

SOMALIA 2023 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Somalia during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, torture, physical abuses, and conflict-related punishment; unlawful recruitment or use of children in armed conflict by the government and nonstate groups; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the enforcement of criminal libel laws to limit expression; serious restrictions on internet freedom; 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; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, female genital mutilation/cutting, and other forms of such violence; crimes involving violence or threats of violence targeting members of ethnic minority groups; laws criminalizing consensual same-sex sexual conduct between adults, although information regarding their enforcement was unclear; and existence of the worst forms of child labor.

The government took credible steps to identify and punish some officials who may have committed human rights abuses, but impunity generally remained the norm.

Conflict involving the government, militias, and al-Shabaab resulted in death, injury, and displacement of civilians. Al-Shabaab committed most of the severe human rights abuses, particularly terrorist attacks on civilians and targeted killings, including summary executions and religiously and politically motivated killings; enforced disappearances; physical abuses and other inhuman treatment; rape; and attacks on employees of nongovernmental organizations and the United Nations. Al-Shabaab also blocked humanitarian assistance, recruited or used child soldiers, and restricted freedoms of expression, peaceful assembly, and movement.

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, including extrajudicial killings, during the year. While reliable data were difficult to collect, the United Nations Assistance Mission in Somalia (UNSOM) reported state security personnel killed 61 civilians between February and October. According to media reports, federal government soldiers killed 14 civilians during daily security-related activities between August and October alone. The civilian casualties included two taxi drivers, two women bystanders, and three demonstrators. Nine perpetrators were arrested, prosecuted, and sentenced.

In the self-declared breakaway region of Somaliland, fighting in Las Anod between government troops and clan militias resulted in numerous civilian deaths.

Al-Shabaab and clan militias carried out indiscriminate deadly attacks and, in some cases, targeted killings of civilians. 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 Transition Mission in Somalia (ATMIS) forces also occurred.

b. Disappearance

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

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

Al-Shabaab abducted persons, including humanitarian workers.

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

The law prohibited such practices, but there were credible reports that government officials employed them.

National Intelligence and Security Agency (NISA) agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells, as well as against criminal groups. Observers alleged that authorities held detainees for prolonged periods without following due process and mistreated suspects during interrogations. Government security forces, including NISA and the Puntland Intelligence Agency, reportedly threatened, beat, and forced detainees to confess to crimes. There were reports of rape and sexual abuse by government agents.

Torture and other cruel, inhuman, or degrading treatment or punishment at the hands of clan militias, some of which were affiliated with the government, remained frequent. Al-Shabaab imposed harsh treatment and punishment on persons in areas under its control.

A strong and widespread culture of impunity was present in state security forces and militias, due mainly to clan protection of perpetrators and weak

government capacity and will to hold the guilty to account. While some military and police personnel accused of abuses were arrested and prosecuted, not all faced charges or were punished.

Prison and Detention Center Conditions

Except for newly built facilities, several of which remained unopened, prison conditions in most areas of the country remained harsh and life threatening. Gross overcrowding, poor sanitation and hygiene, inadequate food and water, and lack of medical care were common, and disease outbreaks in crowded prisons could be life threatening.

Abusive Physical Conditions: Life-threatening outbreaks of diseases such as tuberculosis and cholera occurred, particularly in overcrowded prisons such as the Mogadishu Central Prison. Authorities generally required the families of inmates to pay for health services, and inmates without family or clan support had very limited access to such services. Human rights advocates in Puntland expressed serious concerns regarding conditions in Garowe Prison, where inmates experienced water, food, and electricity shortages.

Al-Shabaab detained persons in areas under its influence in the southern and central regions, and conditions were often harsh and life threatening.

Administration: Federal law did not specifically allow prisoners to submit complaints to judicial authorities without censorship. The Attorney General's Office, the Human Rights Committee, and the Prison Commander

were required to conduct investigations of credible allegations of mistreatment, but authorities arbitrarily abided by this requirement and investigations varied throughout the country. Most prisons did not have ombudspersons. The number of credible complaints investigated annually by the government was unknown.

Somaliland law allowed prisoners to submit complaints to judicial authorities without censorship, and prisoners reportedly submitted such complaints.

Independent Monitoring: Federal authorities worked with international humanitarian and monitoring groups, and allowed the International Committee of the Red Cross, UNICEF, and the UN Office on Drugs and Crime to conduct joint inspections of prisons. International Development Law Organization personnel also visited prisons in Mogadishu. Independent monitors did not report any improvements to address allegations of mistreatment or to improve prison or detention center conditions.

Somaliland authorities reportedly did not permit independent nongovernmental organization (NGO) observers to monitor prisons during the year.

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

d. Arbitrary Arrest or Detention

Although the provisional federal constitution prohibited arbitrary arrest and detention, state security forces, allied militias, and regional authorities arbitrarily arrested and detained persons. The law provided 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 provided for arrested persons to be brought before judicial authorities within 48 hours. The law stated suspects could be detained only when necessary and for as short a period possible. The decision to detain a person prior to trial and the length of pretrial detention could be challenged in court. A March law granted NISA the ability to detain and interrogate terrorism suspects.

To apprehend suspects, the law required warrants be issued by authorized officials and based on sufficient evidence unless suspects were observed committing a criminal offense. The law also required 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, as was information on the ability of defendants to access legal counsel while in pretrial detention.

The federal government reportedly 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 provided 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.

Media NGOs including the National Union of Somali Journalists and the Somali Journalists Syndicate (SJS), a network of seven journalist unions and media house associations, noted a marked increase in arbitrary arrests and detentions of journalists across the country, and documented 84 such cases. Between June and October, UNSOM recorded arbitrary detention of eight journalists in Mogadishu, Jubaland, and Hargeisa. Media NGOs attributed the trend to security measures to counter al-Shabaab propaganda.

There were numerous abuses like the following example. On August 17 authorities arrested Mohamed Ibrahim Bulbul, a journalist with a privately

owned online broadcaster and known media freedom advocate. Bulbul was reportedly beaten and threatened over his August 16 report alleging police officers were involved in an embezzlement scheme. He was held for a month without charges and released after 56 days of detention when a judge dismissed the case against him.

Somaliland's government used arbitrary detention and arrest to suppress negative reporting by journalists as well as demonstrations of political expression by residents, particularly regarding unification with Somalia and territorial disputes with Puntland.

Pretrial Detention: Lengthy pretrial detention was a common problem. Although the law established strict time limits for pretrial custody, it was generally not observed. Large numbers of detainees, a shortage of judges and court administrators, and judicial inefficiency resulted in trial delays.

e. Denial of Fair Public Trial

The law provided 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 was reportedly subject to influence and corruption and was strongly influenced by clan-based politics. Authorities often did not respect court orders or were unable to enforce the orders. Without clear procedures for the transfer of cases

from military to civilian courts, authorities prosecuted only a handful of serious criminal cases. Civilian judges lacked the necessary security to perform their jobs without fear.

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. There was reportedly widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.

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

Trial Procedures

The law provided 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 had the right to a presumption of innocence. They also had the right to be informed promptly and in detail of the charges against them in a language they understood, although the law was unclear on whether the right to translation applied through all appeals. Detainees had 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 of these rights. Clan politics and corruption often impeded access to a fair trial. The law did 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. Free legal representation for defendants facing serious criminal charges was often not available in South Central regions, but two functioning legal aid clinics at Mogadishu University and City University Law School provided some legal services.

Cases involving security personnel were heard by military courts. Military courts tried some civilians, primarily 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, particularly in cases where defendants confessed to membership in al-Shabaab in court or in televised videos. In other cases, the courts offered defendants up to 30 days to appeal death penalty judgments. 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 withdrawn. There was no clear indication whether this decree remained in effect, although the initial decree was for a period of three months and never formally extended.

In Somaliland, 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.

There was no functioning formal judicial system in al-Shabaab-influenced areas, and 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 figures. Neither government nor NGO sources provided an estimate of the number of political prisoners. The government generally did not provide humanitarian organizations with access to political prisoners.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Observers reported some federal and state officials abused their positions to engage in land grabbing and forced evictions, primarily involving the property of 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.

h. 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 was inviolable. Nonetheless, authorities reportedly searched property without warrants.

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

i. Conflict-related Abuses

Conflict involving the government, militias, ATMIS, and al-Shabaab resulted in death, injury, and displacement of civilians. Other abuses included abductions, torture, recruitment or use of children in armed groups, and denial of access to humanitarian assistance.

In the self-declared breakaway region of Somaliland, the late 2022 killing of an opposition political leader sparked months-long fighting between Somaliland troops and tribal militias near Las Anod, resulting in numerous civilian deaths, injuries, and population displacement.

Killings: UNSOM reported 312 civilians were killed by al-Shabaab between February and October. The group 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 and other cities, often using suicide bombers, mortars, and vehicle-borne improvised explosive devices to kill noncombatants. Al-Shabaab 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 state security forces and allied militias.

According to media, in May the group publicly executed five individuals, including Mohamed Ibrahim Olow, in Bu'aale following accusations they were spying for the United States, the federal government, or the Jubaland state. In August, the group killed a federal army colonel, Ali Abdi Mohamed "Qoriyow," and Hassan Mohamed Ibrahim, a police officer in Mogadishu. Most killings of civilians attributed to al-Shabaab resulted from indiscriminate use of force. The number of civilian casualties from incidents involving the group's explosive weaponry increased greatly compared with the previous year.

According to Amnesty International, Somaliland security forces indiscriminately shelled Las Anod town over a period of several months, killing more than 100 persons and injuring more than 600, including dozens of civilians.

In February an ATMIS peacekeeper killed a civilian suspected of being an al-Shabaab affiliated suicide bomber. The peacekeeper was arrested, and an

investigation was continuing at year's end.

Abductions: Al-Shabaab kidnapped and abducted civilians throughout the year. For example, media reported the group kidnapped 20 civilian farmers from Beerhaano and Dhoqor villages near Beletweyne district on January 2.

Physical Abuse, Punishment, and Torture: Government forces and allied militias reportedly used excessive force, including torture.

Al-Shabaab committed gender-based violence, including through forced marriages, and meted out punishment according to the group's interpretation of Islamic law. Those detained by al-Shabaab 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.

From January to September, ATMIS reported three incidents in which their troops were responsible for the bodily harm of a civilian or damage to property. While some cases resulted in financial compensation to the civilians involved, others were still pending further review at year's end.

Child Soldiers: During the year there were reports state security forces and allied militias, as well as al-Shabaab, unlawfully recruited and used child soldiers.

The Ministry of Defense Child Protection Unit (CPU) led federal government efforts to address the recruitment and use of child soldiers within

government armed forces. Between January and March, the CPU screened several hundred army personnel and identified no soldier younger than age 18. The CPU also provided training to raise awareness of unlawful recruitment and use of child soldiers and to verify the number of children in security sector units for corrective action. The CPU used biometric registration to detect and deter unlawful recruitment of child soldiers. In the absence of birth registration systems, it was often difficult to determine the age of national security force recruits.

Al-Shabaab recruited and forced children to participate directly in hostilities, including suicide attacks. According to UN officials, al-Shabaab committed most abuses related to the recruitment and use of child soldiers.

Al-Shabaab raided schools, madrassas, and mosques and harassed or coerced clan elders and family members to recruit and use children in direct combat and support roles. Children in al-Shabaab training camps were subjected to grueling physical training, weapons training, an inadequate diet, physical punishment, and forced religious training in line with al-Shabaab's ideology. The training reportedly also included forcing children to punish and sometimes execute other children. The group used children in direct hostilities, including placing them in front of other fighters to serve as human shields and suicide bombers, and 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. Media frequently

reported accounts of al-Shabaab indoctrinating children according to the group's extremist ideology at schools and forcibly recruiting them into its ranks.

The Secretary of State determined Somalia had governmental armed forces, police, or other security forces that recruited or used child soldiers during the reporting period of April 2022 to March 2023. See the Department of State's annual *Trafficking in Persons Report* at

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

Other Conflict-related Abuse: Denial of humanitarian access by armed groups, state security forces, or security incidents was common. Armed groups 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 access obstacles due to insecurity, generalized violence, and restrictions imposed by parties to conflicts.

In Somaliland, Amnesty International reported fighting in the Las Anod area displaced approximately 200,000 persons. In July, the NGO Doctors Without Borders withdrew support to health-care facilities in Las Anod town due to shelling by Somaliland forces.

Al-Shabaab attacked state security forces along main supply routes, increasing insecurity along these routes and impairing delivery of humanitarian supplies. The group seized main supply routes and limited

movement of food and commodities trucks, which led to increased prices for consumers. Al-Shabaab blockaded a critical road linking Mogadishu and Baidoa for 10 days in July, preventing the movement of basic commodities including food and fuel. The blockade limited the delivery of humanitarian assistance to an estimated 600,000 IDPs residing in Baidoa.

ISIS-Somalia reportedly 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 provided for freedom of expression, including for the press and other media. Both federal and regional authorities, however, disregarded or failed to uphold this right. The law included a provision criminalizing the dissemination of “false news,” a term left undefined, that carried potential penalties such as six months’ imprisonment.

In Somaliland, regulations prohibited the publication or circulation of news deemed exaggerated or incitive and having the potential to disrupt public order. Authorities used these regulations to detain and press charges against journalists.

Freedom of Expression: In regions under government control, individuals faced the possibility of retaliation when they criticized government

authorities or raised concerns regarding perceived instances of official corruption or alleged incompetence of security officials. Retaliation incidents were reported in different regions including Mogadishu, Puntland, Jubaland, and Somaliland. In Somaliland, local media rights organizations reported multiple incidents in which residents were arrested for social media posts criticizing government institutions, services, and corruption.

Violence and Harassment: Domestic media NGOs reported regular harassment of journalists by state security forces, clan and other private groups, and al-Shabaab. Government agents, government-aligned militias, authorities in Somaliland, Puntland, South West State, Galmudug, and Jubaland, al-Shabaab, and unknown assailants killed, abused, and harassed journalists with impunity.

As an intimidation tactic, 15 journalists were detained briefly, without official charges brought against them, and later released. Six of these arrests took place in Galmudug, five in South West State, and four in Hirshabelle.

Media NGOs such as SJS and the National Union of Somali Journalists reported that arbitrary imprisonment, intimidation, constraints, and impediments to information accessibility increased throughout the year. There was a notable rise in assaults on journalists by federal and regional authorities following their reporting on the conflict between government forces and al-Shabaab in different parts of the country.

In October 2022, NISA officers attacked television reporter Liban Abdi Warsame and camera operator Najib Farah Mohamed from Goobjoog media while they conducted interviews in Mogadishu. In December 2022, security forces assaulted journalist Nur Mohamed while he covered a segment on parliament.

The highest number of incidents took place in Somaliland, according to media NGOs. Authorities fined and arbitrarily arrested journalists for defamation and other alleged crimes. 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 clan meetings. In May, the Human Rights Center in Somaliland reported the arrest of five journalists related to their reporting or social media posts. As of year's end, the journalists were not formally charged.

Al-Shabaab also engaged in violence and harassment of journalists and banned journalists from reporting news that did not comport with the group's ideology. Numerous journalists were killed or injured in al-Shabaab's indiscriminate attacks. For example, in October journalist Abdifatah Moalim Nur was killed in a suicide blast at a restaurant in Mogadishu.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists engaged in rigorous self-

editorial 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 2020, continued to face censorship and harassment. Since late 2022, seven media outlets were subjected to raids and forced closure due to their critical coverage.

According to the SJS, police commanders, judges, government officials, clan leaders, and individuals affiliated with al-Shabaab restricted the access of media outlets and journalists to information in Mogadishu, Hirshabelle, Galmudug, South West, and Jubaland, resulting in self-censorship.

In Somaliland, authorities employed stringent measures to curtail access to information. These measures included internet disruptions and temporary closures of media establishments.

Al-Shabaab prohibited persons in areas under its control from listening to international media outlets. The group's destruction of critical infrastructure, including radio towers, while its forces were in retreat limited community access to information.

Libel/Slander Laws: Laws providing criminal penalties for publication of “false news” existed throughout the country, including Somaliland. On September 7, Somaliland's information minister temporarily halted the operations of CBA TV's headquarters in Hargeisa. Invoking the provisions of the region's media legislation, the minister accused the station of “disseminating news and content that opposed the peace and unity of the

Somaliland population” along with asserting that the station’s license had expired. CBA TV management contested both accusations in an official statement. After the station paid \$10,000 in fines, the ministry allowed it to continue operations.

The law criminalized blasphemy and defamation of Islam, with punishments including fines, up to two years in prison, or both. In October 2022, Hoodo Abdi Abdillahi received a seven-year prison sentence on blasphemy charges related to her alleged conversion from Islam to Christianity, although her sentence was shortened to five years in May.

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 August 20, the communications and technology minister ordered access to TikTok, Telegram, and the gambling site 1xBet be prohibited, citing national security and the fight against terrorism as justification.

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. Media NGOs expressed

apprehension regarding the growing government utilization of Facebook reporting mechanisms, such as respect for “community standards,” as tactics to stifle and censor journalists online. According to the SJS, journalists who disseminated online content critical of authorities were targeted for retaliation by government agents. The Ministry of Posts and Telecommunication issued directives to internet service providers, resulting in the suspension or blocking of dozens of online sites.

Al-Shabaab prohibited companies from providing access to the internet and forced telecommunications companies to shut down data services in areas under its control.

b. Freedoms of Peaceful Assembly and Association

The law provided for freedom of peaceful assembly and association, but the government limited these freedoms. A general lack of security effectively limited the ability to exercise these rights as well.

Freedom of Peaceful Assembly

In Somaliland, the use of force by security personnel against peaceful protests led to loss of lives and destruction of property. In December 2022, Somaliland security forces used excessive force to disperse peaceful gatherings in Las Anod to protest the killing of a prominent opposition party figure. The crackdown led to skirmishes that spread within the Sool region, resulting in full-blown armed clashes that continued during the year.

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

Freedom of Association

The law provided for freedom of association, but government officials reportedly 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 were able to join civil society organizations focused 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, as well as control over contracting, procurement, and staffing.

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 provided that all persons lawfully residing in the country had 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 the southern and central regions.

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 residents from traveling to Mogadishu to participate in federal government processes or cultural activities. Access to such information was limited, making it difficult to accurately evaluate the scope of this problem.

Al-Shabaab and other nonstate armed actors hindered commercial activities in the areas they controlled and impeded the delivery of humanitarian assistance.

e. Protection of Refugees

Federal government and Somaliland authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning

refugees, or asylum seekers, as well as other persons of concern.

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

Employment: There were credible reports the government placed restrictions on refugees' ability to work after their status as refugees was official.

f. Status and Treatment of Internally Displaced Persons (IDPs)

A drought caused by five sequential failed rainy seasons, extreme flooding once rains started, and continued conflict led to an increase in internal displacement, and the country was home to more than 3.8 million IDPs. Approximately 60 percent of drought-related IDPs were children. Acute food insecurity and malnutrition levels remained higher among IDPs than among nondisplaced residents. Citizens who returned from refugee camps abroad often moved to IDP camps and required humanitarian assistance.

Forced IDP evictions remained a particular concern in view of the sharp increase in displacement. In 2022, more than 125,900 persons were evicted across the country, and significant increases in forced evictions and

secondary displacements were expected due to the continued influx of IDPs in search of humanitarian services and continued land tenure insecurity. Forced evictions often resulted in the complete destruction of critical livelihood assets, severely impacting the resilience of the most vulnerable and often marginalized persons and perpetuating their social marginalization. Urban IDPs almost always settled on privately owned land, where they were subjected to extortion and cycles of secondary forced displacement as they relied mainly on informal oral tenancy agreements. Private persons with claims to land, as well as government authorities, regularly pursued the forced 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 state 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.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://internal-displacement.org>.

g. Stateless Persons

There was no estimate for the number of stateless individuals in the country

during the year, but a UNHCR-led study identified weaknesses in local law that presented risks of statelessness. For example, the law was discriminatory in the transmission of nationality to children – Somali national fathers could transmit nationality at birth, but mothers could not – and other administrative procedures and weak identification systems limited how some individuals could claim their legal right to nationality.

Section 3. Freedom to Participate in the Political Process

The law provided 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 not all citizens could exercise that ability.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were marred by reports of election abuses and irregularities. The country last conducted parliamentary elections in March 2022 and indirect presidential elections by the federal parliament two months later. The United Nations noted the “positive” nature of the electoral process and peaceful transfer of power.

Opposition leaders were reportedly prevented from campaigning in Baidoa, South West State’s capital, in the run up to November local elections. Their names were reportedly placed on no-travel lists at government checkpoints

and they were thus unable to travel to or within the state.

Somaliland last conducted presidential elections in 2017. Legislative and local council elections took place in 2021, with international observers noting their sophistication, fairness, and security. In 2022, long delays in scheduled elections for both the presidency and political parties led to violent clashes between opposition party members and Somaliland security forces. After intervention by clan elders, the elections were scheduled for November 2024. Somaliland laws prevented residents of its region from participating in federal government-related processes, although the federal parliament included members “representing” Somaliland.

Al-Shabaab prohibited residents of 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 Somaliland constitution and electoral legislation limited the number of political parties to three and established conditions pertaining to their political programs, finances, and constitutions.

Participation of Women and Members of Marginalized or Vulnerable Groups: Cultural factors limited the participation of women. Lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons also had limited participation because they could not make their identities known publicly

due to the risk of violence, harassment, and discrimination.

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 “minority” clans were combined to comprise the remaining “0.5” share. This system afforded marginalized clans and other groups a fixed number of seats in the federal parliament, but advocates from these communities claimed the formula underrepresented the real size of their populations. The country conducted its most recent publicly available census in 1975, so the validity of these criticisms remained unclear. Some academic research suggested certain minority groups, such as the Bantu, represented a much larger share of the country’s population than that reflected by their representation in government under the 4.5 formula. Under the provisional federal constitution, the electoral process was intended to be direct, thus transitioning from the 4.5 formula, but in 2022 federal and regional leaders maintained the 4.5 formula in determining lower house composition.

Section 4. Corruption in Government

The law stipulated that criminal penalties could be imposed upon corrupt officials, and the government arraigned several government officials on corruption charges. There were numerous reports of government corruption during the year.

Corruption: In the absence of a government anti-corruption commission, the Office of the Auditor General (OAG) conducted independent annual and forensic audits to establish corruption cases. In June, an OAG forensic audit of visa and work permit revenues generated by the government revealed significant embezzlement of funds amounting to \$21 million. Upon concluding the investigation, the OAG submitted a final report to the attorney general recommending prosecution of government officials from the Ministry of Finance, Central Bank, and the Immigration and Naturalization Directorate. The cases continued at year's end, and some of the accused government officials fled the country before they could be arrested.

The OAG submitted an annual compliance audit and financial statement audit for the fiscal year ending December 2022 to the cabinet and parliament for review and debate before it was officially published. The audit identified key gaps but found general compliance with accounting standards. Key audit conclusions included a finding that agencies engaged in procurement activities without an approved annual procurement plan, and that lack of asset management policies and registers led to the illegal occupation of government land and buildings.

The Financial Governance Committee (FGC) – an advisory body that had no legal authority but was responsible for reviewing all government contracts of more than \$5 million – 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, as well as the chair of the parliamentary finance committee. The FGC noted some concession contracts that should have yielded substantial non-tax revenues were either awarded on highly suboptimal terms or managed in a way that undercut revenues. The concession contracts related to oil and gas, air navigation fees, port and airport revenue management, import conformity assessment services, and leasing of public land to private interests.

Somaliland had an auditor and a presidentially appointed good governance and anti-corruption commission, but during the year they did not prosecute any Somaliland officials for corruption.

Due to its role in fueling instability and serving as a source of revenue for criminal and terrorist organizations, the export and import of charcoal after 2012 was banned pursuant to UN Security Council Resolution 2036. The Council maintained its ban on charcoal exports as they remained a corruption concern. The Council underscored the need to reduce the size of charcoal stockpiles in and around Kismayo, and expressed deep concern regarding weak port control structures, lack of a capable coastguard and oversight by port authorities, including in Kismayo. The Council urged authorities to monitor and control existing charcoal stockpiles at export points.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and

the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

Several domestic and international human rights groups operated in areas outside al-Shabaab-controlled territory to monitor or investigate human rights cases or conditions and publish their findings. Government officials were somewhat cooperative and responsive to their views. Security concerns constrained the ability of NGOs to operate in the country's southern and central areas. 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.

Government Human Rights Bodies: The provisional federal constitution called 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 never implemented. There was no formal government mechanism for tracking abuses.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of a woman and provided penalties of five to 15 years in prison. There was no law criminalizing rape of a man. Military court penalties for rape included death sentences. The government did not effectively enforce the law. There were no federal laws against spousal violence, including spousal rape.

As was the case in previous years, government forces, militia members, and individuals wearing what appeared to be government or other uniforms reportedly raped women and girls. While authorities sometimes arrested security force members accused of such abuses, impunity was the norm.

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 women IDPs and members of minority clans.

Gender-based violence, including rape, affected 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. 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.

Over the past several years 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 state security forces. The 2020 *Somali Health and Demographic Survey* (SHDS), the most recent data source available, noted that cases of gender-based violence were underreported due to a “culture of silence,” and in most instances families and survivors preferred to refer survivors to traditional courts. In some cases, these bodies awarded damages to survivors’ male family members or directed the perpetrator and survivor to marry, in accordance with local customary law. The United Nations reported sharia and customary law 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 federal government 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.

Local civil society organizations in Somaliland reported gang rape was 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 stated 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 addressed 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, psychological support, 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 reportedly perpetrated by men in uniform.

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

violence. Al-Shabaab sentenced persons to death for rape.

Female Genital Mutilation/Cutting (FGM/C): Although the provisional federal constitution described the “circumcision” of women as cruel and degrading, equated it with torture, and prohibited the circumcision of girls, FGM/C was almost universally practiced throughout the country. According to the SHDS, FGM/C remained prevalent, with 99 percent of women and girls between 15 and 49 having received the procedure. Type III (infibulation), considered to be the most extreme form of FGM/C, was the predominant type. Although few SHDS respondents were aware of FGM/C implications for maternal morbidity, 72 percent believed that the practice was a religious requirement.

The Somaliland Ministry of Religious Affairs issued a fatwa (a ruling by a recognized religious authority on a point of Islamic law) in 2018 that condemned the most severe forms of FGM/C and allowed survivors 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.

Other Forms of Gender-based Violence or Harassment: Sexual harassment was reported to be widespread. Adultery in al-Shabaab-controlled areas was punishable by death or lashing. Child, early, and forced marriages frequently occurred.

Discrimination: The law and regulations prohibited discrimination regarding race, sex, disability, political opinion, color, language, or social status.

Despite these provisions, women did not have the same status as men and experienced systematic subordination to men. Women experienced discrimination in credit, education, politics, employment, 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. While formal law and sharia provided 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. The labor code required equal pay for equal work, but the government did not enforce the law. There were legal barriers to women working the same hours as men and restrictions on women's employment in some industries.

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

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to the SHDS, 38 percent of women expressed a desire for greater birth spacing than was preferred by their families, and only 3 percent reported that desire met. Most women surveyed stated six or more children was the ideal family size, and most 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.

Despite the absence of a government legal and policy framework on family planning, 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 claimed “multidimensional barriers” frustrated the expansion of family planning services. The officials also noted that traditional beliefs and lack of support from community and religious leaders negatively impacted the acceptance of such 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 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 to 19 had heard of at least one method. Despite this awareness

level, the SHDS found that contraceptive use was 10 percent for girls and women ages 15 to 19 and 7 percent for women ages 30 to 34. According to the International Family Planning 2020 Initiative, the government remained committed to expanding quality reproductive health services and sought to put in place legal policy frameworks for family planning, but progress was slow.

According to the SHDS, 17 percent of girls and women who survived gender-based violence ages 15 to 49 sought care after an assault. NGOs reported that the government provided limited and largely donor-funded access to sexual and reproductive health services, including emergency contraception, for sexual violence survivors. The government had supplies of postexposure prophylaxis, but it was reportedly difficult for survivors to obtain due to bureaucratic obstacles.

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 Population Fund 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 barred women patients from another clan or group, specifically from minority and marginalized groups, from accessing health care in those

locations.

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 adolescent birth rate was 140 per 100,000 women.

While data on access to menstruation hygiene was difficult to obtain, the United Nations Population Fund reported in 2022 that most young girls in Mogadishu had missed classes during their menstruation period, affecting their performance in school. The report highlighted circumstances in which this problem caused women and girls to drop out of school, particularly among IDPs. Based on cultural norms, most adolescent girls who became pregnant either were not in school or dropped out due to motherhood duties.

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. Employment discrimination occurred because of clan connections in numerous industries and sectors of the economy.

Minority groups, often lacking armed militias, were 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 lived in deep poverty and suffered from numerous forms of discrimination and exclusion. Some observers believed minority clan 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 region, faced 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 structures.

Fighting between clans resulted in deaths and injuries.

Children

Education: Nearly two-thirds of the school-age population remained out of school due to barriers such as poverty, lack of security, lack of schools or long distances to schools, and competing household and labor demands. Educational opportunities were often limited to more secure urban areas. IDP children had much lower rates of attendance than nondisplaced

children. Girls faced additional obstacles such as early marriage and low prioritization of girls' education, leading to even lower attendance.

Child Abuse: Child abuse and rape of children were serious problems, and there was no law or reported 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 placed 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 abuse and sexual assault in these facilities were common.

Child, Early, and Forced Marriage: The law required both marriage partners to have reached the "age of maturity" and defined a child as a person younger than age 18 but did not specifically outlaw child marriage. It noted marriage required the free consent of both the man and woman to be legal. Early marriages frequently occurred. According to the SHDS, more than 62 percent of married women and 74 percent of unmarried girls and women ages 15 to 49 indicated they viewed forced marriage as a form of domestic violence. In areas under its influence, 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 reported efforts by the government or regional authorities to prevent child, early, and forced

marriage.

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

Antisemitism

There was no known Jewish community, and there were no known reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalized “carnal intercourse with a person of the same sex” with a penalty of three months’ to three years’ imprisonment; there were no official reports of enforcement. Under local interpretations of sharia, homosexuality was punishable by death; there were no known

state-conducted executions during the year under this law.

In Somaliland, same-sex sexual conduct was also criminalized with stiff penalties; the law was enforced. In March a parliamentary committee reported 40 persons were being held on charges of homosexuality; four persons were sentenced to eight years imprisonment, while the remainder awaited charges or had been released by year's end.

Violence and Harassment: There were few reports of societal violence based on sexual orientation or gender identity or expression, likely due to severe societal stigma that dissuaded LGBTQI+ persons from making their sexual orientation, gender identity, or expression known. There were no known actions to investigate or punish those responsible. Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes against members of the LGBTQI+ community.

There were accounts over the past decade of militant Islamic groups such as al-Shabaab killing men extrajudicially for alleged homosexual acts, but no such killings were reported during the year.

Discrimination: The law did not prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics. There were few reports of discrimination based on sexual orientation or gender identity or expression, likely due to severe societal stigma that dissuaded LGBTQI+ individuals from making their sexual orientation or gender identity or expression known. This stigma also represented a significant barrier to

employment in the rare cases in which individuals made their LGBTQI+ status known.

Availability of Legal Gender Recognition: There was no process for legal gender recognition. There was little to no societal recognition of transgender persons, as well as a significant lack of awareness regarding gender identity or expression.

Involuntary or Coercive Medical or Psychological Practices: Although anecdotal information indicated some families sent their children suspected of being LGBTQI+ to reform schools or forced them to enter heterosexual marriages, discussion of so-called conversion therapy practices largely stayed out of the public sphere. There were no known actions to investigate or punish those complicit in abuses.

There was little to no societal recognition of intersex persons, and no reporting available on whether intersex persons were subjected to involuntary surgery. There were no known government or medical association actions to limit such practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Due to severe societal stigma that dissuaded LGBTQI+ persons from making their sexual orientation or gender identity or expression known, LGBTQI+ persons rarely tested freedoms of expression, association, and assembly. There were few, very discreet, and mostly online-based LGBTQI+ organizations that held events.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. Disability rights organizations reported a widespread lack of equal access to education, health services, public buildings, and transportation. There were no laws requiring such access. The government did not provide information and communication on disability concerns in accessible formats.

The needs of most persons with disabilities were not addressed. According to Amnesty International, persons with disabilities faced 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 reportedly 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.

The law provided equal rights before the law for persons with disabilities

and prohibited the state from discriminating against them. Authorities did not enforce these provisions. The law did not discuss discrimination by nongovernmental actors. Persons with disabilities faced discrimination in hiring and access to the workplace. 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, including the ability to participate in public life and voting accessibility in elections, with negligible support from local authorities.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provided for general worker rights to freedom of

association, collective bargaining, and the right to strike. The law did not address antiunion discrimination. The government did not effectively enforce the law.

Penalties for violations of freedom of association, collective bargaining, and the right to strike for workers were not commensurate with those for analogous crimes such as civil rights violations and were never applied against violators.

Worker rights organizations and trade unionists reported the labor code remained inconsistent with the constitution and internationally recognized worker rights. The Federation of Somali Trade Unions (FESTU), the largest trade union federation in the country, participated in stakeholder discussions with the government and private sector in August on a new draft labor code and advocated for its passage. In September, FESTU and the Confederation of Ethiopian Trade Unions signed a union-to-union accord, supported by the International Labor Organization, to protect and promote the rights of migrant workers.

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.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a standard workweek of 48 hours. The law required premium pay for overtime and work performed on holidays and limited overtime to a maximum of 12 hours per week. The law did not provide for a national minimum wage.

Occupational Safety and Health: The law set occupational safety and health (OSH) standards, although FESTU claimed they were insufficient to protect workers. The law did not specifically provide for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Responsibility for identifying unsafe situations remained with OSH experts, and workers could also identify such situations. Violations of working condition regulations were widespread in the public and private sectors. 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 bombers.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Social Affairs was responsible at the federal level for establishing OSH standards and enforcement. The ministry did not effectively enforce labor laws. The ministry established an inspectorate but did not conduct any labor-related inspections. Penalties for abuses of the law were not applied. Wages and working conditions were established largely through arrangements based on supply, demand, and the influence of workers' clans.

The country had an informal economy largely based on livestock, remittance/money transfer companies, and telecommunications.

Approximately 95 percent of workers worked in the informal sector, where labor regulations were not applied.