



An information report on the political and public participation in Somalia

Elizka Relief Foundation

Introduction:

Somali citizens continue to face significant obstacles that limit their political and public participation. Several factors have been involved in the formation of these obstacles, including the inability to overcome the political differences between the federal and the territorial governments, and the foreign meddling in the country's internal affairs, especially government institutions.

In the previous review cycle, the Somali government has received nine recommendations related to political and public participation, thereby, the government committed itself to implementing these recommendations; however, reality indicates the otherwise.

First: The right to vote: many obstacles

Human rights violations and abuses by State security forces, including the police and intelligence agencies, increased in the period before and after parliamentary and presidential elections held in late 2016 and early 2017.

Thirteen clan elders and two electoral delegates were killed between August 2016 and the presidential election held on 8 February 2017. Violent attacks on people involved in the election process continued after this, with the killing of 29 clan elders and electoral delegates, including three women. To date, only two of the 44 documented killings have been investigated and prosecuted.

In addition, journalists, human rights defenders and political leaders were subjected to attacks, intimidation and other forms of harassment and interference. "This violence impeded the free flow of information, undermining the ability of citizens to benefit from and contribute to democratic processes.

Additionally, the 2017 presidential election in Somaliland on 13 November 2017, where one vote system was applied, has witnessed election-related human rights violations in Somaliland, including excessive use of force by security forces against demonstrators, which caused three deaths and injured 17.

Also, women, persons with disabilities, minority clans, and civil society groups had limited or no access to the electoral process throughout the country, as it was a political



process based on clan distribution.¹

However, the Somali government has restricted the activities of the 52 political parties, and limited its ability to communicate with the masses, and its control over the political process, which was evident in the issuance of the election law in May 2019. The Somali opposition stated that the electoral law reflects the government's narrow vision. As it adopts a single electoral district system at the state level, which gives the government the advantage of controlling the election results and closes the channels of communication between the voter and his representative in parliament. It also sets out impracticable financial and regulatory conditions for the parties as requirements for participation in elections, which may lead them to form unstable party coalitions and hinder their participation in elections.²

Elizka Relief Foundation denounces the government's interference in the presidential elections southwestern Somalia to make its candidate win the vote, who would not have won those presidential elections, held in December 19, 2018, without the support he received from the government.³ Due to the government interference in selecting candidates and buying votes, the State Presidential Elections Commission submitted its resignation last October, and the vote was postponed until a new committee was formed and agreed upon. On the eve of the elections, violence erupted, killing 10 citizens, including a local parliamentarian⁴.

During parliamentary and presidential elections held in late 2018 and early 2019, some media professionals and reporters who covered these elections were subjected to harassment, arbitrary arrests and detentions, which raised suspicions and increased doubts about the electoral process.

Three previous presidential elections in 2009, 2012 and 2017 were decided in a system where lawmakers were voted in by about 14,000 clan delegates. The lawmakers then in turn elected a president. The clan-based election system has been widely criticized for marginalizing young people, women and ethnic minorities. Therefore, the national independent electoral commission launched a five-year plan to formulate electoral laws, plan voter registration, and work on setting up the right mechanisms to hold the upcoming presidential elections.⁵

¹ تقرير اممي: احترام حقوق الانسان امر حيوي للانتخابات في الصومال، اخبار الامم المتحدة، اغسطس 2018، متاح على:

<https://news.un.org/ar/story/2018/08/1014842>

² ايمن شبانة الصومال.. انتخابات على حافة الهاوية، العين الاخبارية، نوفمبر 2019، متاح على: <https://al.ain.com/article/the-election-somalia>

³ مقديشو وكالات، تقارير: حكومة فرماجو زورت الانتخابات، البيان، ديسمبر 2018، متاح على: <https://www.albayan.ae/one/1.3444457-27-12-2018/world/arabs>

⁴ احمد محمود، تقرير دولي: حكومة فرماجو زورت انتخابات ولاية جنوب غرب الصومال، العين الاخبارية، ديسمبر 2018، متاح على: <https://al.ain.com/article/faramago-government-elections-somalia>



However, Elizka Relief Foundation expresses its concern about the government's attempts to postpone the upcoming presidential elections, and the electoral commission has not yet adhered to the election law because it is not able to conduct biometric voter registration as stipulated in the law, and the election law is still incomplete because the status of the capital, Mogadishu, is not specified in the law and the number of districts or seats in it has not been settled, which are deliberate obstacles put by the government to postpone the elections. Moreover, the current law does not deal exclusively with the number of electoral districts and the number of seats that will be allocated to women in the two houses of Parliament, as well as the representation of Somaliland in the National Parliament.

Second: Women, Minorities, and Political Participation: A Significant Decline

Elizka Relief Foundation believes that cultural and social factors limit women's participation in political life. While roadmap signatories agreed women should hold at least 30 percent of the seats in the federal parliament prior to the country's transition to a permanent government, women were elected to only 14 percent of the 275 seats in parliament in 2012. The 30-percent quota met significant resistance in 2016-17 from clan elders, political leaders, and religious leaders.

In 2019, the Ministry of Women & Human Rights Development convened 350 delegates to draft the Somali Women's Charter that includes a demand for the inclusion of women's rights in the constitution and electoral law and calls for a 50 percent quota for women in all levels of governance. The charter has not been implemented.

Parliamentary elections were held in Somalia in October and November 2016. Women won 66 seats out of 275 in the People's Assembly and 13 seats out of 54 in the Senate, with less than 30 percent quota for women's seats in the two Houses combined.

During the 2016 and 2017 elections, the commission which is responsible for overseeing the electoral processes, did not investigate the vast majority of the electoral process-related human rights violations and abuses, including the violation to the women's political rights by giving the parliamentary seats allocated for women candidates to male candidates.

Women have never served on the Council of Elders in Puntland. Traditional clan elders, all men, selected members of Puntland's House of Representatives. Two women served in the 66-member House of Representatives. The minister of women and family affairs was the only woman serving in the cabinet. The nine-member electoral commission included one woman.

Somaliland had two women in its 86-member House of Representatives. The sole woman occupying a seat in the House of Elders gained appointment after her husband, who occupied the seat, resigned in 2012. Women traditionally were excluded from the House of Elders. Two ministers among the 24 cabinet ministers were women.



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

Generally speaking, there remains a glimmer of hope, as positive steps have been taken at the level of the executive authority. In the 2017 Council of Ministers, which continues for four years, 6 women were selected out of 27 seats, and women have now assumed responsibility for the Ministry of Youth and Sports, the Ministry of Ports and Maritime Transport, and the Ministry of Trade and Industry, the Ministry of Women and Human Rights, the Ministry of Health and Welfare, and Ministry of Humanitarian Affairs and Disaster Management.

Third - political parties and unions: restrictions on work

Throughout the year political parties complained about the difficulties of gathering for meetings in Mogadishu. As of August provisionally registered national political parties complained that Federal Member State administrations continued to prevent them from opening regional offices. In January police dispersed approximately 100 youth attending a seminar on governance organized by the national opposition party Wadajir.

As for union activities, despite the law provides for the right of every worker to form and join a trade union, participate in the activities of a trade union, conduct legal strikes, and engage in collective bargaining. No specific legal restrictions exist that limit these rights. The law does not address antiunion discrimination or the reinstatement of workers fired for union activity. Legal protections did not exclude any particular groups of workers. Penalties were not sufficiently stringent to deter violations. The government did not effectively enforce these laws. The Federation of Somali Trade Unions (FESTU), the largest trade union federation in Somalia, submitted observations to the International Labor Organization (ILO), alleging a continuing pattern of harassment and intimidation, particularly among union leaders in telecommunications.

Fourth - The impact of Qatari interference in Somalia's political affairs and their impact on political participation

Foreign interference, especially Qatari interference in Somalia internal affairs, affects the relationship between the Somali central government and the regional governments, which in turn affects most political rights. This is represented by forcing the Somali president to isolate the regional rulers who reject Qatari interventions. At this point, comes the Qatari role in financing terrorist operations and violence in southwestern Somalia, with the aim of removing its ruler, and its endeavor to isolate Ahmed Daly, the governor of Giladmaj state, and Ahmed Madoubi, the governor of Jubaland, through direct interference in the electoral processes,



which was the cause of the crisis between the federal and the regional governments that are still existing in Somalia.

Let alone Qatar's suggestion to appoint Fahad Yassin to head Somalia's National Intelligence and Security Agency (NISS), even though Yassin has no security or intelligence background and was only an investigative journalist in the Qatari-owned Al Jazeera Channel. Yassin dismantled the fundamental pillars of the agency, replaced professional and experienced agents with wannabe amateurs, and effectively served as a clearinghouse for Qatari intelligence operations in the Horn of Africa. NESA operations no longer focus on the fight against Al-Shabab Movement, instead, it aims to silence political opposition and crackdown critical voices in civil society.⁶ This is indeed what the former head of the Somali Security and Intelligence Service, Abdullah Muhammad Ali, was afraid of and warned against, that President Muhammad Abdullah Farmajo's policies and Qatar's interference in the country threaten the stability of Somalia.⁷

Moreover, the accusations are continuing from the rulers of the regions in the country. Ahmed Madoubi, President of Jubaland State, has accused Qatar of encouraging the instability and tensions in his country that has been suffering from the scourge of conflicts for decades. Madoubi said, "Qatar and Turkey continue to send money to the federal government with the aim of destabilizing the situation, because the Somali leadership is no different from Al-Shabab terrorist movement, which kills whoever disagree with it, while the heads of institutions declare war on all their opponents." "It is not unlikely that behind the fueling of tension in Jubaland there is a countrywide plan to justify providing more financial and military support to Farmajo to control the region before the legislative and presidential elections scheduled for early next year, given the importance of this state in determining the future of governance in Mogadishu."⁸

These official statements from regional rulers and moves aimed at Qatari interference in Somali internal affairs, of course, impede the institutional capabilities of the state, and the enjoyment of Somali citizens of political rights in the country.

Recommendations:

⁶ عبدالله محمد علي، " على الصومال إنقاذ نفسه من قطر"، العين الإخبارية، على الرابط التالي: <https://bit.ly/2QnB0TR> ، <https://bit.ly/2Qv1C5D>

⁷ مسؤول أمني سابق: سياسات فرماجو وقطر خطر يهدد الصومال"، العين الإخبارية، 2020/2/13، على الرابط التالي: <https://bit.ly/2Qq7Nb4>

⁸ قطر تلعب بنار الانقسامات في الصومال"، ميديل إيست أونلاين، 2020/03/15، على الرابط التالي: <https://bit.ly/2QFQfrL>



In light of the many obstacles to political participation in Somalia, including the struggle for power, the weakness of political culture, electoral corruption and foreign interference, as well as armed groups that kill and intimidate citizens, all this violates the right to political participation in Somalia.

Based on the above, it became clear that Somalia did not achieve many of the recommendations it received during the international review cycle in the north in 2016, especially in the field of discrimination against women, minorities, and people with needs, as their representation whether in parliament, executive or judicial authority remains very limited. Additionally, there was no equal participation of all groups of people in the elections, and the independent electoral commission was unable to fully carry out its role and the election law was a failure. **Therefore, Elizka Relief Foundation recommends the following:**

1. Work to increase political education for Somali citizens in general, and include study materials for students related to their political education.
2. Establishing an electronic electoral system to curb electoral corruption, tampering with votes and bribery, and to get rid of the problem of lack of preparedness of polling stations, and to be implemented by the National Elections Commission under the supervision of the United Nations or the African Union.
3. Working on changing the mental image associated with women's exclusion from full political participation, and ensuring that women enjoy the quotas allocated to them in political and public institutions.
4. Providing security for journalists and election observers while monitoring the elections and providing international monitoring of the elections.
5. Stopping interference from foreign countries in the electoral processes in particular, and the political participation in general.