

# SOMALIA 2021 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 last completed parliamentary elections in 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. There were credible reports that members of the federal and state security forces committed numerous abuses.

Significant human rights issues included credible reports of: 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 a conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions, torture and physical abuses or punishment, and unlawful recruitment or use of child soldiers; serious

restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; 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.

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 most of the severe human rights abuses, particularly terrorist attacks on civilians and targeted killings, including extrajudicial, and religiously 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. Operations by security forces caused civilian casualties.

## **Section 1. Respect for the Integrity of the Person**

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings (see also sections 1.g. and 2.b.). 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.c.). While reliable data was difficult to collect, reporting from the UN Assistance Mission in Somalia (UNSOM) indicated that between November 5, 2020, and July 31, there were 441 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 forces, and to a much lesser extent by African Union Mission in Somalia (AMISOM) and other international forces, occurred.

On April 14, security forces executed a National Intelligence and Security Agency (NISA) officer after a military court found him guilty of killing a civilian on April 8 in Beledweyne. On May 24, a military court in Gedo region sentenced two former Somali Police Force (SPF) officers to death after they were found guilty of killing a male and a female civilian on January 6. Due to capacity problems 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 regarding 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.

In the self-declared breakaway Republic of Somaliland, government and media sources reported an increase in killings of government officials and others in Las Anood, a city within an area disputed between Somaliland and the Federal Member State (FMS) of Puntland. In one high-profile case, local lawmaker Abdirisak Ahmed Elmi was shot and killed near his home in the city in September, just three months after being elected to his position in Somaliland's May 31 local council elections. Shortly after his killing, the Somaliland government appointed a committee to investigate the recurring and increasing killings in the area, but at year's end the committee had yet to render its conclusions or bring those responsible to account.

Al-Shabaab continued to carry out indiscriminate attacks and, in many cases, deliberately targeted civilians (see sections 1.g. and 6). The group conducted attacks targeting Turkish construction workers near Afgoye, guests at a hotel in Mogadishu, civilian Ministry of Defense staff, and villagers in Lower Shabelle, among many others. According to UNSOM, al-Shabaab was responsible for approximately 60 percent of civilian casualties between November 5, 2020, and July 31. On March 5, the terrorist group used a suicide vehicle-borne improvised explosive device (IED) to target a restaurant popular among government officials and security force members in Mogadishu's Hamarjajab district, with the explosion nearly collapsing the building and killing at least 10 persons and injuring 30 others. On July 2, a person-borne IED detonated at a restaurant in Mogadishu's Shibis district, reportedly killing 12 persons and injuring at least seven.

On August 21, AMISOM stated that seven persons killed on August 10 by AMISOM troops from the Ugandan People's Defense Force conducting operations against al-Shabaab in Golweyn, Lower Shabelle region, were civilians. AMISOM convened a board of inquiry led by a senior officer and two other members from the African Union Commission in Addis Ababa, a senior Federal Government of Somalia (FGS) official, and senior officers from AMISOM Military, Police, and Mission Headquarters to investigate the incident and take appropriate disciplinary actions as necessary. The board of inquiry found that the soldiers violated AMISOM rules of engagement in the incident, and on October 20, AMISOM took full responsibility for unlawful acts by its troops with respect to the killings. Ugandan authorities convened a court martial of their soldiers in Mogadishu on November 6, charging the soldiers with murder and the desecration of bodies. On November 11, the five accused soldiers were found guilty of seven counts of murder. Two were sentenced to death by hanging. The other three were sentenced to 39 years in prison on each count, to be served concurrently. They were granted 14 days to appeal their sentences.

According to a July 14 report to the UN Human Rights Council by the independent expert on human rights in Somalia, there was an intensification of fighting among clans and subclans regarding agricultural land ownership, pasture, and water resources, as well as revenge killings and struggles for political power, resulting in 199 casualties. Interclan clashes in Jubaland, Galmudug, and South West State

resulted in civilian casualties and massive displacements. Reportedly, revenge clan killings and atrocities were so serious that military interventions and clan elder interventions were required to separate fighting parties and defuse tensions.

## **b. Disappearance**

There were some cases of reportedly government-directed, politically motivated disappearances. Local media outlets and politicians reported on the disappearance of Ikran Tahlil Farah, NISA's head of cyber security, on June 26 after being picked up by a car from her home in Mogadishu following a call from an unknown source. A former NISA official alleged that Farah may have been in possession of a list of Somali youth sent to Eritrea for military training under a clandestine program that drew increasing public scrutiny and outcry during the year. Under public pressure over its lack of investigation into Farah's disappearance, NISA issued a statement on September 2 indicating that al-Shabaab elements killed her, a claim that the terrorist group immediately denied. Some parliamentarians reportedly implicated senior NISA officials in Farah's disappearance. The agency's resistance to investigating the case led to Prime Minister Mohamed Hussein Roble's removal of the agency's director general, Fahad Yasin, on September 8. On November 21, military investigators announced that no evidence linked NISA to Farah's disappearance, instead claiming that al-Shabaab abducted and murdered her. Media and other sources cast doubt on the findings, citing CCTV footage showing Farah getting into a NISA vehicle the night that she disappeared. Her mother denounced military investigators' conclusions as a cover-up.

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.).

As of September 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. In one example reported by Human Rights Watch, “Abdi,” age 16, related that NISA officials repeatedly beat him during an interrogation and left him bleeding for days.

There were multiple credible reports of rape and sexual abuse by government agents, primarily in the security forces (see section 1.g.). For example, on May 14, five members of a clan militia allegedly wearing SPF uniforms and working with Mogadishu’s Deynile district administration raped three women and attempted to rape two others. The SPF arrested three suspects in the incident, and on May 29, the Attorney General’s Office requested that the Banadir Regional Court examine them for biological evidence and DNA samples. As of December no results had been released.

Al-Shabaab imposed harsh punishment on persons in areas under its control. In August the group reportedly executed an 83-year-old man in Galmudug for blasphemy. In March and June, the group publicly executed persons, including civilians, accused of spying for AMISOM, the United States, and the Somali government. In some cases al-Shabaab forced community members to watch public executions.

AMISOM forces, which were previously implicated in rapes and other unspecified grave abuses of human rights while conducting military operations in the country, tracked and in some cases investigated reports of alleged abuses, including a civilian casualty event in August (see section 1.a.). The AMISOM Civilian Casualty Tracking, Analysis, and Response Cell carried out this mandated task.

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 was 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 Afgoye at

the hands of Hawiye clan-affiliated militias, some with strong ties to the Somali National Army (SNA).

At midyear, renewed conflict occurred among al-Shabaab, the Galjeel clan, and the Shanta Alemod clan, as well as with the relatively weaker Mirifle subclans, around Wanlaweyn, Lower Shabelle. Galjeel militias particularly targeted trade truck convoys and reportedly engaged in rape, looting, burning of homes and property, illegal checkpoints, and land grabbing.

### **Prison and Detention Center Conditions**

Except for 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. Prison authorities often did not separate pretrial detainees from convicted prisoners, particularly in the southern and central regions.

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 Mogadishu Central Prison (MCP). Such outbreaks could be life threatening during the rainy season.

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

Al-Shabaab detained persons in areas under its control in the southern and central regions. Those detained were incarcerated under inhuman conditions for relatively minor offenses, such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab. Prison conditions in areas controlled by al-Shabaab and where traditional authorities controlled detention areas were often harsh and life threatening.

**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.

A joint UN assessment mission in April confirmed that the Garowe Central Prison (GCP) has a system for prisoners to submit complaints through officers and the prison commander.

Prisoners in the MCP, GCP, and Hargeisa prison had adequate access to visitors and religious observance. Infrastructure limitations in other prisons throughout the country impeded such activities.

**Independent Monitoring:** Authorities continued to work 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. UN Office on Drugs and Crime (UNODC) staff maintained regular access to prisons where UNODC delivered training and infrastructure support. Authorities allowed UNICEF, UNODC, and UNSOM to conduct joint inspections of prisoners during the year.

Somaliland authorities permitted some prison monitoring by independent nongovernmental (NGO) 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 an internationally supported project at the MCP improved the perimeter wall; constructed additional guard towers; and refurbished internal doors, locks, and gates.

Five prison facilities in Mogadishu, Baidoa, Beledweyne, and Garowe implemented a new prisoner record management database during the year.

During the year UNODC supported coordination between the Ministry of Justice



and the State University of Puntland to provide psychosocial support for young and female prisoners at GCP. Social workers were assigned to the facility to allow prisoners to report cases of abuse. UNODC also supported the Garowe prison authority to inspect isolation rooms to prevent suicide and improve family visitations. The prison also improved policies and systems to separate young prisoners from adults and pretrial detainees from convicted prisoners.

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

Although the provisional federal constitution prohibits arbitrary arrest and 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. 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.

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 to administer bail provisions. 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. According to the Somali Journalists Syndicate (SJS), between January and April, security forces arrested at least 30 journalists on duty, forcibly detaining many others. Authorities conducted the arrests throughout the country, but the majority reportedly occurred in Mogadishu. When antigovernment protests erupted in the capital in February and April concerning the impasse related to federal elections (see section 3), FGS security forces arbitrarily arrested and detained journalists attempting to cover demonstrations. The SJS reported that Turkish-trained “Cheetah” special police forces forcibly detained numerous journalists on February 18-19, in some cases at gunpoint, who were attempting to cover antigovernment protests in Mogadishu. The police forces confiscated equipment and held reporters until demonstrators dispersed (in some cases prompted by police and other forces using live rounds), and then released them without charge. The SJS also reported that on April 25, special “Dufan” police units detained, beat, and shot at Radio Hubal journalist Bashir Ali Shire as he was reporting a violent antigovernment protest and a gunfight in Mogadishu’s Karan district. One armed officer reportedly snatched the journalist’s cell phone and started kicking and beating him with a gun before another officer arrived and shot at him once. Shire said that police detained and interrogated him regarding his journalism and clan identity before releasing him without charge.

Arbitrary arrests by FMS authorities, particularly in Puntland and Jubaland, were common. For example, in December 2020, Puntland Intelligence and Security Agency forces arrested the freelance journalist Kilwe Adan Farah as he covered protests over government mismanagement of the local currency. Farah was charged with five offenses, including “publication of false news” and “bringing the nation or the state into contempt,” and on March 3 was sentenced by a military court to three months in prison despite a lack of evidence. Under pressure from local and international media freedom NGOs, as well as the international community, Puntland President Said Deni granted Farah a special pardon, and the journalist was released on March 22 after 84 days in jail.

Somaliland's government continued to use arbitrary detention and arrest to curb negative reporting by journalists, as well as demonstrations of political expression by citizens, 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 April 14, Somaliland police arrested journalist Aden Abdi Eidle in Hargeisa after he publicly accused Somaliland Central Bank Governor Ali Ibrahim Baghdadi of corruption. Speaking to reporters prior to being taken into custody, Eidle claimed that Baghdadi instigated the issuance of the arrest warrant against him. According to its social media reporting, the independent media freedom NGO Somaliland Journalists Association helped secure Eidle's release on April 28. On July 5, Somaliland authorities detained journalist Barkhad Mohamed Bashe in Las Anood for covering a demonstration by a local women's group protesting the arrest of their sons for wearing outfits showing the FGS flag in recognition of independence day. According to the SJS, Somaliland authorities released Bashe without charge on July 6 on condition that he not report news critical of Somaliland.

**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, 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 of 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 prosecute 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 that 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 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, primarily but not always those accused of terrorism

offenses. 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. Al-Shabaab enforced a strict form of sharia that imposed steep penalties, including death, for certain offenses.

### **Political Prisoners and Detainees**

Government and regional authorities arrested journalists, as well as other persons critical of authorities, including high-profile political detainees. Neither government nor NGO sources provided an estimate of the number of political prisoners. In these cases the government generally did not provide access to such persons by humanitarian organizations.

In 2018 South West State presidential election candidate and prominent defector from al-Shabaab leadership Mukhtar Robow was detained by Ethiopian AMISOM soldiers and brought to Mogadishu (see section 3). He was placed in NISA custody and later moved into house arrest. As of September Robow remained under house arrest without charge. In July, according to the media outlet *Garowe Online*, Robow went on a four-day hunger strike to protest his continued detention without charge.

As competition regarding the federal elections increased, on November 3, one of President Farmaajo's former advisors, Abdi Ali Rage, announced that his chief political campaign official supporting his run for a seat in the lower house to represent Jubaland was detained by authorities in Kismayo on unspecified charges. He indicated that Jubaland authorities detained this individual and threatened to "deport" him from the FMS due to his "political affiliation," referencing Rage's well-known earlier political break with Jubaland President Ahmed Islam "Madobe."

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.

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

There were only a handful of lawsuits during the year seeking damages for or cessation of human rights abuses. 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 Seizure and 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. Conflict-related Abuses**

**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, 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.

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

The execution of young prisoners who were held in GCP raised international concern. UNODC monitored another young prisoner who was given the death penalty and followed up with the national authority as the Puntland government formed a committee to evaluate the case in relation to the age factor.

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 January 31, al-Shabaab attacked the Afrik Hotel near the international airport in Mogadishu, killing five persons, including former SNA general and revered security official Mohamed Nur Galal.

UN reporting continued to track small-scale IED attacks and killings by ISIS-Somalia, primarily in Puntland, where the group maintained pockets of presence. On June 29, an ISIS-Somalia IED attack in Puntland killed one soldier.

**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 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.

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 3,296 SNA soldiers at SNA bases to raise awareness of unlawful child soldier recruitment and verify the number of children in Somali security sector units for corrective action. The CPU continued the use of biometric registration and reported that 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 directly in hostilities, including suicide attacks. According to UN officials, al-Shabaab accounted for most 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, weapons training, inadequate diet, 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 direct hostilities, 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.

Denial of humanitarian access by armed groups, security forces, or security incidents was common. Al-Shabaab sustained attacks against security forces along main supply routes. Increased insecurity along these routes impaired delivery of humanitarian supplies. Throughout the year al-Shabaab seized main supply routes and limited movement of food and commodities trucks in Oansah, Dheere, Wajid, and Hudur districts. Al-Shabaab's efforts to curtail the transportation of food and nonfood supplies into South West State resulted in increased food prices in this

FMS. Economic blockades by the insurgency impacted several districts in the Bay and Bakool regions. Additionally, al-Shabaab reportedly displaced 3,800 households from Toosweyne in the Berdale district through evictions.

ISIS-Somalia targeted business leaders for extortion in urban areas and used violence when they did not meet extortion demands.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for the press and other media, 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.

According to the Committee to Protect Journalists, despite promises by the FGS to reform local laws that were widely used to prosecute journalists, authorities made little effort to fully protect freedom of expression, including for media, in areas they controlled.

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 Expression:** Individuals in government-controlled areas risked reprisal for criticizing government officials, particularly for alleged official corruption or suggestions that officials were unable to manage security matters. Such interference remained common outside the capital, particularly in Puntland, Jubaland, and Somaliland (see section 1.d.). Somaliland officials arrested persons for symbolic expression, notably for displaying the FGS flag (see also section 1.d., Arbitrary Arrest).

On February 19, FGS intelligence officers interrupted two Goobjoog News journalists while they were interviewing persons on the street and tried to coach their interview subjects into making positive comments regarding the FGS. On

February 23 and 25, armed security personnel in Mogadishu confronted Goobjoog reporters while they attempted to cover antigovernment protests and forced them to delete their footage.

A Somaliland-based human rights group noted that in April, authorities in Hargeisa detained Sabah Abdi Ibrahim, a female protester who dressed in the FGS flag, releasing her after six days without charge. Authorities in Borama arrested Degan Omar Dahir Miiraash after she publicly wore the FGS flag on April 23, releasing her the same day. According to human rights NGOs, Miiraash had served six months in prison on charges related to an earlier and similar act. The same human rights NGO noted that several activists, singers, and other persons faced similar detention, arrest, and imprisonment for demonstrating against Somaliland's alleged independence.

**Freedom of Expression for Members of the Press and Other 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, Jubaland, 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.

**Violence and Harassment:** The Committee to Protect Journalists recorded one journalist killing 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. 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.).

According to media rights organizations, FGS security forces regularly attacked and harassed journalists attempting to cover demonstrations and other antigovernment events. The SJS reported that on April 25, NISA officers stopped Universal TV reporters Mohamed Ibrahim Bulbul and Khalid Maki at gunpoint as

they were leaving the scene of violent antigovernment protests in Mogadishu's Karan district, attempted to confiscate their equipment, and forced them to delete their footage or risk being shot.

On May 3, Radio Mustaqbal filed a lawsuit with the Attorney General's Office against then NISA director general Fahad Yasin and Office of the President Deputy Chief of Staff Abdinur Mohamed Ahmed for allegedly directing an April 27 raid on Radio Mustaqbal's offices using Turkish-trained "Cheetah" special police forces. According to the complaint, armed Cheetah officers forcibly entered Radio Mustaqbal's offices and ordered the staff on duty to come down at gunpoint, after which they beat and harassed radio editor Bashir Mohamud Yusuf before confiscating computers, external hard drives, laptops, cell phones, and cameras. The radio station's programming was reportedly suspended until the next morning. According to the media outlet's director, a Benadir police official personally apologized for the raid, but authorities did not return seized equipment. As of September the attorney general had not taken action on the complaint.

On September 5, police officers assaulted Goobjoog News producer Bashir Mohamud Weheliye and Universal TV reporter Guled Abdi Salad as they attempted to cover a public protest. According to the National Union of Somali Journalists, heavily armed police were recorded dragging Weheliye on the ground and throwing him into a police van during the arrest, while others forcibly confiscated Salad's equipment. Weheliye was released without charge after being held briefly at a local police station.

Al-Shabaab also engaged in violence and harassment of journalists. For example, on March 1, two unidentified men shot and killed journalist Jamal Farah Adan in Galkayo. Adan had received threats from al-Shabaab in response to reporting and commentary that he posted on his Facebook page, and the terrorist group later took credit for the killing.

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, as well as 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 concerning the disputed Sool and Sanaag regions. In April the NGO Human Rights Center Somaliland reported that authorities had arrested or detained seven journalists in connection with their work. On April 23, Somaliland police arrested MMTV reporter Abdiqadir Mohamed Abdilahi in Borama after he interviewed Hassan Dehehe, a religious leader who allegedly supported President Farmaajo. On August 19, police arrested Burao-based journalist and social activist Abdi Malik Coldoon after he accused the president of Barwaqo University of Abaarso on Facebook of promoting infidelity in Somaliland.

**Censorship or Content Restrictions:** Journalists engaged in rigorous self-censorship to avoid reprisals. Radio Barawe in Lower Shabelle region, an outlet shut down by government authorities due to its broadcasts in a local dialect in April 2020, continued to face forcible censorship and harassment. In January authorities again forced the station to close for several days and arrested one of its journalists, Osman Aweys Bahar, after the outlet broadcast a report regarding alleged marginalization of some local residents in government services and development projects.

The Committee to Protect Journalists and other international media rights organizations documented widespread state capture of media by the country's FMS governments, with reports of direct censorship of media products by state officials. The Puntland and Jubaland FMS drew criticism, with state leaders' communications and press offices often using coercive tools and bribery to interfere with outlets' editorial setup, as well as taking action designed to control which media houses could operate within their jurisdictions. For example, on February 22, Puntland security personnel in Bosaso arrested Ahmed Botan Arab, a journalist who posted a video report on his Facebook page with interviews with members of the public regarding their reactions to a speech made by Puntland President Said Deni. Authorities drove Arab to the city's presidential palace, where a police officer asked him to remove the video, which the reporter refused to do. He was transferred to a police station and held without charge until February 24, when he was released unconditionally.

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 monetary 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.

On February 8, NISA forces raided the offices of Somali Cable TV in Mogadishu, damaging equipment, holding staff at gunpoint, and assaulting them physically. Security agents accused journalists of recording activities at a secret NISA detention center adjacent to the Somali Cable TV building.

**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.

### **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 down 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 and association, but the government limited these freedoms. 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 or peaceful protests, often facing harassment, violence, and arbitrary arrest or detention by security forces. On February 19, security forces responded to opposition protests in the capital, which included former prime minister Hassan Ali Khayre, with gunfire. According to media reports, at least 20 persons were killed in clashes, partly in skirmishes between government security forces and allegedly opposition-affiliated militia groups the previous night. According to media, in January, March, and June, hundreds of parents of young men who were allegedly recruited under false pretenses into security units and held incommunicado while in training in Eritrea for up to two years, engaged in protests in Mogadishu, Galkayo, and other cities. As the trigger for their demonstrations, the protesters cited reports by a former NISA official that their sons had been deployed to fight alongside Ethiopian and Eritrean troops in Ethiopia's Tigray region. According to press accounts, the protesters were not always peaceful, with some burning tires and blocking roads. Police reportedly used force, including live ammunition and tear gas, to disperse the demonstrators.

In Somaliland security forces harassed and detained some opposition candidates and their supporters in the lead-up to the May 31 lower house and local council elections. Authorities imposed restrictions on security-related grounds on candidates and supporters who wanted to celebrate their election victories.

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 who attempted to impose taxation and registration requirements and control contracting, procurement, and staffing.

Somaliland authorities continued to politicize operating requirements for NGOs and international humanitarian and development assistance providers in the service of their government's claim to independence. On August 25, Somaliland's Ministry of Employment, Social Affairs, and Family published a decree on Facebook reserving the right to determine the areas and persons in Somaliland eligible to receive cash transfers and told private banks that originators of cash transfers must mark the transactions with explicit mention of the "Government of Somaliland."

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

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.

In the period preceding the country's federal parliamentary and presidential elections, numerous candidates reported that the FGS and regional authorities impeded their ability to travel within the country for campaigning. The FGS used Turkish-trained "Eagle" military and "Cheetah" special police units to lock down the capital on February 18-20 amid opposition protests, barring many opposition presidential candidates from demonstrating or moving around the city by setting up roadblocks around the homes, neighborhoods, or hotels where they were staying.

In July, Abdi Ali Rage, a close advisor to President Farmaajo and political opponent of Jubaland President Ahmed Islam "Madobe," had his flight into the Kismayo airport turned away by senior FMS officials to block him from campaigning for a parliamentary seat, according to media reports.

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 Hiiraan regions and impeded the delivery of humanitarian assistance.

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

As of August continuing conflict and climate shocks led to an increase in internal displacement. The country was home to more than 2.9 million IDPs. More than 537,000 new displacements were recorded during the year, with 389,000 primarily conflict- or security-related, 57,000 caused by flooding, and 81,000 caused by drought. Acute food insecurity and malnutrition levels remained elevated among IDPs, including in comparison with nondisplaced residents.

The Office of the UN High Commissioner for Refugees (UNHCR) advocated for the protection of IDPs and provided some financial assistance. Somalis who

returned from refugee camps abroad often moved to IDP camps. Approximately 200 refugees returned to the country during the year, and those who returned previously continued to require humanitarian assistance.

Forced evictions of IDPs remained a significant protection issue, and relief agencies recorded the redisplacement of 74,473 IDPs between January and August. Humanitarian actors' efforts likely prevented nearly 22,000 evictions between February and July, according to UNHCR. Private persons with claims to land, as well as 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 sexual exploitation and abuse committed by various armed groups and security personnel. Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the settlements.

## **f. Protection of Refugees**

Federal government and Somaliland authorities cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

The country hosted approximately 12,600 refugees and an additional 14,600 asylum seekers, primarily from Yemen and Ethiopia, with smaller numbers from other countries, including Syria, Tanzania, and Eritrea. Economic migrants also used the country as a transit corridor en route to the Gulf, Yemen, and Europe, which exposed them to exploitation and abuse, primarily by human traffickers.

As of September 30, UNHCR supported the return of 200 Somali refugees from countries of asylum, including nearly 150 from Kenya. There were frequent disruptions in return movements to the country due to continuing violence and conflict, as well as pandemic-related travel restrictions.

**Access to Asylum:** The law recognizes the right to asylum; 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. Bureaucratic delays caused backlogs in the process.

**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. Some refugees operated small businesses, such as restaurants. Access to employment and livelihoods opportunities varied across the country.

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 or vulnerable populations, including refugees and refugee returnees, although this remained difficult, primarily due to insecurity, lack of political will, and financial constraints. There were no reports of registered refugees being barred from accessing basic services based on refugee status. Refugees were included in the National Development Plan, and refugee children access public education throughout the country. In areas where the government implements its primary health care initiative, refugees accessed health services in their local communities.

### **g. Stateless Persons**

There was no estimate for the number of stateless individuals in the country during the year, but a UNHCR-led study in 2014 identified weaknesses in local law that present risks of statelessness. For example, the law is discriminatory in the transmission of nationality to children – Somali national fathers can transmit nationality at birth, but mothers cannot – and other weak administrative procedures and identification systems limit how some individuals can claim their legal rights to nationality.

## **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. As of year's end, the government had not 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.

In 2016 Hirshabelle was created as an FMS via a mediated union of the Hawiye clan-majority Hiiraan and Middle Shabelle regions. In October 2020 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. In November 2020 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 and others continued to contest the election outcome, including with threats of force to reverse the outcome. On August 23, an unknown number of rogue SNA soldiers of Hawadle origin took control of local government offices in Beledweyne, the capital of Hiiraan region, and were joined by Huud’s forces. The trigger for this event was an attempt by Guudlaawe to visit Beledweyne as state president, something he had been unable to do due to Hawadle opposition. On August 28, clan elders and government officials were able to de-escalate tensions and convince the forces to return to their prior positions, but conditions in Hiiraan remained tense in view of political frictions.

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 82-member House of Elders, known as the Guurti, and an elected 82-member House of Representatives with proportional regional representation. Long-overdue House of Representatives and local council elections took place on May 31; international observers noted their sophistication, fairness, and security, observing that the ruling Kulmiye Party lost to the opposition Waddani and For Justice and Development parties, with President Bihi quickly accepting the results.

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 preexisting district committees to remain in place.

**Political Parties and Political Participation:** The provisional federal 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 mid-October, 110 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, 2020, agreement reached by the National Consultative Council of the federal government and FMS leaders on a model and timeline for federal parliamentary and presidential elections during the year stated no political parties would be participating.

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

In the period preceding Somaliland's May 31 lower house and local council elections, authorities used questionable charges to arrest and detain candidates seeking to defect from the ruling Kulmiye Party to other parties and opposition politicians. The NGO Human Rights Center Somaliland reported that Somaliland authorities arrested seven opposition politicians who declared their willingness to compete in the elections and sought to arrest three other opposition politicians before the elections, despite an April 26 statement by Somaliland's electoral commission asserting a legal provision that candidates were immune from arrest unless caught committing a crime. The Human Rights Center Somaliland noted a statement from police that they were investigating the candidates on charges of false certification by a person performing a service of public necessity, false certification of a public document by a private individual, and falsification of private deeds without explaining the facts underlying the charges or which candidates were under suspicion under which criminal charges. The Human Rights Center Somaliland reported that in April, the Attorney General's Office had filed no charges for these alleged crimes. The NGO highlighted the cases of Raage

Ahmed Yusuf and Mohamoud Ahmed Jama Dhadoon, candidates from the opposition For Justice and Welfare Party for Somaliland's House of Representatives and Hargeisa local council elections, respectively, whom Somaliland police arrested on February 8 without charge. The two were reportedly released on March 6 on condition that they refrain from competing for political office for their party.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women, persons with disabilities, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons, or members of minority groups in the political process, and they did participate. Cultural factors, however, limited their participation, particularly LGBTQI+ persons, who could not make their identities known publicly due to violence, harassment, and discrimination (see section 6). 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. The September 2020 agreement on the model and timeline for overdue federal elections, as well as implementation procedures published by federal and state leaders in October 2020 and in May, reaffirmed the 30 percent women's quota, despite continued resistance from some stakeholders. These election documents expanded that quota to apply to clan caucuses, implementation committees, and the Dispute Resolution Committee. In the 54 Upper House races that began on July 29 and were completed on November 13, however, only 14 women were elected, falling short of the quota. The 26-member federal cabinet continued to include four women, reflecting a steady proportion compared with prior years.

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 continued to claim

underrepresented the real size of these populations. The country conducted its last publicly available census in 1975, so the validity of these criticisms remained unclear, but some academic research suggested that certain minority groups like the Somali Bantu represented a much larger share of the country's population than that reflected by their representation in government under the 4.5 system. Under the provisional federal 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.

In Somaliland's May 31 lower house and local council elections, no women were elected to the House of Representatives, and only three women won in 220 local council races. Women traditionally were excluded from the House of Elders. Two of 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. There were numerous reports of government corruption during the year.

**Corruption:** On May 4, President Farmaajo named members of an Independent Anticorruption Commission, almost two years after he signed an anticorruption law. This fulfilled a requirement in the 2012 provisional federal constitution for the first time. Nevertheless, punishment for corrupt acts by government officials was rare, and corruption remained one of the reasons that attacks against journalists and human rights defenders occurred with impunity.

The Financial Governance Committee – an advisory body that has no legal authority but is responsible for reviewing all government contracts for more than five million dollars – consisted of federal government officials from the Ministry of Finance, Central Bank, Office of the President, Office of the Prime Minister,



and Office of the State Attorney General (approximately equivalent to a solicitor general), as well as the chair of the parliamentary finance committee. Four delegates were funded by international financial institutions. During the year the governance committee provided support to the federal government and federal member states on \$7.3 million in competitive procurements for four rations contracts for security sector institutions, the first year of a port concession contract with the Turkish firm Al-Bayrak including \$52 million in investments over five years for the port of Mogadishu, and a postponement in licensing for offshore oil bloc exploration in the absence of relevant legal frameworks.

The UN Panel of Experts on Somalia reported that it was investigating one possible violation of the charcoal ban during the year. Charcoal exports are banned by the UN Security Council and remained a corruption concern. 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 the country had taken steps to strengthen its financial sector to combat terrorism, al-Shabaab was far outpacing new FGS regulations, even on occasion using formal financial institutions to store and transfer funds.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several 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:** In October 2020 Somaliland issued a statement suspending all activities by UN agencies and other international humanitarian and development partners in its territory, but this matter was reportedly resolved, and the United Nations and other international humanitarian and development partners continued to operate during the year.

**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 were not implemented. There was no formal government mechanism for tracking abuses.

## **Section 6. Discrimination and Societal Abuses**

### **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.

According to the UN Population Fund (UNFPA) and international and local NGOs focused on combatting gender-based violence, after the onset of the COVID-19 pandemic, residents, particularly women and girls, faced greater risk of gender-based violence, including sexual violence. According to the Somali Women

Development Center, more than 50 percent of gender-based violence perpetrators lived in the same home as survivors or were neighbors. Anecdotal and survey data indicated that the closure of schools and some workplaces, as well as a government curfew and social distancing measures, led women and girls to spend more time in the home. This factor placed them at greater risk due to the increased amount of time spent with potential or serial perpetrators, with fewer options to escape abusers. There were some data to indicate that 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 and Wanlaweyn (see section 1.a.), most rapes of local civilians occurred at checkpoints or in farms and villages near checkpoints, which many 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 reduce the effects of rape cases across Lower Shabelle, and to a lesser extent Wanlaweyn, 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. In Wanlaweyn, NGOs provided limited counseling services to rape survivors.

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 going to collect water, going to the market, and cultivating fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans, and unidentified armed men. As of July 31, UNSOM recorded at least 168 incidents of gender-based violence against 15 women, 151 girls, and five boys, including cases of rape

or attempted rape, a figure believed to underestimate greatly the true total. Police were reluctant to investigate and sometimes asked survivors to do the investigative work for their own cases. Some survivors of rape were forced to marry perpetrators.

The United Nations recorded hundreds of instances of gender-based violence, including sexual violence against women and girls by unidentified armed men, clan militiamen, al-Shabaab elements, and members of the Somali police and armed forces. The 2020 Somali Health and Demographic Survey (SHDS) noted that cases of gender-based violence were underreported due to a “culture of silence.” According to the United Nations, in most instances families and victims preferred to refer survivors to traditional courts. In some cases these bodies awarded damages to victims’ male family members or directed the perpetrator and victim to marry, in accordance with local customary law. The United Nations customary law and sharia often resulted in further victimization of women and girls, with no justice for survivors and impunity for perpetrators. While the United Nations noted that the FGS approved a national action plan on ending sexual violence in conflict and the Somaliland parliament approved a sexual offenses act (suspended due to opposition from religious authorities), impunity remained the norm.

Authorities rarely used formal structures to address rape. Survivors suffered from subsequent discrimination based on the attribution of “impurity.” For example, on March 31, a Puntland police officer allegedly raped a woman in Bosaso. The Puntland police opened an investigation against the perpetrator but made no arrest.

Those seeking to investigate assault cases and hold perpetrators accountable sometimes faced violence and possible sexual assault themselves. For example, on March 23, four police officers, including the commander of Garowe Central Police Station, physically assaulted and beat the head of the Sexual and Gender-Based Violence and Child Protection Unit in Garowe. The female officer was reviewing the sexual violence cases registered at the police station, and the commander reportedly accused her of interference. A male police officer was also assaulted for trying to assist her. Authorities arrested the alleged perpetrators but released them the same day, and authorities later suspended the investigation into the incident. The Nugaal region police commissioner also reportedly prevented the

female officer from further investigating rape cases and prohibited her from visiting police stations in Garowe.

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. Intimate partner violence and coercion remained a problem, since 59 percent of respondents to the SHDS said husbands committed the largest number of violent acts against women in the community, and 12 percent of married women reported spousal abuse within the prior year. 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 obstacles 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 SHDS, FGM/C remained widespread in the country, with 99 percent of women and girls between 15 and 49 having received the procedure.

A 2018 fatwa issued by the Somaliland Ministry of Religious Affairs condemned the most severe forms of the practice of FGM/C and allowed FGM/C victims to receive compensation but did 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), which is considered the most extreme form of FGM, was the predominant type.

**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.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The country had not established a legal and policy framework on family planning. According to the SHDS, 38 percent of women expressed a desire for greater birth spacing than was preferred in their families, and only 3 percent reported that desire met. Most women surveyed said six or more children was the ideal family size, and the majority of births were wanted. Immediate and long-term reproductive health consequences were associated with the dominant form of FGM/C practiced, Type III infibulation, ranging from menstrual and urination disorders to prolonged and obstructed labor, sometimes resulting in fetal death and obstetric fistula. (See the Female Genital Mutilation/Cutting (FGM/C) subsection for additional information.).

The country's legal and policy framework on family planning was not in place, but contraceptives were available. Fewer than 1 percent of women of reproductive age had their needs for family planning satisfied with modern methods; discussions concerning sexual and family planning matters remained limited to close family and friends. Government officials reporting to the international Family Planning 2020 Initiative (FP2020) stated "multidimensional barriers" frustrated the expansion of family planning services. The officials also noted that traditional beliefs and a lack of support from community and religious leaders negatively

impacted the acceptance of family planning services. Academic research indicated that religious leaders, an important source of influence in society, remained open to the use of contraceptives for birth spacing but not for limiting births.

According to the 2020 SHDS, by the age of 49, 68 percent of married women were aware of one method of contraception. Only 50 percent of married girls ages 15-19 had heard of at least one. Despite this awareness, the SHDS found that contraceptive use was 10 percent for girls ages 15-19 and 7 percent for women ages 30-34. According to FP2020, the Somali government remained committed to expanding quality reproductive health services and sought to put in place legal policy and strategic frameworks for family planning, but progress was slow.

According to the SHDS, 68 percent of mothers received no antenatal care, and only 32 percent of births were delivered with the assistance of a skilled health-care provider, with access strongly associated with education levels and wealth. The United Nations attributed these shortcomings to the high cost of health care and distance to health facilities. Additionally, the practice of seeking consent from a spouse or male relative presented a cultural barrier to seeking care. In 2020 the Danish Immigration Service reported that medical facilities in some areas dominated by one clan may bar female patients from another clan or group, specifically from minority and marginalized groups, from accessing health care in those locations.

According to the SHDS, 17 percent of female survivors of gender-based violence ages 15-49 sought care after an assault. The government provided limited and largely donor-funded access to sexual and reproductive health services for sexual violence survivors, according to NGOs.

The high maternal death rate of 1,168 per 100,00 live births was attributed to numerous factors. Health facilities were unevenly distributed countrywide. Delivery care and involvement of skilled birth attendants were limited. Women's cultural and geographic isolation compounded these factors.

The SHDS reported 99 percent of women underwent FGM/C. Citizens were generally not aware of its implications for maternal morbidity, but 72 percent of respondents believed that FGM/C was a religious requirement.

The adolescent birth rate was 140 per 100,000 women.

While data on access to menstruation hygiene was difficult to obtain, UNFPA reporting in May indicated that most young girls in Mogadishu had missed classes during their menstruation period, affecting their performance in school. The UN agency highlighted circumstances in which this problem drove women and girls to drop out of school. This particularly affected female IDPs. Based on cultural norms, most adolescent girls who became pregnant either were not in school or dropped out due to motherhood duties.

**Discrimination:** Women did not have the same status 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.

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.

## **Systemic Racial or Ethnic Violence and Discrimination**

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 concerning 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 also occurred 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.).

## **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 two-thirds of the school-age population remained out of school due to barriers such as poverty in rural areas, lack of security, lack of schools or long distances to schools, 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 (see subsection Women, Reproductive Rights). IDP children had much lower rates of attendance than nondisplaced children. There was an insufficient supply of qualified teachers, particularly female teachers.

The government failed to provide effective education countrywide, a gap partially filled by NGOs and nonstate private actors; education opportunities were 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 federal government or regional governments to combat child abuse. Children remained among the chief victims of societal violence.

The practice of *asi walid*, whereby parents place their children in *dhaqan celis* ("returning to (Somali) culture") boarding schools, other institutions, and sometimes prison for disciplinary purposes and without any legal procedure, continued throughout the country. Physical abuses and sexual assault in these facilities were common.

**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 9 percent before age 15. According to the SHDS, more than 62 percent of married women and 74 percent of unmarried women ages 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 commercial sex, 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 1.9 million of the 2.9 million total IDPs were children. Approximately 50 percent of refugees and asylum seekers were younger than 18 years old.

**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, and disability rights organizations reported a widespread lack of

equal access to education, health services, public buildings, and transportation. 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. Government responses to such reports remained inadequate. 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.

## **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 United Nations 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.

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

The law criminalizes “carnal intercourse with a person of the same sex” with a

penalty of three months' to three years' imprisonment. Under Sharia homosexuality is punishable by death. There were no known executions during the year under this law; however, there were accounts over the past decade of militant Islamist groups such as al-Shabaab executing men for alleged homosexual acts. There remained a pervasive social stigma against same-sex relationships, and the law does not prohibit discrimination based on sexual orientation or gender identity. There were few, very discreet, and mostly online-based LGBTQI+ organizations that held events.

There were few reports of societal violence or discrimination based on sexual orientation or gender identity due to severe societal stigma that prevented LGBTQI+ 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 or forced them to enter heterosexual marriages but reporting on conversion therapy 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 LGBTQI+ community.

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

## **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 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 groups of workers.

The government did not effectively enforce the law. Penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination, 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 2020 FESTU filed a lawsuit on behalf of dismissed workers alleging a worker was dismissed for union activities. FESTU stated this was the first labor lawsuit filed in the country in 20 years. The lawsuit continued during the year.

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

The provisional federal constitution prohibits and criminalizes all forms of forced or compulsory labor, but the government did not effectively enforce the law. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. There were no known efforts by the government to prevent or eliminate forced labor in the country. 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**

The law does not prohibit and criminalize all of the worst forms of child labor or provide for a minimum age of employment. 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.

A law that 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, except work that engages family members, was not enforced. 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. Penalties for child labor were not commensurate with those for other analogous serious crimes, such as kidnapping. The government participated in campaigns to remove children from participation in armed conflict (see section 1.g.).

Child labor, including its worst forms, 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 had 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 based on 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 for abuses were not commensurate with other laws on civil rights, such as election interference, and were not enforced. Persons with disabilities faced discrimination in hiring and access to the workplace. There were legal barriers to women working the same hours as men and restrictions on women's employment in some industries.

Employment opportunities were limited for refugees, who often engaged in

informal manual labor that sometimes exposed them to abuses from members of the host community. Some operated small businesses, such as restaurants.

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

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

**Wage and Hour Laws:** The law 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 does not provide for a national minimum wage. Penalties for abuses were not commensurate with those for similar crimes, such as fraud.

**Occupational Safety and Health:** The law sets occupational safety and health (OSH) standards, although 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. Responsibility for identifying unsafe situations remained with OSH experts, and workers may also identify such situations. Violations of working condition regulations were widespread in the public and private sector. Workers in the electrical, transportation, and petroleum sectors were routinely exposed to hazardous conditions. Additionally, telecommunications and media workers faced targeted attacks by al-Shabaab, and some informal sector workers were victims of suicide bombs.

The Ministry of Labor and Social Affairs is responsible at the federal level for establishing OSH standards and enforcement. The ministry did not effectively enforce labor laws. During the year the Ministry of Labor and Social Affairs created an inspectorate but did not conduct any labor-related inspections. Penalties for abuses of the law were not commensurate with those for crimes such as negligence and were not applied.



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.

**Informal Sector:** The country had an informal economy largely based on livestock, remittance/money transfer companies, and telecommunications. The law does not provide for OSH standards for workers in the informal economy. Approximately 95 percent of workers worked in the informal sector, where labor regulations were not applied.