



Home Office

Country Policy and Information Note

Somalia: Majority clans and minority groups in south and central Somalia

Version 2.0

June 2017

Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 6 June 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by non-state actors on account of a person's membership of a majority clan or minority group.

1.2 Points to note

1.2.1 This note is focused on south and central Somalia. Where needed, decision makers should seek advice on the treatment of major clans and minority groups in other areas of Somalia on a case-by-case basis.

1.2.2 The four majority clans in Somalia as a whole are the Darod, Hawiye, Isaaq and Dir. Two further clans, the Digil and Mirifle (collectively referred to as Rahanweyn), take an intermediate position between the majority clans and the minority groups. Minority groups are comprised of ethnic and religious minorities, and occupational/out-caste groups. The latter are of the same ethnicity as members of the majority clans (see [Clan system](#)).

1.2.3 The term 'group' can mean a particular dominant ethnicity associated with a geographical location or language, or could loosely mean a clan as in an alliance of separate descent groups living in the same cities.

1.2.4 Members of majority clans can be considered minorities where they live in an area mainly populated by other majority clans.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

2.2.1 Clans and minority groups constitute particular social groups (PSGs) within the meaning of the Refugee Convention because they share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society

2.2.2 Although clans and minority groups constitute PSGs, establishing such membership will not be sufficient to be recognised as a refugee. The question in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further information and guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.3 Assessment of risk

a. Majority clans

2.3.1 The clan system has changed in recent years and been undermined to varying degrees in different regions by the ongoing conflict, Al-Shabaab introducing Sharia in place of xeer as a source of law, and by the declining influence of the traditional system of justice. This is particularly the case in Mogadishu. A person's individual personal connections have become increasingly important in accessing clan support, which may make those moving to a new area without such connections vulnerable. While there are reports of clashes between majority clans, sources do not indicate that there is widespread discrimination of members of majority clans because of their ethnicity/clan membership alone (see [Clans and minority groups](#); [Treatment of majority clans](#)).

2.3.2 In general, it is unlikely that any Somali belonging to one of the majority clan families (Hawiye, Darood, Dir and Isaaq) – or immediate clan groups or associated sub-clans – will be able to demonstrate a well-founded fear of persecution on return on the basis of their clan affiliation alone.

b. Minority groups (including minority clans)

2.3.3 Members of minority groups in south and central Somalia can be at particular disadvantage in comparison to members of the majority clans. They usually lack the support network provided to members of the majority clans. However, some minority clans/groups have a well-established community in Mogadishu, and some have rebuilt their businesses and livelihoods in recent years (See paras 54 and 55 of [AAW \(expert evidence – weight\) Somalia \[2015\] UKUT 673 \(IAC\)](#)).

2.3.4 Members of minority groups who have become internally displaced persons (IDPs) and typically end up living in an IDP camp in any part of Somalia may be particularly vulnerable and could face discrimination and various human rights abuses. Single women or a woman who is a head of a household are particularly vulnerable. Crimes against women, especially amongst women from minority groups, are often perpetrated with impunity and women and girls from minority clans suffer a lack of access to justice, due process, and clan protection (see [Treatment of internally displaced persons](#); [Human rights abuses against female members of minority groups](#), and the country policy and information note on [Somalia: women fearing gender-based harm and violence](#)).

2.3.5 For information and guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

c. Mogadishu

- 2.3.6 In the country guidance case of [MOJ & Ors \(Return to Mogadishu\) Somalia CG \[2014\] UKUT 00442 \(IAC\)](#) heard February 2014 and promulgated 3 October 2014, the Upper Tribunal (UT) held that: ‘There are no clan militias in Mogadishu, no clan violence, and no clan based discriminatory treatment, even for minority clan members.’ (para 407g).
- 2.3.7 The UT also held that:
‘Perhaps a good indication of the very real change that has taken place in Mogadishu is that some commentators when referring to a “minority clan” now base that not on ethnicity but the fact of the clan being in a numerical minority in a particular area, despite its status as a majority clan on a national basis. It is clear that there have been very significant population movements in Mogadishu in recent years.’ (para 77).
- 2.3.8 It further held:
‘It will, therefore, only be those with no clan or family support who will not be in receipt of remittances from abroad and who have no real prospect of securing access to a livelihood on return who will face the prospect of living in circumstances falling below that which is acceptable in humanitarian protection terms.’ (para 408)
- 2.3.9 The UT also found that a person from a minority clan with no links to Mogadishu, no access to funds and no other form of clan, family or social support, is at ‘a real risk of having no alternative but to live in makeshift accommodation within an IDP camp where there is a real possibility of having to live in conditions that will fall below acceptable humanitarian standards’. (para 425) (see [Treatment of minority groups](#) and [Treatment of internally displaced persons](#)).
- 2.3.10 The situation in Mogadishu has not significantly changed since MOJ and Ors was promulgated. While persons from minority groups may be marginalised and face discrimination in Mogadishu, such treatment is not sufficiently serious by its nature and repetition as to amount to persecution or serious harm. In general they are unlikely to face persecution on the basis of their ethnicity alone.
- 2.3.11 However, minority group/clan members returning or relocating to Mogadishu without support networks, without skills or education, and who have no real prospect of securing access to a livelihood are generally likely to face difficult living conditions that amount to serious harm or persecution.
- 2.3.12 Each case will need to be carefully considered on its facts, with the onus on the person to demonstrate that they are at real risk of having no option but to live in makeshift accommodation in an IDP camp, or that they would have no clan or family support, would not be in receipt of remittances from abroad, and would have no real prospect of securing access to a livelihood on return, and would consequently face serious harm or persecution on return.

d. South and central Somalia

- 2.3.13 The UT in [MOJ and others](#) did not consider the position of clans (including minority clans/groups) outside of Mogadishu. There is, however, earlier

caselaw that considers the position of minority groups and remains relevant to assessing cases, particularly those outside of Mogadishu. This caselaw is based on country information up to 2005/6 and so does not take into account recent changes in the human rights situation and in clan dynamics. Decision makers should, however, take into account this caselaw alongside up-to-date country information when considering cases.

- 2.3.14 In the case of [NM and Others \(Lone women – Ashraf\) Somalia CG \[2005\]](#) UKIAT 00076 (31 March 2005), the Tribunal found that male and female members of minority groups from the south will, in general, be at risk of breaches of their Article 3 rights and will be refugees in the absence of evidence that they have a clan or personal patron and the means to access an area of safety without a real risk (para 117).
- 2.3.15 In the case of [YS and HA \(Midgan – not generally at risk\) Somalia CG \[2005\]](#) UKIAT 00088 (22 April 2005) the Tribunal held that a Midgan or Yibir who has lost the protection of a local patron (or local patrons) and who had not found alternative protection in a city would be vulnerable to persecution and would not be able to relocate safely within Somalia (para 73, viii and ix). Occupational groups generally face more severe discrimination than ethnic minorities.
- 2.3.16 In the case of [MA \(Galgale – Sab clan\) Somalia CG \[2006\]](#) UKIAT (17 July 2006), the Tribunal held that there are no designated areas in which the Galgala may live; and they can no longer look to a major clan as a patron. They may therefore have less expectation of protection than others and therefore may face a real risk of persecution. In general, members of the Galgala would, on return, face a real risk of persecution and treatment contrary to Article 3 (para 55).
- 2.3.17 The available country information generally indicates that members of minority groups are likely to face political, social, economic and judicial discrimination, and human rights abuses, which in some circumstances may amount to persecution. Each case will need to be carefully considered on its facts, with the onus on the person to demonstrate that they will face serious harm or persecution.
- 2.3.18 See also [Treatment of minority groups](#) and the country policy and information note on [Somalia: Security and humanitarian situation in south and central Somalia](#).

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2.4 Protection

2.4.1 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.

a. State

2.4.2 Throughout south and central Somalia (including Mogadishu) there are structural weaknesses in the security forces, including indiscipline, weak command and impunity for human rights abuses. This, alongside a largely non-functioning legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the widespread

existence of corruption in state institutions means that, in general, the majority clan or minority group members who are at risk are unlikely to be able to access effective protection from the state (see also [State protection](#)).

b. Clan-based protection

- 2.4.3 Decision makers will need to make a careful assessment of whether effective protection may be provided by a person's clan. In areas of south and central Somalia outside of Mogadishu, dominant clans may retain an ability to provide protection to its members and members of minority groups with which it has established a relationship/links. Decision makers will need to establish in such instances whether the dominant clan has the ability and willingness to provide durable and effective protection.
- 2.4.4 The significance of clan protection has diminished, particularly in Mogadishu, though this may vary by clan and by area. The effect of this is that minority groups who had established a relationship with a majority clan may no longer be able to seek protection from their sponsor clan. However, this may depend on the dominant clan and the area in which they reside. Decision makers will therefore need to take into account which minority group the person belongs to and whether protection from the clan with which the minority group has established a relationship is available (see [Clan support and protection](#) and [Treatment of minority groups](#)).
- 2.4.5 In the country guidance [MOJ and others](#), which considered the issue of safety in Mogadishu only, the UT held that: 'The significance of clan membership in Mogadishu has changed. Clans are now potentially in a position to provide social support mechanisms and assist with access to livelihoods, performing less of a protection function than previously' (Head note viii).
- 2.4.6 Decision makers must therefore carefully assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the person to demonstrate that protection is not available (see [Treatment of minority groups](#)).
- 2.4.7 For further guidance on assessing the availability of protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.4.8 For guidance on considering female gender-based claims, and the country policy and information note on [Somalia: women fearing gender-based harm and violence](#).

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2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.2 In general, internal relocation for members of a majority clan or minority group may be viable to Mogadishu and to areas of south and central Somalia not controlled by Al-Shabaab.

- 2.5.3 Internal relocation to Somaliland and Puntland from other areas of Somalia would only be viable for former residents and/or those who are members of locally-based minority groups.
- 2.5.4 For single women and female single heads of households with no male protection, especially those originating from minority groups, internal relocation will not be available in the absence of meaningful support networks or a real prospect of securing access to a livelihood. For information and guidance on the security situation and gender-based violence, see the country policy and information notes on [Somalia: Security and humanitarian situation in south and central Somalia](#) and [Somalia: women fearing gender-based harm and violence](#).
- 2.5.5 For further guidance on internal relocation, see [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further guidance on certification, see the [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Members of majority clans are unlikely to be at risk of serious harm or persecution because of their ethnicity/clan alone in any part of south and central Somalia. However, each case should be considered on its specific facts and it will be up to the person to demonstrate why they would be at risk on return.
- 3.1.2 Minority clan/group members are unlikely to be at risk of serious harm or persecution on the basis of their ethnicity or social group alone in Mogadishu. However, minority clan/group members returning or relocating to Mogadishu without support networks and who have no real prospect of securing access to a livelihood may face difficult living conditions.
- 3.1.3 In areas outside of Mogadishu, members of minority groups may face discrimination and human rights abuses which, in some circumstances, may amount to persecution. The risks faced by minority clans/groups will depend on which group they belong to, where they are returning to and, where available, whether the person is able to access the protection of a majority clan. Decision makers should consider each case on the specific facts, with the onus on the person to show why they are at risk on return.
- 3.1.4 Minority group members who become IDPs in any part of south and central Somalia and who have no choice but to live in an IDP camp may be at risk of persecution on the basis of their social group or ethnic origin. Conditions in camps, however, vary and are better in established, settled sites – some of which are dominated by minority groups. Each case will need to be considered on its facts.
- 3.1.5 Minority group women without family or clan support or a prospect of securing gainful employment, in general, are likely to be at risk of serious harm or persecution on return in Mogadishu and elsewhere in south and central Somalia.
- 3.1.6 In general, majority clan and minority group members are unlikely to be able to obtain protection from the state. In areas of south and central Somalia outside of Mogadishu, protection from a majority clan may be available in individual circumstances.
- 3.1.7 Internal relocation to Mogadishu and other areas of south and central Somalia not controlled by Al-Shabaab may be viable, depending on the facts of the case and the person's circumstances.
- 3.1.8 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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Country information

Updated: 2 June 2017

4. Clans and minority groups

4.1 Clan system

- 4.1.1 The European Asylum Support Office (EASO) 'Country of Origin Information report, South and Central Somalia Country Overview', published in August 2014, (EASO report August 2014), described the clan system and majority clans:

'According to a renowned expert on Somalia and professor of anthropology: "The clan system is the most important constituent social factor among the nomadic-pastoralist Somalis". The clans function as sub-ethnicities of the Somali nation. Clan affiliation is the main identity-providing factor within the Somali nation. The clan system matters for all functions of society, even for the structure of the government. Somalis usually know their exact position within the clan system, including in urban Mogadishu.

'The clan system is patrilineal and hierarchically structured. It can be differentiated into several levels: clan family, clan, sub-clan (sometimes also sub-sub-clan), primary lineage and mag or diya paying group. Clans are led by leaders and elders. On higher levels, these leaders are called suldaan, ugaas or issim. Their role is mainly judicial and representative. Elders (oday) on lower levels (mag paying groups) regulate access to shared resources and are involved in conflict resolution. Due to the absence of functioning state structures in parts of Somalia, the clans and their elders have regained a political function and a substantial influence on the organisation of society. However, clans have no centralised administration or government. During the civil war, clan elders increasingly became targets of violence, which eroded their power. Nevertheless, they still have a significant influence on society and politics.

'The 'noble' clan families trace their origin back to a mythical common ancestor called Samaal, who is said to be descended from the Prophet Mohammed. These groups are nomadic pastoralists. The clan family is the highest level of clanship. Its members can count up to 30 generations back to a common ancestor. The four "noble" (Samaale) clan families are the following:

- The Darod are usually divided into three major groups: Ogaden, Marehan and Harti. The Harti are a federation of three clans: the Majerteen are the main clan in Puntland; the Dulbahante and Warsangeli live in the disputed border areas between Puntland and Somaliland. The Ogaden are the most important Somali clan in Ethiopia, but also quite influential in both Jubba regions, while the Marehan are present in South and Central Somalia.
- The Hawiye mainly live in South/Central Somalia. Their most influential subdivisions are the Abgal and Habr Gedir, which are both dominant in Mogadishu.

- The Dir settle mainly in western Somaliland and in some pockets of South/Central Somalia. The main clans are the Issa, Gadabursi (both in Somaliland and bordering regions of Ethiopia and Djibouti) and the Biyomaal (in southern Somalia).
- The Isaaq are the main clan family in Somaliland. According to some scientists and Somalis, they are considered part of Dir clan family.

'A further clan family, the Digil and Mirifle/Rahanweyn, trace back their ancestry to Saab, another alleged descendant of Prophet Mohammed. The term "Rahanweyn" is sometimes used to describe a separate clan family, as identical to both Digil/Mirifle. In contrast to the Samaale, the Saab clans are mainly (but not exclusively) sedentary clans working in agriculture. They mainly live in the fertile valleys of Shabelle and Jubba Rivers and the lands in between (mainly Bay and Bakool regions). The Saab speak Maay-tiri, a dialect quite distinct from Maxaa-tiri, the dialect used by the other clan families. Sometimes, the Saab clans are considered as a separate caste below the Samaale because of a more "mixed" descent. However, there is no systematic discrimination of the Saab and both Saab and Samaale are to be considered "noble" castes, whose members are allowed to carry weapons.'¹

- 4.1.2 A Minority Rights Group International report, 'No One Cries for Them: The Predicament Facing Somalia's Minority Women', by Looma Ooyaan, published on 30 January 2015, noted:

'Clan relationship is regulated by the Somali customary law, xeer. This is particularly important in view of the absence of well-functioning modern state structures in Somalia and a well functioning judiciary system. In most of the southern Somali regions it is the customary law that is utilised to regulate social relations. The clans use deeply ingrained customary law – or xeer – to govern their communities. Besides determining one's origin, social standing and economic status, clannism permeates nearly every aspect of decision making and power sharing in the country. In the best case, the clan may provide a social security welfare system for its members – but at its worst it leads to conflict, bloodshed, and xenophobia. Xeer also governs the relationship between minority and majority communities, but does not always provide the same level of protection to minorities as majority clans.'²

- 4.1.3 The United States State Department 'Country Reports on Human Rights Practices for 2016', published on 3 March 2017, stated that: 'More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas, the predominant clan excluded members of other groups from effective participation in governing institutions

¹ European Asylum Support Office, 'Country of Origin Information report, South and Central Somalia Country overview', August 2014, 2.1 Majority Clans p 43-44, <https://www.easo.europa.eu/sites/default/files/public/COI-Report-Somalia.pdf>, date accessed 17 January 2017

² Minority Rights Group International, 'No One Cries for Them: The Predicament Facing Somalia's Minority Women', Looma Ooyaan, 30 January 2015, Minority and marginalized clans in Somalia p9, http://minorityrights.org/wp-content/uploads/old-site-downloads/mrg_report_somalia_jan2015.pdf, date accessed 17 January 2017

and subjected them to discrimination in employment, judicial proceedings, and access to public services.³

- 4.1.4 A Chatham House meeting summary, 'No redress: Somalia's Forgotten Minorities', dated 23 February 2011, Mark Latimer, Minority Rights Group's executive director, noted that:

'Somalia itself is dominated by four "majority" clans that are often referred to as 'nobles'. These are the Hawiye, Darod, Dir and Rahanweyn. These family clans tend to control Somalia's politics and economics since independence. The majorities' over-arching powers cast a long shadow over the rights of the minorities. Somalia has always had a very diverse population of minorities.'⁴

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4.2 Clan support and protection

- 4.2.1 The August 2014 EASO report explained:

'The term "clan protection" means the "facility of an individual to be protected by his clan against violence" by an aggressor from outside the clan. The rights of a group are protected by force, or the threat of force. The ability to defend these rights is essential for the security of an individual, whose mag paying group or clan must be able to pay compensation and fight. Protection and vulnerability are therefore closely linked to a clan's power. Generally (but not always), clan protection functions better than protection by the state or police. Therefore, in case of a crime, Somalis would rather go to their clan than the police.'⁵

- 4.2.2 The 2014 Minority Rights Group International report commented that:

'For minority groups such as Bantu and others, the clan system offers little protection or opportunity, and instead has led to exclusion from mainstream social and political life. Hate speech against minority communities, focused on their appearance and different customs, has enhanced their vulnerability to attacks and other forms of discrimination.'⁶

- 4.2.3 The UNHCR paper, 'International Protection Considerations with Regard to people fleeing Southern and Central Somalia', dated 17 January 2014, stated:

³ United States State Department, 'Country Reports on Human Rights Practices for 2016', Somalia, section 6, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

⁴ Chatham House meeting summary, 'No redress: Somalia's Forgotten Minorities', 23 February 2011, Martin Hill, p2, http://www.operationspaix.net/DATA/DOCUMENT/4288-v-No_Redress_Somalias_Forgotten_Minorities.pdf. Accessed: 6 March 2017

⁵ European Asylum Support Office, 'Country of Origin Information report, South and Central Somalia Country overview', August 2014, 2.5 Clan protection/support p55, <https://www.easo.europa.eu/sites/default/files/public/COI-Report-Somalia.pdf>, date accessed 17 January 2017

⁶ Minority Rights Group International, 'State of the World's Minorities and Indigenous Peoples 2014', Somalia, p57, July 2014, <http://www.minorityrights.org/12473/state-of-the-worlds-minorities/mrg-state-of-the-worlds-minorities-2014.pdf>, date accessed 26 January 2017

'In many places the traditional elders, in order to survive, have given Al-Shabaab their loyalty and reportedly put pressure on youth to join the organization...Furthermore, due to a breakdown in Somalia's traditional social fabric caused by 20 years of conflict and massive displacement flows, the traditional extended family and community structures of Somali society no longer constitute as strong a protection and coping mechanism as they did in the past, particularly in locations such as Mogadishu. Clan protection and conflict resolution used to be bolstered and supported by customary law (xeer). However, there have been many pressures on the clan structure and clan elders' traditional authority has reportedly been eroded and in some places even collapsed...In Mogadishu in particular, the nuclear family has reportedly become the main protection mechanism.

'Despite these changes, in general it reportedly remains the case that Somali nationals enjoy greater physical security when residing in an area dominated by their own clan. As many neighbourhoods in Mogadishu are reportedly dominated by one clan and sometimes affiliated armed militia, presence in such areas could, depending on the specific circumstances, put a member of another clan at risk. There continue to be reports of clan tensions in the context of a struggle for control of districts, and clan militias are an additional source of insecurity.'⁷

4.2.4 The August 2014 EASO report stated that:

'The level of functioning of clan protection is subject to disputes. Some factors recently eroded clan protection (such as the emergence of AMISOM, army and police as a security providers, or Al-Shabaab introducing Sharia in place of xeer as a source of law), while other factors led to the improvement of clan protection, such as the withdrawal of Al-Shabaab from some regions and the general lack of administration all over rural Somalia. Therefore, clan protection varies regionally and from time to time, rendering a general assessment difficult. Furthermore, clan protection depends on a number of factors, which may exist fully or only partially.'⁸

4.2.5 The Danish Immigration Service (DIS) report of a fact finding mission (FFM) to Nairobi and Mogadishu in May 2015, 'South Central Somalia – Country of Origin Information for Use in the Asylum Determination Process,' published in September 2015, based on interviews with a range of sources, noted:

'Both clan and family, including the extended and distant family, continue to be one of the most important factors in terms of gaining acceptance, security, as well as access to basic necessities such as accommodation and food...A person relocating to a new area would expect acceptance from his clan in the local community. That acceptance from the clan informs people that a person is known by someone and where that person belongs and

⁷ United Nations High Commissioner for Refugees (UNHCR), 'International Protection Considerations with Regard to people fleeing Southern and Central Somalia', 17 January 2014, II. C. pages 8-9, <http://www.refworld.org/docid/52d7fc5f4.html>. Accessed: 26 January 2017

⁸ European Asylum Support Office, 'Country of Origin Information report, South and Central Somalia Country overview', August 2014, 2.5 Clan protection/support, p55, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf>, date accessed 26 January 2017

thereby constitutes the protection a person can get from his clan. One would not ask the clan for other resources or money. Financial assistance, accommodation etc. all begins at the family level.

'However, if a person has no nuclear family or relatives in an area the clan can provide support if it has the resources or provide links to other clan members who may be willing to support a newly arrived person.'⁹

4.2.6 The DIS 'South Central Somalia' COI FFM report also stated:

'As a general rule, Somalis will assist even very distant relatives coming from a different area as long as there is a clan connection, provided they have the capacity to do so. However, in S/C Somalia the concept of clan solidarity has been overstretched, and many families and clan networks find themselves unable to respond to the needs of their displaced relatives.

'As a consequence, persons leaving Al Shabaab areas and attempting to relocate to cities or towns with AMISOM/SNAF presence will be forced to settle in IDP settlements unless they have nuclear or extended family with the necessary resources to support them.

'Also for single women with or without children, access to livelihoods would depend on the status and resources of their family in the area... In urban areas such as Mogadishu a person returning would still have to somehow be identified by the local community in order to gain acceptance. Depending on the skills and capacity of the person returning, he or she might be selfsufficient and would not as a rule face clan harassment. If a person is weak and less resourceful he or she would need support from family members, relatives or close network in order to get housing, money etc.

'In Mogadishu, the returning Somali diaspora are usually people with a network or a family in Mogadishu and they are often returning to recover their property, establish businesses, visit relatives or to work in the government. Given their socioeconomic status this category of returnee are selfreliant, resilient and would not normally end up in the same situation as IDPs in Mogadishu.'¹⁰

4.2.7 A research study carried out by the Somali Centre for Research and Policy Analysis, 'Causes of Displacement and Protection Gaps in Somalia', published in March 2016, found that:

'The Somali clan system shapes political, economic and social life including displacement. Somali clan membership is an essential protection source and a factor in accessing to social assistance there is very inadequate clan protection for the minorities since it at times functions better than the police.

⁹ Danish Immigration Service, 'South Central Somalia – Country of Origin Information for Use in the Asylum Determination Process,' Report from the Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 2-12 May 2015, September 2015, p20, https://www.nyidanmark.dk/NR/rdonlyres/E7BE9811-3CA0-4F86-BD27-749FB153B73A/0/Somalia_FFM_report_2015.pdf. Accessed: 6 March 2017

¹⁰ Danish Immigration Service, 'South Central Somalia – Country of Origin Information for Use in the Asylum Determination Process,' September 2015, p20, https://www.nyidanmark.dk/NR/rdonlyres/E7BE9811-3CA0-4F86-BD27-749FB153B73A/0/Somalia_FFM_report_2015.pdf. Accessed: 6 March 2017

On many cases residents have inclined to flee to areas which they could get social acceptance and support to build new livelihoods.’¹¹

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4.3 Minority groups

4.3.1 The EASO report August 2014 provided information about Somali minority groups:

‘Somali minorities are diverse, with categories such as ethnic and religious minorities and occupational groups. The ethnic and religious minorities have a different cultural and language background than Somalis from the pastoralist majority clans, while the occupational groups share their background, but practice specific non-pastoralist occupations...

Furthermore, members of majority clans can be considered minorities where they live in an area mainly populated by another majority clan. An example of this phenomenon is the Biyomaal, who belong to the ‘noble’ Dir clan family, who are a minority in the south, where they are suppressed by the Hawiye and Darod... Most ethnic minorities are descendants of immigrants from eastern and central Africa or from the Arabian Peninsula. Some minorities already settled in Somalia before the arrival of the Somalis. There are no reliable data about their number. Estimations range between six per cent and one third of the population. They are not clans, but considered as such by majority clans. Some ethnic minorities are affiliated with majority clans (or sub-clans) and are sometimes even seen as part of them.’¹²

4.3.2 An Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) report of a lecture by Joakim Gundel in May 2009, (Gundel report 2009), ‘Clans in Somalia’, noted:

‘Minorities are not clans, although this is what the Somali Nomadic clans call them because they want to assimilate them into their structure. Among the minorities, one can find the “outcaste” groups, or bondsmen known collectively as sab, as well as groups of ethnic Bantu descent and the coastal groups, including those of Arabic descent such as the Bajunis and Barawanis. Minorities are not counted and their languages and cultures are neither accepted nor respected.

‘It should be first noted that being a minority does not reveal whether or not one is at risk of becoming targeted. Secondly, in terms of their size, the notion of “minorities” is sometimes misleading. Many minorities, such as Bantus, are in many places in South Central Somalia in fact local majorities. However, they are being oppressed by the militarily stronger nomadic clans. Globally, in the Somali context, they are a minority, because they are not

¹¹ Somali Centre for Research and Policy Analysis, ‘Causes of Displacement and Protection Gaps in Somalia’, March 2016, page 6, Omar Abdi, https://www.researchgate.net/publication/296697066_Causes_of_Displacement_and_Protection_Gaps_in_Somalia. Accessed: 5 April 2017

¹² European Asylum Support Office, ‘Country of Origin Information report, South and Central Somalia Country overview’, August 2014, (2.2 Minority Groups p 45), <https://www.easo.europa.eu/sites/default/files/public/COI-Report-Somalia.pdf>, date accessed 17 January 2017

overall dominant. The Sab are an exception to this, as they are in numbers a clear-cut minority due to the fact that, unlike the Bantus, who live in certain locations, they are scattered over many places.

'Thirdly, one can observe the reverse situation in the case of clan groups (such as the Biymaal) who in some areas live in pockets of groups and thus can be referred to as "minorities" on the local level with some justification, but not on the global Somali level due to the fact that they belong to a strong clan-family. Hence generally they can leave the area where they constitute a "minority" and receive protection where their clan is a majority (even though the notion of being "dominant" nowhere means full control, as there are always several clans, and "minorities" present in South Central Somalia). However, this often means that these groups – listed [in the report] under groups that are "not minorities" – are obliged to leave their local areas where they probably have been living for generations.'¹³

4.3.3 The use of the term 'minority group' and 'minority clan' are often used interchangeably, including in country guidance judgements. In providing a useful description of which groups are a minority in Somalia, the UNHCR (United Nations High Commissioner for Refugees), in its UNHCR 2010 Eligibility Guidelines (Annex V: section C) uses both terms stated that 'the definition of "minority groups" varies between sources, but are (sic) generally held to include

- Bantu/Jareer (including Gosha, Makane, Shiidle, Reer Shabelle, Mushunguli);
- Bravenese,
- Rerhamar,
- Bajuni,
- Eeyle,
- Jaaji/Reer Maanyo,
- Barawani,
- Galgala,
- Tumaal,
- Yibir/Yibro,
- Midgan/Gaboye (Madhibaan; Muuse Dhariyo, Howleh, Hawtaar)'.¹⁴

4.3.4 Earlier in the same report [Members of Minority Clans] it is stated that 'members of minority clans in southern and central Somalia include the

¹³ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Clans in Somalia', December 2009, 4. Minorities p14, <http://www.refworld.org/docid/4b29f5e82.html>, date accessed 17 January 2017

¹⁴ United Nations High Commissioner for Refugees (UNHCR), 'Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia', 5 May 2010, 'V. C. Interaction with other ethnic groups p.45 and IV. B. 1. d), 'Members of Minority Clans p.15, <http://www.refworld.org/docid/4be3b9142.html>. Accessed: 17 January 2017

Ashraf, Midgan, Bantu, Bravenese, Bajuni, Rerhamar, Eyle, Galgala, Tumal, Yibir, Gaboye, Hamar Hindi and Oromos'.¹⁵

- 4.3.5 A Chatham House meeting summary, 'No redress: Somalia's Forgotten Minorities', dated 23 February 2011, Mark Latimer, Minority Rights Group's executive director, noted that:

'The three largest groups of minorities are the Bantu, Benadiri and Occupational Groups. The Bantu are farmers and were traditionally subjugated by the Arab slave-trade – they are often the victims of land grabs. The Benadiri live on the coast and are mercantile people. They were migrants from all over the Gulf and used to have a sizeable population in Somalia (at one time, they comprised of half the population of Mogadishu). Finally, the Occupational Groups (or caste groups as they're sometimes known) represent the lowest rung in the socio-economic strata. They especially suffer from a lack of official protection.'¹⁶

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5. State protection

5.1 Somali security forces

- 5.1.1 The Global Security website provided the following undated information:

'Once regarded as one of Africa's best armies, the Somali National Army (SNA) has had better days before its disintegration with the collapse of the central government in 1991. The fall of the central government in 1991 brought about the collapse of the state institutions, and the military was not spared. The army is currently restructuring in the hope of restoring calm and order to the country following two decades of incessant conflict.

'Restructuring Somalia's army remains the country's uppermost priority. The Somali National Army (SNA) still struggles with its performance, suffering from low morale, lack of basic equipment and all this in the face of bloody attacks from Al-Shabaab... The Transitional Federal Government (TFG), formed in 2004, controlled several thousand trained army soldiers. Other various TFG-allied groups throughout Somalia were estimated to control militias ranging in strength from hundreds to thousands. The TFG and some groups possessed limited inventories of older armored vehicles and other heavy weapons, and small arms are prevalent throughout Somalia.

'Many of Somalia's militia are slowly integrating into battalions and brigades that form the nucleus of the Somali National Army (SNA) in Mogadishu. Outside the capital city, militia that were initially proxy forces for Ethiopia or

¹⁵ United Nations High Commissioner for Refugees (UNHCR), 'Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia', 5 May 2010, 'V. C. Interaction with other ethnic groups p.45 and IV. B. 1. d), 'Members of Minority Clans p.15, <http://www.refworld.org/docid/4be3b9142.html>. Accessed: 17 January 2017

¹⁶ Chatham House meeting summary, 'No redress: Somalia's Forgotten Minorities', 23 February 2011, Martin Hill, p2, http://www.operationspaix.net/DATA/DOCUMENT/4288-v-No_Redress_Somalias_Forgotten_Minorities.pdf. Accessed: 6 March 2017

Kenya may be incorporated into a national command-and-control structure. All of this is supported by Western aid that provides salaries, training, equipment and mentors to professionalize the SNA – much of which has been funded by the United States.’¹⁷

5.1.2 The United States State Department ‘Country Reports on Human Rights Practices for 2016’, published on 3 March 2017, stated that:

‘The provisional federal constitution states that the armed forces are responsible for assuring the country’s sovereignty, independence, and territorial integrity and that the national federal and state police are responsible for protecting lives, property, peace, and security...AMISOM and the SNA worked to maintain order in areas of the southern and central regions. The FGS regularly relied on NISA forces to perform police work, often calling on them to arrest and detain civilians without warrants...The Ministry of Defense is responsible for controlling the armed forces. Police forces fall under a mix of local and regional administrations and the government. The national police force remained under the jurisdiction of the Ministry of Internal Security, while regional authorities maintained police forces under their areas’ interior or security ministries...The Ministry of Defense’s control over the army remained tenuous but improved somewhat with the support of international partners. At year’s end the army consisted of between 11,000 and 14,000 soldiers, according to estimates by international organizations. The bulk of forces were located in Middle Shabelle and Lower Shabelle regions, as well as in the ISWA and IJA. The Ministry of Defense exerted some control over forces in the greater Mogadishu area, extending as far south as Lower Shabelle Region, west to Baidoa, Bay Region, and north to Jowhar, Middle Shabelle Region. Army forces and progovernment militia sometimes operated alongside AMISOM in areas where AMISOM was deployed.

‘The federal police force maintained its presence in all 17 districts of the capital. AMISOM-formed police units complemented local and FGS policing efforts in Mogadishu. These police officers provided mentoring and advisory support on basic police duties, respect for human rights, crime prevention strategies, community policing, and search procedures. More than 300 AMISOM police officers worked alongside the formed units to provide training to national police.’¹⁸

5.1.3 The EASO ‘Country of Origin Information report, Somalia – Security Situation’, published in February 2016, stated:

‘The number of SNAF [Somali National Armed Forces] troops is not quite clear. According to a Security Council report of September 2015, a total of 16,780 members of the Somali national army were biometrically registered in the human resources system by the end of August 2015. However, the number of active troops is probably much lower. Other sources estimate the

¹⁷ Global Security, ‘Somali National Army’, undated, <http://www.globalsecurity.org/military/world/somalia/sna.htm>. Accessed: 21 February 2017

¹⁸ United States State Department, ‘Country Reports on Human Rights Practices for 2016’, Somalia, section 1d, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

total SNAF troops at about 10,000. The SNAF's composition shows, according to the Danish Institute for International Studies (DIIS), that "both key positions and the rank and file of the army are dominated by the Hawiye"...The exact number of the SPF [Somalia Police Force] is also unknown. A total of 5,200 personnel of the Somali police force were biometrically registered in the human resources system by the end of August 2015. Another source estimated the total at 4,000 to 5,000. Somaliland, Puntland and the Jubbaland Administration have their own police forces in their respective areas of control.

'In January 2015 a new police unit was created to fight terrorism. The first squad comprises 150 officers and received training in Djibouti. According to an expert on Somalia, interviewed in Stockholm by Lifos on 2 December 2015, there is a lack of funding and a lack of technology such as computers ...Although the SPF created a new counter-terrorism unit, Somalia's national intelligence agency (NISA) still leads responses to terrorist attacks in Mogadishu.

'In September 2014, NISA warned the media to refrain from reporting about the government's security operations in Mogadishu and beyond. It also restricted media coverage on stories about Al-Shabaab and interviews with the group's officials.

'Human Rights Watch reported that "Somali's national intelligence agency, NISA, routinely carried out mass security sweeps, despite having no legal mandate to arrest and detain suspects. The NISA has occasionally held detainees for prolonged periods without judicial review and mistreated suspects during interrogations"¹⁹

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5.2 Effectiveness of the security forces

5.2.1 The UNHCR position paper, 'UNHCR Position on Returns to Southern and central Somalia (update I)', published in May 2016, stated:

'The police and security forces are reported to lack capacity. Civilian authorities do not maintain effective control over the security forces. Police officers and members of the military are reported to be responsible for serious human rights violations, including killings, rape and extortion of civilians. In and around Mogadishu, members of government forces, allied militias, AMISOM troops, and persons referred to as "men wearing uniforms" have been reported to subject civilians to sexual violence, including rape ... The police and security forces are reportedly able to commit abuses in a climate of impunity. Law enforcement agencies are also reported to fail to prevent, or to respond to or investigate incidents of violence. The civilian

¹⁹ European Asylum Support Office (EASO), 'Country of Origin information report, Somalia – Security Situation', pages 15-16, February 2016, https://www.ecoi.net/file_upload/1226_1457606427_easo-somalia-security-feb-2016.pdf, date accessed 24 February 2017

judicial system is reported to be largely non-functional across the country. General crime rates have reportedly increased significantly in 2015.’²⁰

- 5.2.2 The GAN Inc (business systems support company) ‘business anti-corruption portal’ website, accessed on 24 February 2017, provided the following information:

‘The Somali National Army is the country’s most important security institution. It suffers rampant corruption: Army leaders have systematically inflated troop numbers to obtain greater funding. Furthermore, family and business ties link officials responsible for provisions and the companies contracted to provide the food rations (worth USD 8 million per year) (UN Security Council, Oct. 2015). Cases of corruption and misappropriation within the army led President Hassan Sheikh Mohamud to order the replacement of the chief of the armed forces in 2015 (UN Security Council, Oct. 2015).’²¹

- 5.2.3 The United States State Department ‘Country Reports on Human Rights Practices for 2016, published on 3 March 2017, stated that:

‘Police were generally ineffective and lacked sufficient equipment and training. In Mogadishu, for example, police lacked sufficient vehicles to transfer prisoners from cells to courts or to medical facilities. There were reports of police engaging in corrupt practices... Civilian authorities did not maintain effective control of security forces. Security forces abused civilians and often failed to prevent or respond to societal violence. Although authorities sometimes used military courts to try individuals believed to be responsible for abuse, they generally did not investigate abuse by police, army, or militia members; a culture of impunity was widespread. For example, on August 1, in Mogadishu an SNA soldier reportedly killed a bus driver during an extortion attempt. The soldier was not arrested.’²²

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5.3 Judiciary

- 5.3.1 The EASO ‘Country of Origin information report, Somalia – Security Situation’, published in February 2016, stated:

‘The provisional constitution of SFG [Somalia Federal Government] provides for a judicial framework that includes the creation of a constitutional court, federal government courts, and federal member state courts but these institutions have yet to be established. As a result the judicial system is an amalgam of state law, clan-based customary law (xeer) and Islamic law. Most conflicts and crimes are dealt through xeer, the clan-based customary

²⁰ UNHCR, ‘UNHCR Position on Returns to Southern and central Somalia (update I)’, May 2016, para 5, <http://www.refworld.org/publisher,UNHCR,COUNTRYPOS,,573de9fe4,0.html>. Accessed: 21 February 2017

²¹ GAN Inc business anti-corruption website, ‘Somalia Corruption Report’, last updated: May 2016, <http://www.business-anti-corruption.com/country-profiles/somalia>. Accessed: 24 February 2017

²² United States State Department (USSD), ‘Country Reports on Human Rights Practices for 2016’, Somalia, section 1d, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>, date accessed 6 March 2017

law system in which payment of compensation (diya) is central. The main challenge is the limitation of qualified staff and the capacity to manage an increasing caseload.

'The regional governments of the self-declared Republic of Somaliland and Puntland are in control of their own respective jurisdictions. Although functional courts in Somaliland in Puntland exist, both administrations are facing capacity problems. The Academy for Peace and Development, a research institute in Somaliland, reported that courts in Somaliland are influenced by clan-based nepotism. In Somaliland and Puntland, the judiciary is a mixture of customary law (xeer), Islamic law and formal law, and in Puntland xeer prevails.

'The Jubbaland Administration, formerly called Interim Jubba Administration (IJA), and the Interim South-West Administration (ISWA) are partially in control of their respective jurisdictions .

'In the areas controlled by Al-Shabaab there is no functioning formal judicial system. In these areas there is strict interpretation of the Sharia law, according to a 2015 US Department of State report. Al-Shabaab carried out public lashings, beheadings, stonings and amputations, and there have been numerous allegations from community members, international experts and Muslim scholars that Sharia law is misinterpreted and executed wrongly in various ways.'²³

5.3.2 The Bertelsmann Stiftung's Transformation Index (BTI) 2016 'Somalia Country Report', published in 2016, stated that:

'Somalia has no unitary judicial system, but relies on a combination of secular law, traditional law (xeer) and Shariah law. Under the traditional system, clan elders mediate conflicts, negotiate peace agreements and, if necessary, agree on compensation payments within and between clans. Although traditional and Shariah law were fused over the centuries, the influence of Shariah on inter-clan relations was not very pronounced. Islamic law primarily regulates family and personal issues (marriage, divorce, inheritance). In urban areas, Shariah has gained considerable influence in the last decade, including in areas of criminal law. However, Shariah courts are not free from tribal politics and judgments are often influenced by clan considerations.

'In 2013, the FGS committed itself to reforming and strengthening the judiciary, yet so far without tangible results. The existing formal justice system is rudimentary at best and hampered by corruption.

'Politics and everyday administration under Al-Shabaab were guided by religious dogmas; Shariah served as the basic judicial and political framework, and neither a separation of powers nor an independent judiciary was established or welcome. A strict interpretation of Islamic law was

²³ European Asylum Support Office (EASO), 'Country of Origin Information report, Somalia – Security Situation', page 27, February 2016, https://www.ecoi.net/file_upload/1226_1457606427_easo-somalia-security-feb-2016.pdf. Accessed: 24 February 2017

enforced and harsh penalties, such as execution by stoning, amputation of limbs and flogging, were publicly applied. Al- Shabaab further imposed morality laws, imposing strict dress codes for women and men while banning smoking and the public chewing of khat. There is little information available on how Shariah courts were actually set up or how they operated under the rule of Al-Shabaab. However, individuals prosecuted by these courts had no process guarantees, legal representation or opportunity to appeal.’²⁴

5.3.3 The United States State Department ‘Country Reports on Human Rights Practices for 2016’, further stated:

‘Military courts tried civilians. Defendants in military courts rarely had legal representation or the right to appeal. Authorities sometimes executed those sentenced to death within days of the court’s verdict...Some government officials continued to claim that a 2011 state of emergency decree gave military courts jurisdiction over crimes, including those committed by civilians, in parts of Mogadishu from which al-Shabaab had retreated. There was no clear government policy indicating whether this decree remained in effect.’²⁵

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5.4 Effectiveness of the judiciary

5.4.1 The United States State Department ‘Country Reports on Human Rights Practices for 2016’, published on 3 March 2017, stated that:

‘The provisional federal constitution states, “The judiciary is independent of the legislative and executive branches of government.” The civilian judicial system, however, remained largely nonfunctional across the country. Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of traditional and customary law, sharia, and formal law. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics. Authorities did not respect court orders. Civilian judges often feared trying cases, leaving military courts to try the majority of civilian cases.

‘In Somaliland, functional courts existed, although there was a serious shortage of trained judges, limited legal documentation upon which to build judicial precedent, and increasing allegations of corruption. Somaliland’s hybrid judicial system incorporates sharia (Islamic law), customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.

²⁴ Bertelsmann Stiftung’s Transformation Index (BTI) 2016 ‘Somalia Country Report’, 2016, https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Somalia.pdf. Accessed: 24 February 2017

²⁵ United States State Department, ‘Country Reports on Human Rights Practices for 2016’, Somalia, section 1e, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

'Puntland courts, while functional, lacked the capacity to provide equal protection under the law and faced similar challenges and limitations as courts in Somaliland.

'Traditional clan elders mediated conflicts throughout the country. Clans frequently used and applied traditional justice practices swiftly. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals.'²⁶

5.4.2 The Freedom House 'Freedom in the World 2016' report, published in 2016, stated:

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

'In March [2015], President Mohamud dissolved the constitutionally mandated Judicial Service Commission, claiming that the appointment of the body did not fit constitutional requirements. Critics claim the move was made so the president could appoint his allies. In May, the cabinet approved a newly appointed slate of commissioners.

'The Somali government had faced allegations of utilizing the military's court system to administer judgments against civilians. In October 2015, the European Union said most of the 29 executions it documented in Somalia for the current year had been ordered by military courts.'²⁷

5.4.3 The United Kingdom Foreign and Commonwealth Office 'Somalia – Country of Concern' corporate report, updated on 21 January 2015, stated:

'As a result of years of conflict, access to justice and rule of law in Somalia is limited. Informal structures such as clan or customary law and Sharia courts provide justice in place of, or in parallel with, government institutions. People living in areas under Al Shabaab control continue to suffer harsh restrictions on their basic rights as well as arbitrary justice, targeted killings, and executions.'²⁸

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²⁶ United States State Department, 'Country Reports on Human Rights Practices for 2016', Somalia, section 1e, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

²⁷ Freedom House, 'Freedom in the World 2016', Somalia section, published in 2016, <https://freedomhouse.org/report/freedom-world/2016/somalia>. Accessed: 21 February 2017

²⁸ United Kingdom Foreign and Commonwealth Office, 'Somalia – Country of Concern' corporate report, updated on 21 January 2015, <https://www.gov.uk/government/publications/somalia-country-of-concern/somalia-country-of-concern>. Accessed: 21 February 2017

6. Treatment of majority clans

6.1.1 For information on security situation generally and gender-based violence, see country policy and information notes, [Security and humanitarian situation in south and central Somalia; and Women facing gender-based harm and violence](#).

6.1.2 The United States State Department 'Country Reports on Human Rights Practices for 2016', published on 3 March 2017, stated that:

'Fighting between clans resulted in deaths and injuries. For example, in Hiiraan 16 civilians were killed and 28 injured in recurrent clan fighting between the Gaaljecel and Jajele in Beledweyne and rural villages in the area. On September 5, at least 15 persons were killed and 40 injured in clan fighting between the Sacad subclan of the Hawiye and the Omar Mahmoud subclan of the Darood in rural areas east of Galkayo town in Mudug Region. In Lower Shabelle Region, fighting between Habargidir and Biyomaal subclans resulted in 28 civilian deaths during the year.'²⁹

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7. Treatment of minority groups

7.1 Human rights abuses against female members of minority groups

7.1.1 The August 2014 EASO report stated:

'Minority women face multiple discriminations and violations of their rights - as women and as members of a minority group. Minority women, especially in IDP camps, often suffer gender-based violence (rape), domestic violence, robbery and economic discrimination. Crimes against women, especially amongst women from minority groups, are often perpetrated with impunity.'³⁰

7.1.2 The Human Rights Watch report, "The Power These Men Have Over Us" Sexual Exploitation and Abuse by African Union Forces in Somalia', published on 8 September 2014, stated:

'Women and girls constitute a significant proportion of Mogadishu's displaced population and often suffer sexual abuse by armed men—including both regular soldiers and irregular militia—who rarely face justice. The unequal status of women and girls in Somali society sharply increases their vulnerability to gender-based violence during humanitarian crises. In displaced persons camps, disruptions to community support structures, unsafe physical surroundings, separation from families, and patriarchal governing structures often heighten such vulnerability to gender-based violence. Somalia's social system, governed in part by traditional clan structures, leaves displaced women and girls from minority ethnic groups

²⁹ United States State Department, 'Country Reports on Human Rights Practices for 2016', Somalia, section 6, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

³⁰ European Asylum Support Office, 'Country of Origin Information report, South and Central Somalia Country overview', August 2014, 4.3.1.5 'Women from minority groups', p.118, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf>. Accessed: 2 June 2017

and less powerful clans especially vulnerable to violence due to their social isolation, poor living conditions, and work opportunities. Women and girls from such groups often have very limited access to education and many are unaware of and isolated from the justice system and other government services.’³¹

- 7.1.3 The September 2016 report by the UN Independent Expert on the situation of human rights in Somalia found that:

‘Violence against women continues in Somalia, and has been exacerbated by the conflict...Reports revealed that 94 per cent of the survivors of sexual or gender-based violence were female. Some 74 per cent of survivors are internally displaced persons, a figure confirming their extreme vulnerability and need for additional protection. Women and girls from minority clans are especially vulnerable. Victims are exposed to assault, rape, sexual violence, female genital mutilation/cutting and forced marriages.’³²

- 7.1.4 The Minority Groups International ‘State of the World’s Minorities and Indigenous Peoples 2015’ report, published on 2 July 2015, stated:

‘Minority women and youth living in obbosibo are particularly vulnerable as many lack connections and extended family support. As a result, they often find themselves excluded from livelihood opportunities by majority groups. Women tend to work in informal sectors such as domestic work, where they are frequently subjected to gender-based violence or denied payment. In these harsh conditions one of the coping strategies employed by minority households is child labour, with the youngest family members sent out at an early age to earn money as herders, shoe shiners or street vendors.’³³

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7.2 Human rights abuses against minority groups

- 7.2.1 The United States State Department ‘Country Reports on Human Rights Practices for 2016’, published on 3 March 2017, stated that:

‘Minority groups included the Bantu (the largest minority group), Banadiri, Reer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, Faqayaqub, and Gabooye. Minority groups, often lacking armed militias, continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities. Many minority

³¹ Human Rights Watch, ‘“The Power These Men Have Over Us” Sexual Exploitation and Abuse by African Union Forces in Somalia’, 8 September 2014, p13, http://www.hrw.org/sites/default/files/reports/somalia0914_ForUploadR.pdf. Accessed: 2 June 2017

³² UN Human Rights Council (formerly UN Commission on Human Rights): Report of the Independent Expert on the situation of human rights in Somalia [A/HRC/33/64], 15 September 2016, para 37, http://www.ecoi.net/file_upload/1930_1474469100_a-hrc-33-64-en.doc. Accessed: 25 May 2017

³³ Minority Groups International, ‘State of the World’s Minorities and Indigenous Peoples 2015’, 2 July 2015, <http://www.minorityvoices.org/news.php/en/1802/swm-2015-somalia-minorities-on-the-margins-of-mogadishu>. Accessed: 31 March 2017

communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.’³⁴

7.2.2 The Minority Groups International ‘State of the World’s Minorities and Indigenous Peoples 2015’ report, published on 2 July 2015, stated:

‘Though no precise figures are available, evidence suggest that minority groups make up a disproportionate part of the population of the overcrowded and unhygienic obbosibo [informal settlements] that run through the [Mogadishu]... More often than not, minority populations have ended up in Mogadishu after being displaced by conflict, hunger or land grabbing elsewhere, usually southern Somalia. Yet their lives in the capital’s informal settlements continue to be plagued by insecurity, sexual violence and discrimination, making it almost impossible for them to make ends meet. Furthermore, the forcible appropriation of their land by members of dominant clans makes returning home an unfeasible option.’³⁵

7.2.3 The United Nations High Commissioner for Refugees position paper, ‘UNHCR Position on Returns to Southern and central Somalia (update I)’, published in May 2016, stated:

‘Members of minority clans often lack vital protection and suffer pervasive discrimination. The same applies to others who, being displaced, find themselves outside their normal social clan structures and unable to rely on the protection and support generally extended by such social networks. For instance, Somali ethnic Bantus, as well as some other minority clans, reportedly continue to be highly vulnerable to discrimination, severe poverty, exclusion and marginalization, and are reportedly disproportionately subjected to killings, torture, rape, kidnapping for ransom, forced recruitment, bonded labour as well as looting of land and property with impunity by militias and majority clan members.’³⁶

7.2.4 For information on the security situation generally and gender-based violence, see country policy and information notes on [Somalia: Security and humanitarian situation in south and central Somalia](#) and [Somalia: Women facing gender-based harm and violence](#).

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7.3 Bantu (Jareer)

7.3.1 In the Gundel report of 2009, it was noted:

‘The Bantus mainly live in the southern areas with a concentration of agriculture. Depending on the location, the Bantu people are called different

³⁴ United States State Department, ‘Country Reports on Human Rights Practices for 2016’, Somalia, section 6, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

³⁵ Minority Groups International, ‘State of the World’s Minorities and Indigenous Peoples 2015’, 2 July 2015, <http://www.minorityvoices.org/news.php/en/1802/swm-2015-somalia-minorities-on-the-margins-of-mogadishu>. Accessed: 2 June 2017

³⁶ United Nations High Commissioner for Refugees, ‘UNHCR Position on Returns to Southern and central Somalia (update I)’, May 2016, para 12, <http://www.refworld.org/publisher.UNHCR.COUNTRYPOS..573de9fe4.0.html>, Accessed 2 June 2017

names such as Gosha, Makane, Shiidle, Reer Shabelle, or Mushungli. They speak the Bantu language while some also speak Arabic and Swahili. In general, Somali nomadic clans seek to assimilate minority groups to control them. However, particularly in the case of the Bantus (whom the 'noble' nomadic clans aim to exploit for the cultivation of the fertile lands), there is a wide perception amongst many of the nomadic clans that they are too different to be assimilated and therefore must be marginalised, which led to a situation of impunity of attacks against Bantu groups. This situation has changed over time, partly due to the fact that Bantu groups have started to organise and arm themselves. Therefore, in certain locations, Bantu groups have gained strength and are able to fend for themselves.³⁷

7.3.2 The Bantu experience politically and socially, however, cannot be generalised. For instance in 2007, the Deputy Speaker of the Transitional Federal Parliament was a Bantu.³⁸ Their numbers were significant enough even prior to 2005 for there to be a specific community-led Sharia Court set up named Polytechnic (in Waaberi), Mogadishu, to deal with legal disputes within the clan itself. Of the 11 functioning Sharia Courts in Mogadishu in 2005, this was the only court presiding over non-Hawiye disputes.³⁹ Other background evidence shows that the Bantu are among the numerical majority in at least two Mogadishu districts: Waaberi (along with Arabs, Bravanese and minority clans labelled 'Others' clans) and Hamar Jab Jab.⁴⁰

7.3.3 EASO reported in August 2015 that:

'The Bantu or Jareer live in the areas between the Shabelle and Jubba rivers; Middle Shabelle and Hiiraan; and are mostly farmers. In these areas, the security situation of the population has considerably deteriorated due to armed conflict between AMISOM and Al-Shabaab. Many Bantu/Jareer have moved to IDP-camps. Many youngsters have joined Al-Shabaab, forcibly or voluntarily, for economic or security reasons, or for gaining social status and protection.'⁴¹

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³⁷ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Clans in Somalia', December 2009, 4.2. Ethnic minority groups p16, <http://www.refworld.org/docid/4b29f5e82.html>. Accessed: 28 February 2017

³⁸ Danish Immigration Service, 'Human Rights and Security in Central and Southern Somalia', August 2007, (p19), <http://www.refworld.org/docid/46e109d92.html>. Accessed: 28 February 2017

³⁹ Centre for Human Dialogue, *Stateless Justice in Somalia*, July 2005 (p47), http://www.hdcentre.org/uploads/tx_news/166StatelessJusticeinSomalia.pdf. Accessed: 28 February 2017

⁴⁰ TANA report, 'Political Economy Analysis in Mogadishu', May 2012, <http://tanacopenhagen.com/uploads/Political%20Economy%20Analysis%20of%20Mogadishu%20-%20full%20report.pdf>. Accessed: 28 February 2017

⁴¹ European Asylum Support Office, 'Country of Origin Information report, South and Central Somalia Country overview', August 2014 4.3.1.1 Bantu/Jareer p.102. <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf>. Accessed: 28 February 2017

7.4 Bajuni

- 7.4.1 The Bajuni lived in Kismayo and the islands of Jula, Madoga, Satarani, Raskamboni, Bungabo, Dudey, Koyoma and Jovay (Bajuni Islands).⁴²
- 7.4.2 The UNHCR observed in February 2012 that the question of who now controls the Bajuni Islands was complicated. The islands stretch from Kismayo to the Kenyan border. On the islands themselves, there is no Al-Shabaab, Somali national Government or Kenyan presence although there were Al-Shabaab sympathizers.⁴³
- 7.4.3 There is limited information about the circumstances of the current Bajuni populations. The LANDINFO report (2010) suggests that the Islands are mixed populations: 'Somalis also live on the islands today and, even though there are instances of marriages between Somali men and Bajuni women on the islands, it has been claimed that the local Bajuni population is being exploited by Somali businessmen (interview with international aid organisation, Nairobi 2008).'⁴⁴ The United Nations Department of Safety and Security (UNDSS) had no information on who is controlling the Bajuni islands as of October 2012.⁴⁵
- 7.4.4 The TANA Copenhagen report, 'Political Economy Analysis in Mogadishu', published by the Danish Refugee Council and UNICEF in May 2012, stated that the Bajuni also have a presence in Mogadishu: 'Xamarweyne [a district of Mogadishu] is mostly inhabited by the Banadiri clans (Shashi, Bandhabow, Camudi, Baajuuni) or coastal people, although the district administration is mainly made up of the Habargidir sub-clan of Hawiye.'⁴⁶

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7.5 Benadiri (including the Rer Hamar and Bravanese)

- 7.5.1 The Gundel 2009 report also stated:

'1) The Rer Hamar who succeeded in achieving asylum abroad were successful in raising their case internationally, which also contributed to an awareness about them as a community within Somalia itself, and among

⁴² Madhibaan, 'A study on minorities in Somalia', undated, <http://www.madhibaan.org/in-depth/in-depth-a-study.htm>. Accessed: 28 February 2017

⁴³ Danish Immigration Service (DIS), 'Security and human rights issues in South-Central Somalia, including Mogadishu', report DIS fact-finding mission to Nairobi, Kenya and Mogadishu, Somalia, 30 January to 19 February 2012, April 2012, para 1.2.1.1, http://www.nyidanmark.dk/NR/ronlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf. Accessed: 28 February 2017

⁴⁴ Landinfo, 'Somalia: The Bajuni Islands', 2010, http://www.landinfo.no/asset/1147/1/1147_1.pdf, page 6 (translation required). Accessed: 28 February 2017

⁴⁵ Danish Immigration Service/Landinfo, 'Update on security and human rights issues in South-Central Somalia, including Mogadishu', Joint report from the Danish Immigration Service and the Norwegian Landinfo's fact-finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 3.2, Lower Juba region p.48 <http://www.nyidanmark.dk/NR/ronlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf>. Accessed: 28 February 2017

⁴⁶ TANA Copenhagen, 'Political Economy Analysis in Mogadishu', published by the Danish Refugee Council and UNICEF, May 2012, <http://tanacopenhagen.com/wp-content/uploads/2015/06/Political-Economy-Analysis-of-Mogadishu-full-report.pdf>. Accessed: 5 April 2017

members of the transitional governments who were seeking international support.

'2) An effect of the latter is that Rer Hamar in Mogadishu now have political positions within the transitional government, as well a number of key positions within the regional administration of Benadir and local government of Mogadishu.

'3) The combination of increased advocacy, increased political influence and the 'Mukulal Madow' (black cat) phenomenon of protection which means that they are no longer targeted with impunity as for instance the 'Jareer' groups still are. The 'Mukulal Madow' phenomenon refers to the cases where for instance 'Rer Hamar' households have established relations with strong 'noble' clans, especially Hawiye Abgal and Habr Gedir, through marriage. This means that Rer Hamar households whose daughter(s) are married to strong clans now enjoy a level of protection from these clans.' ⁴⁷

7.5.2 Gundel further noted in December 2009 that: 'Today the Rer Hamar are "not without power", and manage to play a part in the political game with the major clans and are rarely targeted by other clans... This does not mean that the Rer Hamar community no longer is subject to discrimination. Rather, what it means is that there now are a number of mitigating factors to their benefit.' ⁴⁸ The DIS/Landinfo FFM delegation reported in January 2013 that an international NGO working in South and Central Somalia explained that there are two groups of people which are most vulnerable in Mogadishu. 'These two groups are either marginalized or exploited... Exploited: the Reer Hamar/Benadiri are not considered marginalized, neither are the Reer Brava. They are exploited but not marginalized. Compared to other clans there are fewer Reer Hamar returning to Mogadishu.' ⁴⁹

7.5.3 The May 2012 TANA report (sponsored by the Danish Refugee Council and UNICEF), 'Political Economy Analysis in Mogadishu', included the following information about minority groups in the districts of the capital. (The term "Arab" is a common term for light-skinned people of "Arab descent" often treated as part of the Benadiri):

- Hamarweyne is mostly inhabited by Benadiri clans (Shashi [sic], Bandhabow, Camudi, Baajuni) or coastal people. And that there has been a lot of intermarriage with the Hawiye here.

⁴⁷ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Clans in Somalia', Report on a lecture by Joachim Grundel, COI Workshop Vienna, 15 May 2009, December 2009, 5. Minority and other groups with affiliations to major clans p17, <http://www.refworld.org/docid/4b29f5e82.html>. Accessed: 28 February 2017

⁴⁸ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Clans in Somalia', Report on a lecture by Joachim Grundel, COI Workshop Vienna, 15 May 2009, December 2009, 5. Minority and other groups with affiliations to major clans p17, <http://www.refworld.org/docid/4b29f5e82.htm>. Accessed: 28 February 2017

⁴⁹ Danish Immigration Service/Landinfo, 'Update on security and human rights issues in South-Central Somalia, including Mogadishu', Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 5.1 Vulnerable Groups p58, <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf>. Accessed: 28 February 2017

- Bondhere district is recorded as being mainly inhabited by minority groups (Arabs, Shareer, Reer and Xamar [Reer Hamar])
- Shangani district was recorded as being “still dominated by Arabs” (in the Somali sense of the word) with an Arab district commissioner

Similarly, the majority of residents of Shibis district Similarly, the majority of residents of Shibis district were Arabs with its administration being a mixed of both Arabs and Hawiye.’⁵⁰

7.5.4 The Danish Immigration Service (DIS), ‘Security and human rights issues in South-Central Somalia, including Mogadishu’, 2012 fact finding mission report, stated:

‘A local NGO (A) in Mogadishu explained that many Benadiri returnees in Mogadishu are relatives of the original Benadiri population, and added that the Benadiri population are now living in relative safety in Mogadishu.

‘A local NGO (C) in Mogadishu stated that many members of the Benadiri community have returned to Hamar Weyne. Today there are many Benadiri people living in Mogadishu and they are successful business people and some are also engaged or employed in the administration. The Director of Finances in the Mogadishu administration is a Benadiri. Previously, during the period of warlordism the Benadiri ethnic community were victims of many human rights violations and most of them fled the country. However, today they are living well in Mogadishu and many have reopened shops or undertaken other business activities. Many have had their previous properties, including houses returned to them and they are no longer at risk of persecution or other human rights violations. The local NGO (C) added that members of minority clans or minority ethnic groups are no longer victims of persecutions and violations in Mogadishu, and he denied that members of those groups are being harassed in present day Mogadishu. However, members of ethnic minority groups are socially being discriminated against as they are not eligible to intermarry with members of the Somalia clans. Even the constitution of Somalia does not provide justice for members of ethnic minority groups.’⁵¹

7.5.5 EASO reported in August 2014 that:

‘The Benadiri or Reer Xamar (residents of Xamar/Mogadishu) were mainly business people and traders living along the Benadiri coast (mainly in Mogadishu, Merka and Baraawe). In the beginning of the civil war, they suffered looting, theft and rape because of their supposed wealth. In the 1990s, most Benadiri fled to Kenya with only a few thousands remaining in

⁵⁰ TANA report, ‘Political Economy Analysis in Mogadishu’, May 2012, <http://tanacopenhagen.com/uploads/Political%20Economy%20Analysis%20of%20Mogadishu%20-%20full%20report.pdf>. Accessed: 28 February 2017

⁵¹ Danish Immigration Service (DIS), ‘Security and human rights issues in South-Central Somalia, including Mogadishu’, report DIS fact-finding mission to Nairobi, Kenya and Mogadishu, Somalia, 30 January to 19 February 2012, April 2012, pages 88-89, http://www.nyidanmark.dk/NR/ronlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf. Accessed: 31 March 2017

Somalia with their businesses, paying a clan or private militia for protection. Some Benadiri/Reer Xamar in Mogadishu have acquired key positions within the regional Benadir administration. Thus, they have become less subject to targeted violence committed with impunity.’⁵²

- 7.5.6 The Minority Rights Group International and IIDA (non-government organisation) 2015 report, ‘No One Cries for Them: The Predicament Facing Somalia’s Minority Women’, stated: ‘Even so, their [Benadiri] circumstances today are arguably better than those experienced by some other minorities. For example, there have been cases of Benadiri intermarrying with majority clans, providing a significant measure of security and protection for Benadiri women. Moreover, as traders, their economic marginalization has been less pronounced.’⁵³

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7.6 Midgan (Gabooye), Tuman, Yibir or Galgala

- 7.6.1 The Immigration and Refugee Board of Canada, in a telephone interview with the Secretary of the Gabooye Minority Organisation for Europe and North America in November 2012, noted that:

‘...the Gabooye are "not really allied" with any major clans in Somalia, but are reported to be on good terms with other minority groups...discrimination against Gabooye in the south exists but that "generalized insecurity" is a greater risk than targeted persecution...although the Somaliland government claims that the situation has improved discrimination against the Gabooye in Somaliland is "bad" and violence against them continues to occur.’⁵⁴

- 7.6.2 EASO reported in August 2014 that:

‘In northern Somalia, the occupational groups called Gabooye, Waable or Midgaan/Madhibaan, also known as Sab in southern Somalia, often face discrimination and social stigma due to their occupations...The human rights situation of these groups, in northern Somalia, where most of the Gabooye live, is considered bad although slightly improving. Little is known about the humanitarian conditions in which specific occupational groups in southern Somalia live. According to Minority Rights Group International, there is a “more tolerant atmosphere” for minorities in Somaliland than in the rest of Somalia.’⁵⁵

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⁵² European Asylum Support Office, ‘Country of Origin Information report, South and Central Somalia Country overview’, August 2014, 4.3.1.2 Benadiri/Reer Xamar p102

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf>. Accessed: 28 February 2017

⁵³ Minority Groups International and IIDA, ‘No One Cries for Them: The Predicament Facing Somalia’s Minority Women’, 2015, Looma Ooyaan, http://minorityrights.org/wp-content/uploads/old-site-downloads/mrg_report_somalia_jan2015.pdf. Accessed: 31 March 2017

⁵⁴ Immigration and Refugee Board of Canada, ‘Somalia: The Gabooye (Midgan) people, including the location of their traditional homeland, affiliated clans, and risks they face from other clans’, 4 December 2014, http://www.ecoi.net/local_link/233725/356399_de.html. Accessed: 3 March 2017

⁵⁵ EASO ‘Country of Origin Information report, South and Central Somalia Country overview’, August 2014, 4.3.1.3 Occupational groups p102, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf>. Accessed: 3 March 2017

8. Treatment of internally displaced persons (IDPs)

8.1.1 The United States State Department 'Country Reports on Human Rights Practices for 2016', published on 3 March 2017, stated:

'Government and regional authorities provided negligible protection and assistance to IDPs and sometimes actively participated in their displacement. Private persons with claims to land and government authorities, for example, regularly pursued the forceful eviction of IDPs in Mogadishu. Some IDPs and humanitarian agencies criticized local authorities for tacitly endorsing the forceful relocation of IDPs to insecure areas in Mogadishu. Somali authorities did not prevent the forced displacement of persons from shelters to camps on the outskirts of the city.

'From January [2016] to August [2016], authorities forcibly evicted approximately 91,000 persons, mostly IDPs; more than 78,000 were relocated to the south central part of the country, primarily Mogadishu. Insecure land tenure and limited land title verification contributed to the scale of forced evictions.

'An April 2015 a [sic] Human Rights Watch report alleged that Somali national police, NISA forces, and city council police forcibly evicted an estimated 21,000 displaced persons in Mogadishu during March. The report claimed Somali authorities beat some of those evicted, destroyed their shelters, and left them without water, food, or other assistance. According to the report, authorities failed to provide adequate notification and compensation to the communities facing eviction and did not provide viable relocation or local integration options as required by international law. The report claimed that none of the evicted persons interviewed for the report had seen an official written eviction order, and most were unaware of the planned evictions.

'Government forces and aligned militia looted and collaborated in the diversion of humanitarian aid from intended beneficiaries in Mogadishu. Most international aid organizations previously evacuated their staff or halted food distribution and other aid-related activities in al-Shabaab-controlled areas due to continued killings, extortion, threats, and harassment.

'Government forces, allied militias, men wearing uniforms, and AMISOM troops committed sexual violence, including rape of IDPs in and around Mogadishu. Many of the victims were children. Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the camps.'⁵⁶

8.1.2 A research study carried out by the Somali Centre for Research and Policy Analysis, 'Causes of Displacement and Protection Gaps in Somalia', published in March 2016, found that:

⁵⁶ United States State Department, 'Country Reports on Human Rights Practices for 2016', Somalia, section 2d, 3 March 2017, <https://www.state.gov/documents/organization/265512.pdf>. Accessed: 6 March 2017

'A significant portion of the IDPs felt threatened within their camps by criminals and the police. As a result the IDPs mostly relied on intra-IDP security arrangement and host community elders. In addition 2.3% of the IDPs felt scared of the police. This implied that the IDPs did not trust the police, in addition since majority were from the small clans of rural Lower Shabelle, they did not have the essential clan protection from raging militias and other criminals. This could explain why 48% of the IDPs had moved from initial settlement. In most cases abuses within IDP camps and its environs are carried out by government-affiliated...Provision of shelter, water, food, primary healthcare and education was insufficient. This could be attributed to the fact that only 18% of the IDPs acknowledged receipt of assistance.

'This showed that there was minimal support for the IDPs. In addition 67.2% defecated in the open field outside their camps, which not only exposed them to diseases but also exposed women and girls to GBV as camps were not secure from government-affiliated militia, which despised the minority clans. Similar challenges were noted by Marsoul. This was far much worse than the general state of affairs in the country as 30% have access to clean water and 39% have access to improved sanitation. This could have contributed to the low literacy levels in the camp. Although education provides children with psychosocial support, reduces children's exposure to threats and empowers children but 77% of primary school age children in Somalia are out of school. Although schooling has been touted as a key source of integration of IDPs with the host community, there have been cases of IDP stigmatization resulting to displaced children are sometimes denied a slot by school authorities or are sometimes singled out in the classroom.'⁵⁷

8.1.3 The Somalia Cash Consortium report, 'Gatekeepers in Mogadishu', published on 31 January 2013, stated:

'Gatekeepers [in IDP camps] cannot operate without the mandate or support of their clan, which, often, also happens to be the dominant clan of the host community. Interviews revealed that whenever possible, assistance is diverted by gatekeepers to assist their clan members within and outside the camps, which in turn, ensures continued support (protection) from these clans. This diversion is then paid upwards to the different levels of authority operating in the district.

'According to respondents, the older sites in Mogadishu are populated by members of dominant clans and, consequently, they enjoy relatively better conditions than the newer camps as they receive greater support from the host community. In addition, the IDPs in these sites were said to have a greater say in the running of the camps than the newer camps do and this could be because i) the IDPs have been in place long enough to establish more secure livelihood options, and ii) because they have recourse to the

⁵⁷ Somali Centre for Research and Policy Analysis, 'Causes of Displacement and Protection Gaps in Somalia', March 2016, pages 11-12, Omar Abdi, https://www.researchgate.net/publication/296697066_Causes_of_Displacement_and_Protection_Gaps_in_Somalia. Accessed: 5 April 2017

clan elders residing within the host community as they are from the same clans and they therefore have greater negotiating power when dealing with the gatekeeper. This also applied to IDP sites populated by minority clans but located in sections of the city where the majority of inhabitants were from the same minority clans. For example, in Hamarweyne there are camps that are inhabited by the Banadir clan and located in a Banadir dominated section of the district. In the camps dominated by the Hawiye clan (long term IDPs, who settled during the ICU period) the IDPs appear to have elected management committees themselves, from their own sub-clan.’⁵⁸

8.1.4 EASO reported in August 2014 that:

“Whether a person can find redress and be compensated depends on the status of a clan or group within the social hierarchy...The strongest are the majority clans, the weakest the Internally Displaced Persons (IDPs). IDPs are sometimes able to arrange a new xeer agreement with their host majority clan, but this is only rarely the case, with majority clan IDPs being in a better position than minorities. In camps, IDPs have separate leadership structures, but these are weaker than the clan structures. There is a high share of women and minorities who are particularly vulnerable and in bad positions regarding clan protection. IDPs are often subject to rape, extortion and forced labour.’⁵⁹

8.1.5 The December 2014 Brookings-Bern Project report on Internal Displacement reported that:

‘Most of the protection threats confronting displaced Somalis in 2014 are similar to those of ten years ago. IDP sites in most of the country are still controlled by self-appointed gatekeepers who charge fees to households for the right to live in decrepit IDP settlements and receive sporadic relief distributions. As in 2004, economic exploitation of IDP families, gender-based violence, trafficking and discrimination against IDPs who are members of weaker clans or minorities remain pervasive in 2014. UNHCR points out that “who you are” is absolutely key to how much protection a displaced family can expect to receive. IDPs who are members of the Rahanweyn and Bantu communities, or who belong to weak sub-clans within predominant clans, face extra vulnerabilities and protection threats. Clan membership and identity are “predominant factors in the security and safety of people...and plays a key part in protection,” UNHCR states. While few if any protection problems have disappeared in the past ten years, an additional new protection threat has emerged in the past year. Forcible evictions of displaced persons have increased dramatically as Mogadishu landowners, including government officials, choose to clear out displacement

⁵⁸ Somalia Cash Consortium, ‘Gatekeepers in Mogadishu’, 31 January 2013, page 53, <http://www.cashlearning.org/downloads/1376766704.pdf>. Accessed: 6 April 2017

⁵⁹ European Asylum Support Office, ‘Country of Origin Information report. South and Central Somalia Country overview’, August 2014, 2.5 Clan protection/support p55, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf>. Accessed: 3 March 2017

settlements mainly in order to convert rising land values into lucrative economic development.’⁶⁰

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Version control and contacts

Contacts

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Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **14 June 2017**

Changes from last version of this note

Updated COI.

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⁶⁰ Brookings-Bern Project on Internal Displacement, ‘Internal Displacement in Somalia’, December 2014, Population Displacement in 2014, <http://www.refworld.org/docid/54bd197b4.html>, date accessed 3 March 2017

