

Country/entity Somalia

Region Africa (excl MENA)

Agreement name The Transitional Federal Charter of the Somali Republic

Date 29 Jan 2004

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

Somali Civil War (1991 -)

Originally spurred by centre-peripheral tensions, fighting broke out in 1981 between the regime of President Said Barre and the Somali National Movement, a militia primarily consisting of members from the northern Ishaq clan. Fighting intensified in the late 1980s as more clan-based militias arose. President Barre's regime collapsed in late 1991 and as a result the UN intervened. However persistent attacks on the UN's forces forced a withdrawal in 1994. From the mid- to late 1990s, the character of the conflict shifted as warlords fought for access to rents. Also during this period, two different peace agreements arose; the Soderre Declaration, which was mediated by Ethiopia and supported by IGAD, and the Cairo Accord, which was brokered by Egypt. Fighting, already noticeably lessened compared to the early 1990s, decreased and the more amicable environment paved the way for the Transitional Government to be formed in 2000 (replaced in 2004 by the Transitional Federal Government).

Nonetheless, opposition to the TFG arose in the form of the Islamic Courts Union (ICU), which by early 2006 had taken control of most of southern Somalia until they were ousted by an armed intervention by Ethiopia in December 2006. As a result, the ICU splintered. Hard-line ICU members formed the Takfiri organization, Harakat al-Shabaab al-Mujahideen, and launched a guerrilla campaign against the TFG. Another faction of the ICU fled to Djibouti and formed the Alliance for the Re-liberation of Somalia, which was absorbed into the ruling TFG after successful negotiations in 2007.

To deal with the new round of fighting, the UN-mandated AMISOM force was deployed in 2007. Since then, insecurity has fluctuated between the urban and rural areas as the al-Shabaab's territorial gains waver. Local militia leaders maintain de facto governance over communities. From 2009 to 2012, insecurity spilled over into the Gulf of Aden and the Indian Ocean when Somali pirates seized, looted and ransomed ships. In 2014, 'Operation Indian Ocean' was launched and in parallel with infighting among al-Shabaab, the organisation's position in Somalia has diminished slightly. However, as evidenced by large-scale attacks by al-Shabaab in northern Kenya throughout 2013-2015, the lack of security continues to destabilize the region. Al-Shabaab continues to launch surprise attacks with the aim of forcing out foreign military presence in Somalia. Targets include both military forces and civilians. The devastating attack in October 2017 in Mogadishu saw 587 fatalities and resulted in a renewed military offensive by the Somali government and African Union allies. Since 2017, the U.S. has increased its air strikes targeting al-Shabaab militants, and in December 2018 they announced to re-establish a permanent diplomatic mission in the country. Al-Shabaab has been characterized as a spoiler in the Somali peace process and have therefore been placed outside of any negotiations.

Close

Somali Civil War (1991 -)

Stage Framework/substantive - comprehensive

Conflict nature Government/territory

Peace process	Somalia Peace Process
Parties	THE DELEGATES REPRESENTING THE PEOPLE OF THE SOMALI REPUBLIC (see Schedule IV, Page 40)
Third parties	-
Description	Lengthy charter setting out a transitional constitution for Somalia
Agreement document	SO_040129_Transitional Federal Charter of the Somali Republic.pdf (opens in new tab) Download PDF

Groups

Children/youth	<p>Groups→Children/youth→Substantive</p> <p>Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25 PROTECTION OF FAMILY,</p> <ol style="list-style-type: none"> 1. The family shall be recognized as the basic unit of the society whereas religion, morals and love of the country shall be the central pillars of the family... 3. Parents shall support their children, education and welfare, as required by law. 4. Children, who are of full age, are obliged to support their parents when the latter are unable to support themselves. 5. It shall be an obligation on parents/guardian to register children upon birth. <p>Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 26 SOCIAL WELFARE</p> <p>The Government shall guarantee public social welfare as follows:</p> <ol style="list-style-type: none"> a) It shall be the responsibility of the Government to protect and provide public health, safe motherhood, childcare and control communicable diseases; b) Welfare of persons with disabilities, orphans, widows, heroes who contributed and fought in defence of the country and aged persons; c) The Government shall encourage the establishment of the Civil Society and social development institutions for the public, that is to say, NGOs, women, youth, students, human rights and professional organizations; d) Forced labour or military service for children under 18 years shall not be permitted. e) In accordance with the law, no child under 18 years of age shall be imprisoned in the same prison and/or custody as those for adults;
Disabled persons	<p>Groups→Disabled persons→Substantive</p> <p>Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 26 SOCIAL WELFARE</p> <p>The Government shall guarantee public social welfare as follows:</p> <p>...</p> <ol style="list-style-type: none"> b) Welfare of persons with disabilities, orphans, widows, heroes who contributed and fought in defence of the country and aged persons;

Elderly/age

Groups→Elderly/age→Substantive

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 18 LABOUR,

...

4. The Government shall establish by law the minimum age employable and minimum salary for workers.

5. The government shall guarantee its employees, civil and military, the right to pension. It shall also guarantee employees in accordance with the law, assistance in case of accident, illness or incapacity to work. A special law shall guarantee pension for private sector employees.

Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25 PROTECTION OF FAMILY,

...4. Children, who are of full age, are obliged to support their parents when the latter are unable to support themselves.

Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 26 SOCIAL WELFARE,

The Government shall guarantee public social welfare as follows:

b) Welfare of persons with disabilities, orphans, widows, heroes who contributed and fought in defence of the country and aged persons;

Page 18, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I PARLIAMENT ARTICLE 32, THE TERM OF THE TRANSITIONAL FEDERAL PARLIAMENT,

...5. The first meeting of the Parliament shall be chaired by the most senior member in age until a Speaker is elected.

Migrant workers

No specific mention.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Anti-discrimination

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 15, EQUALITY OF THE CITIZENS BEFORE THE LAW,

1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.

Groups→Racial/ethnic/national group→Substantive

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES, 4. Any political party of a military character or tribal nature shall be prohibited.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

10. The Transitional Federal Government shall take all necessary measures to combat tribalism, nepotism...

Religious groups Groups→Religious groups→Anti-discrimination
Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 15, EQUALITY OF THE CITIZENS BEFORE THE LAW, 1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.
Groups→Religious groups→Substantive
Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 24, EDUCATION, 10. Teaching of Islam shall be compulsory for pupils in both public and private schools. This does not apply to non-Muslim students.

Page 20, CHAPTER SEVEN, PART II THE PRESIDENT, ARTICLE 40, QUALIFICATIONS, 1. Any person shall be qualified and eligible to be elected the President of the Somali Republic , if the person :- ... (c) Is a practising Muslim whose parents are Somali citizens...

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons

Groups→Refugees/displaced persons→Substantive

Page 13, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE,
ARTICLE 23, POLITICAL ASYLUM. 2. The state may grant political asylum to a person and his close relatives who flee his or another country on grounds of political, religious, and cultural persecution unless such asylum seeker(s) have committed crime(s) against humanity.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES.

3. The respective ministers shall propose the components of these commissions to the Council as stated below:-

(f) National Resettlement Commission.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD, 6. The Transitional Federal Government shall make necessary efforts to resettle refugees and displaced persons.

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

... 6. Immigration and Naturalization.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

11. Settlement of population.

Social class

Groups→Social class→Substantive

Page 2, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 1:1, THE SOVEREIGNTY OF THE SOMALI PEOPLE., 2. The right to exercise sovereignty shall not be delegated to any individual, group or class, and no person shall arrogate to him or herself, or exercise any State authority, which does not emanate from this Charter or any laws of the Land not inconsistent with this charter.

Gender

Women, girls and gender

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 15, EQUALITY OF THE CITIZENS BEFORE THE LAW, 1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows:

- a) It shall be the responsibility of the Government to protect and provide public health, safe motherhood, childcare and control communicable diseases;
- b) Welfare of persons with disabilities, orphans, widows, heroes who contributed and fought in defence of the country and aged persons;
- c) The Government shall encourage the establishment of the Civil Society and social development institutions for the public, that is to say, NGOs, women, youth, students, human rights and professional organizations;
- i) The Government shall create a positive environment for women to participate effectively in economic, social and political life of the society;

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I PARLIAMENT, ARTICLE 29, THE COMPOSITION OF PARLIAMENT, The Transitional Federal Parliament of the Somali Republic shall consist of Two Hundred and Seventy Five (275) Members of which at least Twelve Percent (12%) shall be women.

Men and boys

No specific mention.

LGBTI

No specific mention.

Family

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, 1. The family shall be recognized as the basic unit of the society whereas religion, morals and love of the country shall be the central pillars of the family.

2. The Government shall protect and encourage marriage.

3. Parents shall support their children, education and welfare, as required by law.

4. Children, who are of full age, are obliged to support their parents when the latter are unable to support themselves.

State definition

Nature of state (general)

Page 1, Preamble, DETERMINED to live in peace and unity as one indivisible, free and sovereign nation;

...

DETERMINED to foster reconciliation, national unity, and good governance;

Page 3, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 2, THE TERRITORY OF SOMALIA., 1. The Territorial Integrity and Sovereignty of the Somali Republic shall be inviolable and indivisible.

Page 4, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 4, INTERPRETATION OF THE CHARTER., 1. The Charter shall be interpreted in a manner: -

(a) That promotes national reconciliation, unity and democratic values

Page 5, CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 8 RELIGION,

1. Islam shall be the religion of the Somali Republic.

2. The Islamic Sharia shall be the basic source for national legislation.

Page 15-16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I PARLIAMENT, ARTICLE 28 PARLIAMENT,

3. The members of the Parliament shall represent the unity of the nation.

State configuration

Page 2, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 3, SUPREMACY OF LAW,

1. The Transitional Federal Government of the Somali Republic shall be founded on the supremacy of the law and shall be governed in accordance with this Charter.

2. This Charter for the Transitional Federal Government shall be the supreme law binding all authorities and persons and shall have the force of law throughout the Somali Republic. If any law is inconsistent with this Charter the Charter shall prevail.

3. The validity, legality or procedure of enactment or promulgation of this Charter shall not be subject to challenge by or before any court or other State organ.

Page 6, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 1. The Transitional Federal Government of the Somali Republic shall have a decentralised system of administration based on federalism.

2. The Somali Republic shall comprise of: -

(a) The Transitional Federal Government.

(b) State Governments (two or more regions federate, based on their free will)

(c) Regional Administrations

Self determination

Page 2, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 1., ESTABLISHMENT OF

TRANSITIONAL FEDERAL GOVERNMENT, 1. There shall be a Transitional Federal

Government of the Somali Republic based on the sovereign will of the Somali people.

Referendum

No specific mention.

State symbols

CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 6, THE FLAG AND EMBLEM.,

1. The National flag for the Transitional Federal Government shall be of rectangular shape, azure in colour with a white star and five equal points emblazoned in the centre.
2. The emblem of Transitional Federal Government shall be composed of an azure escutcheon with a gold border, which shall bear a silver five-pointed star.
3. The escutcheon shall be surmounted by embattlement with five equal points in Moorish style, two lateral points halved, borne by two leopards rampant in natural form facing each other, resting on two lances crossing under the point of the escutcheon with two palm leaves in natural form interlaced with a white ribbon.

Page 7, CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 7 LANGUAGES. 1. The official languages of the Somali Republic shall be Somali (Maay and Maxaatiri) and Arabic.

Page 4, CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 5, THE CAPITAL CITY, 1. The Capital of the Somali Republic shall be Mogadishu (Xamar). 2. Parliament shall pass legislation governing the Administration of the Capital City.

Page 5, CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 9, THE NATIONAL SYMBOLS, 1. The national symbols of the Somali Republic shall consist of: -

- (a) The National Flag;
- (b) The National Anthem
- (c) The National Emblem and
- (d) The Public Seal.

Page 20, CHAPTER SEVEN, PART II THE PRESIDENT, ARTICLE 39

1. There shall be a President of the Somali Republic, who shall be
- (c) Symbol of National Unity

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -
12. Develop state constitutions their state flags and state emblem.

**Independence/
secession**

No specific mention.

**Accession/
unification**

No specific mention.

Border delimitation Page 3, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 2, THE TERRITORY OF SOMALIA., 2. The territorial sovereignty of the Somali Republic shall extend to the land, the islands, territorial sea, the subsoil, the air space and the continental shelf.
3. The Somali Republic shall have the following boundaries.
(a) North; Gulf of Aden.
(b) North West; Djibouti.
(c) West; Ethiopia.
(d) South south-west; Kenya.
(e) East; Indian Ocean.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below:- (h) State Boundary Demarcation Commission.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 1, Preamble, COMMITTED to establishing and nurturing a Transitional Federal Government for the Somali Republic;

Page 2, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 1., ESTABLISHMENT OF TRANSITIONAL FEDERAL GOVERNMENT, 1. There shall be a Transitional Federal Government of the Somali Republic based on the sovereign will of the Somali people.
2. The name of the National Government shall be “The Transitional Federal Government of the Somali Republic”

Page 7, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11,
4. (a) The Transitional Federal Government shall promote and develop the State Governments, Regional and District Administrations subject to legislation and guidelines of the Federal Constitution Commission on the formation of Transitional Federal Government.
(b) The State Governments, Regional and District Administrations shall comprise all regions of Somalia.

... 7. Notwithstanding any other provisions in this Charter relating to the formation of government ministries, there shall be established a Ministry of Federal and Constitutional affairs that shall be charged with the task of implementing Constitutional and Federal affairs;

Page 8, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 12
AUXILIARY ORGANS: 1. There shall be the following support institutions of the Transitional Federal Government:-

- (a) Auditor General;
- (b) Attorney General;
- (c) Accountant General;
- (d) Governor of Central Bank.

2. Parliament shall make laws defining the functions of the auxiliary organs set out under (1).

3. The above organs shall execute their functions and responsibilities in the whole country in conformity to their respective mandates established by law.

Page 15-16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I
PARLIAMENT, ARTICLE 28 PARLIAMENT, 1. The legislative powers of the Transitional Federal Government of Somalia shall be vested in Parliament.

2. The Transitional Federal Parliament of the Somali Republic shall have a single Chamber.

3. The members of the Parliament shall represent the unity of the nation.

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I
PARLIAMENT, ARTICLE 29, THE COMPOSITION OF PARLIAMENT, The Transitional Federal Parliament of the Somali Republic shall consist of Two Hundred and Seventy Five (275) Members of which at least Twelve Percent (12%) shall be women.

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I
PARLIAMENT, ARTICLE 31, ELIGIBILITY CRITERIA FOR MEMBERSHIP OF PARLIAMENT,

1. A person shall be eligible to be a Member of Parliament if that person: - (a) Is a citizen of the Somali Republic;

(b) Has attained at least twenty five years (25) years of age;

(c) Is of good character. Page 12 of 46

(d) Is of sound mind

2. A person shall be disqualified from being a Member of Parliament if that person:

Elections

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below:- (l) Electoral Commission

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -
13. Appoint their state election committees and implement the state elections.

**Electoral
commission**

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below:- (l) Electoral Commission

**Political parties
reform**

Governance→Political parties reform→Other political parties reform

Page 13

ARTICLE 21

THE RIGHT TO ESTABLISH political parties.

The Transitional Federal Government shall encourage the formation of political parties in the Republic save that it shall be in accordance with the law.

In accordance with the laws, all Citizens, shall have the right to associate with political parties, political programmes interpreting clearly their national political agenda.

The political parties shall be open for all Citizens and be guided by General Principles of Democracy.

Any political party of a military character or tribal nature shall be prohibited.

political parties shall have the right to form alliances before, during and after the election periods.

All Citizens possessing the qualifications required by law have the right to vote and be elected to Public Office.

Civil society

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES, 1. The Transitional Federal Government shall encourage the formation of political parties in the Republic save that it shall be in accordance with the law.

2. In accordance with the laws, all Citizens, shall have the right to associate with political parties, political programmes interpreting clearly their national political agenda.

3. The political parties shall be open for all Citizens and be guided by General Principles of Democracy.

5. Political parties shall have the right to form alliances before, during and after the election periods.

ARTICLE 22, THE RIGHT TO ESTABLISH SOCIAL ORGANIZATIONS,

1. Every person has the right to assemble freely and associate with other persons and in particular to establish any Social organization in accordance with the law.

2. No person may be compelled to join and/or continue to belong to an association of any kind.

3. Any Non- Governmental organization with an objective of either human rights, environmental protection shall be registered and allowed to operate in the Somali Republic in accordance with international treaties and laws of the country.

4. Nothing contained herein shall permit the establishment of any secret associations or any organization bearing any military, defense or para-military nature and/or character.

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 26 SOCIAL WELFARE,

The Government shall guarantee public social welfare as follows:

c) The Government shall encourage the establishment of the Civil Society and social development institutions for the public, that is to say, NGOs, women, youth, students, human rights and professional organizations;

g) The Government shall safeguard public morality of the society;

Page 18, CHAPTER 5, ARTICLE 30, APPOINTMENT OF MEMBERS OF PARLIAMENT

1. The Parliament envisaged under article 28 above shall be selected by the sub sub sub-clan Somali political Leaders invited to the consultation meetings in Nairobi as from 9th January 2004, comprising: Transitional National Government (TNG); National Salvation Council (NSC); Regional Administrations; Somali Restoration and Reconciliation Council (SRRC); Group-8 (G8) Political Alliance and Civil Society and must be endorsed by genuine traditional leaders.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below:-

(d) Civil Service Commission.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

19. Recreation centres and child gardens.

**Traditional/
religious leaders**

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES, 4. Any political party of a military character or tribal nature shall be prohibited.

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I PARLIAMENT, ARTICLE 30, APPOINTMENT OF MEMBERS OF PARLIAMENT, 1. The Parliament envisaged under article 28 above shall be selected by the sub sub sub-clan Somali political Leaders invited to the consultation meetings in Nairobi as from 9th January 2004, comprising: Transitional National Government (TNG); National Salvation Council (NSC); Regional Administrations; Somali Restoration and Reconciliation Council (SRRC); Group-8 (G8) Political Alliance and Civil Society and must be endorsed by genuine traditional leaders.

2. Any Vacancy that arises after the coming into force of this Charter shall be filled through the same procedure as stated in Article 30 (I) above.

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.

5. The Transitional Federal Government shall devote the necessary efforts to restore peace and security, free movement of people, goods and services, disarmament and collection of illegal weapons in the hands of the public for safekeeping rehabilitation and reintegration of all militia in co-operation with regional administrations, traditional elders and members of the international community.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

10. The Transitional Federal Government shall take all necessary measures to combat tribalism, nepotism...

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

Page 6, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 3. (a) While the new Constitution is being drafted, a National Census shall be undertaken simultaneously.

(b) An internationally supervised National Referendum shall be undertaken to approve the new Constitution.

Page 7, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 5. The Council of Ministers of the Transitional Federal Government shall within 90 days of assuming office propose to the President names of persons to be appointed to an independent Federal Constitution Commission to ensure that a Federation is achieved within the time set out under this charter;

... 7. Notwithstanding any other provisions in this Charter relating to the formation of government ministries, there shall be established a Ministry of Federal and Constitutional affairs that shall be charged with the task of implementing Constitutional and Federal affairs;

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES.

3. The respective ministers shall propose the components of these commissions to the Council as stated below:-

(a) Federal constitutional Commission

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD. 9. The present Charter shall be the basis for the federal constitution whose draft shall be completed within two and half (2 1/2) years and be adopted by popular referendum during the final year of the transitional period

Power sharing

Political power sharing

Power sharing→Political power sharing→Proportionality in legislature
State level

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I
PARLIAMENT, ARTICLE 29, THE COMPOSITION OF PARLIAMENT.

The Transitional Federal Parliament of the Somali Republic shall consist of Two Hundred and Seventy Five (275) Members of which at least Twelve Percent (12%) shall be women.

Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I
PARLIAMENT, ARTICLE 30, APPOINTMENT OF MEMBERS OF PARLIAMENT,

1. The Parliament envisaged under article 28 above shall be selected by the sub sub sub-clan Somali political Leaders invited to the consultation meetings in Nairobi as from 9th January 2004, comprising: Transitional National Government (TNG); National Salvation Council (NSC); Regional Administrations; Somali Restoration and Reconciliation Council (SRRRC); Group-8 (G8) Political Alliance and Civil Society and must be endorsed by genuine traditional leaders.

2. Any Vacancy that arises after the coming into force of this Charter shall be filled through the same procedure as stated in Article 30 (I) above.

Power sharing→Political power sharing→Form of 'veto' or communal majority
State level

Page 19, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I
PARLIAMENT, ARTICLE 36 LEGISLATION, When a Law has been passed by Parliament, it shall be presented to the President for Assent.

2. The President shall, within twenty-one (21) days after the Law has been presented to him/her for assent under sub-section (1), notify the Speaker that he/she assents to the Law or refuses to assent to it.

3. Where the President refuses to assent to a Law he/she shall, within fourteen (14) days of the refusal, submit a memorandum to the Speaker indicating the specific provisions of the Law which in his/her opinion should be reconsidered for amendments.

4. The Parliament shall reconsider a Law referred to it by the President taking into account the comments of the President and shall either:-

a) Approve the recommendations proposed by the President with or without amendment and resubmit the Law to the President for assent; or

b) Refuse to accept the recommendations and approve the Law in its original form by a resolution supported by votes of not less than sixty – five (65) percent of all the Members of the Parliament in which case the President shall assent to the Law within fourteen (14) days of the passing of the resolution.

Page 35, CHAPTER FOURTEEN, AMENDMENT OF THE CHARTER, ARTICLE 70, AMENDMENT OF THE CHARTER, 1. Subject to this Article, Parliament shall have the power to add, amend, alter, vary or otherwise revise this Charter.

2. An Amendment of this Charter may be initiated only by the introduction of a Motion for that purpose supported by not less than one third (1/3) and passed by not less than two-thirds (2/3) of the total members of parliament.

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 6, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 2. The Somali Republic shall comprise of: -

- (a) The Transitional Federal Government.
- (b) State Governments (two or more regions federate, based on their free will)

Page 7, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 4. (a) The Transitional Federal Government shall promote and develop the State Governments, Regional and District Administrations subject to legislation and guidelines of the Federal Constitution Commission on the formation of Transitional Federal Government.

(b) The State Governments, Regional and District Administrations shall comprise all regions of Somalia.

Page 7, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 8. The Transitional Federal Government shall ensure that the process of federating Somalia shall take place within a period of two and a half years from the date that the commission is established;

9. In the event that the Transitional Federal Government is unable to complete the process of federalism all over Somalia within the prescribed period of two and half years, the Government shall request Parliament for a vote of confidence, failing which the Transitional Federal Parliament shall withdraw its support and a new Transitional Federal Government shall be formed in the manner set out in this charter;

10. The new Transitional Federal Government formed under Clause (8) herein shall undertake to complete the process of federalism all over Somalia within a period of one (1) year failing which the provisions of article 11(8) above shall apply.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

1. Education.
2. Health.
3. Regional Roads.
4. Environment protection.
5. Regional police.
6. Housing.
7. Water and Electricity Development.
8. Agricultural Development and Management. Water
9. Livestock and rangeland development.
10. Development of small businesses and business co-operations states
11. Settlement of population.
12. Develop state constitutions their state flags and state emblem.
13. Appoint their state election committees and implement the state elections.
14. Collect all direct taxes
15. Promote sports, arts, literature and folklore.
16. Business licenses.
17. Town planning and construction permits.
18. Public sanitation.
19. Recreation centres and child gardens.
20. General Public Health.

Power sharing→Territorial power sharing→Local/municipal government

Page 6, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 2. The Somali Republic shall comprise of: - (c) Regional Administrations

(d) District administrations Page 19 of 46

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, Preamble, RECOGNIZING the gross violations of human rights inflicted upon the Somali people and the need to re-establish peace, democracy, the rule of law, social justice, the dignity and integrity of all Somalis;

Page 1, preamble, DETERMINED to foster reconciliation, national unity, and good governance;

Page 4, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 4, INTERPRETATION OF THE CHARTER., 1. The Charter shall be interpreted in a manner: -

(a) That promotes national reconciliation, unity and democratic values;(b) That promotes the values of good governance;

(c) That advances human dignity, integrity, rights and fundamental freedoms and the Rule of Law.

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 22, THE RIGHT TO ESTABLISH SOCIAL ORGANIZATIONS, 3. Any Non- Governmental organization with an objective of either human rights, environmental protection shall be registered and allowed to operate in the Somali Republic in accordance with international treaties and laws of the country.

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows: c) The Government shall encourage the establishment of the Civil Society and social development institutions for the public, that is to say, NGOs, women, youth, students, human rights and professional organizations;

Page 32, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 64

THE OFFICE OF THE ATTORNEY GENERAL, 2. It shall be the responsibility of the Attorney General to promote and uphold the Rule of Law.

Bill of rights/similar Page 8, CHAPTER FIVE PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE. ...

**Treaty
incorporation**

Page 8, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 14, HUMAN RIGHTS & DIGNITY, 1. The Somali Republic shall recognize and enforce all international human rights conventions and treaties to which the Republic is a party.

Page 35, CHAPTER THIRTEEN, INTERNATIONAL RELATIONS, ARTICLE 69, INTERNATIONAL AND BILATERAL RELATIONS, 1. The Transitional Federal Government of the Somali Republic shall uphold the rules of international law and all international treaties applicable to the Somali Republic and subject to the legislative Acts of Parliament, international laws accepted and adopted shall be enforced.

2. The Transitional Federal Government of the Somali Republic shall uphold all bilateral agreements concluded by the Somali Republic

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 16, RIGHT TO LIFE, PERSONAL LIBERTY AND SECURITY, 1. Everyone shall have the right to life and no person shall be deprived of his/her life.

Human rights and equality→Civil and political rights→Torture

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 16, RIGHT TO LIFE, PERSONAL LIBERTY AND SECURITY, 4. Any physical or moral violence or action against a person subject to restriction of personal liberty shall be punishable as a crime and hence is prohibited.

Human rights and equality→Civil and political rights→Equality

Page 1, Preamble,

RECOGNIZING the gross violations of human rights inflicted upon the Somali people and the need to re-establish peace, democracy, the rule of law, social justice, the dignity and integrity of all Somalis;

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 15, EQUALITY OF THE CITIZENS BEFORE THE LAW, 1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.

2. Equality shall include the full and equal enjoyment of all rights and freedoms.

Page 11, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES,

3. The political parties shall be open for all Citizens and be guided by General Principles of Democracy.

Human rights and equality→Civil and political rights→Slavery

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows: d) Forced labour or military service for children under 18 years shall not be permitted.

Human rights and equality→Civil and political rights→Liberty and security of person

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 16, RIGHT TO LIFE, PERSONAL LIBERTY AND SECURITY, 2. No person shall be deprived of his/her personal liberty, personal freedom and personal security.

Page 10, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 16, RIGHT TO LIFE, PERSONAL LIBERTY AND SECURITY, 5. No person shall be liable to any form of detention in prison or other restrictions of personal liberty except when apprehended flagrante delicto or pursuant to any act of the competent judicial authority.

Page 29, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 56, THE JUDICIAL PROCESS. 3. All judicial decisions and measures concerning personal liberty shall state the grounds thereof.

Human rights and equality→Civil and political rights→Humane treatment in detention

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 16, RIGHT TO LIFE, PERSONAL LIBERTY AND SECURITY, 4. Any physical or moral violence or action against a person subject to restriction of personal liberty shall be punishable as a crime and hence is prohibited.

Human rights and equality→Civil and political rights→Freedom of movement

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF

Socio-economic rights

[Summary] Art.71. 7. ongoing development projects in the country may continue, provided they do not infringe on the sovereignty of the state and do not harm the environment.

Human rights and equality→Socio-economic rights→Property

Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 27 ECONOMY,

3. The right to own private property shall be guaranteed by law, which shall define its contents and the limits of its exercise.

4. Copyrights pertaining to the arts, science and technology shall be protected and the law shall regulate its contents and the limits of its exercise.

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 16, RIGHT TO LIFE, PERSONAL LIBERTY AND SECURITY,

3. No person shall be subjected to inspection, personal search of his/her house or his/her property without the permission of competent judicial authority related to health and tax. In every case, the self-respect and moral dignity of the person concerned must be preserved.

Human rights and equality→Socio-economic rights→Work

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 14, HUMAN RIGHTS & DIGNITY, 2. Every citizen shall have the right to: (a) Reside, work and travel freely in any part of the country.

Page 11, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 18, LABOUR, 1. No worker shall be discriminated, as each shall have a right to a salary and equal pay commensurate to the work performed and other fringe benefits as shall be stipulated in the employment and labour laws of the country.

2. Workers shall have the right to weekly rest and annual leave with pay and shall not be compelled to forfeit.

3. The law shall establish working hours for workers.

4. The Government shall establish by law the minimum age employable and minimum salary for workers.

5. The government shall guarantee its employees, Civil and military, the right to pension. It shall also guarantee employees in accordance with the law, assistance in case of accident, illness or incapacity to work. A special law shall guarantee pension for private sector employees.

Human rights and equality→Socio-economic rights→Health

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows:

a) It shall be the responsibility of the Government to protect and provide public health, safe motherhood, childcare and control communicable diseases;

...

f) The law shall regulate the establishment of private health centres and clinics;

...

h) The Government shall endeavour to promote the social welfare and development of the rural population;

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -
2. Health.

Human rights and equality→Socio-economic rights→Education

Page 13-14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 24 EDUCATION. 1. Education shall be recognized as a basic right for all Somali citizens



Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights

Page 8, ARTICLE 13, DISTRIBUTION OF RESOURCES AND POSITIONS

2. The Transitional Federal Government shall ensure that all appointments in the service of the Government shall be based on qualifications and fair distribution among the Citizens.

Page 8-9, ARTICLE 14, HUMAN RIGHTS & DIGNITY.

...2. Every citizen shall have the right to:

- (a) Reside, work and travel freely in any part of the country.
- (b) Organize, form or take part in political, labour, professional or social entities in conformity to the law, without prior government authorization.
- (c) Vote upon attainment of 18 years of age.
- (d) Subject to this charter, contest for any vacant seat

Page 9, ARTICLE 15, EQUALITY OF THE CITIZENS BEFORE THE LAW.

1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.

Page 10, ARTICLE 17, RIGHTS RELATING TO LEGAL PROCEEDINGS

... 4. The Government shall guarantee free legal services for individual citizens who cannot afford them.

Page 12, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES.

1. The Transitional Federal Government shall encourage the formation of political parties in the Republic save that it shall be in accordance with the law.
2. In accordance with the laws, all Citizens, shall have the right to associate with political parties, political programmes interpreting clearly their national political agenda.
3. The political parties shall be open for all Citizens and be guided by General Principles of Democracy.
- ... 6. All Citizens possessing the qualifications required by law have the right to vote and be elected to Public Office.

Page 13, ARTICLE 24 EDUCATION.

1. Education shall be recognized as a basic right for all Somali citizens
2. All citizens shall have a right to free primary and secondary education.

Page 16, ARTICLE 31, ELIGIBILITY CRITERIA FOR MEMBERSHIP OF PARLIAMENT.

1. A person shall be eligible to be a Member of Parliament if that person: -
 - (a) Is a citizen of the Somali Republic;

Page 20, ARTICLE 40 QUALIFICATIONS. [For Presidency]

1. Any person shall be qualified and eligible to be elected the President of the Somali Republic if the person :-
 - (a) Is a citizen of the Somali Republic;
 - ... (c) Is a practising Muslim whose parents are Somali citizens

Page 24, ARTICLE 47, QUALIFICATION OF THE PRIME MINISTER AND DEPUTY PRIME MINISTERS.

1. The Prime Minister, the Deputy Prime Ministers, Ministers and Assistant Ministers shall have the following qualifications:
 - (a) Be a citizen of the Somali Republic;

Rights related issues→Citizenship→Citizen delimitation

[Summary] a multitude of rights are provided to citizens of Somalia (see rights)

Democracy

Page 1, Preamble, RECOGNIZING the gross violations of human rights inflicted upon the Somali people and the need to re-establish peace, democracy, the rule of law, social justice, the dignity and integrity of all Somalis;

Page 4, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 4, INTERPRETATION OF THE CHARTER., 1. The Charter shall be interpreted in a manner: -

(a) That promotes national reconciliation, unity and democratic values;

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES, 4. Any political party of a military character or tribal nature shall be prohibited.

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES, 3. The political parties shall be open for all Citizens and be guided by General Principles of Democracy.

Detention procedures

No specific mention.

Media and communication

Rights related issues→Media and communication→Governance of media

Page 11-12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 20, FREEDOM OF INFORMATION AND MEDIA, 1. The Transitional Federal Government shall guarantee the freedom of press and independent media in accordance with Law.

2. Every person shall have the rights to freely express his/her own opinion in any manner, subject to any limitation which, may be prescribed by law for the purpose of safeguarding morals and public security.

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

... 5. Posts and Telecommunications.

Rights related issues→Media and communication→Media roles

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 14, HUMAN RIGHTS & DIGNITY, 3. There shall be no interference of personal communication.

Mobility/access

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.

5. The Transitional Federal Government shall devote the necessary efforts to restore peace and security, free movement of people, goods and services, disarmament and collection of illegal weapons in the hands of the public for safekeeping rehabilitation and reintegration of all militia in co-operation with regional administrations, traditional elders and members of the international community.

**Protection
measures**

Rights related issues→Protection measures→Protection of civilians

Page 9, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 15, EQUALITY OF THE CITIZENS BEFORE THE LAW,

1. All citizens of the Somali Republic are equal before the law and provisions of this Transitional Federal Charter and have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows:

a) It shall be the responsibility of the Government to protect and provide public health, safe motherhood, childcare and control communicable diseases;

Rights related issues→Protection measures→Protection of groups

Page 11, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 19, RIGHT TO ASSEMBLE AND FREEDOM TO STRIKE, 1. Every person shall have the right to : -

(a) Assemble freely with other persons and in particular to form or belong to trade unions or other associations for the protection of his/her interests;

(b) Mobilize and participate in any meeting or demonstration;

...

2. The workers of the Transitional Federal Government of Somalia shall have the right to form Trade Unions for the protection of their interests as specified by law.

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows: c) The Government shall encourage the establishment of the Civil Society and social development institutions for the public, that is to say, NGOs, women, youth, students, human rights and professional organizations;

Rights related issues→Protection measures→Other

ARTICLE 22, THE RIGHT TO ESTABLISH SOCIAL ORGANIZATIONS,

1. Every person has the right to assemble freely and associate with other persons and in particular to establish any Social organization in accordance with the law.

2. No person may be compelled to join and/or continue to belong to an association of any kind.

3. Any Non- Governmental organization with an objective of either human rights, environmental protection shall be registered and allowed to operate in the Somali Republic in accordance with international treaties and laws of the country.

Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 27 ECONOMY,

3. The right to own private property shall be guaranteed by law, which shall define its contents and the limits of its exercise.

4. Copyrights pertaining to the arts, science and technology shall be protected and the law shall regulate its contents and the limits of its exercise.

Page 33-34, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 67, NATURAL RESOURCES AND ENVIRONMENT PROTECTION,

1. The natural resources of the country such as the minerals, water, flora and fauna shall be public property and a law shall be enacted which defines the manner of exploitation for the common good.

... 3. Every person in the Somali Republic shall have a duty to safeguard and enhance the environment and participate in the development, execution, management, conservation and protection of the natural resources and environment.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts

Page 3, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 3 SUPREMACY OF LAW, 3. The validity, legality or procedure of enactment or promulgation of this Charter shall not be subject to challenge by or before any court or other State organ.

Page 4, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 4, INTERPRETATION OF THE CHARTER.,

2. A person may bring an action in the Supreme Court for a declaration that any Law or action of the state is inconsistent with, or is in contravention of this Charter.
3. The Supreme Court shall determine all such applications on a priority basis.

Page 22, CHAPTER SEVEN, PART II THE PRESIDENT, ARTICLE 44

RESPONSIBILITIES OF THE PRESIDENT. 1. The President shall undertake the following State duties: -

(d) The President shall appoint the President of the Supreme Court and other Judicial Officers on the proposal of the Judicial Service Council;

Page 28, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 54, JUDICIAL AUTHORITY,

1. The judicial power of the Somali Republic shall vest in the courts.
2. The judicial power shall encompass jurisdiction over Civil, Criminal, Administrative and Commercial matters and any matter specified by this Charter or any other laws of the land.

Page 28-29, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 55

INDEPEDENCE OF THE JUDICIARY,

1. The Judiciary shall be independent of the legislative and executive branches of Government and in the exercise of their judicial functions; the members of the judiciary shall be subject only to the law.
2. A Judge shall be removed from office only for inability to perform the functions of his/her office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be removed except in accordance to this Clause.
3. A Judge shall be removed from office by the President if the question of his/her removal has been referred to a Tribunal appointed by the Parliament and the Tribunal has recommended to the Parliament that the Judge ought to be removed from office for inability as aforesaid or misbehaviour.
4. Members of the judiciary shall not hold offices, perform services, or engage in activities incompatible with their functions.
5. Administrative and disciplinary measures relating to members of the judiciary shall be adopted, as provided by law, by decree of the President of the Republic on the proposal of the minister of Justice and Religious Affairs and in conformity to the decision of the Judicial Service Council.
6. The Judiciary shall not be subject to the direction of any other organ or body.
7. The judiciary shall interpret and implement the law in accordance with the Charter and laws.
8. Parliament shall make law setting the terms of the appointment, dismissal, discipline and terms of service of Judges.

Page 29, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 56, THE JUDICIAL PROCESS.

1. Judicial proceedings shall be open to the public, but the court may decide, for reasons of morals, hygiene or public order, that the proceedings be held in camera.

Page 29, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 57, JUDICIAL PRINCIPLES, 1.

No extraordinary or special courts shall be established, except for military tribunals, which shall have jurisdiction over military offences committed by members of the armed forces both during war and peacetime.

2. The public, both civilian and military shall directly participate in Judiciary proceedings

**Prisons and
detention**

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE,

ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows:

... e) In accordance with the law, no child under 18 years of age shall be imprisoned in the same prison and/or custody as those for adults;

Traditional Laws

Page 5, CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 8 RELIGION, 2. The Islamic Sharia shall be the basic source for national legislation.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 13-14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 24 EDUCATION. 1. Education shall be recognized as a basic right for all Somali citizens

2. All citizens shall have a right to free primary and secondary education.

3. The Government shall give priority to the promotion, expansion and propagation of public education.

4. Education shall be for the interest of the people and shall be extended throughout the whole country.

5. Private schools, institutes and universities may be established according to law and in line with the educational program and academic curriculum of the country.

6. The Government shall encourage the promotion of scientific research, the arts and their advancement as well as the folklore and sports and shall promote positive customs and traditions of the Somali people

7. The Government shall adopt standardized curriculum for schools of the country and shall oversee its implementation.

8. The Government shall promote higher education and the establishment of Technical Institutes as well as technology and research Institutions.

9. The Government shall develop Educational programmes and a united syllabus for all schools.

10. Teaching of Islam shall be compulsory for pupils in both Public and Private Schools. This does not apply to non-Muslim students.

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows: j) The law shall establish the relationship between the Transitional Federal Government and former Government employees.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below:- (j) Economic recovery Commission;

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

7. The ongoing development projects in the country may continue, provided they do not infringe on the sovereignty of the state and do not harm the environment. All new projects are subject to Transitional Federal Government guidelines and approval.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

3. Regional Roads.

...

6. Housing.

7. Water and Electricity Development.

8. Agricultural Development and Management. Water

9. Livestock and rangeland development.

10. Development of small businesses and business co-operations states

11. Settlement of population

Page 33 of 46

...

14. Collect all direct taxes

National economic plan No specific mention.

Natural resources Page 8, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 13, DISTRIBUTION OF RESOURCES AND POSITIONS,
1. The Transitional Federal Government, shall on the coming into force of this charter pass legislation ensuring equitable appropriation and allocation of resources in the country.

Page 33-34, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 67, NATURAL RESOURCES AND ENVIRONMENT PROTECTION,

1. The natural resources of the country such as the minerals, water, flora and fauna shall be public property and a law shall be enacted which defines the manner of exploitation for the common good.

... 3. Every person in the Somali Republic shall have a duty to safeguard and enhance the environment and participate in the development, execution, management, conservation and protection of the natural resources and environment.

Page 34, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 67, NATURAL RESOURCES AND ENVIRONMENT PROTECTION,

... 5. The Transitional Federal Government shall take urgent steps to reverse the trend in desertification, deforestation, environmental degradation, illegal charcoal burning and export of endangered wildlife species.

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

9. Natural Resources.

International funds Page 6, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 3.(c)
The Transitional Federal Government will request the International Community to provide both technical and financial support.

Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 27 ECONOMY, 1. The system of economy for the country shall be based on free enterprise.

Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 27 ECONOMY, 2. The Government shall encourage, support and provide full guarantee to foreign investment in the country as specified by law.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD, 11. The Transitional Federal Government shall audit and assess all ongoing foreign funded development projects with a view to establishing whether they infringe on Sovereignty or state security or impair the culture, environment or health of the people.

Business

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

10. Development of small businesses and business co-operations states

... 16. Business licenses.

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

10. Acceptance and licensing of private companies specifically at national level.

Taxation

Socio-economic reconstruction→Taxation→Power to tax

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

11. Collecting import/export and indirect taxes.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

14. Collect all direct taxes

Banks

Socio-economic reconstruction→Banks→Central bank

Page 8, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 12

AUXILARY ORGANS: 1. There shall be the following support institutions of the Transitional Federal Government:-

(d) Governor of Central Bank.

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

3. Finance and Central Bank.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 33, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 66, THE POLICY FOR LAND,
... 2. The Government shall define and keep constant the national land policy and
framework of the land in the Somali Republic which shall ensure the registration, use,
ownership, access, occupation, management rights, security, interests and title of the
land.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT
COMMISSIONS AND ADMINISTRATIVE COMMITTEES,
3. The respective ministers shall propose the components of these commissions to the
Council as stated below:-
(k) Land and Property Disputes Commission.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.
The State Governments shall control the following functions within their territories -
8. Agricultural Development and Management.
9. Livestock and rangeland development.

Page 33-34, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT
COMMISSIONS AND ADMINISTRATIVE COMMITTEES,
3. The respective ministers shall propose the components of these commissions to the
Council as stated below:-
... (k) Land and Property Disputes Commission.

Land, property and environment→Land reform/rights→Property return and restitution
Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF
THE PEOPLE, ARTICLE 27 ECONOMY,
... 5. Personal property may be expropriated for public interest in exchange for equitable
and timely compensation. However, the property shall be returned to the owner or his/
her heirs in accordance with the law.

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE
CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.
3. The Transitional Federal Government shall endeavour to repossess and restore to the
state all public properties, either movable or immovable, within or outside the country.

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE
CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.
4. In respect of private property currently held illegally, Government shall endeavour to
restore it to the rightful owners.

Page 33-34, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT
COMMISSIONS AND ADMINISTRATIVE COMMITTEES,
3. The respective ministers shall propose the components of these commissions to the
Council as stated below:-
(e) National Commission for the recovery and registration of public and private property.
(f) National Resettlement Commission.

Land, property and environment→Land reform/rights→Other land rights
Page 15, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF
THE PEOPLE, ARTICLE 27 ECONOMY,
3. The right to own private property shall be guaranteed by law, which shall define its
contents and the limits of its exercise.

Page 33, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 66, THE POLICY FOR LAND,
1. Land being Somalia's primary resource and the basis of livelihood for the people shall
be held, used and managed in a manner which is equitable, efficient, productive and

**Pastoralist/
nomadism rights**

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.

3. The Transitional Federal Government shall endeavour to repossess and restore to the state all public properties, either movable or immovable, within or outside the country.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

15. Promote sports, arts, literature and folklore.

Land, property and environment→Cultural heritage→Intangible

Page 7, CHAPTER TWO, THE SOMALI REPUBLIC, ARTICLE 7 LANGUAGES. 1. The official languages of the Somali Republic shall be Somali (Maay and Maxaatiri) and Arabic.

2. The second languages of the Transitional Federal Government shall be English and Italian.

Land, property and environment→Cultural heritage→Promotion

Page 2, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 1:1, THE SOVEREIGNTY OF THE SOMALI PEOPLE., 3. The Government shall encourage the unity of the Somali people by promoting their cultures, customs and traditions.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below:- (g) Somalia Olympic Commission.

Environment

Page 33-34, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 67, NATURAL RESOURCES AND ENVIRONMENT PROTECTION,

2. The Transitional Federal Government shall give priority to the protection, conservation, and preservation of the environment against anything that may cause harm to the natural biodiversity and ecosystem.
3. Every person in the Somali Republic shall have a duty to safeguard and enhance the environment and participate in the development, execution, management, conservation and protection of the natural resources and environment.
4. The Transitional Federal Government shall adopt urgent measures to clean up the hazardous waste dumped on and off shores of the Somali Republic. Compensation shall be demanded of those found liable for such crimes.
5. The Transitional Federal Government shall take urgent steps to reverse the trend in desertification, deforestation, environmental degradation, illegal charcoal burning and export of endangered wildlife species.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

7. The ongoing development projects in the country may continue, provided they do not infringe on the sovereignty of the state and do not harm the environment. All new projects are subject to Transitional Federal Government guidelines and approval.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

11. The Transitional Federal Government shall audit and assess all ongoing foreign funded development projects with a view to establishing whether they infringe on Sovereignty or state security or impair the culture, environment or health of the people.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

- The State Governments shall control the following functions within their territories -
4. Environment protection.

Water or riparian rights or access

Page 33, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 67, NATURAL RESOURCES AND ENVIRONMENT PROTECTION, 1. The natural resources of the country such as the minerals, water, flora and fauna shall be public property and a law shall be enacted which defines the manner of exploitation for the common good.

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

- ... 7. Ports Administration

Security sector

Security Guarantees

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

... 2. Defence and Security.

Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 21, THE RIGHT TO ESTABLISH POLITICAL PARTIES, 4. Any political party of a military character or tribal nature shall be prohibited.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

5. The Transitional Federal Government shall devote the necessary efforts to restore peace and security, free movement of people, goods and services, disarmament and collection of illegal weapons in the hands of the public for safekeeping rehabilitation and reintegration of all militia in co-operation with regional administrations, traditional elders and members of the international community.

...11. The Transitional Federal Government shall audit and assess all ongoing foreign funded development projects with a view to establishing whether they infringe on Sovereignty or state security or impair the culture, environment or health of the people.

Ceasefire

No specific mention.

Police

Page 32-33, CHAPTER TEN, ARTICLE 65, SECURITY AND DEFENSE FORCES, 1. The Somali Republic shall have a national armed force consisting of the army and police.

Page 39, SCHEDULE II, POWERS OF THE STATE GOVERNMENTS.

The State Governments shall control the following functions within their territories -

5. Regional police.

Armed forces

Page 14, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 25, PROTECTION OF FAMILY, ARTICLE 26 SOCIAL WELFARE, The Government shall guarantee public social welfare as follows: d) Forced labour or military service for children under 18 years shall not be permitted.

Page 20, CHAPTER SEVEN, PART II THE PRESIDENT, ARTICLE 39

1. There shall be a President of the Somali Republic, who shall be
(b) Commander - in - Chief of the Armed Forces

Page 29, CHAPTER NINE, PART IV THE JUDICIARY, ARTICLE 57, JUDICIAL PRINCIPLES, 1.

No extraordinary or special courts shall be established, except for military tribunals, which shall have jurisdiction only over military offences committed by members of the armed forces both during war and peacetime.

2. The public, both civilian and military shall directly participate in Judiciary proceedings in conformity with those laws defining such participation

Page 32-33, CHAPTER TEN, ARTICLE 65, SECURITY AND DEFENSE FORCES, 1. The Somali Republic shall have a national armed force consisting of the army and police.

2. The Armed forces shall faithfully abide and preserve the Charter, the laws of the land and unity of the country.

3. The law shall regulate the structure and functions of the armed forces and the system of cooperation and coordination amongst them in the fulfilment of their institutional duties..

Page 38, SCHEDULE I, THE POWER OF THE TRANSITIONAL FEDERAL GOVERNMENT, The Transitional Federal Government shall have authority throughout the Somali Republic over the following matters –

2. Defence and Security.

DDR

Security sector→DDR→DDR programmes

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES, 3. The respective ministers shall propose the components of these commissions to the Council as stated below: (i) Disarmament and demobilization Commission.

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.

5. The Transitional Federal Government shall devote the necessary efforts to restore peace and security, free movement of people, goods and services, disarmament and collection of illegal weapons in the hands of the public for safekeeping rehabilitation and reintegration of all militia in co-operation with regional administrations, traditional elders and members of the international community.

Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,

8. Effective from the conclusion of the Somali National Reconciliation Conference held in Kenya, all militia organizations, armed groups and factions in the territory of the Somali Republic shall cease to exist and shall turn in their weapons to the Transitional Federal Government.

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 12, CHAPTER FIVE, PROTECTION OF THE FUNDAMENTAL RIGHTS & FREEDOMS OF THE PEOPLE, ARTICLE 22, THE RIGHT TO ESTABLISH SOCIAL ORGANIZATIONS, 4. Nothing contained herein shall permit the establishment of any secret associations or any organization bearing any military, defense or para-military nature and/or character.</p> <p>Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.</p> <p>5. The Transitional Federal Government shall devote the necessary efforts to restore peace and security, free movement of people, goods and services, disarmament and collection of illegal weapons in the hands of the public for safekeeping rehabilitation and reintegration of all militia in co-operation with regional administrations, traditional elders and members of the international community.</p> <p>Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,</p> <p>8. Effective from the conclusion of the Somali National Reconciliation Conference held in Kenya, all militia organizations, armed groups and factions in the territory of the Somali Republic shall cease to exist and shall turn in their weapons to the Transitional Federal Government.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	<p>Page 16, CHAPTER SIX, THE STRUCTURE AND ORGANISATION OF THE STATE, PART I PARLIAMENT, ARTICLE 31, ELIGIBILITY CRITERIA FOR MEMBERSHIP OF PARLIAMENT, 2. A person shall be disqualified from being a Member of Parliament if that person: -</p> <p>(d) Has been removed from any public office on grounds of gross misconduct or corruption.</p> <p>Page 17, CHAPTER SIX, ARTICLE 35, PRIVILEGES AND IMMUNITIES OF PARLIAMENT, ... 2. No criminal proceedings shall be instituted against a Member of Parliament unless in a case of flagrante delicto.</p> <p>Page 36, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD,</p> <p>10. The Transitional Federal Government shall take all necessary measures to combat tribalism, nepotism, looting of public properties, corruption and all fraudulent activities, which may undermine the functioning of state organs and decent traditions of the society.</p>
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	Page 1, Preamble, RECOGNIZING the gross violations of human rights inflicted upon the Somali people and the need to re-establish peace, democracy, the rule of law, social justice, the dignity and integrity of all Somalis;
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.

Reparations

Transitional justice→Reparations→Material reparations

Page 33-34, CHAPTER ELEVEN, LAND AND PROPERTY, ARTICLE 67, NATURAL RESOURCES AND ENVIRONMENT PROTECTION, 4. The Transitional Federal Government shall adopt urgent measures to clean up the hazardous waste dumped on and off shores of the Somali Republic. Compensation shall be demanded of those found liable for such crimes.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES.

3. The respective ministers shall propose the components of these commissions to the Council as stated below:-

(e) National Commission for the recovery and registration of public and private property.

Page 36-37, CHAPTER FOURTEEN, TRANSITORY CLAUSE AND ENTRY INTO FORCE OF THE CHARTER, ARTICLE 71 TRANSITIONAL PERIOD.

3. The Transitional Federal Government shall endeavour to repossess and restore to the state all public properties, either movable or immovable, within or outside the country.

4. In respect of private property currently held illegally, Government shall endeavour to restore it to the rightful owners.

[...]

Reconciliation

Page 1, preamble, DETERMINED to foster reconciliation, national unity, and good governance;

Page 2, CHAPTER ONE, SOVEREIGNTY AND TERRITORY, ARTICLE 1:1, THE SOVEREIGNTY OF THE SOMALI PEOPLE., 3. The Government shall encourage the unity of the Somali people by promoting their cultures, customs and traditions.

Page 35, CHAPTER TWELVE, NATIONAL COMMISSIONS, ARTICLE 68, INDEPENDENT COMMISSIONS AND ADMINISTRATIVE COMMITTEES.

3. The respective ministers shall propose the components of these commissions to the Council as stated below:-

(b) National Commission for Reconciliation.

Implementation

UN signatory

No specific mention.

Other international signatory

No specific mention.

Referendum for agreement

Transitional Federal Govt, Art. 11. 3.(b). An internationally supervised National Referendum shall be undertaken to approve the new Constitution.

... 9. the present Charter shall be the basis for the federal constitution whose draft shall be completed within two and a half years and be adopted by popular referendum during the final year of the transitional period.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 7, CHAPTER FOUR, THE TRANSITIONAL FEDERAL GOVERNMENT, ARTICLE 11, 9. In the event that the Transitional Federal Government is unable to complete the process of federalism all over Somalia within the prescribed period of two and half years, the Government shall request Parliament for a vote of confidence, failing which the Transitional Federal Parliament shall withdraw its support and a new Transitional Federal Government shall be formed in the manner set out in this charter

Related cases

No specific mention.

Source

ILO - <http://www.ilo.org/dyn/travail/docs/2177/Transitional%20Federal%20charter-feb%202004-English.pdf>
