



Somalia

Country Reports on Human Rights Practices - 2007

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Somalia has an estimated population of 8.5 million. The territory, which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Institutions, with the Transitional Federal Parliament (TFP) in Baidoa, and the presidency and most of the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative government institutions following national elections scheduled for 2009. A political process to establish peace and stability in the country continued; however, significant problems remained. Ethiopian National Defense Forces (ENDF) entered the country in December 2006 at the request of the TFG to combat the Council of Islamic Courts and its associated armed militants, who had captured Mogadishu and were expanding control in south central Somalia. During the year the ENDF remained in south central Somalia, and an influx of weapons and small arms to all parties contributed to the conflict. Fighting between TFG/ENDF forces and their militias against antigovernment forces and extremist elements increased and resulted in widespread human rights abuses, including the killing of more than 1,000 civilians, the displacement of approximately 700,000 persons, and widespread property damage, particularly in Mogadishu. The larger clans had armed militias at their disposal, and personal quarrels and clan disputes frequently escalated into killings. Targeted assassinations, once rare, became frequent. Suicide and roadside bombings, previously unheard of, regularly occurred. Civilian authorities did not maintain effective control of the security forces in any area of the country, although elected civilian authorities in Somaliland and Puntland maintained some control over security forces in their respective regions.

The country's poor human rights situation deteriorated further during the year, exacerbated by the absence of effective governance institutions and the rule of law, the widespread availability of small arms and light weapons, and ongoing conflicts. As a consequence citizens were unable to change their government. Human rights abuses included unlawful and politically motivated killings; kidnapping, torture, rape, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest and detention. In part due to the absence of functioning institutions, the perpetrators of human rights abuses were rarely punished. Denial of fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rapes; female genital mutilation (FGM); child abuse; recruitment of child soldiers; trafficking in persons; abuse and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor were also problems.

Members of antigovernment and extremist organizations like al-Shabaab, some of whose members were affiliated with al-Qa'ida, committed numerous human rights violations, including killings of TFG members and civilians; kidnappings and disappearances; restrictions on freedom of movement; displacement of civilians; and attacks on journalists and human rights activists.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Fighting between TFG/ENDF forces and antigovernment groups resulted in more than 1,000 civilian deaths in south central Somalia, particularly Mogadishu; political killings and assassinations also occurred (see section 1.g.).

Politically motivated killings by antigovernment groups and extremist elements resulted in the deaths of approximately 30 senior TFG officials (see section 1.g.).

Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their role in peace-building. In March gunmen killed Issa Abdi Issa, a prominent Kismayo peace activist who was attending a workshop in Mogadishu. Like all previous killings of peace activists, the perpetrators were not arrested by year's end.

The government summarily executed persons during the year. For example, in July two former members of the TFG forces were executed at a police station in Hamar Jajab district for killing a TFG police officer at Ex Control Point Balad two months prior. Unconfirmed reports indicated that one of the men was executed for assisting anti-TFG militia.

Use of excessive force by government forces, TFG militia, and ENDF troops resulted in the deaths of demonstrators during the year (see section 2.b.).

Throughout the year government and ENDF forces and security forces killed street children. In at least two incidents, militia members or soldiers shot and killed shoe-shine boys in disputes over payment. In July TFG militia reportedly attacked and beat a 13-year-old boy on his way to a madrassa.

Former prime minister Ali Mohamed Gedi survived three attacks by suicide bombers, but several persons near him were killed. In June a suicide bomber rammed a vehicle loaded with explosives through the security gate of the prime minister's Mogadishu home, killing six of his bodyguards; the prime minister was unhurt. In October, in Baidoa, a suspected suicide bomber detonated his car next to the hotel where Gedi was staying; two persons were killed.

Several deaths resulted from random shootings by Islamic extremists trying to impose strict social edicts. For example, a May explosion at a cinema hall in Bardera resulted in the deaths of three adults and two children. In June five persons were killed in a Baidoa cinema after Islamic extremists lobbed an explosive device inside the hall.

There were several killings of high-profile actors by unknown assailants. For example, in October gunmen killed General Ahmed Jiliow, head of the National Security Service (NSS) in the previous government of Siad Barre, and two of Jiliow's bodyguards.

During the year eight journalists and media owners were killed, generally by unknown assailants (see section 2.a.).

Attacks on humanitarian workers, NGO employees, and foreign peacekeepers resulted in deaths during the year (see section 4).

During the year an estimated hundreds of civilians were killed in inter- or intra-clan militia clashes. Killings resulted from clan militias fighting for political power and control of territory and resources, revenge reprisals; criminal activities and banditry; private disputes over property and marriage; and revenge vendettas after such incidents as rapes, family disagreements, murders, and abductions. With the breakdown of law and order, very few of these cases were investigated by the authorities, and there were few reports that those cases resulted in formal action by the local justice system.

In April seven persons were killed and an estimated 15 injured in fighting between Haber Gedir subclans of the Sa'ad and Saleban; fighting between the same subclans in May resulted in 10 deaths and a dozen other persons injured. Also in April, in Lower Juba, clashes between Darood subclans of the Marehan and Majerten over revenue collection resulted in 12 deaths and 18 persons injured. Clashes in June between the Marehan and Majerten over control of Kismayo resulted in approximately 10 deaths and numerous injured.

No action was taken against the responsible members of the security forces or militias who committed killings in 2006 or 2005, nor were there any developments in the reported killings due to inter- or intra-clan fighting in prior years.

Landmines throughout the country resulted in numerous civilian deaths (see section 1.g.).

b. Disappearance

There were no reports of politically motivated disappearances, although cases could be concealed due to the thousands of refugees and IDPs. Abduction was common and generally used to extort ransom, as a tactic in clan disputes, or to attain political ends. The UN Independent Expert on Human Rights in Somalia (UNIE) noted in its September 2006 report that the incidence of kidnapping remained high.

During the year there were a few kidnappings by militia groups and armed assailants who demanded ransom for hostages. The majority of reported kidnappings were in the southern regions, especially in Kismayo, where ransoms allegedly funded purchases of weapons and ammunition. Foreign aid workers and Non Governmental Organization (NGO) workers were kidnapped during the year (see section 4).

Maritime piracy and the kidnapping of crews, especially along the eastern and northeastern coasts, hampered humanitarian efforts to provide essential commodities to thousands of IDPs in the country (see section 1.g.)

There were no investigations or action taken against the perpetrators of any kidnappings during the year, nor were there any developments in the cases of kidnappings from previous years.

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

The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law." However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other and against civilians. Observers believed that many incidents of torture were not reported. The TFG, militias allied to the TFG, and various clan militias across the country tortured and abused detainees. Unlike in the previous year, there were no reports of public floggings; in 2006 such floggings were frequently ordered by the Council of Islamic Courts.

Persons assembled at food distribution centers were killed and injured. In March TFG-allied militias injured two elderly women when they shot into the air to disperse a crowd gathered at a food distribution centre in Jilib, lower Juba.

Police raped women, and there continued to be reports of rape by militias, which used rape to punish and intimidate rivals. Rape was commonly perpetrated in inter-clan conflicts.

There were no reports of action taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2006 or 2005. There also was no action taken against members of the defunct Council of Islamic Courts for torture and abuse committed in 2006.

Prison and Detention Center Conditions

Prison conditions remained harsh and life-threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards was common. Detainees' clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.

TFG-allied militias, antigovernment groups, extremist elements, warlords, and clan leaders reportedly ran their own detention centers, in which conditions were harsh and guards frequently abused detainees. Human rights organizations and civil society leaders in Mogadishu reported the existence of makeshift prisons in Mogadishu where large numbers of prisoners were held during and after heavy fighting in March and April.

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

The Puntland administration permitted prison visits by independent monitors. An agreement between Somaliland and the UN Development Program (UNDP) allows for the monitoring of prison conditions. There were no visits by the International Committee of the Red Cross to prisons in Somaliland during the year, but a Prisons Conditions Management Committee organized by the UNDP and comprised of medical doctors, government officials, and civil society representatives, visited five of the 11 prisons in Somaliland in 2006.

d. Arbitrary Arrest or Detention

In the absence of enforced constitutional or other legal protections, the TFG, militias allied to it, and various clan militias across the country continued to engage in arbitrary arrest and detention, and there was no system of due process. Though precise figures were unobtainable, local human rights organizations and some international organizations claimed that by the end of June, TFG and ENDF forces had arrested up to 10,000 persons, most of whom were quickly released. However, approximately 3,000 were detained for longer periods in up to eight detention facilities and allegedly subjected to beatings, mistreatment, and torture. The August Human Rights Watch report stated that released individuals described serious abuses by TFG and ENDF forces against detainees.

Role of the Police and Security Apparatus

The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2,000 UN-trained police known as the Somali Police Unit, members of the TFG titular police forces throughout the country often directly participated in politically based conflict and owed their positions largely to clan and familial linkages to government authorities. There were continued allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, rape, extortion, looting, and harassment.

In Somaliland an estimated 60 percent of the budget was allocated to maintain a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.

In May more than 800 Puntland militia members, who were employed as Puntland's security force, reportedly abandoned their posts in protest over unpaid wages. In July police from Bossaso erected a roadblock to protest not receiving wages.

Arrest and Detention

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

Arbitrary arrest was a problem in southern and central Somalia, Somaliland, and Puntland.

Authorities in each region arbitrarily arrested journalists during the year (see section 2.a.). TFG forces also arrested NGO and UN employees during the year (see section 4.).

TFG-allied militia, who were not paid wages, arrested persons at random and demanded "bail" from their family members as a condition for their release, according to international and local NGOs.

TFG police often detained persons without charge. For example, in June TFG forces arrested without charge Haji Abdi Imam, a key leader of the Hawiye Traditional and Unity Council who openly opposed the TFG; Imam was released two days later.

During the year there were also reports of politically motivated arrests. For example, in September Yusuf Ali Harun, the TFG's chief justice, and Justice Mohamed Nur were arrested by the NSS on orders from Abdullahi Barre, the attorney general. At year's end, Harun and Nur remained in detention on charges of corruption and misuse of office. During the year there were reports that arrested persons were sometimes held for extended periods while awaiting trial. Militias and factions held pretrial detainees without charge and for lengthy periods.

During and following the December 2006 fighting inside Somalia, authorities in Somalia arrested and detained numerous persons accused of terrorism and support for the former Islamic Courts. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia for Kenya. According to media reports and human rights NGOs, some of those detained were released, while others were transferred without judicial process to Ethiopia, where they remained in secret detention at year's end. In May Ethiopian authorities acknowledge that 41 suspected foreign terrorists were being held and investigated, though most were released by year's end.

e. Denial of Fair Public Trial

The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a five-year transitional process that includes the drafting of a new constitution to replace the 1990 constitution; however, for many issues not addressed in the charter, the former constitution still applies in principle.

The TFC provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference; however, no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government.

The Somaliland Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland constitution is based on democratic principles, but the region continued to use pre-1991 laws. There was a serious lack of trained judges and of legal documentation in Somaliland. Untrained police and other unqualified persons reportedly served as judges. The UNIE reported in 2006 that local officials often interfered with legal matters and that the Public Order Law in Somaliland was often used to detain and imprison persons without trial.

The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance.

Clans and subclans frequently used traditional justice, which was swift. For example, in August Mohamed Madei, a member of the Galje'el subclan, was publicly executed for a killing allegedly committed by his uncle against a Marehan man in accordance with an execution agreement between the two subclans. In October Garane Noor Mohamed was publicly put to death in Kismayo by agreement of Sade clan elders the day after he allegedly killed a policeman in downtown Kismayo. In August Horarsame Marehan subclan elders apprehended and handed over one of their kin for execution to the elders of the Rer-Ahmed Marehan subclan for allegedly killing a Rer-Ahmed Marehan subclan member. Traditional judgments sometimes held entire opposing clans or sub clans responsible for alleged violations by individuals.

Trial Procedures

The TFC provides for the right to be represented by counsel. That right and the right to appeal did not exist in those areas that applied traditional and customary practices or Shari'a.

In Somaliland and Puntland, the rights to be represented by counsel and to appeal were more often respected. Authorities in those regions did not recognize the TFC and continued to apply the law of a regional constitution or charter, as well as the former government's laws.

In Puntland clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees, although some arrests and detentions appeared to be politically motivated.

Civil Judicial Procedures and Remedies

The inability of the judiciary to handle civil cases involving such matters as defaulted loans or contract disputes encouraged clans to take matters into their own hands and led to increased inter-clan conflict. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

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

The TFC provides for the sanctity of private property and privacy; however, looting, land seizure, and forced entry into private property continued in Mogadishu and elsewhere with impunity. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, authorities did not generally respect this right in practice.

In August, near K4 junction in Mogadishu, four persons dressed in TFG military uniforms carjacked a vehicle belonging to the deputy chairman of the National Reconciliation Congress (NRC) (see section 3.).

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

Killings

Fighting during the year between TFG/ENDF troops, extremist elements, and antigovernment groups in south central Somalia resulted in the deaths of at least 1,000 persons. An estimated 5,000 others were injured, and 700,000 civilians were displaced as a result of conflict during the year. All parties to the conflict employed indiscriminate lethal tactics. Antigovernment and extremist groups, including al Shabaab, were accused of launching mortar attacks from hidden sites within civilian populated areas, and using civilians as human shields. In addition, such groups reportedly conducted suicide bombings, used landmines and remote controlled roadside bombs, and conducted targeted killings of journalists and civil society leaders. TFG/ENDF forces often responded to such attacks with disproportionate force and indiscriminate shelling of civilian populated areas where antigovernment and extremist groups attacks. Human Rights Watch accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and a failure to take steps to minimize civilian harm. As a result they destroyed homes, hospitals, schools, mosques, and other infrastructure in Mogadishu. Since the collapse of the government in 1991, tens of thousands of persons, mostly noncombatants, have died in inter-clan and intra-clan fighting. No action was generally taken against those persons responsible for the violence.

In its August report, Human Rights Watch documented numerous killings including summary executions of civilians by members of the ENDF, TFG forces, and antigovernment and extremist groups. Roadside bombings, suicide attacks, and armed raids targeting TFG officials and sympathizers as well as civil society groups continued throughout the year. Antigovernment and extremist groups were responsible for numerous killings of government officials and police. Politically motivated killings by antigovernment groups resulted in the deaths of approximately 30 senior TFG officials and members of the Banadir regional administration, including district commissioners and their deputies, and security and court officials. At least nine district or deputy district commissioners in and around Mogadishu were targeted by armed gunmen, bombs, or remote-controlled explosive devices between February and July alone. In March masked assailants shot and killed Abdinasir Mohamed Serjito, a former army captain who was supportive of the TFG. In June two gunmen killed Hussien Omar, the Shibis district commissioner, and in August assailants killed Moalin Harun, an NRC delegate. None of the assailants were identified by year's end. Al-Shabaab claimed responsibility for several attacks against the TFG and its supporters during the year.

During the March-April fighting in Mogadishu, antigovernment groups summarily executed several TFG prisoners of war and dragged their charred bodies through the streets.

During the year security forces killed persons waiting for food aid. For example, in Galkayo, security guards opened fire at a car speeding toward a food distribution center; one man was killed, and another was injured. Also in June, TFG security forces opened fire on a crowd waiting for food aid in Mogadishu; at least five persons were killed, including a pregnant woman. In September TFG forces reportedly killed five persons after opening fire at a food aid distribution center in Afgoye. No action was taken against security officials responsible for civilian deaths during the year.

In August ENDF soldiers killed six civilians and injured 26 after they opened fire on a passenger bus they believed was transporting insurgents; six of the injured later died.

In May a roadside bomb killed four and wounded five Ugandan troops participating in the African Union's Peace Support Mission. The incident followed an earlier attack, which resulted in the deaths of two other Ugandan soldiers.

Landmines throughout the country resulted in human and livestock casualties, denial of grazing and arable land, and road closures. The UN Children's Fund (UNICEF) reported a proliferation of mines and ordnance during the year and the number of deaths and injuries due to landmines significantly increased over 2006. Antipersonnel and antivehicle landmines, most of them remotely controlled, were frequently deployed by antigovernment groups against TFG forces, ENDF troops, and civilians.

For example, in August unknown persons planted a remotely controlled explosive device to target Ali Sharmake, director of Horn Afrik Media and a prominent peace activist. The device detonated and killed Sharmake as he returned from the funeral of his colleague Mahad Ahmed Elmi, who was gunned down only hours earlier (see section 2.a.).

Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths.

Numerous children were killed while playing with unexploded ordnance. In May, in Daynile, two children died and three others were injured while playing with suspected anti-aircraft ammunition they found in the trash. In July five children were killed while en route to a mosque when one of the children disturbed an unexploded ordnance. In August, in Bakol region, two children were killed and three were critically injured while playing with a grenade that exploded. Police officers also were killed by landmines. In August three TFG police were injured when their vehicle ran over a roadside bomb near Villa Somalia. Nearby security forces opened fire in response, killing four civilians. In October two persons were killed and nine others wounded in Kismayo, among them the spokesman for the Sade subclans, when a landmine destroyed the car they were traveling in.

Physical Abuse, Punishment, and Torture

According to a report of the UN Monitoring Group for the Somalia Arms Embargo, on April 13, Ethiopian forces used white phosphorus bombs against an antigovernment group, resulting in the deaths of 35 civilians. Ethiopian forces denied they had used such weaponry.

Landmines injured numerous persons. In May a hand grenade accidentally exploded in Jilib, seriously injuring three children. The children were reportedly playing with the device before it exploded. In October two TFG police were injured when their vehicle hit a roadside bomb.

Child Soldiers

The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Children continued to be recruited into militias on both sides of the conflict by the TFG and its related forces, as well as by clan militias and antigovernment groups. This recruitment was on occasion forced. Local human rights organizations reported that antigovernment groups paid children \$20 (400,000 Somali shillings) to lob grenades and other explosives at TFG-allied militias and international peacekeepers.

In July the UN Security Council Working Group on Children and Armed Conflict called on all parties to stop recruiting children and demobilize those serving as soldiers. In some administrations in Somalia, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF's assistance.

The TFG pledged to address the issue of child recruitment when ministers signed the Paris Commitments in February; however, all parties to the conflict continued to recruit child soldiers during the year, including the TFG. UNICEF implemented a public outreach program with radio broadcasts to highlight the problem of child soldiers.

The Somaliland Constitution contains no minimum age for recruitment into the armed forces, but there were no reports of

minors in its forces; however, an inadequate system of birth registration made it difficult to establish the exact age of recruits.

Other Conflict Related Abuses

Security problems complicated the work of local and international organizations, especially in the south. Attacks on NGOs, looting, and piracy disrupted flights and food distribution during the year. As a result of threats and harassment, some organizations evacuated their staffs or halted relief food distribution and other aid related activities.

Between January and October, pirates conducted nine successful hijackings and seven unsuccessful attacks on vessels along the Somali coast. Following ransom payments that in some cases reached several hundred thousand dollars, five of the nine hijacked vessels were released. In each instance, crews were held hostage until ransom was paid. Three vessels chartered by the World Food Program (WFP) were hijacked, and a fourth was fired upon.

After heavy fighting in Mogadishu in March and April, the TFG minister of interior accused the WFP of distributing expired food and halted the distribution of relief food to the tens of thousands of IDPs scattered along roads on the outskirts of Mogadishu. The mayor of Mogadishu said that the largely female and minor IDPs were family members of terrorists and should not be assisted. TFG officials demanded that humanitarian agencies operating in the country register with the government and imposed new visa rules on all foreigners causing unnecessary delays in humanitarian interventions.

In May armed militia hijacked a vehicle belonging to a local NGO in Jidali. Clan elders apprehended the culprits and handed them over to the police.

In March assailants lobbed a hand grenade at the offices of an international NGO in Bay region, injuring one of the guards. Also in March attackers detonated a remote controlled roadside bomb against a UN convoy in Afgoye, injuring four personnel and damaging one of the cars in the convoy. In April a convoy hired to deliver humanitarian aid supplies was attacked in Gedo region by militia from a subclan of the Marehan, resulting in the deaths of a driver and passenger.

In April four WFP employees distributing food in Buale area were ordered to leave the area by a local elder, who then allegedly conspired with local contractors to divert part of the food aid shipment.

In October NSS officers forced their way into the UN compound in Mogadishu and removed and detained the WFP Officer in Charge Idris Osman. The TFG claimed Osman was under investigation for unspecified crimes. The UN subsequently closed all its offices in Mogadishu. Osman was released in late October after considerable international pressure. During the same month the German NGO Agro Action closed down operations in Somaliland due to heightened instability and conflict in the Sool region bordering Puntland.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The TFC and the Somaliland Constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom "as long as they respect the law"; however, this right was not respected in practice. Freedom House ranked the country as "not free" every year from 1972 to 2007. Reporters Without Borders also gave the country a low rating for press freedom. Journalists engaged in rigorous self-censorship in order to avoid reprisals.

In September the leader of the opposition Ramaas political party was arrested and held for 12 days in Puntland for leading a demonstration against the political situation in Puntland.

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

In Somaliland there were six independent daily newspapers: *Jamhuuriya*, *Haatuf*, *Ogaal*, *Geeska*, *Saxansaxo*, and *Maalmaha*. There was also one government daily, *Maandeeq*, and two English language weeklies, *Somaliland Times* and the *Republic*. There were two independent television stations, Hargeysa TV and Hargeysa Cable TV, and one government-owned station, Somaliland National TV. Although the Somaliland constitution permits establishment of independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland is the government-owned Radio Hargeysa.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC, which transmitted a daily Somali-language program. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio

station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least a half dozen independent radio stations in Puntland and one government-owned FM radio station in Somaliland. In February the Voice of America Somali Service began Somali-language daily broadcasts.

Opposition elements, many affiliated with the ousted Council of Islamic courts and other extremists, continued to harass journalists. Journalists reported that antigovernment groups threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Journalists added that publishing criticism of the opposition ingratiated them with the TFG, but subjected them to opposition threats, and vice versa.

Journalists and media organizations in all regions reported harassment including killings, kidnappings, detention without charge, and assaults on persons and property. Most of the experienced field reporters and senior editors have fled the country due to direct threats from both the TFG security forces and antigovernment groups. On December 16 unknown gunmen in Boosaaso kidnapped French journalist Gwen Le Gouil. Numerous journalists were arrested and detained in all regions of the country. In Baidoa and Mogadishu, the TFG continued to enforce strict orders against reporting or photographing ENDF security operations.

There were eight targeted killings of journalists and media managers or owners, compared to one such killing in 2006. In February such Ali Mohammed Omar, a presenter on Radio Warsan in Baidoa, was killed by three assailants as he walked home. In May Mohamed Abdullahi Khalif of Voice of Peace Radio was killed in Puntland. In May Radio Jowhar journalists Abshir Ali Gabra and Ahmed Hasan were killed in the Middle Shabelle Region while accompanying the newly-appointed TFG regional governor on a familiarization trip. Also in August unknown gunmen killed Mahad Ahmed Elmi, head of Mogadishu-based Capital Voice, a sister radio station of HornAfrik Radio. Only hours after Elmi's burial, Ali Iman Sharmake, director and co-owner of HornAfrik Radio, was killed by a roadside bomb; journalists Sahal Abdulle from Reuters and Falastin Ahmed from VOA were slightly injured in the explosion. In late August Abdulkadir Mahad Kaskey of Mogadishu-based Radio Banadir was killed when unknown gunmen opened fire on a minibus in which he was traveling in the southwestern region of Gedo. In October Bashir Nur Gedi, acting Head of Shabelle Media Group, was killed outside his home in Mogadishu. There were no arrests in connection with any killings of journalists during the year.

There have been no arrests or developments in the case of Martin Adler, a foreign journalist and photographer who was shot and killed while covering a demonstration in Mogadishu in June 2006.

Numerous journalists were arrested and detained during the year. In January Somaliland authorities arrested journalists Yusuf Abdi Gabobe and Ali Abdi Dini at the offices of Haatuf Media Network in Hargeysa. The police originally came to arrest Dini and investigative reporter Muhamad Rashid Farah, who escaped. Later in January security forces arrested Haatuf correspondent Mohammed Omar Sheikh Ibrahim. In March, at Mandera Prison, trials took place against the three detained journalists and the fugitive Farah; their lawyers failed to appear. Gabobe was sentenced to two years in prison, Dini and Ibrahim to 29 months, and Farah was sentenced in absentia to 29 months. Amnesty International characterized the imprisoned journalists as "prisoners of conscience" and declared their arrest and trial a clear violation of human rights. Following local and international pressure, the government released the three journalists in late March. In March Hasan Sade Daqane of Radio HornAfrik and Abdurahman Yusuf Al-Adala, from Shabelle Media Network, were detained by the TFG in Mogadishu for two weeks before being released. In April TFG security forces arrested Universal TV crew members Abdulkadir Nadara, Bashir Naleye, and Hamid Mohamed, who were held for 40 days and released after significant international pressure.

There were no developments in the 2006 or 2005 cases in which journalists were harassed or arrested.

Several broadcasting stations were closed during the year. For example, in January the TFG closed three radio stations in Mogadishu: HornAfrik, Shabelle Media Network, and Holy Koran Media Station. In October TFG security forces closed Radio Simba after it conducted a telephone interview with a former Islamist leader. The radio was later allowed to resume operations, but one of its staff and two other journalists were arrested in November and remained in jail at year's end.

In April HornAfrik Media house was hit by seven mortar shells, injuring four of the station's staff and forcing the station temporarily off the air.

In October TFG Information Minister Madobe Nunow Mohamed notified local and international NGO's and other organizations that NGOs would no longer be allowed to act on behalf of media organizations and that all media activity would be conducted through the Ministry of Information; however, Madobe's notice to NGOs was neither implemented nor enforced, and the minister lost his position when the government of Prime Minister Gedi fell at year's end.

Internet Freedom

There were no government restrictions on access to the Internet, but opposition elements in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists. Internet use was widespread in both rural and urban areas.

Academic Freedom and Cultural Events

There were two universities in Mogadishu, two in Somaliland, and one in Puntland; however, there was no organized higher education system in most of the country. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required before conducting academic research.

Unlike in the previous year, when the Council of Islamic Courts controlled much of south central Somalia, there were no restrictions on attending cultural events, playing music, or going to the cinema, although the security situation effectively restricted access to cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The TFC and the Somaliland Constitution provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use by security personnel of excessive force to disperse demonstrators resulted in numerous deaths and injuries.

In January TFG forces shot into a crowd of approximately 100 demonstrators, killing one person and injuring another. The protestors had staged violent demonstrations in Beletweyne against the ENDF's arrest of Colonel Mukhtar, the Hiran regional commander; Mukhtar had refused to arrest Sheikh Farah Moalim, a former chairman of the Council of the Islamic Courts.

In the same month ENDF forces in Mogadishu opened fire on a group of demonstrators, killing five and injuring seven. The demonstrators, who had set bonfires and hurled stones, were protesting the TFG's call for disarmament.

Also in January, Somaliland authorities arrested four students who were peacefully demonstrating against the arrest of the three Haatuf journalists arrested earlier in the same month. The students were detained in Mandera Prison and then sentenced to six months' imprisonment after a secret emergency court hearing in Hargeysa. The students were denied the right to appeal the sentence. In February Ali Dool Ahmed, a writer, and Bo'aud, an activist, were arrested for distributing leaflets demanding the release of the same three journalists.

In October Somaliland forces allegedly used excessive force to disperse demonstrators opposed to their military presence in Las Anod.

The use of excessive force, by security forces in south central Somalia, resulted in the deaths and injuries of persons assembled at food distribution centers

Freedom of Association

The TFC provides for freedom of association; however, the TFG did not respect freedom of association during the year. The Puntland Charter provides for freedom of association; however, the Puntland administration continued to ban all political parties.

In May, in the Sanaag region, Puntland police reportedly arrested six persons for demonstrating in support of Somaliland. Police subsequently fired warning shots at relatives of those arrested, who had gathered at police station.

The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice; however, in July Somaliland authorities arrested three opposition politicians who were planning to form a new political party. In July the Somaliland minister of interior warned that any person from Somaliland who participated in the NRC in Mogadishu would be accused of treason and punished. Police were instructed to monitor the borders for such individuals.

Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties.

c. Freedom of Religion

There were no legal provisions for the protection of religious freedom, but there were limits on religious freedom in practice. The TFC, Somaliland Constitution, and Puntland Charter establish Islam as the official religion.

In Puntland, only Shafi'lyyah, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, but such permission was granted routinely.

In Somaliland religious schools and places of worship must obtain the Ministry of Religion's permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing.

In May TFG forces confiscated face veils from women in Mogadishu and subsequently burned the veils. TFG authorities stated that hooded criminals disguised as women had participated in attacks against security forces, which warranted banning of the face veil within the capital. Following a public outcry, the mayor of Mogadishu denied any responsibility for the ban and called for its immediate suspension.

In September police in Belet-Weyne reportedly arrested and detained an estimated 15 persons found eating during the daytime at a local restaurant during Ramadan. Those arrested were each ordered to pay \$25 (34,000 Somali Shillings) in fines.

Societal Abuses and Discrimination

During the year, in the Bay and Lower Juba regions, suspected Muslim extremists killed several prominent clerics. For example, in August, inside a Mosque near Galkayo, gunmen shot and killed two Muslim clerics and seven members of the congregation. Authorities in Galkayo blamed the attack on Islamic extremists. In October, in Kismayu, unknown assailants shot and killed a prominent moderate cleric moments after he led his congregation in the late evening prayer. Also in October another prominent cleric of the Ahlusunna-wal-Jama'a tabligh group was killed in Baidoa on his way to the mosque.

Suspected Islamic extremists bombed cinemas, resulting in death and injury.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. Non-Muslims who practiced their religion openly were sometimes harassed. Although not legally prohibited, conversion from Islam to another religion was socially unacceptable to the extent that conversion could lead to harassment or even death. There has been anecdotal evidence that and those who converted were harassed and sometimes killed.

The small Christian community kept a low profile. Christians, as well as other non-Muslims who proclaim their religion, sometimes faced social harassment.

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

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The TFC and the Puntland Charter provide for freedom of movement within the country; however, this right continued to be restricted in some parts of the country. Checkpoints operated by the TFG, TFG allied militias, and armed clan factions inhibited passage and exposed travelers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict. According to the UN, there were 235 checkpoints in south and central Somalia, with 13 alone on the road between Baidoa and Mogadishu. In the absence of effective governance institutions, few citizens had the documents needed for international travel.

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

Unlike in the previous year, there were no organized repatriations to any region of Somalia during the year.

Internally Displaced Persons (IDPs)

Reliable figures for IDPs in the country were difficult to obtain, but UN agencies estimated that by year's end approximately 700,000 persons had fled their homes in Mogadishu and its surroundings as a result of the fighting between TFG/ENDF forces and antigovernment groups. The Somalia office of the UN High Commission Human Rights (UNHCR), based in Kenya, estimated that there were approximately one million IDPs in the country as a result of internal conflict, flooding, droughts, and other causes going back to the early 1990s.

The TFG did not provide protection or assistance for those IDPs residing in Mogadishu. UN agencies reported that during the year persons identifying themselves as TFG authorities and TFG-allied militias evicted IDPs from makeshift shelters claiming the property belonged to the government. In the process of eviction the IDPs were quite often robbed and harassed.

During the year there were a series of actions by Puntland authorities in Galkayo and Garowe whereby Somalis from south central Somalia were forcefully returned to their home areas. In August, authorities in Puntland are reported to have forcefully relocated 59 people from Boosaaso to Galkayo. Those affected claimed their possessions were confiscated by authorities. Approximately 43 of the 59 were reportedly taken to destinations in south central regions, while the remaining 16 persons were released and taken in by clan relations in Galkayo. In July Puntland authorities reportedly segregated on arrival Somalis by clan who had been deported from Saudi Arabia by plane. The plane carrying approximately 120 Somalis was allowed to land, but authorities only allowed those originally from Puntland to disembark. The plane later landed in Hargeysa, Somaliland, where authorities permitted the remaining passengers, most of whom were from south central Somalia, to disembark.

Protection of Refugees

The 1990 constitution and TFC do not include provisions for granting asylum or refugee status in accordance with the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against "refoulement", the return of persons to a country where there is reason to believe they feared persecution, and in practice the authorities granted refugee status or asylum.

The authorities in Somaliland cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

In January the Kenyan government officially closed the border to all traffic to and from Somalia, although it later allowed humanitarian relief supplies to enter Somalia on a case-by-case basis. Despite the border closure an estimated 14,000 asylum seekers made their way to Dadaab refugee camps through the porous border.

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

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

In the absence of effective governance institutions, citizens could not exercise the right to change their government. The country was governed by an internationally recognized, though unelected, TFG with a five-year mandate until 2009 to prepare the country for national elections. Clan leaders operated as de facto rulers in most regions under the nominal control of the TFG. Although many such leaders derived their authority from the traditional deference given to clan elders, they often faced opposition from intra-clan groups and political factions, as well as from the perceived central authority of the TFG.

Elections and Political Participation

The TFG was formed in late 2004 and early 2005 following two years of negotiations in Kenya, which were led by the Intergovernmental Authority on Development (. The TFC is the legal framework for the transitional federal institutions of parliament and government, which operate under a five-year mandate that expires in 2009. In 2004 the clan-based TFP elected Abdullahi Yusuf Ahmed, the former president of Puntland, as transitional federal president, and he then appointed Ali Mohammed Gedi as prime minister.

Following the TFG/ENDF defeat of the Council of Islamic Courts in late December 2006, the government moved its base from Baidoa to Mogadishu; however, the parliament remained in Baidoa. In January the TFP voted out Sharif Hassan Sheikh Adan, the first speaker of the TFP, who had refused to return to parliament since September 2006, when the TFG rejected his request to open negotiations with the former Council of Islamic Courts. The Government of Kenya expelled approximately 26 members who resided in Nairobi of the 275-member Transitional Federal Parliament. Many went to Eritrea and Djibouti with former speaker Hassan, while others went to Gulf states. In January parliament elected Sheikh Adan Mohamed Nur to serve as the speaker. As a result of the deteriorating security situation, in January parliament passed a law on emergency powers that allows the President to rule by decree; in July the Speaker of Parliament announced the end of the emergency law.

In late January President Yusuf called for a National Reconciliation Congress (NRC) to reconcile all Somali clans. The NRC was held July 15-August 30. Although not all clans attended, the NRC confirmed broad support for the TFC, continued reconciliation, and the transitional process to 2009. At year's end the government had secured parliamentary approval to implement one of the NRC recommendations, which called for the appointment of government ministers from

outside parliament.

In March parliament issued a 30-day ultimatum to absentee members of parliament (MPs) to attend parliamentary sessions or risk being fired. In April the Speaker of Parliament dismissed 31 MPs who failed to attend parliamentary proceedings before the expiry of the ultimatum period. In September ousted MPs and significant elements from the ousted Council of Islamic Courts held a conference in Asmara and formed a political organization called the Alliance for the Re-liberation of Somalia (. In October Prime Minister Gedi resigned after a series of disagreements with President Yusuf, bringing the TFG to a standstill. In November President Yusuf appointed, and parliament approved Nur "Adde" Hassan Hussein to be the second TFG prime minister. Hussein nominated and subsequently dismissed his cabinet after parliamentary criticism. At year's end the prime minister was consulting with MPs and the clans on the establishment of a new cabinet.

Somaliland has a constitution and bicameral parliament with proportional clan representation and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

In May 2006 President of Somaliland Dahir Riyale Kahin postponed elections for the parliament's House of Elders and initiated a process to extend the mandate of the upper house for four years. Opposition parties declared the process illegal. In July authorities arrested three opposition politicians planning to form a new political party. The opposition figures--Mohamed Abdi Gaboose, Mohamed Hashi Elmi, and Jamal Aideed Ibrahim--were affiliated with the Qaran political association and charged with founding an illegal organization and creating instability. As of October they remained in detention. In October the National Electoral Commission announced that local government and presidential elections scheduled for December 2007 and April 2008 had been postponed, respectively, to July and August 2008 by agreement of the three official political parties.

In 1998 Puntland declared itself a semi-autonomous regional government during a consultative conference with delegates from six regions who included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in January 2005. Some Puntland cabinet ministers had their own militias, which contributed to a general lack of security.

Somaliland and Puntland continued to contest parts of Sanaag region, as well as the Sool region and the Buhodle district of Togdheer region during the year. Both governments maintained elements of their administrations in the Sanaag and Sool regions, and both governments exerted influence in various communities. During the year there were renewed hostilities in Las Anod, Sool region. In September and October at various times pro-Puntland and pro-Somaliland militias clashed in the Las Anod area resulting in an estimated 10 deaths and scores of injured. Humanitarian aid agencies reported that approximately 9,000 families (22,000-54,000 persons) were displaced by the fighting. Somaliland forces captured Las Anod and at year's end they remained in control of the town with Puntland forces threatening to retake it.

There were 23 women in the 275-seat TFP; the number fell short of the TFC requirement that at least 12 percent of parliamentary seats be reserved for women. The minister of health and the minister for gender and family affairs were women, as were three deputy ministers. In the Somaliland government, a woman held the post of gender and family minister, and two women were elected to the lower house of parliament. There were four women in the 69-seat Puntland Council of Elders, and a woman held the position of minister of gender and family.

There were 31 members of the minority Bantu or Arab ethnic groups in the TFP and four in the TFG cabinet. There were no members of minority groups in the Somaliland parliament and cabinet.

Government Corruption and Transparency

Official corruption was endemic throughout the country. There were no laws providing for public access to government information.

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

A number of domestic and international human rights groups generally operated throughout the country investigating and publishing their findings on human rights cases. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, and other local human rights groups were active during the year. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area and conducted human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research

and Dialogue, several women's NGOs, and other civil society organizations also played a role in promoting intra-clan dialogue, national reconciliation, and dialogue between the TFG/Ethiopians and elders of the dominant Hawiye clan in Mogadishu.

Somaliland human rights organizations accused authorities of meddling in its internal affairs and promoting conflict among them. In October SHURONET, an umbrella organization for human rights organizations in Somaliland, accused authorities of supporting a parallel state-supported organization that convened a workshop in the name of SHURONET. There were reports that Somaliland authorities subsequently deported Livia Hadorn, a UNDP official in charge of human rights activities in Hargeisa, for declining to provide funding for the parallel government-convened workshop.

Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths. TFG officials accused NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces. The TFG intimidated and arrested NGO workers, who also received death threats from regional administrators, clan militias, and criminals.

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

In May in the Boosaaso area gunmen kidnapped two foreign employees of CARE International, who were subsequently released through the efforts of clan elders. In June TFG forces arrested Raha Jinaqow, a well-known aid worker and civil society activist, and raided the offices of her organization, SAACID-Somalia. Jinaqow was released a day after her arrest following international and local intervention on her behalf.

In August Puntland presidential guards allegedly fired at the car of a local aid worker and assaulted and briefly detained him at the presidential villa.

In September gunmen killed a World Health Organization employee who was conducting an immunization campaign in Mudug region.

In October, in Puntland, a group of armed bandits stopped a WFP team traveling on a monitoring and evaluation mission at gunpoint and robbed them of their belongings and communication equipment. According to the UN, there were no investigations or arrests in connection with any of these cases.

In December 26, in Boosaaso port, unknown persons with machine guns seized two foreign employees of Medecins Sans Frontieres when their car was ambushed.

In April the Somaliland Supreme Court upheld a lower court's conviction of Jama Abdi Ismail and Mohamed Ali Isse, who were sentenced to death in November 2005 for the killing of four foreign aid workers in 2003 and 2004.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The TFC prohibits discrimination on the basis of gender or national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution prohibits discrimination on the basis of gender or national origin, but these rights were not respected in practice.

Women

Laws prohibiting rape exist; however, they were not generally enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape of women with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in raped, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. Criminal elements attacked and raped some IDPs fleeing from Mogadishu in March and April. In Somaliland there was an increase in gang rape in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and rural displaced populations. Many cases were not reported.

Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women have suffered disproportionately in the country's civil war and inter-clan fighting.

Prostitution is illegal and there were no statistics on its prevalence. In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygamy was permitted. Under laws issued by the former government, female children could inherit property, but only half the amount to which their brothers were legally entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty in the death of a woman must pay half the amount paid to the aggrieved family if the victim was male.

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

Children

Authorities were generally not committed to children's rights and welfare.

In the absence of a consistent central authority, births were not registered in Puntland or southern and central Somalia. Birth registration was taken seriously in Somaliland for hospital and home births; however, limited government capacity combines with the nomadic lifestyle of many Somalis made birth registration a complex undertaking.

An estimated 28 percent of the school-age population attended school, according to a recent UNICEF school survey: 34 percent of boys and 22 percent of girls. Due to the increased level of insecurity in Mogadishu, school enrollment rates in the city dropped to 18-20 percent, a 50 percent reduction from 2006. Since the collapse of the state in 1991, education services have been revived in various forms, including: a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that they required veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.

Child abuse was a serious problem, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their family, compared to 17 percent of children in the general population.

Children remained among the chief victims of continuing societal violence. Child protection monitors verified that at least 40 children were killed or wounded during the year as a direct result of conflict.

Militia members raped children during the conflict and departure of civilians from Mogadishu. In May, for example, militias stopped a minibus at a checkpoint and raped five children and eight women.

The practice of FGM was widespread throughout the country. There were estimates that as many as 98 percent of women have undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland FGM is illegal; however, the law was not enforced. Puntland also has legislation prohibiting FGM, but the law was not effectively enforced. UN agencies and NGOs have made intensive efforts to educate the population about the dangers of FGM, but there were no reliable statistics to measure the success of their programs.

All parties to the conflict recruited and used child soldiers (see section 1.g.).

In its 2006 report, the UNICEF expressed concern about the practice of "asi walid," a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure. Many of these juveniles were incarcerated with adults.

Child prostitution was practiced; however, because it was culturally proscribed and not reported, no statistics were available on its prevalence.

Trafficking in Persons

The pre-1991 law prohibits trafficking. The TFC does not explicitly prohibit trafficking. Information regarding trafficking in the country's territory was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Armed militias reportedly also trafficked Somali women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks

were reported to be involved in transporting child victims to South Africa for sexual exploitation.

Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari'a and customary law, but there was no unified policing in the country to interdict these practices, nor any effective justice system for the prosecution of traffickers.

There continued to be reports that children were sent out of the country to relatives and friends in western countries, where they worked or collected welfare and sent money back to family members in the country.

At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Many officials in these administrations were known to condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.

Persons with Disabilities

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

There was widespread abuse of persons with mental illness. It was common for such persons to be chained to a tree or within their homes.

National/Racial/Ethnic Minorities

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

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE estimated that minority groups may constitute 22 percent of the population. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The 1990 constitution allows workers to form and join unions, and the TFC respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the NUSOJ. The Puntland Charter and the Somaliland Constitution also protect workers' freedom of association. Labor laws were not enforced in all parts of the country, resulting in an absence of effective protection for workers' rights.

b. The Right to Organize and Bargain Collectively

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan. There are no export processing zones.

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

c. Prohibition of Forced or Compulsory Labor

The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not be confirmed if in Middle and Lower Juba, and Lower Shabelle Bantus were used as forced labor, as in previous years.

d. Prohibition of Child Labor and Minimum Age for Employment

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

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

e. Acceptable Conditions for Work

Although the TFC and the Somaliland Constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. With an estimated 43 percent of the population earning less than \$1 (approximately 1,344 Somali shillings) per day, there was no mechanism to attain a decent standard of living for workers and their families.

** The United States does not have diplomatic representation in Somalia, nor were U.S. government personnel permitted to travel into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U.S. government sources.*

