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[Home](#) > Somalia

Somalia

Country:

Somalia

Year:

2016

Freedom Status:

Not Free

Political Rights:

7

Civil Liberties:

7

Aggregate Score:

2

Freedom Rating:

7.0

Overview:

In 2015, Somalia was plagued by much of the same political and security pitfalls that have characterized the country for the last quarter century. The government continued its halting progress toward transition in 2016, when the current administration's mandate expires. Critical transition-related legislation was largely ignored as lawmakers wrestled over an impeachment motion against the president. In July, President Hassan Sheikh Mohamud announced that national elections planned for 2016 would not be contested under a one-person, one-vote system. Despite broad skepticism, the administration and its international partners had previously remained publicly committed to holding national elections in 2016, as well as a constitutional referendum in 2015. In December, the government and its international partners held a National Consultative Forum to discuss transition options for 2016.

The Shabaab, an extremist group that once controlled most of southern Somalia, remained an active presence in the country despite significant gains made by the combined efforts of the Somali army and the African Union Mission in Somalia (AMISOM). In March, Shabaab fighters took siege of the Makka al-Mukarama Hotel in Mogadishu for more than 12 hours, killing at least 21 people. In September, the Shabaab targeted an AMISOM base 55 miles southwest of Mogadishu, killing dozens. The group also attacked another Mogadishu hotel, the Sahafi Hotel, in November, killing at least six people. In December, the Shabaab executed five men accused of assisting U.S. intelligence.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Somaliland, which is examined in a separate report.

Political Rights and Civil Liberties:**Political Rights: 0 / 40 [Key]****A. Electoral Process: 0 / 12**

Following the collapse of the Siad Barre regime in 1991, the Somali state had largely ceased to exist and had no governing authority. In September 2012, Somalia established a new government and drafted a provisional constitution in an attempt to usher in the country's first permanent government in more than 20 years. The constitution established a 275-member House of the People (HOP), with members to be directly elected to four-year terms. Because direct elections could not be held in 2012, Somali traditional elders appointed provisional members to the HOP. The provisional legislature then elected Mohamud to a four-year term. An Upper House of Parliament, which would have 54 members, has yet to be formed. The final communique of the December 2015 National Consultative Forum committed to forming the Upper House during the 2016 transition. The provisional constitution outlines the expectation that women be included in all branches of government and includes a nondiscrimination clause that specifically mentions women.

After dismissing two prime ministers in as many years, Mohamud appointed Omar Abdirashid Ali Sharmarke, then Somali ambassador to the United States, to the role in December 2014. Sharmarke previously served as prime minister during the Transitional Federal Government.

Mandates for the current administration and for parliament end in August 2016. The central government acknowledged in July that the security situation will make it impossible to organize a one-person, one-vote election. An alternative transition mechanism has yet to be determined.

In August, 115 lawmakers leveled a motion of no-confidence against Mohamud, citing incompetence and calling for his impeachment. Speaker of Parliament Mohamed Sheikh Osman Jawari dropped the motion in September on the grounds that the dispute with the president could instead be resolved through negotiations.

The 2012 provisional constitution calls for the establishment of a series of federal member states on the subnational level. Though progress was made toward establishing these states throughout the country, the administration struggled to maintain good relations with newly formed administrations in Puntland, Jubbaland, South West State, and Central Regions State. Relations between Puntland and the government in Mogadishu wavered as the regional administration threatened to cut ties with the central government over border disputes in the newly created Central Regions State. In July, Prime Minister Sharmarke traveled to Puntland for negotiations with the administration. Following a week of meetings, the two governments signed a cooperation agreement, committing to the provisional constitution and support for federalism and national unity. Also participating in

the negotiations were representatives from Jubbaland, which was also at odds with the central government.

B. Political Pluralism and Participation: 0 / 16

No effective or legally recognized political parties currently exist. The current political process is largely driven by clans: traditional kinship networks that are the pillars of Somali social and political organization. The four largest clans—Darod, Dir, Hawiye, and Digil-Mirifle—exercise outsized influence.

The provisional constitution calls for the creation of legislation governing the administration of elections and creation of political parties. A special parliamentary sub-committee has drafted legislation to create regulations for a political party system, but the draft has been awaiting approval for several months. Among the considerations that faced the sub-committee was whether political parties can be formed on the basis of clan identity.

Representation in nearly all government bodies, parliament included, is determined by the so-called 4.5 formula, a quota system under which the four majority clans each receive 61 delegates while the remaining minority clans receive 31 delegates combined. Critics of the formula point out that it codifies the dominant role of majority clans in the political system. The process by which clan leaders doled out parliamentary seats in 2012 was opaque and reportedly rife with bribery and nepotism. Under the agreement signed at the National Consultative Forum, Somali leaders vowed to develop a mixed electoral process, where some regions allow clan leaders to select government representatives, while others are selected by district representatives.

C. Functioning of Government: 0 / 12

Although the new parliament was highly regarded when it took power in 2012, lack of member commitment and political infighting have stifled its effectiveness. The parliament has largely been a platform for squabbling between rival political and clan factions.

Corruption is rampant in Somalia. Although Somali auditor general Nur Jumale Farah said in March that his office would present parliament with a report detailing financial irregularities within government ministries, he never did so. The UN Monitoring Group on Somalia and Eritrea, in a September 2015 report to the Security Council, alleged that the “impunity enjoyed by those who have engaged in misappropriation of public finances perpetuates a culture of corruption in Somali politics.” It also alleged that at least six officials from the Ministry of Petroleum and Mineral Resources accepted bribes from British firm Soma Oil & Gas Holdings Limited, which was seeking to explore hydrocarbon reserves off the coast of Somalia. The payments—totaling nearly half a million dollars—were made for a purported capacity-building program, though there was no evidence that such a program existed. Soma Oil has rejected the claims. The Somali government and British fraud office have both said they will open investigations into the

matter. Somalia was tied for last out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Somali citizens have little power to exert influence over the system, either as individuals or through civil society. Citizens rarely have relationships with or access to their local members of parliament. There are few accountability mechanisms for government officials; to the extent that these mechanisms exist, they largely come from the international community.

Civil Liberties: 2 / 40

D. Freedom of Expression and Belief: 1 / 16

Radio is the primary news medium in Somalia. Internet and mobile telephone services are widely available in large cities, but poverty and illiteracy limit access. While the provisional constitution calls for freedom of speech and the press, the government has taken a heavy-handed approach toward the media.

In October, National Intelligence and Security Agency forces raided the offices of Universal TV, suspended the station, and arrested the outlet's regional director and producer. The incident occurred after the station aired a debate during which members of parliament discussed security matters; the intelligence agency accused the outlet of inciting violence. The journalists—Abdullahi Hersi and Awil Dahir Salad—were released six days after their arrest. In April, security forces had raided the Shabelle Media Network and arrested 20 journalists after the outlet aired footage of a Shabaab representative taking responsibility for the siege of a university in northeastern Kenya where nearly 150 students were killed. The network had been closed between August 2014 and March 2015 after another government raid on its offices for allegedly inciting violence.

In 2014, the Somali cabinet passed a controversial draft of a media law that permits censorship by the Ministry of Information, requires broadcasters to seek permission to air foreign media, prohibits the dissemination of material "harming the country, the people or the religion," and levies hefty fines for breaching an undefined code of ethics. Domestic and international rights organizations characterized the legislation as overly restrictive. The National Union of Somali Journalists (NUSOJ) successfully lobbied parliamentarians to reform the draft. In December, parliament approved the revised legislation.

Somalia remains one of the most dangerous countries in the world for journalists. At least three journalists were killed in 2015 in connection with their work. In one high-profile killing in April, Daud Ali Omar, a producer for Radio Baidoa, and his wife, Hawo Abdi Aden, were murdered in their home by unidentified gunmen. Omar worked for a progovernment radio station. Local journalists suspect that he was killed by gunmen affiliated with the Shabaab.

Nearly all Somalis are Sunni Muslims, but there is a very small Christian community. Somalia's provisional constitution recognizes Islam as the official religion and forbids the promotion of any other faith, but also includes clauses promoting religious freedom and forbidding discrimination on the basis of religion. However, the constitution also requires that any candidate for the presidency be a Muslim. The Shabaab often takes a heavy-

handed approach toward religious practice in areas it controls. Anyone accused of apostasy risks execution. Between March and May, suspected Shabaab militants killed three moderate clerics in the southern city of Baidoa. The Shabaab imposes crude versions of Sharia (Islamic) law in areas under its control, banning music, films, and certain clothing.

Limited funding and infrastructure, lack of qualified instructors, and unregulated private education all pose challenges to the country's educational system.

Free expression of political views and private discussion of politics is curtailed by the prevailing sense of insecurity and political instability in the country, especially in areas controlled by the Shabaab.

E. Associational and Organizational Rights: 0 / 12

Freedom of assembly has not been respected amid ongoing instability and violence in Somalia. Many nongovernmental organizations (NGOs) and UN agencies operate out of Kenya and have limited activities in the country. In April, four international aid workers were killed by a roadside bomb in Garowe, Puntland, and four others were abducted in Gedo region in southern Somalia.

Labor unions are beginning to expand their operations. In 2014, the government ratified the International Labour Organization's conventions on the Freedom of Association and Protection of the Right to Organize, the Right to Organize and Collective Bargaining, and the Worst Forms of Child Labor. However, few improvements have been seen regarding working conditions or workers' rights. The Federation of Somali Trade Unions (FESTU) hosted an International Labor Day celebration in May during which 200 union leaders and supporters discussed the need to mobilize around ongoing abuses.

F. Rule of Law: 0 / 16

A weak judicial system functions at the national level. The provisional constitution outlines a judicial framework that includes the creation of a Constitutional Court, Federal Government courts, and Federal Member State courts, but these institutions have yet to be established. An independent expert commissioned by the UN Human Rights Council found that the judicial system was ineffective, thus denying Somalis the right to justice and equal protection under the law. The harshest codes are enforced in areas under Shabaab control, where people convicted of theft or other minor crimes are flogged or have their limbs amputated, often in public.

In March, President Mohamud dissolved the constitutionally mandated Judicial Service Commission, claiming that the appointment of the body did not fit constitutional requirements. Critics claim the move was made so the president could appoint his allies. In May, the cabinet approved a newly appointed slate of commissioners.

The Somali government had faced allegations of utilizing the military's court system to administer judgments against civilians. In October 2015, the European Union said most of

the 29 executions it documented in Somalia for the current year had been ordered by military courts.

The absence of functional democratic institutions over a period of many years has given way to a lawless environment. Residents must also contend with abuses committed by warlords, clan leaders, and the Shabaab in the absence of government control in several areas of the country. Despite losses since the 2012 transition, the Shabaab continues to control large swaths of the south-central region. In September, the group took over two towns in southwest Somalia.

Most Somalis share the same ethnicity, but clan divisions have long fueled violence. The larger, more powerful clans continue to dominate political and economic life.

Same-sex sexual activity is illegal and punishable by up to three years in prison. LGBT (lesbian, gay, bisexual, and transgender) individuals are subject to broad social stigma and hostility.

G. Personal Autonomy and Individual Rights: 1 / 16

Although all Somalis have constitutionally protected freedom of movement, the Shabaab, warlords, armed militias, and others often inhibit this freedom. The autonomy and individual rights of Somali citizens are severely restricted by the insecurity in the country, both in government and Shabaab-controlled areas.

The provisional constitution protects the right to own and use property. While the economy is a relatively bright spot in Somalia, it is largely informal and severely restricted by the conflict. Despite the challenges, Somalia exported five million livestock in 2014, for its highest annual total in more than two decades. In 2015, parliament approved legislation seeking to address the country's high rates of youth unemployment by discouraging companies from hiring foreign workers.

Women in Somalia face considerable discrimination. Of the 275 seats in Somalia's parliament, women hold 38, or 14 percent. The final communique for the National Consultative Forum committed to a "fixed number of seats reserved for women in both houses (of parliament)." Although outlawed under the new constitution, nearly all Somali girls undergo some form of female genital mutilation. Sexual violence is rampant, perpetrators enjoy impunity, and rape victims are often stigmatized. A 2014 Human Rights Watch report documented rape, abuse, and sexual exploitation of local women and girls by AMISOM troops. Although the African Union promised to investigate the report's findings, no soldiers had been prosecuted as of the end of 2015.

More than 40 percent of Somali residents rely on remittances, which total an estimated \$1.6 billion annually. In February, the U.S. bank Merchants, which manages 80 percent of remittance transfers out of the United States to Somalia, closed the accounts of remittance organizations over fears of some funds being diverted to the Shabaab or other illicit actors.

In January, Somalia ratified the UN Convention on the Rights of the Child. Despite this, an estimated 40 percent of children aged 5 to 14 are employed in the economy, half of them while also attending school. The Shabaab and clan militias have reportedly recruited child soldiers as young as eight years old. In 2016, Somalia was categorized as a special case in the U.S. State Department's *Trafficking in Persons Report* for the 14th straight year, given the various groups in control of different areas of the country, with the report noting the difficulty it had in gathering accurate information about trafficking in Somalia. It did point out that a lack of understanding by Somali officials of the difference between trafficking and smuggling was a common problem across the many groups with authority in the country.

Scoring Key: X / Y (Z)**X = Score Received****Y = Best Possible Score****Z = Change from Previous Year****Full Methodology****Source URL:** <https://freedomhouse.org/report/freedom-world/2016/somalia>