

Somalia HCT Centrality of Protection Strategy 2018-2019
Protection Analysis (Annex II)

The Centrality of Protection Strategy for 2018/19 was endorsed by the HCT members in December 2017. It seeks to

- 1 Enable an overarching protection picture.**
- 2 Facilitate engagement with conflict affected communities and parties to conflict.**
- 3 Address critical protection concerns in IDP sites and collective centres.**
- 4 Enhance identification differential forms of exclusion and addressing this to ensure inclusion.**
- 5 Strengthen Protection Mainstreaming, Accountability to Affected Populations and Preventing Sexual Exploitation and Abuse.**
- 6 Strengthen HCT protection advocacy.**

Introduction

This document (Annex II to the HCT Centrality of Protection Strategy) raises matters that may be valuable in identifying major protection risks affecting conflict and disaster affected populations throughout Somalia. To enable an overarching protection picture information is gathered from UN, NGO and other literature reviews, structured Protection Risk Analysis workshops held throughout Somalia in Sub-National Protection Clusters in 2017, Mainstreaming Protection Workshops held with all Clusters in 2018 and various other sources.

It is a living document intended for reference by the HCT members and other key protection actors who seek to identify priorities for the implementation of the HCT's 2018 -2019 Centrality of Protection Strategy. The original draft of this document focussed more on natural disaster. This draft reflects a movement in the protection focus to conflict affected communities and is predicated upon 2018 weather forecasts that indicate a greater likelihood of normal to above normal 2018 Deyr (October-December) rains across Somalia.

More specific information is available from HCT members, each Cluster and sub-Cluster, the PSEA Task Force attached to the HCT and the OHC

1. Enabling an overarching protection picture

1.1 General

Drivers of the highly complex protection crisis in Somalia are multi-faceted and protracted resulting from conflict compounded by a natural disaster, weak protective institutions and frameworks, large-scale displacement, eroded resilience of families and communities and wide-spread economic vulnerabilities. Society has a highly granular structure, with relations between social groups defined by clan, ethnic and social status delineators, and frequently characterised by actual and perceived historical injustices flowing from a legacy of decades of conflict and competition for resources.

The current situation arises from difficulties that have been ongoing for three decades. Social injustice, identity, poverty and resource scarcity are seen as the major root causes of conflicts in Somalia. Weak governance and state fragility, influences from external players and a complicated historical legacy are also causes. Somalia has been battered by undulating phases of a civil war playing out among the country's many fractious clans, larger entities aspiring to statehood, warlords and Islamist groups.

In Somalia al Shabaab and more than 60 warring parties, including clan and warlord militias and other militant groups, such as the Sufi al Sunna and the Islamic State, a splinter group from al Shabaab located primarily in Puntland. Since 2015, military efforts have stalled and both AMISOM and the Somalia national forces have struggled to hold cleared territories. Somali national forces remain notoriously undertrained and underequipped as well as corrupt, and continue to lack both offensive and holding capacity. AMISOM, like the Somali National Armed Forces (SNAF), relies on and uses clan militias, though these actors subscribe to no international standards of conduct, face no accountability for human rights violations, and engage in **land and theft**, extortion of local communities and humanitarians, clan discrimination and often use child soldiers. Human rights violations are perpetrated by the Somali military, police, and intelligence services, AMISOM and militia, without transparent and substantial accountability mechanisms in place. In some areas the inability to articulate who and what exactly comprises al-Shabab impacts upon protection analysis. Al-Shabab are not a single entity and sometimes part of the overall social fabric and have support from some of the most marginalised with whom humanitarians seek to work.

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Some studies consider that the main driver of illicit migration from Somalia is the lack of employment opportunities for the youth. Other studies conclude concerns about security and exposure to violence are more important and signal the need for more efforts focused upon creating stable, peaceful, and safe conditions for youth in their home countries. Some argue that a focus on economic development initiatives are not likely to be effective at addressing the root causes of migration. Other causes of migration, sometimes known as *tahriib* in Somali, include; poor economic conditions, unregulated and low quality education, peer pressure, insecurity in some parts of the country, strong smuggling networks and a lack of hope triggered by the dysfunctional and fragile national and regional administrations. There is an urgent need for coherent and consistent laws, policies and practices around durable solutions throughout the country.

Al Shabaab recruitment messaging for international audiences (including the Somali diaspora) tends to centre on a sense of belonging, global jihad, and the protection of Somalia against infidel invaders. By contrast, recruitment messaging toward local youth tends to emphasise injustice and power abuse issues. It often exposes very specific local poor governance, corruption and grievances, such as: the usurpation of public resources private gain; the corruption of Somali courts and politics; and the view that the Somali elite-centric system is perpetuates economic, political, and social injustice.¹⁹ Some two-thirds of members join al Shabaab for economic reasons due to a lack of legitimate economic opportunities, or as a result of grievances against clan discrimination or abuses and corruption of local authorities. Of course, recruitment is a complex process that also varies according to the place, the individual, and the needs of al Shabaab at a particular time.

In a patriarchal **culture where gender** relations have been further strained by the impact of conflict and natural disaster women are particularly vulnerable to protection threats and various other forms of violence, coercion and deliberate deprivation. People's experiences are not only influenced by their gender; wealth, clan and ethnicity, and the resources and support they can mobilize to cope with loss of their homes and livelihoods are other factors.

Most Somalis, even in Mogadishu, have to pay *zakat* to al Shabaab or else risk punishment, such as in the forms of forced displacement or even death. Thus, many people, including those in Mogadishu and not only those who lived under direct al Shabaab rule, could in theory be held liable for financing a terrorist group if the government chose to prosecute them. Moreover, since 2016, these taxes dramatically increased, causing significant economic hardship.

The government of Somalia and the international community have principally relied on defeating al Shabaab militarily and there are no immediate prospects for negotiations with the group. However, the Somali government has also repeatedly, in an ad hoc manner and without any policy specification or clear legal consequence, declared temporary amnesties for al Shabaab defectors. Similarly, it has struck ad hoc political deals with splinter groups and, with international support, maintains a disarmament, demobilisation, and reintegration (DDR)-like program for low-level al Shabaab defectors.

1.2 Political

Somalia has made significant progress in recent years following the conclusion of a state formation process as well as the elections for Parliament and President in 2016 and 2017 respectively. A multi-pronged process for democratic transition is underway resulting in significant progress towards further stabilizing the country including through preparation for elections in 2020/21. However, a number of challenges remain including currently fragile relations between the Federal Government of Somalia (FGS) and the Federal Member States (FMS), slow progress in the formation of the SNAF and police, expansion of effective and inclusive governance and a lack of functioning justice systems and reconciliation mechanisms.

The political context in Somalia remains as fraught and fractured as the military battlefield. Although sub-federal state formation has been under way in Somalia since 2015 the process is tense with inter-state and state-federal government rivalries over territories, control of armed forces, resource-sharing, and power-delegation. Clan discrimination and rivalries continue to prevail and debilitate governance, producing governments that are unable to generate laws and policy at the federal level and are fraught with incessant political infighting and discrimination against minorities at the sub-federal level. The formal role **of women in politics continues to be contested, with women still significantly under-represented in government positions.** Although under Somalia's provisional constitution, thirty

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percent of the seats were reserved for women, Somali elders objected to that quota and the process was weakened as a result.

The legal formalisation of four out of Somalia's existing six states is yet to take place. Some emerging state-level authorities and other powerbrokers in the state formation process also question whether Mogadishu should remain the country's capital. Recent efforts have been made to create pan-clan political parties as a result of new electoral legislation, change the rules of impeachment to limit this frequent tool of political and financial extortion, and strengthen the capacity of the federal government to provide revenues to sub-federal entities.

Many human-development assessments still consider Somalia to be the poorest, least developed, and most unstable and corrupt country in the world. It is also critically dependent on foreign aid. Thus, the capacities of the federal and sub-federal governments remain very limited and are often constrained to the national or state capital. Formal taxing capacity also remains constrained.

International influences appear to ensure the situation remains multi-faceted and protracted. Strategic rivalries between the United States of America and China have been raising tensions if not fuelling various conflicts. Ever since the eruption of the Gulf Cooperation Council feud that led to a Qatar blockade more than a year ago, neither politics nor security has been the same in the Horn of Africa. This is especially the case in Somalia, where the competing interests intersect with the UAE and Saudi Arabia on the one hand and Qatar and Turkey on the other. There are other zero-sum competitions at play in Somalia, yet none have brought in more cash for the disjointed politics locally known as *siyaasadda kala fur-furka* than the Gulf monarchs. Since the Arab Spring, the UAE and Saudi Arabia have aggressively pursued a strategic objective aimed to stifle any and all Muslim Brotherhood influence due to the latter's social and political capital on the streets that emanate from grassroots social services. Gulf monarchs consider that group and Turkey's political ascendancy and influence on the Islamic and Middle Eastern affairs as the most serious threat to their life-long rule.

Turkey launched a massive humanitarian and development campaign in 2011 and began to form a strategic partnership with Somalia so the UAE came on the scene for what many consider an effort to torpedo Turkey's newly-found stature in Somalia. The UAE established the second largest embassy after Turkey in Mogadishu. It opened the Sheikh Zayed Hospital to compete with the Erdogan Hospital. By the time Turkey started to provide scholarships to train military officials, the UAE was already bankrolling various mercenary groups engaged in various clandestine operations, and trained a controversial Somali military contingent which it recently disbanded and left the weapons cache looted.

Turkey, while in alliance with Qatar, is on an entirely different scale. Turkey exploited its close relationship with the Somali government to eradicate any and all institutions and individuals affiliated with the Gulen movement. Despite this, Turkey still embodies the gold standard of bi-lateral nation-building and development. With its tangible achievements and non-interference policy on Somalia's domestic politics, the Turkish model has exposed the international aid system as corrupt and politically toxic.

The Horn of Africa is an emerging market with great economic potential. Yet to turn that potential into economic success and sustainable stability, the region's political, business, intellectual and social leadership's aspirations must be in harmony: no foreign power or coalition of interests could secure that.

1.3 Protection Concerns

Acute protection concerns in Somalia stem from acts of violence, exploitation, abuse, coercion, and deprivation, especially in situations of conflict, displacement and through violations of International Human Rights and International Humanitarian Law. Pervasive features of the conflict in Somalia include targeted and indiscriminate physical attacks on civilians and on property, widespread sexual and gender-based violence (GBV), child recruitment, arbitrary arrest, forced displacement, land-grabbing, extortion of assets and supplies of vulnerable groups and elusive durable solutions.

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The impact of the conflict is aggravated by a protection environment characterised by substantial impediments to access for humanitarian workers and for people in need of assistance, limited service provision, weak or missing protection systems, low awareness of basic rights and discriminatory and harmful socio-cultural norms relating to **gender** and practices which disadvantage marginalized groups such as persons with disabilities, and impact most upon women and children. The number of individuals affected by evictions, many of whom were already living in displacement increased from ca. 200,000 in 2017 to ca. 171,000 in Jan-May 2018 alone.

Ongoing conflict, drought and flooding has devastated livelihoods of millions of people and exacerbated the acute food insecurity and malnutrition rates and induced large-scale displacement. Water is used as a weapon of conflict by al-Shabbab. In February 2018 (PRMN) over 2.6 million individuals were estimated to be displaced. Population displacement from rural areas to urban and peri-urban centres has increased pressure on the already stressed capacity of municipalities to provide basic services such as WASH, health, education, shelter and an increasing demand for land and adequate living spaces. Widespread lack of potable water, adequate sanitation and hygiene coupled with a poor health infrastructure has led to disease outbreaks, especially Acute Watery Diarrhoea, cholera, polio and measles, as well as worrying high levels of malnutrition.

The protection environment is made precarious as a result of corruption. The Mogadishu-based national government is sponsored by various and often competing actors of the international community and has for the most part proved unstable, prone to incessant political and clan squabbles, and unable to deliver even a modicum of acceptable governance while facing potent military opponents. Transparency International has rated Somalia as the world's most corrupt country for 11 years running.

1.4 **Gender**

The gender inequality that persists in Somalia has many causes; key among these are tradition and culture which define acceptable roles for men and women. These roles take root early in life, starting from the family setting and extending to the neighbourhood and the larger community. Because of gender inequality, women are not able to access fully the benefit of humanitarian support including education, health and employment. Laws and legislation drawn to address gender inequality is often not passed or not enforced. Overall, women continue to be highly subjugated in Somalia both in traditional clan structures and in their formal political role. Somalia has extremely high maternal mortality, rape, child marriage and female genital mutilation rates. Sex and gender-based violence continue to be tolerated and the rights of girls and women continue to be violated. Violence against women and girls is common and many women are attacked in IDP camps. One report indicated that one third of attacks were carried out by men in uniforms. Across the country, traditional or customary law is applied instead of the state judiciary, and sexual and gender based violence often goes unpunished, particularly as traditional Somali society does not openly discuss such issues.

Many areas are reported as being unsafe for women and girls especially in locations inside and directly around camps. Sexual violence and robbery as the greatest threats. Schools are seen as unsafe places for boys where they are potential targets for forced recruitment to armed groups. Men struggle to find work and many activities that are required of them are physically demanding and often dangerous. Joining the army as a means of employment and forced recruitment by militia or armed groups, and fear of this, has an impact on men and boys. Family separation as a survival strategy leaves more women-headed and child-headed households in displacement sites, and they then become more vulnerable to other threats.

Women and girls in displacement find jobs as maids, cleaners, doing laundry, street hawkers, cooking, tailoring, garbage collecting and work on construction sites – all roles that take them beyond the domestic sphere traditionally occupied by women in Somali society. Some reports indicate a prevalence of **forced prostitution**, and cases of trafficking. Work outside the home puts women and girls at high risk of sexual and gender-based violence (SGBV) in some instances, perpetrated by their host community employer.

Men have found themselves unable to provide for their households or fulfil their role in society. Very few services are available to meet women's specific needs – a situation possibly compounded by the low proportions of female staff

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employed by humanitarian agencies. Women and men with mental health problems and elderly women and men are sometimes excluded. Overall data suggests that programming is not sensitive to women's needs and that not enough is being done to identify and reach more vulnerable individuals. Intra-household dynamics and other vulnerabilities also need to be better understood so services that meet a range of women-specific needs can be implemented.

In rural areas women often manage the sale and exchange of livestock products such as milk and ghee, and spend their earnings on household needs. Women's access to health services are limited. Approximately 98% of women in Somalia undergo Female Genital Mutilation (FGM). It is mostly performed on girls between the ages four to 11 years in its most severe form; infibulation is reported to be practiced in 80% of cases. Support for FGM from community members is a key barrier to its eradication.

Few women are in influential positions politically and economically and women have limited representation in decision making even decisions that impact upon their lives. At the local level, there is limited awareness and understanding of the magnitude of the gender inequality problem. Organizations that are engaged in promoting gender equality are seen to be working for foreign interests. Women who fight for women's rights and aspire to go beyond the home maker role are seen to oppose men and to be going against the culture and religion.

Women feel like they have little voice or protection in the customary justice processes, as they are excluded from shaping the rules of the system, from acting as decision-makers in the case of the disputes, and often from speaking for themselves if they have grievances.

Those who seek to vindicate their rights outside the customary system are stymied by the somewhat ad-hoc nature of Somalia's legal institutions, in that there is still general uncertainty as to what legal rights and rules exist, which ones govern, and where they can be adjudicated. Additionally, women reported that access to non-customary justice mechanisms could also be blocked if traditional [male] elders did not support the case.

One of the core beliefs highlighted by men and women alike is the idea that men/husbands are "responsible" for their family, and so have greater decision-making power. Women sometimes explain that their husbands had more authority in the household because they were the primary, if not sole, economic providers, ensuring that the family had the money needed for food, shelter, and clothing. They did not take issue with accepting that men were responsible; rather, they were unhappy with their husbands' interpretation of what being responsible meant.

The role of the men as breadwinners has changed dramatically during displacement, and the general trend observed amongst the IDP populations now is more women working outside the home, and more unemployed men. The reversal in the gendered role of economic providers has significant consequences. When men were the primary breadwinners, they had a stronger claim to decision-making power and authority in the household. Now, the role of women as primary breadwinners is challenging the construct used by men to justify their superiority.

1.5 Natural Disaster

In 2017/18 drought and flood affected multiple regions and populations throughout Somalia. Loss of livelihoods, failed crops and death or depreciation in value of live-stock due to oversupply, and ensuing weak purchasing power resulted in the adoption of coping mechanisms which negatively affect families, especially children. Coping mechanisms included reducing the number and diversity of meals, displacement and voluntary family separation, early marriage and hazardous child labour. Traditional coping strategies such as migration, including cross-borders, casual labour, and reliance on family networks have been disrupted and affected by the conflict. Access to humanitarian assistance is sometimes hampered due to limitations on the freedom of movement of affected populations and humanitarian organisations. Humanitarian needs sometimes exist in highly localised situations and in pockets which may not be consistently identified. Natural disaster further aggravates poverty which heightens the vulnerability to exploitation, especially of IDPs and to recruitment by extremist groups.

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Different population groups defined by livelihood strategy (pastoralists, agro-pastoralists, riverine agricultural) have varying levels of vulnerability to drought and natural disaster. This is related to their livelihood strategy and food-economy, impact of the conflict, access to markets, and social support networks. Livestock-dependent groups (pastoralists and to an extent agro-pastoralists) are deemed to be extra vulnerable due to the dependence on their livestock and the income generated as a coping strategy from sale in times of scarcity. Markets are impacted by the disruption and purchasing power might be weak when a large supply of livestock depressing prices. Mortality rates in the 2011 famine differed between these livelihood-groups. This illustrates the multiplicity of variables and social dynamics, including social status and informal social protection networks including diaspora who contribute via remittances, affecting the coping capacity of different groups.

Competition for resources amongst communities were aggravated due to the drought. Hostile take-overs of land are a long-standing feature of the conflict in Somalia and have been prevalent during the 1990s when fertile riverine lands were misappropriated. Land-grabbing also took place in the Siad Barre era. Reportedly, communities have become more aggressive in securing and safeguarding livelihoods at the expense of others as a result of the interplay between conflict and drought. Resource conflicts and ensuing displacement may impact on intentions and possibilities for return, while perpetuating existing divisions and grievances.

1.6 Children in Emergencies

Current crisis have serious consequences for children and the protection of their rights, leading to abuse, violence, neglect, and exploitation. Key risks for children include family separation and child recruitment, arbitrary arrest, an elevated exposure to GBV including early marriage, female genital cutting, trafficking, psychosocial distress, a lack of access to education and hazardous child labour. Al Shabaab has engaged in intensified recruitment among Somalia's many unemployed young men and has increasingly resorted to forcible abductions of children.

In July 2018 the Country Task Force on Monitoring and Reporting (CTFMR) documented a total of 272 incidents of grave violations affecting 271 children (227 boys and 44 girls). The children were victims of killing and maiming (69), abduction (89), recruitment and use (85), rape (28) and attacks on schools (1). The al-Shabab was responsible for most of the violations (67%), SNA (12%) and unknown armed elements (11%), while the remaining violations were attributed to regional member state forces, bilateral forces and clan militias. During the same period, the CTFMR documented 11 cases of detention on security charges affecting 15 children (14 boys; 1 girl) mainly by NISA, SNA and Somali police. Schools and hospitals, especially those operating in areas controlled by al Shabaab are subjected to regular bombing raids by the US and Kenya as part of the multinational African Union force or independently. Ethiopian air strikes are also reported to kill al-Shabaab militants. The number of civilian and children casualties would appear to be underreported. Of grave concern is the arbitrary arrest of children and young people by Government Security forces. One of the consequences of continued child recruitment is that youth are stopped and arrested arbitrarily at checkpoints and other locations allegedly on security related charges, mainly alleged or actual association with Al-Shabaab.

Children on the move, in displacement, and affected by conflict and food insecurity face aggravated protection risks. While societal customs are an enabling factor for child marriages, 59 per cent of respondents to a recent assessment indicated early marriage is more likely in the context of drought due to monetary incentives and the assumption that the husband will care for the child bride. Access to education is compromised due to the closure of schools in affected areas and a lack of capacity in areas where the displaced settle. Coping strategies in displacement exacerbate the situation by forcing families to resort to (hazardous) child labour and early forced marriage.

Forcible recruitment and clan-negotiated recruitment of children play an important role in some communities. Al Shabaab is brutal and imposes tight control of children as well as adults. Beyond brutal sharia punishment, such as stoning or cutting of limbs, which are not readily acceptable to most Somalis, the group also overreaches in other exercises of its power.

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Forced displacement continues to induce family separation, particularly separation of children from their families. 4,076 separated and unaccompanied children were identified, registered and provided with services from January to September 2017 by the CP sub-cluster, mainly in Southern areas of Somalia. Fear of recruitment by al-Shabaab has also encouraged the voluntary separation and displacement of children as they are being sent by parents into areas of safety. In addition to family separation due to children being transferred to another caregiver, the death of parents and engagement in child labour were recorded as the main reasons for family separation in the context of the drought and conflict. Further, field reports indicate fears amongst youth and men of moving towards towns where humanitarian assistance is provided arise because of the frequent arrests of youth by security forces leading to family separation. This dynamic – on occasion – is reported to impact on accessibility of IDP sites for young (unaccompanied) men due to obstruction by gatekeepers who fear disturbances or complications due to the presence of youths.

Service provision targeting children continues to be challenged due to security constraints and lack of capacity of service providers, especially in remote and/or conflict affected areas: 12 per cent (104 girls, 106 boys) of children affected by grave violations were reached with support services (community engagement, medical and psychosocial), while capacity to address child protection needs in IDP sites remains low. Children make up 63% of the displaced and their rights as well as rights of other children across Somalia, remain severely compromised.

1.7 Gender Based Violence

Gender-based violence affecting women and girls remains underreported but widespread, with IDPs remaining particularly vulnerable (96% of GBVIMS recorded GBV survivors are female; 76% IDPs). Gender inequality, societal power imbalances, a weak functioning justice system, failure to ratify, deposit or fulfil international human rights treaties, and protracted conflict and displacement, all contribute to an inadequate protection environment that leaves women and girls highly exposed to GBV. Their vulnerability is increased due to illiteracy, poverty, family breakdown and unemployment, among other things. Many cases of GBV are not reported and addressed due to a fear amongst women and girls of being isolated or expelled from families or communities, fearing divorce or forced marriage or barriers to getting married, while other GBV survivors are not aware of services and formal structures for recourse due to unfamiliarity with options and approaches.

GBV risks are highly prevalent in IDP sites, for example during water collection after dark, while the frequent absence of husbands and the ungoverned nature and remote locations of some sites increases the risk. GBV also occurs while traveling or crossing illegal checkpoints in search of security or assistance. Transactional sex in exchange for resources and services, or passage remains a further concern.

48% of the recorded incidents accounted for physical assault, 14% accounted for rape while 13% accounted for sexual assault. IDPs from minority clans are reported to be more frequently affected, allegedly due to outsiders, including in reported instances uniformed personnel, intruding into IDP sites often poorly lit and without adequate preventive security presence and shelters which do not offer physical protection.

Within IDP sites intimate partner violence, especially domestic violence and deprivation of resources, continues to be reported (68% of cases recorded) – the phenomenon is ascribed to the stress of displacement and dire conditions, as well as the ‘normalisation’ of violence throughout society. Traditional justice systems do not offer prevention and protection in most cases of GBV inside the household as this is considered to be a family affair.

Regardless, GBV survivors’ preferred method of redress is through traditional justice systems which frequently do not respect the confidentiality of the survivor and do not consistently result in reparation in cases of intimate partner violence and abuse perpetrated by individuals outside of the household. In the case of a survivor who is unmarried the family can opt to secure marriage with the perpetrator through negotiating a reduced bride price to minimize social stigma or to reconcile with a different community. Formal justice remains low in coverage and is frequently disregarded in favour of traditional justice systems due to a lack of understanding of processes or distrust in the mechanisms.

Accountability for violations is limited and recourse for defendants and survivors is not guaranteed. Women’s representatives’ express fierce opposition to broad amnesties that did not include prison terms for the gravest

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violations, let alone truth telling or apology requirements. Women's NGOs in general want to see beneficiaries of defectors programs subjected to some forms of accountability. Women are deeply vulnerable to abuse and mistreatment within and beyond the dynamics of the conflict. Demands among women's NGOs for accountability and their opposition to broad amnesties, resonate to an extent with a wider sentiment among Somali civil society and human rights activists that the root cause of Somalia's problems is pervasive impunity of powerbrokers – politicians, businessmen, or militant actors. Many in Somali civil society express deep scepticism and outright opposition to amnesty or alternative justice processes that seem to perpetuate the lack of individual accountability. This includes clan justice – *xeer* – which is seen as helping to resolve disputes, but also exacerbating individual impunity since individual crimes are settled through payments by families and clans, with no punishment necessarily assigned to the perpetrator. *Xeer* is not a neutral concept, it is a form of power which elders exercise to maintain control of their communities and discriminate against others.

Civil society representatives call for the need to enforce human rights, demand the punishment of those individuals who commit crimes, and urge the international community to press for accountability from the Somali government. This desire for punitive custodial punishments, not merely restorative justice and reconciliation, is also embedded in long-standing practices in Somalia, such as informally sending those who deviate from social norms to prison. For example, communities and families bribe judges to sentence their young family members to prison for socially misbehaving for a few weeks or months at a time or directly bribe prison officials for temporarily accepting them there as punishment. This informal practice is meant to contribute to “rehabilitation.”

To address rape the perpetrator's family or clan will pay a fine to the victim's family, which may or may not share it with the actual victim and may even ostracise the victim. Gaps exist in basic service provision for survivors, including post-rape care, psychosocial support, and comprehensive survivor-centred care, including case management. Health facilities and staff frequently do not have sufficient capacity to provide adequate clinical and psychosocial responses.

Of grave concern is the ‘normalisation’ of GBV, which is equally normalised by host and IDP communities and is attributable to a culture of violence which developed in over 30 years of war and political instability which has permeated all levels of society. Over time, this has meant that host and non-host households have adopted certain behavioural and social norms towards SGBV.

Minority groups have remained silent in order to avoid social exclusion. The practice of normalising SGBV has also resulted from a complete lack of or limited communication and dialogue among Somali communities at the household, societal and national level on peace, reconciliation and anti-violence after the civil war. Arguably this ‘normalisation’ of violence is resulting in increased instances of intimate partner violence and rape, as well as non-reporting of GBV resulting in a lack of care and justice for survivors.

1.8 Housing, Land, and Property

Structural protection concerns and violations associated with housing, land and property are rampant and include land grabbing, encroachment, multiple land claims, insecure land tenure, boundary disputes, demolitions, illegal land claims, squatters, illegal occupations, illegal land transactions (fees/ sales), and fraud. Poor land administration and a lack of land management systems, limited access to justice, poor legal and policy frameworks, and weak institutions are structural impediments to tenure security and contribute to the protracted crisis.

Evictions, predominantly forced in nature, remain not only a recurring protection concern in Somalia, but also a critical factor to be considered within the broader framework of durable solutions for displaced communities. Taking into account the current trend, a quarter million people could be subjected to secondary displacements through evictions, forced or otherwise, by the end of 2018. Should this probability come to fruition, the number of people evicted in the last two years (majority of whom have been evicted multiple times, including refugee returnees) will have reached or exceeded half a million. Monitoring, documentation and reporting of evictions shall continue as part of efforts to inform advocacy, programming, and other strategic humanitarian decisions in Somalia.

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In addition, particularly with evictions expected to persist for the foreseeable future, however staggering the scale, the HLP Sub Cluster is now diversifying focus to scale up preventive initiatives through joint stakeholder engagements and to begin to track assistance provided in direct response to evictions. So far, the number of persons assisted in comparison to the total caseload remains proportionally negligible: 16% in August and September 2018 combined, and 6% aggregate for the entire 2018. However, while this number seems conspicuously insignificant, it is important to note that these figures refer only to assistance packages and services provided directly through the HLP Sub Cluster.

In general, assistance in the context of eviction response encompasses five central components: i) direct cash assistance intended to help victims address immediate post-eviction complications – largely with financial support from ECHO, ii) eviction threats successfully averted through negotiations and concerted advocacy efforts, iii) negotiating access to alternative lands and facilitating dignified relocations where negotiations fail, iv) facilitating issuance of tenure security documents to communities (and sometimes individual families) at risk of eviction, and v) providing specialized counselling and legal assistance services to help affected communities overcome (or deal with) post-eviction stress.

Forced evictions continue to be an unrelenting reality, especially for those IDPs who have settled on private land. The sharp increase in drought related displacement has coincided with an increase in forced eviction trends. The trend is alarming and potentially impacted by short-term gains for landowners and gatekeepers due to possibilities for increased taxation of affected and newly arriving IDPs. Challenges hampering community awareness on security of tenure and forced eviction prevention remain persistent. Prevention of forced evictions is critical. Disruption of established coping mechanisms results in already vulnerable populations facing further risks across all humanitarian indicators.

There is a general lack of proper policy framework and a multiplicity of overlapping laws and regulations including formal law, customary law and Sharia Law in South Central, Somalia. Resolution of land issues will contribute to the attainment of durable solutions for IDPs, returnees and other vulnerable groups in Somalia. More is required to increase capacity and contribute to building a common ground on how to deal with HLP issues. Most people in Somalia buy and sell land without going through a formal system and systemic weaknesses have added to and exacerbated the large number of land disputes in Somalia.

Land disputes at household level commonly involve evictions by a head of household. In the Somalia context this can mean male-headed families sometimes evict first wives following marriage of a new wife. At settlement level, disputes arise due to land grabbing, insecurity of tenure and abuses caused by IDP camp gatekeepers, and conflicts between international NGOs and private land owners. Gatekeepers impose rent payments and often evict beneficiaries who fail to meet such demands. Landlords often breach land tenure agreements in the absence of titles and evict beneficiaries from the settlements. This is mainly motivated by private investors who offer better packages to occupy the settlement. Forced evictions remain a critical protection concern primarily in the capital Mogadishu and in other urban areas.

Somali women do have a range of HLP rights under the mix of statutory, customary, and Islamic regimes used in Somalia. There are several initiatives attempting to support their endeavours to exercise those rights yet there are many challenging barriers, especially those that relate to gendered norms regarding the balance of power between men and women. These obstacles prevent women first from trying to claim their rights and, if they seek adjudication about the denial of those rights further barriers arise. Many stem from chronic poverty, and the male dominated traditions and cultures that underpin Somali society. Discriminatory customs are used to justify denying women inheritance and divorce rights available to them under Sharia law, often by casting aspersions on character of women who sought to claim rights.

Women are able to get to the court, they continue to face obstacles related to the discriminatory nature of Somali culture, as the women report feeling that the value of men and women's words in court are not yet seen as equal.

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One of the most significant obstacles to women's ability to exercise their HLP rights, particularly within the marital household, is domestic violence, or the fear of conflict that could trigger such abuse. Violence perpetrated by husbands who are angry when their wives exercise their HLP rights is a pervasive threat.

Stories from the women, members of IDP committees, and mediation service providers all confirm that the typical outcome of a domestic violence case in the traditional system is some attempt at agreeing upon compensation for the pain and injury that was inflicted upon the wife, and a promise by the man not to harm the woman again, but there is little in the way of enforcement or guaranteed protection for the women.

The phenomenon of urban displacement and humanitarian interventions are disrupting the gendered norms of the access and use of HLP rights under these systems. Coping strategies adopted by the women to handle these changes had positive effects on the survival of the family, but often resulted in negative repercussions from their husbands.

1.9 Explosive Hazards

The conflict has resulted in contamination from ERW, landmines, and IEDs, which has a detrimental impact on the physical security of civilians, especially for mobile pastoral communities. In the period January - August 2017, 34 individuals (27 children) were killed and maimed by mines and ERW, while IEDs, including pressure plate operated, caused 452 civilian casualties. Further, ERW, landmine, and IED contaminations limit freedom of movement and access to basic services, disrupt livelihoods, and impede stability and recovery. In Southern Somalia soldiers are particularly vulnerable when their vehicles run over explosive devices for which Al - Shabaab militants claim responsibility through their Radio Andulas.

Ongoing surveys aim to define the complexity of the problem and the scale and of the contaminations – currently 529 contaminations are confirmed (representing approx. 160 km² of land, mainly along the border with Ethiopia in Puntland, affecting 81 villages).

Armed engagements continue to increase ERW contaminations, while parties to the conflict do not take clearance into consideration – Somalia has not yet signed the CCW Protocol 5 which aims to mitigate the impact of ERW. Explosive hazard mitigation interventions, including survey and disposal, as well as Mine Risk Education, remain essential to save lives, enable humanitarian responses, and ensure the recovery of communities.

2. Engage with conflict affected communities and parties to the conflict.

Civilians bear the brunt of much of the multi-faceted conflict, through death and injury, destruction of property and assets, limited access to services and humanitarian assistance and through being forced to move from their communities because of violence and fear of violence. Natural disaster influences conflict dynamics by increasing competition for resources and leading to heightened levels of displacement

The conflict is multi-faceted and multi-layered due to the ever-present inter-communal competition and rivalries brought to the fore through limitations in systems enabling access to land and political power at community, regional, national and FMS level. The dynamics are influenced by the broader conflict at national level between al-Shabaab with allied sub-groups and the FGS supported by AMISOM and other national and international actors, sometimes acting bi-laterally. Analyses highlights how, especially in South Central Somalia, al-Shabaab uses inter-communal competition to its advantage and communities use al-Shabaab for political gains even while allegiances remain fluid. Illustrative of the complexity of the armed conflict is the identification of several conflicts of national importance in addition to the conflict between al-Shabaab and its affiliated groups and the FGS. Other conflicts at a regional and district level are also unresolved.

The frequency and number of security-related incidents fluctuated during 2018. The severity of attacks range from bloody terrorist incidents in Mogadishu to the takeover of towns. These numbers belie al Shabaab's actual power. Although it is strongest in the lower parts of Somalia, such as the lower Juba and lower Shabelle areas, it is not geographically confined. It retains operational military capacity in the northern sub-federal states of Puntland and Somaliland. South of Puntland some form of its presence is widespread. Al Shabaab regularly conducts bomb attacks and assassinations in Mogadishu. Even major towns such as Kismayo, firmly held by anti-al Shabaab forces where Ahmed Madobe's militias and the Kenyan Defence Forces rule, can be surrounded by territories held by al Shabaab.

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Anti-al Shabaab actors, including AMISOM and the Somali national forces, thus rely on US air strikes and assistance from a US special operations ground presence to limit al Shabaab's often successful attacks against their installations. Yet, the intensified US air campaign has limitations like the AMISOM offensives. In the absence of military forces on the ground, the airstrikes merely disperse al Shabaab to other areas, including to Mogadishu. Some areas are held by different parties depending on whether the assessment is made during the day or night.

Al Shabaab still controls tracts of rural central, southern, and western Somalia and major roads throughout the country. It regularly takes over major towns, particularly as some AMISOM forces, such as those from Ethiopia, have started to withdraw. New offensive operations against al Shabaab if mounted by ground forces are mostly conducted by clan militias and local warlords and their forces. These operations sometimes receive assistance from the local or state police forces known as *darawish* who are mostly more institutionalised militias.

Civilians are directly or indirectly affected by or explicitly targeted with violence during inter-communal conflict. The escalation of conflict in Gaalkayo in 2015-2016, the clan-conflict in and around Marka in May-June 2017 and related al-Shabaab attacks on communities in the same area are examples of situations where political, identity and resource-based conflicts led to a disregard for civilian security in the conduct of hostilities or where civilians were explicitly targeted. The use of insurgency tactics by al-Shabaab exposes civilians to the risk of being abusively targeted by SNAF and associated forces due to a suspected affiliation with al-Shabaab. A risk exists of legitimate federal or regional forces being instrumental in inter-communal conflicts due to the forces consolidating the position of the dominant party in these conflicts. Conflict-resolution, peacebuilding and reconciliation efforts are urgently needed prior to or in parallel with humanitarian support activities and capacity building.

The inter-communal nature of the conflict is reflected in the large number of big and small non-state armed groups present throughout Somalia. This includes locally active clans and movements with broader political and military characteristics, some of which have positioned themselves as pro-FGS and are also linked to FMS. The former Ras Khamboni Movement, currently the Jubbaland Security Forces, and Ahlu Sunna Wal Jama'a, linked to Galgaduud region are examples. The imprecise demarcation of FMS borders and multiple claims on land continues to impact on security dynamics and the protection situation of civilians in affected areas.

External actors in the conflict are diverse and have different and sometimes conflicting models, funding streams, internal alliances and broader strategic goals. They have adopted different methods and operate under different mandates, affecting the protection of civilians in varying ways. AMISOM, with Troop Contributing Countries (TCCs) (Uganda, Burundi, Ethiopia, Kenya, and Djibouti), is acting in support of the SFG and is currently mandated to enable a gradual handover of security responsibilities to Somali security institutions, in particular the SNAF. Ethiopia, Kenya, and the United States continue to engage in military operations in Somalia, often through bi-lateral arrangements with the FGS and use private U.S.-based security firms to work with the Somalia special operations force Danab. Turkey and Qatar operate military academies and the United Arab Emirates' training facility was shut down in April as part of a proxy war in the Persian Gulf. The Egyptians and the Sudanese are training officers and the British are conducting training in their own centre in Baidoa. The Aerial Surveillance System (drone) donated by the US Government to AMISOM aims to provide troops with real time intelligence to help detect and monitor armed groups may complicate the humanitarian situation and use of intelligence for humanitarian purposes.

In support of the FGS, AMISOM contributes to strengthening the capacity of the SNAF, supports the political process, conducts offensive operations against al-Shabaab and establishes conditions to enable effective governance in coordination with SNAF. AMISOM also facilitates the delivery of humanitarian assistance and enables reconstruction and development activities including through securing key supply routes. In South Central Somalia territorial control of the SNAF supported by AMISOM is often limited to population centres usually district capitals. Military offensives to open supply routes or capture territory can result in significant shifts in power structures that have serious consequences for communities. The presence of AMISOM troops also contributes to the physical protection of civilians.

Ethiopian National Defence Forces (ENDF), often in conjunction with the Liyu police, and Kenyan Defence Forces (KDF), operate under AMISOM as well as bilaterally with the implicit consent of the FGS. Limited US forces are engaged in ground operations and in the use of US air assets. These forces conduct operations alongside or in coordination with

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AMISOM and in some cases the SNAF, resulting in the blurring of lines between AMISOM and non-AMISOM troops. Nebulous arrangements hamper the establishment of accountability processes where civilian harm or violations occur. This is further compounded by weak command and control arrangements, with the TCCs largely reporting to their capitals despite efforts of the AMISOM Force Commander to take full control.

In 2016 and 2017, ENDF withdrew from different locations in South West and Hirshabelle States. ENDF and KDF played an important role in holding or taking previously al-Shabaab held positions. Their bilateral status suggests they plan and execute operations based on their own threat assessments and objectives rather than follow an AMISOM led strategy. Early withdrawals without ensuring replacement by the SNAF or AMISOM have exposed communities in vacated areas to protection risks including reprisal attacks by al-Shabaab. Reports indicate that the U.S. military is expanding its operations in Somalia in places like Baledogle as part of its “shadow war” in Africa.

Specific concerns arising out of this diverse and highly complex landscape involving a multitude of state and non-state armed actors with different situations, approaches, and tactics include:

- Contamination of areas with Explosive Remnants of War (ERW) which indiscriminately kill and maim civilians including children especially following armed engagements.
- Deliberate indiscriminate attacks on civilians using Improvised Explosive Devices (IEDs), resulting in civilian death and injury, including of children. The use of inherently indiscriminate Pressure Plate IEDs that hamper the freedom of movement on roads and results in large numbers of civilian casualties.
- Civilian deaths and destruction of civilian assets including telecom and water infrastructure by forces acting independently or through a bilateral arrangement that is not transparent.
- Risk of injury and death from indiscriminate crossfire during armed engagements in populated areas that put civilians at risk and result in loss of houses and other assets.
- Targeted attacks on civilians, their villages, and assets including wilful destruction of property, abduction of individuals and stealing of livestock.
- Attacks conducted as reprisals related to individuals or communities being perceived as providing support to the FGS and/or in relation to inter-communal conflicts.
- Attacks including through aerial means that target civilians and their assets such as livestock and water sources vital for civilian survival.
- Large-scale military offensives that lead to pre-emptive displacement and shifts in political power that lead to reprisal attacks on individuals and communities and encourages land-grabbing.
- Military withdrawals cause unnecessary risk and harm for civilians if random or sudden and carried out without warning or a comprehensive exit-strategy places protection of civilians at the centre. Withdrawals expose the civilian population to a myriad of protection violations including,
 - Pre-emptive displacement,
 - Destruction of civilian property, and
 - Potential reprisals against individuals and indiscriminate killing of civilians.
- Territorial control by non-state armed actors including by al-Shabaab, exposes civilians to risks impacting on their rights and survival including,
 - Impediments to humanitarian access due to general insecurity, illegal checkpoints, and the armed conflict. Disruption of major aid supply routes limits the reach of assistance delivery and significantly increases operating costs, potentially also through extortion by armed groups.

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- Challenges to freedom of movement for conflict affected communities, especially men and boys who risk being associated with the armed group and face harassment or arrest.
- Family separation results in elevated protection risk exposure for women and children in displacement. In smaller towns women and children arriving from the areas controlled by the armed non-state actors face discrimination because of their areas of origin and suffer consequent loss of access to assistance and protection.
- Illegal taxation by state actors and improper zakat collections by non-state actors in the form of confiscation of camels and other livestock, harvest or cash and through forced child recruitment hampers the coping capacity and resilience of affected populations, further increasing humanitarian needs and raising serious protection concerns.

Al Shabaab is attractive to some because it provides the order that some communities prefer over chaos, clan discrimination, or rule of pro-government warlords yet there is also significant resentment among Somali communities against al Shabaab brutality and crimes, oftentimes the most effective stabilising actors have been Islamist groups. Al Shabaab espouses a doctrinaire version of sharia that is often considered extreme even by Somali standards while sometimes providing order through brutality after years of civil war and foreign interventions. Al Shabaab's rule emphasised backward aspects of sharia, with beheadings, stoning, amputations, and repression against women being both prevalent and visible. However, despite its enormous brutality, deep administrative deficiencies and the lack of a modern state that could deliver socio-economic progress in the world's poorest country, al Shabaab's rule also allowed city-level administrations to function. Its brutal but predictable rule was often better for business and basic economic functioning than constant contestation among rival clans and warlords. Although often drawing on Hawiye membership, it managed to portray itself as having a pan-clan identity.

Perceptions toward individuals associated with al Shabaab vary enormously, ranging from acceptance to extreme ostracisation. Views are often based on whether a community, clan or family's experience with al Shabaab has predominantly been marked by brutality or the delivery of justice and protection services. The broader standing of a clan within Somalia's power distribution also determines preferences between highly punitive or lenient approaches to individuals accused of al Shabaab association. Many local communities indicate they are afraid of ex-al Shabaab members returning to their areas. In some cases, the return of ex-al Shabaab members or people associated with the group produced initial euphoria that quickly gave way to pent-up resentments.

UN officials dealing with DDR processes in Somalia and with providing services to al Shabaab defectors, for example, reported clan elders telling them: "Al Shabaab are our sons; but don't leave us alone to deal with them." Pro-government forces and local militias have in many instances perpetrated acts of retribution against communities or clans that previously associated with al Shabaab or were ruled by al Shabaab. Such retribution has included extrajudicial killings as well as forced displacement. Displacement causes individuals to lose clan protection, which makes them further vulnerable to pro-government forces and local militias. Women who worked for al Shabaab or who were labelled al Shabaab "wives" have faced acute challenges in returning to their communities with their children. They are often seen by families and communities as disgraced; they cannot be married off again; and sometimes they are accused of being al Shabaab spies since the group has in fact used women for such purposes.

In some cases, they are expelled from the community. Women who come from minority clans and/or are displaced face the highest risk of marginalisation. Representatives of women's NGOs in Mogadishu tend to support punitive approaches toward al Shabaab members and associates. In interviews, some representatives insisted on the need for lengthy prison terms, even in cases in which al Shabaab soldiers had grown up under the group's rule and had only been exposed to the group's ideology and portrayal of others as enemies. Neither did they support leniency for al Shabaab members who had been forcibly abducted by the group, even in the cases of children or women.

3. Address critical protection concerns in IDP sites and collective centres.

The increased displacement due to the conflict and natural disaster has resulted in the total number of internally displaced persons surpassing two million, many of whom, especially those in protracted displacement, are marginalized and face structural inequality with limited access to services and protection. Displacement dynamics

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have consistently been directed towards population centres and thus merge with urbanization dynamics, increasing the pressure on services in larger towns and cities. Basic needs of populations displaced to overcrowded informal IDP sites with poor living conditions are frequently not met due to inconsistent service provision, obstructed access to services, social exclusion, or from a sheer absence of interventions due to poor identification or targeting of sites. The lack of essential basic services contributes to serious public health risks and preventable deaths; humanitarian conditions in many of the informal settlements and public buildings occupied by the displaced throughout Somalia continue to be dire, and may be further aggravated for communities who are forcibly evicted from their location of settlement.

Humanitarian and development indicators lag behind in IDP populations in key areas. Recent assessments in IDP sites by the FSNAU indicate worryingly high levels of malnutrition and high levels of localised food insecurity. A profiling exercise conducted in Mogadishu in 2016 showed that IDPs also have higher rates of illiteracy for women and men compared to host counterparts—76% and 60% of IDPs respectively compared to 59% and 39% among host communities. Although variable by area the disparity in school attendance of children over 5 years old is large, in IDP communities 28% attend school, while this is 42% in host communities.

In the context of persisting clan and political infighting, al Shabaab finds a constant lease on life. It continues to adroitly insert itself into clan rivalries. The rapacious and predatory abuse of power by official ruling entities, including land theft, enables it to obtain local support or at least acceptance. It tends to offer its protection to minority clans against dominant clans, mitigating clan conflict, while also appearing to be pan-clan. In fact, after al Shabaab is displaced from an area, there is often a noticeable rise in clan conflict, and associated land and resource theft often explodes. Though containing significant numbers of Hawiyes, the membership itself is pan-clan.

IDPs are highly exposed to acts of violence, coercion, exploitation, and deprivation in displacement, enabling factors of which can be traced to the situation in overcrowded locations with poor living conditions and limited security provision, coupled with discriminatory attitudes and limited clan support and protection resulting in marginalization leading to negative coping mechanisms and hazardous livelihood practices for survival. The frequently exploitative dynamics in IDP sites caused by the gatekeeper system, including by affecting IDPs' access to assistance, potentially leading to localized food insecurity and malnutrition, while also exposing IDPs' to a near-constant risk of forced eviction. The following dynamics have been noted in relation to assistance and gatekeepers:

- People are asked by the gatekeepers to pay in advance a certain amount of money to join an IDP camp, (estimated at approximately \$10 per month).
- IDPs not able to pay immediately agree to hand over cash or food they received from humanitarian organisations or other sources.
- Beneficiaries did not report awareness of this diversion because they were more concerned for their day-to-day survival than anything else.
- Some beneficiaries reported that the gatekeeper collected money or food from the beneficiaries whenever they received their transfers.
- An unwritten agreement between the camp residents and gatekeepers (or camp owners) requires beneficiaries of NGO activities to give an agreed portion to the gatekeeper.
- The collection of monies or food by the camp hierarchy might also include rent charged for accommodation, water and other services provided at the camp, such as security.

In addition, shifting or disrupted community structures as a result of displacement, as well as power imbalances and marginalization, severely limit access to information regarding available services and assistance. Information is often provided by the potentially abusive gatekeepers who lack accountability to both the displaced populations and formal authorities. Needs or complaints are expressed through these gatekeepers, while site-level engagement with affected populations through regular and detailed assessments and protection monitoring is hampered due to direct and indirect obstructions by gatekeepers. The ability of humanitarian organizations to structurally ensure the accountability to affected populations of interventions through community engagement and feedback mechanisms is therefore compromised.

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4. Enhancing identification differential forms of exclusion and addressing this to ensure inclusion.

Displaced persons from major clans tend to find accommodation with extended kin, and after a time are simply considered residents of the cities in which they settle. By contrast, Somalis from poorer, weaker social groups - such as the Digil-Mirifle and the Somali Bantu – constitute the bulk of total IDPs in southern Somalia. They are much more likely to cluster in IDP camps in cities such as Mogadishu and Kismayo, where they are making up a larger and growing percentage of the total urban population. They continue to be identified locally, and continue to self-identify as IDPs even after residing in these cities for over a decade. The displaced self-identify as IDPs because the label offers some hope of being targeted for humanitarian aid. Aid agencies identify them as IDPs as a way to target assistance to a group that is widely considered to be among the most vulnerable in Somalia. Local host communities apply the label to them for very different reasons – as a way to mark them as guests, or *galti*, not *degan*, or residents. As IDPs, they are viewed as possessing rights to resource access and political rights in their “home” regional state, not in the host city. It is frequently suggested, in places like Mogadishu, Kismayo, and Puntland, that steps should be taken to require IDPs to “go home.”

Of specific concern is the large number of drought-affected IDP communities, often made up of separated families with men and youth remaining behind, who are linked to – or perceived to be linked to – non-state armed actors and are displaced into communities with whom conflicts exist, thus increasing their exposure to violations due to grievances and discrimination and limiting further their opportunities to integrate in the host community.

For many displaced communities durable solutions remain elusive, prolonging existences in undignified and vulnerable circumstances while outliving the welcome of host communities. Durable solutions are mainstreamed in national development frameworks. The scale of displacement, the number of locations affected and a substantial numbers of internally displaced are affected by forced evictions further amplifying vulnerability are of great concern. The practical options available vary based on the rural or urban setting. A number of specific and pronounced barriers presently limit the achievement of principled durable solutions (local integration, settlement elsewhere, or voluntary return) including violated housing, land and property rights and a lack of security of tenure; absence of community participation and accountability structures; limited livelihood options; social exclusion and marginalization; a lack of reconciliation and peacebuilding; the configuration of current emergency responses; as well as the ongoing drought, conflict and related general insecurity. In order to ensue displaced communities avoid a permanent limbo and to facilitate informed, voluntary, and sustainable return catalytic rights-based humanitarian interventions are required. Early interventions need to lay the groundwork for durable solutions while avoiding the risk of reinforcing or exacerbating and institutionalizing existing inequalities. Somalia currently lacks consistent assistance delivery addressing these specific needs in these specific circumstances.

Numerous social groups, clans, sub-clans and ethnic groups make up Somalia’s societal landscape and divisions and constantly evolving relations between those groups remain one of the prevailing characteristics of society that remain a driving variable within the ongoing conflict and disaster. Livelihood strategies of the various groups vary. Some of these groups have comparatively less social capital, resulting in reduced clan-based protection and potentially less support, including financial (notably from remittances), during crises.

Localized inter-clan conflicts coupled with the ongoing wider conflict and the drought continue to cause displacement, with concerns of land-grabbing ever-present as illustrated by the large number of unresolved land disputes. In the context of the ongoing conflict and the drought, marginalized or lower status social groups are at risk of being disproportionately affected and are at heightened risk of protection violations including limitations on the freedom of movement, reduced or denial of access to assistance, and a lack of recourse in relation to injustice. Perceived or actual support for displaced communities by armed actors in the conflict further contributes to this dynamic.

Inequality between groups is often aggravated in situations of displacement, where power dynamics regularly result in exploitative relationships between IDPs and land-owners via gatekeepers which shapes humanitarian responses and their impact. Marginalized IDP communities are on occasion barred from accessing available services and are assigned inadequate and unsafe locations to settle on, negatively impacting safety, security, dignity, and living conditions. Further, societal inequalities result in heightened exposure to protection violations such as GBV and forced evictions and child labour due to reduced clan based protection, discrimination, and marginalization. Existing gender

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discriminatory socio-cultural norms expose girls to violations of their rights through inter alia early marriage, interrupted access to education, and obstructed participation in public life.

5. Strengthen Protection Mainstreaming. (Report of GPC following Mainstreaming Mission)

A Protection Mainstreaming Action Plan for the ICCG and each individual cluster is considered crucial to address the identified overarching protection concerns including the risk of exclusion from assistance.

Exclusion /diversion of humanitarian assistance undermining access to those most in need.

This was a recurring protection concern voiced at the four day protection mainstreaming training sessions in Mogadishu. A discussion with the clusters and the ICCG on how to strengthen inclusion and enhance accountability, in line with **priority 1** of the Somalia HCT Protection Strategy highlighted the following key challenges:

Gatekeepers govern IDP settlements often abusing and exploiting IDPs and treating them as commodities, use IDP settlements as an income generation activity, and act as barriers to durable solutions. On the other hand, while gatekeepers are associated with a range of violations, they remain to be one of the primary service providers for IDPs. The gatekeeper system continues to be major factor in prolonging vulnerability amongst IDPs and diminishes the impact of humanitarian interventions. The question/challenge that remains is; how to ensure better meaningful access to the affected population through them? Suggestions include training gate keepers on protection mainstreaming principles; empowering IDP committees; establishing representative community structures/committees - all three suggestions are linked to the Community-Based Targeting developed and piloted by the Food Security Cluster and are reflected in the PM ICCG action plan (see details below).

Targeting criteria. In Somalia certain population groups are significantly less able to cope with shocks than others, primarily because they have less social capital (e.g. fewer connections in the diaspora thus less remittances undermining the ability of some to cope with loss of income due to drought; fewer connections in places of displacement resulting in less protection/support). For some groups their precarious situation is coupled with al-Shabaab obstruction of humanitarian access and this results in higher rates of mortality amongst the most vulnerable groups. Discussions centred on the need to address and improve who is involved in targeting as way of mitigating the impact of the diversion of assistance, exclusion and access to those most in need. The key question is; how can we ensure meaningful access?

The **role of local authorities** in ensuring or obstructing access.

How to ensure **accountability without causing harm**? Ensuring a **comprehensive complaints and feedback/follow-up mechanism is a first step**. Some participants voiced challenges when it comes to following up on complaints as there is a perception that follow-up to complaints can undermine confidentiality and places certain individuals at risk. A key issues remains; how can we ensure we do not to expose individuals to further risks?

The need to link cash assistance with protection outcomes (recommendation by the Protection Cluster Coordinator). This has been identified as a gap during the workshops and there is a need to document the protection outcomes of cash assistance across clusters: e.g. women are establishing businesses; women are forming safety nets; children are going to school etc.

Land and property issues in the Somalia context has an impact on the effectiveness of programing

There was consensus that some of these concerns could be addressed through the development of a collective protection mainstreaming plan that includes:

- **Concerted advocacy efforts from the clusters, ICCG, and the HCT to enhance access and targeting.** In this regard, it was announced, at the ICCG meeting, that State Level HCTs will be introduced and this advocacy

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will be a priority for the area HCTs at the state level. (In Somalia, there are 20 Federal States – follow up is needed to understand the timeline for the State level HCTs and the number to be developed.

- **UNHCR/Protection Cluster** establishing a protection monitoring system which will flag issues related to access to the affected population (based on discussions with both the Protection Cluster Coordinator and the UNHCR IMO).
- **An agreement** that all actors/organisations will need to clearly articulate how they are dealing/addressing/mitigating against **exclusion**/lack of consistent access to the most vulnerable in their relevant strategies and HRP response chapters. In practical terms, this will require each cluster to undertake protection risk assessments, and further integrate these assessments within the online project system (OPS). **Note** Each cluster will need to include in its relevant HRP chapter an explanation on how its response is ensuring adherence to protection mainstreaming principles and whether its activities is involving direct engagement and consultations with communities; and all projects will include a PRA component in their project submissions. This recommendation is in line with the guidance issued by the Protection Cluster on how to incorporate HCT protection priorities in the 2018 HRP.
- **Targeting Criteria.** The Food Security Cluster (FSC) recently launched an initiative on their targeting methodology – also broaching the difficult topic of exclusion due to societal and political discrimination. The guidance is tied directly to the first priority in the HCT Protection Strategy on exclusion. The Protection Cluster Coordinator worked closely with the FSC to bring a protection lens to the guidance, building on the Somalia Protection Guidelines for CBIs and existing vulnerability analysis methodologies. **Action Point:** Food Security Cluster to receive feedback from the protection cluster and other clusters on the pilot version.
- **Referrals** were identified as a gap at both the cluster and the ICCG sessions. In general there is a need to harmonise referral mechanisms across clusters. At the ICCG meeting, the Protection Cluster was asked to develop guidance and a training package to roll-out. **Action Point:** Protection Cluster to follow up as in the draft ICCG Protection Mainstreaming action plan.

Key recommendations based on discussions with each Cluster and the ICCG

There is no need to create a new framework. To avoid additional workload build on existing mechanisms and data collection systems and ensure linkages with existing work streams in Somalia like the:

- a. Accountability to Affected Population Working Group;
- b. the CCCMC DSA (Detailed site assessment);
- c. CCCMC CSA (Comprehensive site assessment);
- d. JMCNA

Action Point: Review existing big data sets (b,c,d above) with a view of adjusting or introducing new questions both at the assessment stage and at the monitoring stage. This is reflected in the draft ICCG Protection Mainstreaming Action Plan.

Protection Risks analysis for each cluster/HRP A **commitment** was made by each cluster to conduct a protection risks analysis in their relevant strategies, and HRP response chapters. **Clusters also made a commitment** to articulate in the Humanitarian Response Plan (HRP) narrative the protection risks that may arise during implementation of clusters' activities, and the mitigation measures they plan to undertake to reduce those risks. **Action Point:** Clusters requested the support of the Protection Cluster with a half day training and a simple tool (A simple tool was discussed and shared at the cluster trainings and in the meeting with the ICCG – attached).

This point is reflected in the draft ICCG Protection Mainstreaming Action Plan. I have included a folder on Protection Analysis which includes the presentation on protection analysis, and relevant tools (guidance, checklists, tip sheets) that can be used to facilitate this process at the cluster level. This will of course need to be reviewed by the protection cluster coordinator before sharing with the ICCG and Cluster Coordinators.

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Protection mainstreaming in the Somalia Humanitarian Fund (SHF) as well as at the OPS/SAG project review level. It was agreed to incorporate the ECHO indicators (drop-box folder “ECHO indicators”) at the SHF level. For the OPS review and/or SAG project review/approval stage, it was agreed that cluster leads would review the list of indicators distributed to them during the cluster training & incorporate/adjust their indicators (Tool#4 attached for ease of reference for substantive list of indicators – only one or two can be selected.)

The objective is to ensure each project proposal submitted for consideration for funding considers/identifies protection risks and how the project will mitigate these risks (PM principles). This point is reflected in the draft ICCG Protection Mainstreaming Action Plan.

Collective monitoring of Protection Mainstreaming In order to improve how we measure the delivery of assistance according to the four key protection mainstreaming principles of Safety & Dignity, Meaningful Access, Accountability and Participation & Empowerment, there was an agreement to introduce new or adjust existing indicators to measure perceptions of IDPs, host and returnee populations regarding the delivery of humanitarian assistance, information needs related to humanitarian assistance, and accountability to the affected population.

There was tentative agreement to introduce indicators to monitor the process of protection mainstreaming. And there was tentative agreement to introduce indicators to monitor the impact of protection mainstreaming; asking what has been the impact on affected populations and the quality of our response?

Examples of **monitoring indicators** used by other operations to the impact of PM.

% of communities reporting that humanitarian assistance meets their priority needs.

% of communities reporting that they know how to access humanitarian assistance.

% of communities reporting that they feel involved in the way humanitarian assistance is provided.

% of communities reporting that the most vulnerable and in need population is receiving humanitarian assistance.

The above indicators are largely consistent with and reflect the ECHO PM indicators introduced in Somalia. Draft monitoring indicators, in line with ECHO indicators, as well as process indicators are reflected under Action 1, 3, 4 and 5 of the draft protection mainstreaming action plan at the ICCG level.

6. Strengthen HCT Protection Advocacy.

Humanitarian advocacy is an essential pillar of protection that occurs in emergencies and before and after a crises and in situations of protracted vulnerability, suffering or conflict. Advocacy is used to try to influence the policies and actions of local, national, regional and international institutions and actors so that they better address protection issues.

This usually includes working to ensure that humanitarian responses are appropriate to IDP needs and rights. Advocacy can lead to changes in policy or practice, holds duty-bearers to account for their responsibility to fulfil rights in humanitarian contexts and ensures that the voices of children and their families are heard and help influence decision makers in line with what children want and need.

A lot of our most effective advocacy in humanitarian contexts is done by Cluster members who may not even think of themselves as advocates. Cluster

Key issues vary from context to context; some issues can be taken up by the HCT for high level advocacy.

Localized context, social norms and opportunities in a specific area, have a large impact on survival strategies and experiences of protection. Responses need to show an understanding of, adapt to, and build on local dynamics.

Somalia HCT Centrality of Protection Strategy 2018-2019
Protection Analysis (Annex II)

Assistance is not consistently safe for everyone: it is usually not sufficiently sensitive to the needs of women and children, and more needs to be done to better understand and respond to other vulnerabilities and ensure that aid does not put people in greater danger, for example through distributions that contribute to insecurity, or latrines that increase the risk of sexual violence. Organizations approach safe programming differently, and that access to services often depends largely on which organizations are operational in a given area.

Sound-bites with little clarification as to the actual context. In August 2018 it was reported that the U.S. military had carried out 21 air strikes this year against the Somalia-based al-Shabab and a number of drone strikes against a small presence of fighters linked to the Islamic State organization in the northern part of the Horn of Africa nation.

Measures to better target assistance and services should be developed with community leaders, with dedicated space for women's voices to be included.

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PW ProCap SPO