exist that limit these rights. The law does not address antiunion discrimination or the reinstatement of workers fired for union activity. Legal protections did not exclude any particular groups of workers.

The government did not effectively enforce the law. Penalties were not commensurate with those for other similar violations, and were seldom applied. The Ministry of Labor and Social Affairs hired and trained labor inspectors during the year, but as of December, no inspections had been conducted.

According to the chairman of the Federation of Somali Trade Unions (FESTU), the largest trade union federation in the country, labor relations improved during the year. There were no instances of government interference with union activities, reflecting an improved environment for labor rights and increased cooperation between the labor movement and government. In August and September, workers at Mogadishu's Aden Adde International Airport went on strike, claiming unfair pay and poor workplace safety practices. In November, FESTU filed a lawsuit on behalf of dismissed workers alleging a worker was dismissed for union activities. FETSU state that this was the first labor lawsuit filed in the country in 20 years. The lawsuit continues.

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

The provisional federal constitution prohibits slavery, servitude, trafficking, or forced labor for any purpose. The government did not effectively enforce the law. The penalties for slavery and forced labor were not commensurate with those for similar crimes. There were no known efforts by the government to prevent or eliminate forced labor in the country. The Ministry of Labor and Social Affairs did not have an inspectorate and did not conduct any labor-related inspections.

Forced labor occurred. Al-Shabaab continued forcibly to recruit children as young as eight years old for combat. Children and minority clan members were reportedly used as porters to transport the mild narcotic khat (or *miraa*), in farming and animal herding, crushing stones, and construction. Al-Shabaab forced persons in their camps to move to the countryside, reportedly to raise cash crops for the organization.

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

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

Legislation that comprehensively prohibits children from working, including in hazardous occupations and activities, does not appear to prevent the practice. While a pre-1991 law remains on the books, it was not enforced. The pre-1991 labor code provides a legal minimum age of 15 for most employment, prescribes different minimum ages for certain hazardous activities, and prohibits those younger than 18 from night work in the industrial, commercial, and agricultural sectors, apart from work that engages family members only. The provisional federal constitution states, "No child may perform work or provide services that

are not suitable for the child's age or create a risk to the child's health or development in any way." The provisional federal constitution defines a child as any person younger than 18 but does not set a minimum age for employment.

The federal Ministry of Labor and Social Affairs and Ministry of Women and Human Rights Development, as well as the Somali National Police, are responsible for enforcing child labor laws. The ministries did not enforce the law. The legal penalties for child labor were not commensurate with those for similar crimes, such as kidnapping. The government participated in campaigns to remove children from participation in armed conflict (see section 1.g.).

Child labor was widespread, and the recruitment and use of child soldiers remained a problem (see section 1.g.). A majority of children did not attend school, rendering them vulnerable to child labor. Youth commonly worked in herding, agriculture, household labor, and street work from an early age. Children broke rocks into gravel and worked as vendors and transporters of cigarettes and khat on the streets. The country has not conducted a national stand-alone child labor survey.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination regarding race, sex, disability, political opinion, color, language, or social status, but does not prohibit discrimination on the basis of religion, age, national origin, social origin, stateless status, sexual orientation or gender identity, or HIV-positive status or other communicable diseases. The labor code requires equal pay for equal work. The government did not enforce the law. Penalties were not commensurate with those for similar violations and were not enforced. There were legal barriers to women's employment, including limitations with regard to working hours and in some industries. Persons with disabilities faced discrimination in hiring and access to the workplace.

Discrimination occurred on the basis of clan connections in numerous industries and sectors off the economy. Severe societal stigma prevented LGBTI individuals from making their sexual orientation or gender identity known publicly; in rare cases that individuals made their LGBTI sexual orientation known, this factor represented a significant barrier to employment.

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

The law does not provide for a national minimum wage.

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

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

The Ministry of Labor and Social Affairs is responsible at the federal level for establishing occupational safety and health standards and enforcement. The ministry did not effectively enforce labor laws. The ministry created a labor inspectorate this year, but no inspections were performed. Penalties were not commensurate with those for similar violations and were not applied. Violations of working condition regulations were widespread in the public and private sector.

Wages and working conditions were established largely through arrangements based on supply, demand, and the influence of workers' clans. There was no information on the existence or status of foreign or migrant workers in the country. Approximately 95 percent of workers worked in the informal sector where labor regulations were not applied. Workers routinely exposed to hazardous conditions include electrical, transportation, and petroleum workers. Additionally, telecommunications and media workers face targeted attacks by al-Shabaab, and some informal sector workers are victims of suicide bombs.