



report

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***Looma Ooyaan* – No One Cries for Them: The Predicament Facing Somalia's Minority Women**





Gaboye woman, Somaliland, 2014.
Susan Schulman

Acknowledgements

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Minority Rights Group International

MRG is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understand between communities. Our activities are focused on

international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957).

IIDA Women's Development Organization

IIDA is a non-governmental organization that was founded in 1991 and is operationally one of the largest grassroots women movements in Somalia represented in different regions of the country, and works towards women's empowerment and the promotion of sustainable development.

IIDA recognizes the problems Somali women face in a country whose history is characterized by a decades-long war, and has earned the respect of the Somali community and is able to resourcefully and successfully penetrate the grassroots, even at times when international organizations are unable. Due to its neutrality IIDA is able to work with different stakeholders, among them government officials, politicians, religious leaders, clan elders and minorities in Somalia.

IIDA was internationally recognized by UN (in 1996 during the 10th Anniversary of UNIFEM) and by the other international bodies. IIDA was awarded a Laureate of the French Republic Award on Human Rights "*Prix des droits de l'homme de la République Française - Liberté - Égalité - Fraternité*", during the 60th Anniversary of the Universal Declaration of Human Rights.

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Acronyms

ACHPR	African Commission on Human and Peoples' Rights	PMWDO	Puntland Minority Women Development Organization
AMISOM	African Union Mission in Somalia	SGBV	Sexual and gender-based violence
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	SWDO	Somali Women's Democratic Organization
FGC	Female genital cutting	SYL	Somali Youth League
FSNAU	Food Security and Nutrition Analysis Unit	TFC	Transitional Federal Charter
GBV	Gender-based violence	TFG	Transitional Federal Government
HRW	Human Rights Watch	TFP	Transitional Federal Parliament
ICCPR	International Covenant on Civil and Political Rights	USWO	Ubah Social Welfare Organization
ICESCR	International Covenant on Economic, Social, and Cultural Rights	UDHR	Universal Declaration of Human Rights
ICU	Islamic Courts Union	UN	United Nations
IDP	Internally displaced person	UNDP	United Nations Development Programme
IIDA	IIDA Women's Development Organization	UNHCR	United Nations High Commissioner for Refugees
NGO	Non-governmental Organization	UNICEF	United Nations Children's Fund
NOAS	Norwegian Association for Asylum Seekers	UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
		UNSCR	United Nations Security Resolution

Preface

I am honoured to write the preface to *Looma Ooyaan - No One Cries for Them: The Predicament Facing Somalia's Minority Women*. First of all let me say what a pleasure and privilege it has been to be involved with Minority Rights Group (MRG). My cooperation with MRG stretches back several years, from the time I served on the African Commission on Human and Peoples' Rights (ACHPR). MRG has observer status to the ACHPR and has worked tirelessly as a non-governmental organization to highlight the precarious human rights challenges and protection gaps in many countries where minority groups of various descriptions are found.

This report is a brilliant study of the problem of minority women in Somalia, who suffer multiple violations of their basic and fundamental human rights. The report paints a grim picture of the human rights situation affecting women generally in Somalia, but minority women in particular, based on various historical, social, economic and political factors, including the traditional, religious and clan structures. Compounded by years of violence, poverty, and famine, this has made Somalia one of the worst places in the world for women.

The report highlights how women's rights, and those of minority women in particular, are ignored by the majority populations and violated with impunity. The plight of women during the last two decades of conflict, has been characterized by displacement, prevalent genital cutting, rape, gender-based violence, sexual exploitation and abuse, inadequate or non-existent political participation and representation in national institutions, and lack of access to economic and social rights. These are some of the grim realities that women of Somalia in general and minority women in particular continue to endure today.

The report suggests that there is hope for change in the overall human rights landscape under the Federal Government of Somalia, but to the contrary, such optimism appears not to affect the current situation affecting minority women. The report urges all stakeholders to work in concert to address this problem and concludes by stating the obvious - that a sustainable peaceful Somalia can only be reached if it is inclusive of all segments of Somali society, including minority women. If this is not achieved, all Somali citizens will suffer greatly irrespective of their gender, clan, class or status.

I must say that MRG and its partner IIDA Women's Development Organization, and other civil society groups working in Somalia, have gone to great lengths to ensure that they contribute to the search for a durable solution to the intractable crisis and conflict which has afflicted Somalia since the early 1990s. This report is very timely. Just like any other reader, or policy maker, it provides me, as I embark on my mandate as the Independent Expert on the situation of human rights in Somalia, with deep insight and understanding of the situation affecting women rights, in particular minority women in Somalia, and it is thus an important tool for advocacy for their rights.

I do hope that its conclusions and recommendations will facilitate dialogue between myself, and the Federal Government of Somalia as well as other stakeholders, to address some, if not all, the key concerns that are highlighted herein. I therefore wish to commend the report to all of you, and also pay tribute to MRG, IIDA and the many other activists championing the concerns of minority groups and women in Somalia. I look forward to continuing to work with them during my tenure.



Bahame Tom Nyanduga
Independent Expert of the Situation of Human Rights in Somalia

Key findings

Key findings

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| <ul style="list-style-type: none">• Despite optimism about Somalia's tentative progress towards more stable and democratic governance, minorities and women are still sidelined from meaningful participation. Minority women, in particular, face double discrimination in the country's male-dominated, patriarchal and hierarchical clan system. As a result, this significant group has largely been overlooked in Somalia's peace-building processes. | <ul style="list-style-type: none">• While Somalia's poor record on women's rights is recognized, minority women are especially vulnerable to abuses such as sexual assault, gang rape and other forms of exploitation. This is due to their secondary social status and the ineffectiveness of both formal and customary justice mechanisms to prevent attacks or provide redress to the survivors. Armed militias, security forces, AMISOM personnel, majority clan members and men from minority communities have been implicated in these abuses. |
| <ul style="list-style-type: none">• The marginalization of minority women informs almost every aspect of their lives, from access to humanitarian assistance and livelihood opportunities to health care and education. Without an effective intervention from authorities, civil society and international development to address their situation, it is likely that minority women will continue to suffer entrenched poverty and exclusion, regardless of Somalia's broader development achievements. | <ul style="list-style-type: none">• Given the role that clan divisions and gender inequality have played in driving violence and human rights abuses, ensuring the protection and integration of minority women and other disadvantaged groups should be a priority for Somali authorities and the international community. Assuring their security and inclusion will be an essential step in promoting a durable peace for all in Somalia. |

Executive summary

After decades of violence and instability, tentative progress is being made in Somalia to strengthen the country's governance and democratic institutions. Yet one group in particular remains largely excluded – Somalia's sizeable but unrecognized population of minority women. The double discrimination they face, both as minority members in Somalia's hierarchical clan system and as women in a society dominated by men, risks leaving them sidelined, even if this progress is sustained.

Despite legal commitments to equality across the different regions of Somalia, including Puntland and Somaliland, in reality minority women face constant marginalization and limited access to justice in the event of abuse or exploitation. Formal institutions, such as the police and judiciary, are often ineffective and may even actively discriminate against disadvantaged groups, particularly minorities and women. Similarly, the application of customary law – the primary source of protection for many Somalis – frequently fails to provide impartial and effective justice for women or minority clans. This leaves minority women especially vulnerable to violence, rape and other abuses.

In addition, despite official commitments to more equitable participation, minority women are still mostly

invisible in political decision-making. This is reflected in the failure to deliver adequate parliamentary representation and the resistance to imposing minimum quotas for female representatives, despite previous commitments to do so. This raises troubling questions about the true extent of Somalia's transition towards more democratic political models, and the limited success of the international community to ensure that minority women and other marginalized groups are included.

The situation of minority women in Somalia, though often overlooked, is a troubling reminder of the distance that still needs to be covered to ensure lasting stability. Minority women themselves have a central role to play in advocating for their rights, but this is unlikely to happen without the broader support of other powerful stakeholders in Somali society and the international community, including politicians, law enforcement officers, clan members, Somali civil society, women from majority clans, male minority members, aid agencies and international governments. Only with the support of all these groups can the country move forward towards lasting peace and inclusion for all Somalis, irrespective of their identity.

Introduction

‘I don’t feel safe in my community, I am always afraid of [violence] from majority men and even our minority men. When I am safe from majority men, I am not safe from minority men. The most dangerous places for us is the IDP [internally placed persons] camp because it is where most rape happens.’

Benadiri woman, Puntland, March 2014

Women in Somalia face a wide range of challenges and their quest for gender equality has seen a number of women organizations and movements come to the fore to advocate for their rights. Despite this, many women and girls continue to be subjected to rape or forced into early marriage. This is especially the case for Somali women from minority groups who do not belong to the principal clan families, who face particular challenges in almost every aspect of their lives.

Although little data is available,¹ there was a common perception among a number of experts interviewed for this report that minority women are raped, displaced and starved at a higher rate than women from the majority population.² Minority groups, due to their limited social resources, do not benefit from the same level of protection as that afforded to members of majority clans. This places minority women at greater risk of sexual assault and other rights abuses. While minority groups are under-represented in government, minority women are almost totally absent: they face multiple forms of discrimination on account of their gender and minority identity.

Yet in the wake of the installation of the first permanent government in over two decades in South-Central Somalia, as well as some signs of progress in Puntland and Somaliland, there is a tentative sense that the environment may be changing. Nevertheless, in all three regions the situation of minority women remains largely unchanged, and their political, economic, and social marginalization is likely to persist until they are able to freely advocate for their rights. For a population that has been swept to the sidelines for decades, whose voice, confidence and sometimes dignity have been reduced to nearly nothing, this will be difficult. It will require the many stakeholders in Somalia – the international community, the government, the diaspora, the media, religious and clan leaders, and the larger civil society –

to make a concerted effort to recognize and make visible the issues affecting Somalia’s forgotten minority women.

Sustaining peace requires inclusiveness: the time to include and integrate minority women into Somalia’s rich and diverse social fabric is now. Otherwise, the cautious optimism many now feel for Somalia’s future is bound to fade. This would represent a disastrous loss for all the citizens of Somalia – regardless of gender, clan, class, or status.

Methodology and structure of the report

This report draws on a baseline study on the current situation of minority women conducted by IIDA Women’s Development Organization, primary interviews and a comprehensive desk review. The field research was conducted in South-Central Somalia, Puntland and Somaliland in March 2014, using a series of in-depth interviews and focus group discussions with 70 diverse minority women and 27 additional representatives. 13 further interviews were subsequently undertaken in June and October 2014 with a cross-section of stakeholders and specialists, including minority women living in Somalia, civil society activists, staff at women’s legal centres, politicians in the federal government, academics, and consultants from international non-governmental organizations (NGOs), think tanks and advocacy groups. The field research and primary interviews were supported by a detailed review of the constitutions and laws of Somalia, expert analysis and other sources on key issues confronting Somalia’s minority women carried out by two consultants contracted by MRG.

The report development was supervised by a team of experts from IIDA and MRG as well as experts on minority issues from South Central, Puntland and Somaliland.

The report begins with an overview of the history and current situation of minority women in South-Central Somalia, Puntland and Somaliland. It also defines minority women for the purposes of this report, and provides a short background on the clan structure and the history of the country’s most marginalized groups. It goes on to examine the current legal status of minority women and the limited protections in place for them in international, formal and customary law, and discusses the

participation of minority women in political decision-making at the local and national levels. It then documents in greater detail the human rights abuses and discrimination that minority women face on an everyday basis. Finally, it explores the roles, both positive and negative, of different institutions and stakeholders in the current situation of minority women, before concluding with a set of practical recommendations on how to improve the status and treatment of minority women.



Minority and marginalized clans in Somalia

Understanding clan identity in Somalia

Clan self-identification and belonging is a strong element within Somali society, and a person's identity is defined according to their clan provenance and family lineage. To appreciate the current dynamics of exclusion and discrimination affecting Somalia's minorities, it is essential to appreciate the impact of the clan system on every aspect of the country's social and political fabric. From education and livelihoods to food security and physical protection, an individual's clan membership is typically the most significant aspect of their identity – a marker that, in Somalia's recent history, has at times determined their death or survival. For the sizeable minority population, however, the country's clan hierarchy and their secondary status in relation to the majority groups has contributed to exploitation, dispossession, rape, displacement and murder. The dynamics and drivers of this system are explained in more detail in this section.

The Somali population is divided into four major clans and a number of minority groups. The major Somali clans include Darod, Hawiye, Dir and Digil-Mirifle. Each of these major clans comprises sub-clans and extended family networks that join or split depending on case-by-case circumstances. Those outside these alliances are marginalized and vulnerable to attack by the dominant clans, who are armed.³ 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 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.⁴

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. In fact, minority groups previously relied on majority clans for protection through *sheegat* or *sheegasho*, whereby minority

groups would become closely associated with a majority clan through provision of some service or compensation in exchange for protection. Such protective relationships mostly came to an end with the onset of the civil war, when majority clans targeted members of particular minority clans due to their limited numbers and lack of military organization.⁵

Defining Somalia's minorities and marginalized communities

There are currently no reliable population statistics for Somalia due to years of chaos and war, though the World Bank estimates the 2013 Somalia population at 10.5 million, with 50.3 per cent female.⁶ Population figures for minority groups are even more dubious and contested, with essentially no gender disaggregation. In 2002, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) estimated that minorities comprised one third of the Somali population.⁷ Other sources cite 20 per cent of the total population as belonging to minority groups.⁸ What is clear is that minority groups are splintered within society, and generally lack political and military organization compared to majority groups.⁹

The lack of comprehensive statistics extends to the disaggregation of data for different minority groups – there is no clear, current breakdown in population figures for each group. It is generally assumed that the Bantu are the largest minority in Somalia: according to UNOCHA's 2002 study, they comprise roughly 15 per cent of the total population,¹⁰ though other sources estimate that they may amount to as much as a fifth of the entire Somali population.¹¹ Minority groups overall are not evenly distributed throughout the country; South-Central Somalia is believed to have a higher concentration of minority groups than Somaliland and Puntland.¹² The vulnerability of IDPs – 70 to 80 per cent of which are women and children, according to the UN Development Programme (UNDP)¹³ – is especially pronounced among minority group members.¹⁴

Ethnic minorities

Among other groups, Somalia's ethnic minorities include the Bantu, Benadiri (or Reer Xamar), as well as the Asharaf and Bravanese, who are based in Southern Somalia. During the

civil war many members of these communities were displaced and a large number are still based in IDP settlements in Mogadishu, Puntland and Somaliland.

Bantu: Some members of the Bantu community also refer to themselves as *Jareer Weyn*, meaning ‘the large Jareer community’ (though the term ‘jareer’ is sometimes used derogatorily). They are physically distinct and were treated as a secondary social group due to their ethnicity and long legacy of historical oppression. This hierarchy remained in place following the end of colonial rule, with Bantu having little access to political decision-making or public services. Many remained trapped in a bonded arrangement with patrons from majority clans, and Bantu women were especially vulnerable to sexual abuse. While some economic opportunities in agriculture opened up towards the end of the 1960s, accompanied by a number of anti-discriminatory policies put in place under the regime of President Siad Barre, nationalization in the wake of the 1975 land registration law helped facilitate the dispossession of Bantu owners from large areas of land by elites in the capital. Bantu continued to be marginalized during this period. In subsequent years, Bantu found themselves again coerced into an oppressive arrangement with dominant clans, ‘forced to work, regularly without pay, for new and often absentee landlords.’¹⁵

Benadiri: Originating in the southern Somali coast, Benadiri include the *Gibil Cad* (‘light skinned’) groups. With more than 1,500 years of history in Somalia, they are thought to have originally migrated from the Arabian peninsula. This minority includes a number of different groups: *Rer Hamar*, based in Mogadishu, themselves comprising a variety of sub-clans; residents of the coastal town of *Merka*; and *Barawani* or *Bravanese*, located in *Brava*. There is also the marginalized *Bajuni* community, concentrated in *Kismayo* and the *Bajuni* islands,¹⁶ with a population of only a few thousand, whose mother tongue is *Kibajuni*.¹⁷

Drawing on the Persian word *Bandar*, meaning ‘port’, many Benadiri were based in coastal areas and traded for a living, although some groups engaged in agriculture and absorbed the customs and dialects of local majority groups.¹⁸ Benadiri include, among other groups: *Reer Xamar*, traditionally traders and goldsmiths, based in Mogadishu but with their own language; *Bravanese*, initially located in the city of *Brava* on the Somali coast, who speak *Chimiini* and *Al-Maymay*, dialects of Somali and Swahili respectively; and *Asharaf*, a group revered as religious instructors until the outbreak of the civil war, when their situation (as with other Benadiri subgroups) deteriorated.¹⁹

Even so, their 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.²⁰

There is also a relatively small community, descendants of European (mainly Italian) settlers and Somalis who mostly live in Italy, also called ‘*meticci*’. Although historically economically better off than some minority groups, they also fall outside clan structures, leaving them socially invisible and vulnerable to discrimination.

Occupational groups

The occupational minorities in Somalia, consisting of *Gaboye*, *Tumal* and *Yibir*, include weavers, potters, smiths, hunters, tanners, and others, with each group having its own name: for example, *Tumal* derive their name from the Somali word *tum*, meaning ‘to beat’ or ‘to hammer’. As far back as the early 1900s, the occupational minorities were considered as outcasts by other clans, resulting in their segregation, even though their language, physical appearance and customs were largely the same.²¹ This stigmatization is also partly rooted in a groundless myth that associates these groups with the consumption of unclean food.²²

Gaboye have traditionally worked for dominant clans in occupations such as barbers or leather workers, with both *Gaboye* women performing infibulations and circumcision. The *Gaboye* are divided into sub-clans such as *Muse Dheriyo* and *Madhiban*, among others.

Tumal were blacksmiths and carpenters, while **Yibrow** were known to be tanners and traditional doctors. Though it is likely they were based in Somalia before the arrival of pastoralist nomads, *Yibrow* were subsequently conquered and to this day hold a low status in relation to the main Somali population.²³ Despite this, they are believed by many to have special powers and are sometimes asked to bless the birth of a newborn baby. Many women in this community worked on reproductive health as traditional birth attendants and also as FGC (female genital cutting) practitioners.

Although all are Somali in origin, the occupational groups have come to represent distinct groups due to their functional differentiation. More recently, however, these occupational groups have begun competing with majority clans, who, due to the economic downturn that has persisted since the start of the civil war, have taken up similar trades.²⁴

While one interview respondent stated that *Gaboye* people in Somaliland have experienced improved social integration and inclusion compared to their situation before,²⁵ others have reported that inequalities and discrimination are still apparent. For example, one Somali organization has estimated that only between 30 and 40 *Gaboye* – out of as many as 10,000 in *Hargeisa* – are studying or have studied at university.²⁶

A brief overview of minorities and women in Somalia

Following an auspicious post-colonial start, Somalia's history as a modern state has been largely characterized by instability, chaos and human suffering. Somalia gained independence in 1960 as an amalgam of British and Italian colonies. By the end of the decade, however, a coup brought Major General Siad Barre to power, initiating a period of more than two decades (1969-91) characterized by deep divisions and political manipulation. After the fall of his regime in 1991, the country was consumed by civil conflict for the next twenty years, resulting in hundreds of thousands of deaths and widespread displacement.²⁷

Following the downfall of Siad Barre, many attempts were made to revitalize the political process, but all failed, with the Islamic Courts Union (ICU), a broad coalition of Islamists, eventually gaining control of most of southern Somalia in 2006. Quickly ousted by Ethiopia with tacit support from the United States, the ICU was forced to the extreme south of the country, while the Transitional Federal Government (TFG) that was established in 2004 regained power. The departure of the ICU prompted an insurgency against the TFG by various groups.²⁸

With the TFG's mandate set to expire, in August 2012 the National Constituent Assembly, consisting of clan elders, local leaders, youth, and women, overwhelmingly passed a new Constitution by a margin of 621 to 13, with 11 members abstaining.²⁹ Subsequently, Hassan Sheikh Mohamud became President – the first to be elected from within Somalia since the start of the civil war more than two decades before³⁰ – and a 275-member parliament was selected by clan elders. These milestones were deemed a significant step in the country's transition toward democracy, and ushered in a new era of hope whereby Somalia could finally move from conflict and instability to peace and redevelopment. With its seat in the country's capital, Mogadishu, the government is still functioning and in place today, notwithstanding numerous and continued activities by militia groups.

Central to this tumultuous and tragic history are the experiences of Somalia's women and minorities, whose status and treatment have progressively deteriorated in the post-colonial era. Looking at the case of women first, women played a pivotal role in the struggle for the country's freedom and independence as active members of the Somali Youth League (SYL) throughout the 1940s and 1950s, risking their lives to support the nationalist cause.

Yet their involvement was essentially erased as women were and continue to be excluded from the political leadership.³¹ While the SYL ultimately became the country's dominant political party after independence until Barre's coup, there was not a single female representative in parliament under the SYL governments.³²

Some sources indicate that the situation for women improved under Siad Barre, whose government put into effect the Family Law of 1975, providing women with equal rights in property, inheritance, and divorce. Barre's government also established the Somali Women's Democratic Organization (SWDO), which engaged in education and human rights campaigns, including a campaign to eradicate FGC. However, it is contested how far-reaching these policies were in practice, with some commentators dismissing them as 'tokenism' or 'lip service'. In terms of employment opportunities and freedom of choice in marriage, this improved for educated urban Somali women, who represented only a small fraction of the population.³³

With the outbreak of civil war, the violence had a disproportionate impact on Somali women,³⁴ who suffered rape, displacement and limited access to essential services such as health and education in the years that followed. Another consequence of the conflict was a rise in the number of female-headed households, leaving women with the responsibility to support their families alone.³⁵

The context today for Somali women remains poor, with Somalia ranked fourth in UNDP's global Gender Inequality Index.³⁶ Among other indicators, it is estimated that 98 per cent of women undergo FGC.³⁷ A large proportion of girls are married at an early age; this situation is due in large part to the patriarchal nature of Somali culture, with women generally confined to traditional gender roles as daughters, wives and mothers and with limited access to public services or political structures.

The treatment of minorities in Somalia mirrors that of women: early signs of hope quickly faded in favour of exclusion and discrimination. Although discrimination against minority groups continued following independence, members of minority groups were at the same time incorporated into a nationalist Somali identity, aided by significant linguistic, religious and cultural commonalities. The distinction between majority and minority groups appeared to relax under Siad Barre's socialist rule, with

clannism strictly prohibited: ‘even the mentioning of one’s clan was a criminal offence’.³⁸ Officially, every Somali was equal; however, in practice, Barre favoured a divide-and-rule style of politics that produced mixed outcomes for minorities. So, while Barre deliberately awarded senior political and military positions to members of certain minority communities, such as Gaboye and Tumul, other groups – in particular, Bantu – were still excluded.³⁹

Although the civil war in Somalia has all but ended, minorities continue to be considered the weakest in Somali society. Minority women and girls therefore face multiple forms of discrimination in Somalia, and are uniquely vulnerable to rights violations on the basis of both their gender and minority identity.⁴⁰ While majority clan women by virtue of their position in the traditional clan structure have some level of protection and access to basic services and other institutional processes, particularly those from wealthy families or with strong family connections, minority women lack these protections and so suffer a range of more pronounced forms of social, cultural and economic discrimination.

The cases of Somaliland and Puntland

It is important to recognize that conditions for minorities vary considerably across Somalia, particularly in terms of the local security environment. Among other factors, this is a reflection of the existence of separate governance structures in Puntland in the northeast – a semi-autonomous state declared by its leaders in 1998 – as well as the state of Somaliland in the northwest, which declared its independence in 1991 and is functionally separate from Somalia, though not recognized internally as its own state. In both these regions, where the political environment in recent years has been significantly more stable than in South-Central Somalia, the treatment of minority women shows both similarities and differences to the rest of the country.

Many of Somalia’s minorities originate from the southern part of the country, though many fled north to

Puntland to escape insecurity in their home provinces. Many thousands are now based in IDP camps and makeshift slums in Mogadishu, but also in Puntland and Somaliland; in all locations, displaced minority women are regularly subjected to rights abuses.⁴¹ Minority IDPs in Puntland and Somaliland have often been in these areas for decades, and have no intention of returning to their original homes in the south. Yet no matter how long they have inhabited these northern havens of ‘stability’, integration is a distant dream. According to Ken Menkhous, Puntland and Somaliland ‘have defined citizenship in their territory in exclusivist clan terms, treating other clans as at best “guests” (*galti*) and at worse as illegal immigrants.’⁴²

Despite their status as second-class citizens, minorities in Puntland and Somaliland have had a distinct experience from those living elsewhere in Somalia. As a result of the relative stability in the two regions, Puntland and Somaliland have enjoyed more rapid political and economic development in comparison to South-Central Somalia. This has had implications for minority and women’s rights. In both Somaliland and Puntland there have been instances, albeit limited, of minority women organizing themselves and participating in civil society activism. One example is the community service organization called Puntland Minority Women Development Organization (PMWDO), founded by a minority woman in 2001, which supports minority women and children through the delivery of essential services and livelihood opportunities. In South-Central Somalia, on the other hand, minority civil society organizations of this type seem harder to find: following the extensive research carried out in preparing this report, not a single minority female-led organization or initiative could be identified for South-Central Somalia. In summary, the degree of political, economic and social marginalization may vary from region to region, but its existence in some of the most severe forms exists in all locations. Despite this, civil society activism remains underdeveloped and inadequate, even in Puntland and Somaliland.

The legal status of minority women in Somalia

An ambiguous commitment to international conventions

Somalia's reluctance to recognize and protect its minority women is reflected in its disregard for certain international agreements that affirm principles of fundamental human rights and equality for women and girls. As of 2014, Somalia had not signed the Convention on the Elimination of Discrimination against Women (CEDAW) or any of the other major international conventions with respect to women and women's rights. Moreover, it does not have a National Action Plan on the UN Security Council Resolution 1325 (UNSCR 1325), which stresses the equal participation of women in the resolution of conflicts, peace-building, humanitarian response, and post-conflict reconstruction.⁴³ However, Somalia is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), both of which were signed in 1990. Somalia also signed and ratified the African Charter on Human and People's Rights (ACHPR) in 1985, although it has yet to ratify the Protocol to the ACHPR – on the Rights of Women in Africa – which was adopted in Maputo in 2003.⁴⁴

The Puntland government, as specified in Article 11(1) of its Constitution, maintains only those international conventions to which the Somali Republic has adhered. The Somaliland Constitution, on the other hand, specifically recognizes international human rights instruments such as the CEDAW⁴⁵ and commits to act in conformity with international law and the Universal Declaration on Human Rights (UDHR),⁴⁶ irrespective of the Somali national government's position. Yet there exists the basic challenge that Somaliland is not recognized as independent and is officially considered part of Somalia. Therefore, notwithstanding Somaliland's public commitment to international laws, it is unable to ratify them and join with the community of nations as a state party to conventions such as the CEDAW. Not being recognized as a state also means that Somaliland is unable to take advantage of the UN treaty bodies, institutions whose role is to support state parties to achieve the change to which they have committed.

The end result is that minority women in Somalia (including Puntland and Somaliland) only have very

limited recourse to international legal mechanisms. In fact, the country's Provisional Constitution very clearly states Somalia's equivocal commitment to such instruments: 'In interpreting these [fundamental] rights, the court may consider the Shari'a, international law, and decisions of courts in other countries, though it is not bound to follow these decisions.'⁴⁷ Fortunately, Somalia's formal laws do provide, unequivocally, some legal protections to historically disadvantaged groups; yet there is a wide discrepancy in what is captured in writing versus what is practised within the justice system.

Justice for some under modern law

The Provisional Constitution of the Federal Republic of Somalia (adopted in 2012) and the constitutions of Somaliland (2001) and Puntland (2012) have general provisions on equality and non-discrimination. Article 11(1) of the Provisional Constitution provides that 'all citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law'. Article 11(3) requires the government not to 'discriminate against any person on the basis of age, race, colour, tribe, ethnicity, culture, dialect, gender, birth, disability, religion, political opinion, occupation, or wealth'.⁴⁸

Similarly, Article 23(1) of the Puntland Constitution provides for equality of all citizens before the law, and Article 23(2) specifies that 'no one can discriminate by colour, religion, citizenship, origin, financial status, opinion, political attitude, language and ethnics'. Somaliland's Article 8(1) of the Constitution says that all citizens 'shall enjoy equal rights and obligations before the law, and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status, or opinion'.⁵⁰

The constitutions in Somalia and Somaliland go even further in recognizing and emphasizing the need for deliberate measures to address historically disadvantaged groups, including women and minorities. Article 3(5) of the Provisional Constitution requires the inclusion of women in all national institutions, 'in particular all elected and appointed positions across the three branches of

government and in national independent commissions'.⁵¹ Article 11(4) states that any government programme intended to achieve full equality 'for individuals or groups who are disadvantaged, or who have suffered from discrimination in the past, shall not be deemed to be discriminatory'.⁵² Somaliland's Constitution indicates a similar commitment in Article 8(2): 'Precedence and discrimination on grounds of ethnicity, clan affiliation, birth and residence is prohibited; and at the same time programmes aimed at eradicating long-lasting bad practices shall be a national obligation.'⁵³

Though these formal laws might seem to represent significant milestones in tackling inequality and discrimination in Somalia, closer examination shows they are not very different from the legislation that preceded them. The Transitional Federal Charter (TFC), which was approved in 2004 and was the principle organizing document of Somalia until 2012, had similar chapters on Distribution of Resources and Positions (Article 13), Human Rights and Dignity (Article 14) and Equality of the Citizens Before the Law (Article 15). Article 29 of the TFC committed to a 12 per cent quota of women in parliament.⁵⁴ While it can be argued that the current Provisional Constitution is an improvement to the TFC in that it does not restrict women's participation to such a small proportion, the reluctance of decision-makers to include in the text the 30 per cent quota to which they had agreed in principle is reflective of a general lack of commitment and concern for the status of women.⁵⁵

Looking even further back to the Constitution under Siad Barre, its laws also provided guarantees of social, cultural and political rights, including equality of the sexes. Barre amended the Family Law in 1975 to guarantee women equal rights in marriage, divorce, and inheritance, and to make gender discrimination illegal – though these provisions were not, in practice, effectively implemented.⁵⁶

Certainly the current Provisional Constitution affords minorities and women greater legal protection and recognition than during the years of state collapse following the fall of Siad Barre. The Puntland Constitution, for example, stipulated in Article 23(3) that: 'The Constitution safeguards the rights of minority groups.'⁵⁷ Though many legal provisions are still a long way from being effectively put into practice, the importance of such legal recognition for minority groups must nevertheless not be underestimated as it can play a major role in the empowerment of minority women.

Enforcement challenges

Both the earlier legislation and the new commitments that have surfaced in the present constitutions of

Somalia, Puntland, and Somaliland to provide equality for all suffer from a common fate: there is no system or culture of enforcement. In addition to the widespread use of discriminatory language against minorities,⁵⁸ minority women and girls are systematically discriminated against in accessing whatever limited basic services are made available. For example, one respondent criticized the authorities in Puntland for apparently overlooking schools catering to minority students when identifying beneficiaries for an international donor programme.⁵⁹

Further preventing any meaningful enforcement of laws that might have been designed to protect exposed groups such as minority women is an overall lack of capacity in government to serve and protect any of its citizens, majority and minority alike. Unfortunately, this affects minority women and girls disproportionately because they are, as outlined earlier, more vulnerable and have limited access to formal protection structures. In fact, according to Human Rights Watch (HRW), security forces are often complicit, refusing to investigate reported cases of sexual violence or even implicated as perpetrators themselves: 'Armed assailants, including members of state security forces, operating with complete impunity, sexually assault, rape, beat, shoot, and stab women and girls'.⁶⁰ Furthermore, Somali medical services and the justice system lack the capacity to provide adequate assistance following incidents of sexual violence.⁶¹ This inability to uphold the law extends across a host of rights and services that are guaranteed in the Provisional Constitution, from security and personal safety to health care and primary education.

With respect to the laws of Somalia and Somaliland that aim to put in place affirmative action initiatives, this is another area where the government has been weak in implementation. A complete lack of action by local and government authorities in creating meaningful policies and programmes, coupled with the continued exclusion of minority groups and women in the political, economic, and social spheres, suggest that affirmative action programmes are a low priority for the government. However, in Somaliland a number of initiatives and 'pressure groups' have been set up. In recent years by various groups to promote minority rights, including minority women's rights. These provide important examples for minority groups in how, particularly in the face of apparent government inaction, they can themselves play a major role in securing their rights through a well-considered and sustained long-term strategy. To achieve this, however, they must feel empowered to understand and exploit the existing legal provisions of the constitutions to advocate for their rights.

Gender policies

In addition to the constitutions, there are other legal frameworks that are geared, at least in theory, towards improving the situation of groups that experience discrimination. For example, gender policies might seem an obvious avenue for minority women to access a broad range of human rights. As with many things in Somalia, however, the situation is not so straightforward. Gender policies can be a divisive issue, not only between men and women, but also between majority women and minority women.

The Ministry of Women and Human Rights has been charged with taking the lead on a new gender policy for South-Central Somalia. The proposed bill is part of a broader government programme designed to strengthen women's rights, provide greater political participation and ensure better access to essential services such as medical care and schooling.⁶² In addition to a ring-fenced quota of female seats in parliament, the bill calls for quotas in other government branches, and that 60 per cent of free education recipients be women. Following consultations with civil society and other stakeholders, including minority women, the bill is currently undergoing revisions. UNDP is also partnering with the ministry on comprehensive public awareness campaigns on women's rights and participation.⁶³

In Puntland a gender policy was drafted in 2008, but has not been passed, despite several attempts to submit it to the Cabinet and Parliament for ratification. Though the policy was designed to incorporate Shari'a, local customs and the specific context of Puntland, the main point of resistance among officials is its inclusion of the phrase 'gender equality' in the text. The policy, however, outlines four key focus areas: livelihoods, human rights, governance, and economics.⁶⁴

The Somaliland Ministry of National Planning and Development designed, for the first time, a five-year National Development Plan (2012-16). This encompasses a range of priorities, including the elimination of gender-based violence (GBV), the mainstreaming of women's empowerment in all sectors of development, the promotion of women's involvement in decision making, an increase in the number of parliamentary seats held by women and marginalized groups, and equal access to justice for women.⁶⁵ Recently approved, the policy does not yet have an action plan for implementation.⁶⁶

Gender policies in South-Central Somalia, Somaliland, and Puntland are currently undermined by the fact that they are not finalized, applied or enforced, albeit for varying reasons. Many civil society organizations question whether the policies will translate into actual legal rights for minority women. As is the case with constitutional law, there is no specific legislation addressing minority women, with the underlying assumption being that their rights as women will be protected irrespective of their minority status.⁶⁷ In practice, this has sometimes meant that the specific concerns of minority women have been overlooked in collective advocacy efforts by Somali women's right organizations.

The role of customary law

It is impossible to appreciate the legal context in Somalia without recognizing the central role played by customary law, also known as *xeer*, at a local level in justice, conflict resolution and other disputes. *Xeer* proceedings have existed for centuries – long bringing a measure of legal calm in the country. Even today *xeer* is respected by many Somali people for maintaining societal order in times of conflict. The customary laws are passed down orally and in some aspects have parallels with more contemporary legislation: for example, its rules and regulations on conflict 'mirror the much younger Geneva Conventions'.⁶⁸ Nevertheless, *xeer* has been criticized for limiting women's rights and placing 'unequal value' on their lives compared to those of men.⁶⁹ Moreover, women have less worth before the law: when women are killed, their lives are typically compensated with half what would be awarded when the victim is a man.⁷⁰

Notwithstanding the advent of modern state structures and constitutions in Somalia, Somaliland and Puntland, modern, customary, and religious systems frequently occur alongside each other. Customary law is pervasive and *xeer* tends to supersede formal law, not least because of the clan system's greater ability to enforce laws and punishments in many areas. And while Shari'a tends to be more progressive for women than Somali customary law, elders routinely exert pressure on women to settle out of court through traditional channels, or Shari'a may be administered by men who misapply Islamic law in favour of the man's interests.⁷¹

Leadership and political participation

Overview

In October 2012, following internationally backed political processes, the first elected parliament since the fall of the Barre government came to power in Somalia. Somaliland continued on its democratic path with largely peaceful and internationally observed local council elections in 2012, while in Puntland the election of Abdiwheli Mohamed Ali by a 66-member parliament took place in January 2014.

As these substantive developments have occurred in the Somali political arena over the last few years, the importance of allowing women to participate politically has also gained traction. Across all regions in Somalia there is a constitutional commitment to equality between men and women with regard to political participation.⁷² Minority women, however, have remained virtually absent from the discourse, pushed to one side by clan power-sharing mechanisms and their needs masked by the larger quest for a pan-women's collective cause aimed at achieving greater political participation and a role in governance for them. However, in reality in all the three regions the Somali political system continues to perpetuate clan and gender discrimination.

Minorities and Somalia's 4.5 system

The new government in Somalia is currently able to provide only limited protection for minority groups and offers limited opportunities for participation for women, with no clear recognition of their rights in Somalia in its 2012 Constitution, nor an explicit minimum quota for female representation in parliament. Nor have authorities appeared to exploit the post-conflict 'window of opportunity'⁷³ to build more inclusive institutions for minorities and women - for example, by revising the controversial '4.5' system.

This controversial power-sharing formula, providing equal political representation to the four major clans, while the country's remaining minorities receive an additional half-share as a collective, has attracted continued criticism since its inception in 2004. On the one hand, commentators saw it as a good temporary stepping stone toward a power-sharing mechanism that

could eventually lead to a one-man, one-vote political system.⁷⁴ However, while the system was designed to encourage power-sharing and prevent a particular group monopolizing decision making, it has been criticized for deepening social divisions and failing to reflect the true composition of the Somali population. Out of a total of 275 seats in parliament, the four major clans are each guaranteed 61 seats, while minority clans have only 31 seats.⁷⁵ Some commentators have suggested that the 4.5 ratio should be increased to 5 to provide minority clans with better representation.⁷⁶

Furthermore, the 4.5 arrangement fails to reflect the diversity of Somalia's minorities, reducing all of the various minority clans to a 0.5 subgroup and ignoring the range of societal customs that characterize each one. As the 0.5 subgroup is not based on the actual net population, it does not provide equal representation: on the contrary, it places limits on the space for political participation among minority groups and facilitates the domination of government and other political structures by majority clans.

The argument that minorities should be given greater representation appears to have gained some acceptance: for example, it has been observed that cabinet selections under Hassan Sheikh's presidency have worked using the 5, rather than 4.5, distribution structure.⁷⁷ Despite this headway, however, little progress has been made to adequately incorporate minority clans (and by extension minority women) into the political sphere.

Women's political participation

On the gender front, over the last few years Somali women activists have been more vocal in advocating for greater representation in parliament. Movements like the 'sixth clan' pan-Somali women's group paved the way in 2004 for the TFG to adopt in the TFC a quota of 12 per cent of its 275 seats to be reserved for women. However, in the end, despite advocacy efforts, women were only given 33 seats – corresponding to just 8 per cent of seats.⁷⁸ More recently, as part of the Somalia End of Transition Roadmap in the Garowe I and II constitutional provisions, women were to have 30 per cent representation in the National Constituent Assembly and parliament. However, in practice, these provisions again did not meet women's

expectations, with 125 traditional male elders voting and allocating just 39 parliamentary seats – 14 per cent of the total – to women instead of the promised 30 per cent.⁷⁹ No mechanisms were set up that could guarantee the attainment of the minimum quota of 30 per cent female representatives.⁸⁰ Similarly, in Somaliland and Puntland, women remain greatly underrepresented. In Puntland, for instance, despite quotas being originally agreed for parliamentary and presidential elections in early 2014 for all three levels of Puntland's district councils - ranging from 26 per cent to more than 29 per cent⁸¹ - with the outbreak of violence the elections were postponed indefinitely and as a result Puntland's new parliament, Speaker and President were selected using traditional mechanisms. In the end, very little political participation was afforded to women, either during the selection process or as members of government.⁸²

Much like the trend witnessed in other countries across sub-Saharan Africa and beyond, there is some impetus within Somalia to increase the female share of government cabinet and public positions, in order to be seen to be responsive to greater gender inclusion in the political sphere.⁸³ The international community likewise continues to put pressure on the Somali government to commit to diversity and equality, but this has often engendered a response that has more to do with appeasement than any real, long-term commitment to change.⁸⁴ To one degree or another, male-dominated clan structures and the customary system have persisted and still play a pivotal role in Somali politics and within formal government.

Limited representation for minority women

Although these developments suggest some limited gains, given the historic exclusion of Somali women from political participation, the processes through which women are selected remain problematic and in reality discrimination is still deeply entrenched, especially for minority women. According to one respondent for this research, many women in Somali politics, specifically the pan-women's movement, do not feel that they should be divided – for instance into clans, subgroups or minorities – and instead maintain that their cause is stronger collectively.⁸⁵

In practice, however, this means that the specific concerns and inequalities experienced by minority women are likely to remain obscured if there is no space within the women's movement to articulate these issues. Where civil society organizations do work on minority issues and are minorities themselves, according to one activist, it is often at the level of services such as access to healthcare or education rather than political participation.⁸⁶ The lack of a minority women's voice or collective organization, as well as the low visibility of the pan-women's movement and its limited role in advocating on behalf of minority women, risks sidelining minority women's concerns.

As described above, both minorities and women face exclusion from Somalia's political decision making. In this sense, minority women face double discrimination as members of both groups. Yet their marginalization in important ways goes beyond this: minority women typically have secondary status within their own communities while also struggling with a lack of representation within Somali women's movements, which are often dominated by members of majority clans. It is worth noting that, even if significant steps are taken to increase representation by both minority communities and women - for example, by expanding the allocation for minority clans in parliament and enforcing minimum quotas for female representatives - there is no guarantee that minority women specifically would see a significant improvement to their situation if the issues surrounding this multiple discrimination are not addressed.

At the moment, while both minorities and women are underrepresented, the proportion of women occupying high-level political positions remains minimal. In South-Central Somalia, out of the 31 of the 275 parliamentary seats allocated to minorities, as of the end of 2014 only 5 of these are occupied by women. In Puntland, there is currently no minority member in the parliament, nor a deputy governor. There is, however, one minority woman in the cabinet. In Somaliland, there is only one minister and a deputy minister from minority communities in the cabinet, and one elder in the 82-member Council of Elders. In addition, there is only one minority member in the Somaliland National Human Rights Commission, as well as an adviser to the President on minority issues. None of these, however, are minority women.⁸⁷

Discrimination and exclusion

Despite the ongoing fighting against armed militias in southern Somalia, there has been considerable optimism surrounding the positive changes within Somalia's political and economic landscape over the last few years, and particularly its improved economic prospects due to an influx of foreign investment and post-war reconstruction. For minority communities and specifically minority women, however, progressive political developments in all three regions have not yet translated into an improved socio-economic and human rights situation. With discrimination still widespread towards minority communities, access to justice and other basic services are not readily available. Minority women are still subject to multiple forms of discrimination and rights abuses, including exclusion from basic services and poor living conditions, often in IDP camps or informal settlements. Minority women may also find themselves unable to access humanitarian assistance and other forms of support. This section outlines some of the challenges that minority face in areas such as education, health, employment and inter-marriage.

Access to education

Though the right to education is constitutionally guaranteed in all three regions,⁸⁸ Somalia has very low female literacy levels. Across the three regions, nearly 75 per cent of women aged 15-24 are illiterate, for instance,⁸⁹ and enrolment rates at all educational levels remain markedly lower for girls compared to boys. Although there is data disaggregation by gender, this does not capture the disparity that exists between students from majority and minority clans: however, it is widely believed that if such data did exist, it would certainly indicate that enrolment and retention levels are much lower for girls from minority groups.⁹⁰

The low education levels among minority women in Somalia in particular are attributable to a combination of social, cultural and economic barriers, including practices such as early marriage, high poverty levels and social discrimination among minority groups. A number of barriers affect enrolment for minority girls, including their economic status and their involvement in household work.

In South-Central Somalia, while a relatively accessible system of private schools is in place, these are unaffordable to the large majority of minority members. This is coupled

with a lack of adequate public schools in minority areas and other discriminatory practices. By comparison, majority clan women tend to enjoy better educational opportunities. In Puntland, child labour, gender discrimination and social segregation in schools are common, also obstructing access. Somaliland, on the other hand, boasts a functioning and free system of primary and secondary public education system. Nevertheless, similar difficulties are reportedly apparent, with limited schools in minority areas, lack of funds and early marriage all creating difficulties for minorities.

The costs of education mean that minority members, particularly girls, may be disadvantaged because of their economic situation.⁹¹

'Generally education is private and you have to pay. Most of the schools are owned by [a designated] clans. Even aid organizations that provide education benefit only the big clans.'

Minority woman, South-Central Somalia, March 2014

'I have nine children. Three of them are girls – only boys go to school because I can't afford the money for the rest.'

Bantu woman, Puntland, March 2014

'Most children in our community do not go to school but instead work in order to contribute to the family income. There are very few children from our community and far fewer girls than boys in the educational system due to lack of economic means, and not least because of the segregating environment existing among young students and in the schools. Only 15 per cent of children from our minority families went to school.'

Tumal woman, Puntland, March 2014

Systematic exclusion from education is still a cause for concern, with respondents reporting that social segregation and discrimination is a prominent feature in the school environment.

'Almost all teachers belong to majority clans, so nepotism, particularly that doesn't favor our community, is common.'

Bantu woman, South-Central Somalia, March 2014

‘My clan would not allow girls to go to school because of misbehavior and discrimination of the other [majority clan] communities.... Schools are open to all that can afford school fees, but you will not tolerate the...hate words.’

Tumal woman, South-Central Somalia, March 2014

Furthermore, while women across Somalia face considerable barriers to accessing education, particularly at secondary level or beyond, some respondents argued that there were nevertheless more opportunities available to women from majority clans:

‘There has been some change, because now girls go to school. But when a girl completes primary level she suddenly gets married off to someone she may know or not. Girls from other [majority clan] communities complete their education up to university level.’

Benadir woman, South Central, March 2014

‘Other [majority clan] girls get enrolled in vocational skill training and we do not because of discrimination and lack of information.’

Bantu woman, South Central, March 2014

Minority adult female illiteracy is a crucial barrier to women’s empowerment. Access to education for minority girls, starting from the primary level on, is an issue that requires serious attention and that needs to be brought into the political discourse.⁹² Despite some apparently positive steps in extending education, particularly to girls and women, one respondent argued that minority women have often been overlooked in these initiatives.⁹³ Consequently there is a need to clearly articulate the specific barriers that minority groups face in accessing education at various political levels, with positive action to influence governmental ministries to take action. Girls’ education programmes should directly target minority groups and address the exclusion of minority girls from schools. It is important that such initiatives should not only engage women’s ministries, but also the ministries of education.

Health and food insecurity

Though the Constitutions of all three regions guarantee all citizens the right to health, in reality service access remains a challenge across Somalia. In South-Central Somalia, only 26 per cent of pregnant women are able to secure antenatal care and only 9 per cent have institutional deliveries.⁹⁴ In Puntland, similarly, only a quarter (25.6 per cent) of women access antenatal care.⁹⁵ Though the situation in Somaliland is significantly better, less than half (49 per cent) had institutional deliveries in 2009.⁹⁶

Access to health services is especially difficult for minority women due to cultural barriers and their poor socio-economic status. In South Central, health facilities are conveniently located but are mostly private, unaffordable and practice discriminatory practices. The situation in Puntland is similar. In Somaliland, on the other hand, conditions are better and the government provides free health care. However, minority groups do not benefit fully from these services due to discrimination in some of the health facilities.

Health outcomes for minority women are also affected by limited resources and poor nutritional access. Somalia has faced regular food security challenges in recent years as a result of climatic and economic shocks, including the 2011-12 famine, when widespread starvation occurred across Somalia, with the southern regions the hardest hit. In South-Central Somalia approximately 258,000 people died as a result.⁹⁷ The threat of a similar disaster in the near future remains high. Since early 2014, the Food Security and Nutrition Analysis Unit (FSNAU) has also been warning that an estimated 857,000 people in Somalia will be in a situation of crisis and emergency due to poor rainfall levels and crop failure.⁹⁸

While chronic food insecurity is also a serious concern for many members of majority clans, minority communities, particularly in the southern regions, are especially vulnerable to its effects. In 2011, compounded by several seasons of low rainfall, a collapse in purchasing power, insecurity and the presence of militia groups in many regions across South-Central Somalia, certain groups - in particular, agricultural or pastoral livelihood groups and IDPs - were pushed into famine. The precarious situation of Rahanweyn and Bantu in certain areas was made worse by the fact that they were actively targeted by members of majority clans. 35 per cent of those most affected by the famine were IDPs residing in settlements in Mogadishu and the Afgooye Corridor, with minority women constituting a large proportion of displaced persons.⁹⁹

The famine highlighted the extent to which the different inequalities experienced by minorities and women – limited social resources and livelihood diversification, the persistent domination of majority clans in the area, and inadequate access to humanitarian supplies and remittances compared to other clans¹⁰⁰ – greatly increased their vulnerability during times of famine. It is likely that, in the event of future famine, these groups will continue to be affected disproportionately by food insecurity and starvation.

Employment

Economic activities in Somalia revolve around pastoralism, agriculture and trade. However, the denial of

land rights and livestock ownership has facilitated the continued economic exclusion of minority groups. In addition, gender discrimination in employment remains acute. In South-Central Somalia, women have a higher unemployment rate (74 per cent) than men (61 per cent), with few women active in high earning areas.¹⁰¹ Inequalities are also evident in other regions, including in the public sector. In Puntland only 19 per cent of the civil service workforce was comprised of women in 2011,¹⁰² while in Somaliland the proportion in 2006 was 30 per cent, with many working as cleaners and administrative staff with low education levels.¹⁰³

As a result, minority women find themselves largely confined to traditional domestic roles due to their low levels of education and social discrimination in the labor market. The impacts of civil war and displacement have affected minority women disproportionately. With many of them based in IDP camps or informal urban settlements, often the single head of their households following the death of their father or husband, livelihood options are few and largely limited to poorly paid manual labour. Minority women in the three regions generally engage in traditional gender roles as housewives with a few working as domestic workers, market laborers, garbage collectors, casual laborers, herbalists, hairdressers and a small number engaged in businesses.

Barriers to inter-clan marriage

Another area of discrimination affected minority women is the widespread social prohibition of intermarriage between members of majority clans and minorities. Unlike majority clan women, who can marry across different clans, it is socially unacceptable for a minority woman to marry someone from a majority clan.¹⁰⁴ The few minority women that engage in clandestine relationships with

members of other clans often face persistent hostility and intimidation from relatives of their majority clan partner.

'The other [majority clan] community don't marry our women – when the young boys try to marry our girls their families stop that marriage, and the fathers try to kill their boys for marrying a minority woman.'
Bantu woman, Puntland, March 2014

'My son had a relationship with a girl from a majority clan. The girl's relatives attacked our home, beat me and my son and had us arrested. The police only released us after my son promised to end the relationship.'
Focus group discussion participant, Somaliland, March 2014

This is despite the fact that there is no religious statute prohibiting inter-clan marriages with minorities. With the increasing influence of Islam in social organization and community change, religious leaders could have an important role in reducing the stigmatization around intermarriage.¹⁰⁵ However, some respondents also reported that barriers to marriage sometimes existed within and between various minority communities:

'My community has different sub clans. Some of us feel that they are higher and prouder than others – they marginalize and look down upon them and don't intermarry.'
Benadiri woman, South Central, March 2014

'We discriminate [against] each other. Benadir don't want to intermarry with Tumul, the Tumul don't want to intermarry with Bantu.'
Bantu woman, Somaliland, March 2014

Sexual and gender-based violence

Despite the fact that the right to security is guaranteed in the Constitutions of all three regions,¹⁰⁶ minority women in particular face a variety of threats, including physical violence, sexual abuse, theft and forced labor. Many feel especially vulnerable in the absence of clan protection, lack of faith in official institutions such as the police and the broader context of insecurity in many parts of southern Somalia, particularly its informal settlements and IDP camps. With 1 million IDPs in Somalia and the wide recognition that a large proportion hail from minority groups, including many single female-headed households, they remain among those most vulnerable to human rights abuses in Somalia.

A major contributing factor to the vulnerability of minority women is their limited access to justice or legal compensation. Somali culture has a traditional mechanism of 'blood compensation' (*diya*) for death and injury in inter-clan disputes, which is also paid in lesser amounts for other crimes such as rape. *Diya* for women is half that of men and is paid to the clan of the woman's father or husband. Discussion of sexual matters is taboo, hence rape often goes unpunished, and there is no recourse for domestic violence because it is not culturally considered as abuse. Minority women face greater risk of gender-based abuses amid lack of access to institutional protection and redress against violations. Payment of *diya* for instance does not extend to minority groups in the same manner as majority clans - minority groups receive lower compensation and have no recourse in instances where the payment is never made.

Formal justice mechanisms are also difficult to access and may be actively tipped against minority members. Police and judicial officers are mainly drawn from majority clans and are often inclined to pursue their clan interests. Allegations of rape and other violations against minority women are rarely investigated, particularly if the perpetrators are from majority clans, which further diminish access. These limitations contribute to an environment of impunity for perpetrators.

One of the greatest protection risks faced by minority women across Somalia is sexual and gender-based violence (SGBV). This has been a prominent area of concern in the Somali human rights and humanitarian landscape over the last few years, prompted by the higher levels of reported rape cases across the country, the changing identity of the

perpetrators and the level of impunity that surrounds these abuses. In 2012, a total of 1,700 cases of SGBV were reported in Somalia – with around a third comprising children under the age of 18¹⁰⁷ – while in the first six months of 2013 alone the UN reported nearly 800 cases of SGBV in just one locality, Mogadishu.¹⁰⁸ Emerging data and trends from Somaliland over the last few years suggest a disturbing increase in sexual violence, particularly with regard to gang rapes. Hargeisa General Hospital received almost one rape case every day in 2013.¹⁰⁹ In Puntland, police recorded 223 rape cases in 2010.¹¹⁰

Due to the unreliability of statistics collected on violence against women, and on SGBV in particular, and the fact that very limited research exists on sexual violence and other forms of GBV in Somalia, it is difficult to accurately gauge the reasons behind the recent increase in reported rape cases or the extent to which these figures reflect the situation on the ground. Nevertheless, there is a widespread perception that the true incidence of rape is greatly underestimated, as very few cases are actually reported through any legal channels.¹¹¹ This is particularly the case for minority women, given their lack of access to any effective channel of justice or retribution.

The profile of the survivors of sexual violence paints a very urban picture. In South-Central Somalia, those considered most at risk are women and girls living in IDP settlements, concentrated around Mogadishu: with an estimated 360,000 IDPs, the capital has the largest displaced population in the country. In line with other forms of violence perpetrated against minority women, rape today mainly occurs in urban areas in camps for the internally displaced and in peri-urban settlements. These informal settlements, which are overcrowded, unsanitary, and unprotected, are often run by powerbrokers who 'administer' the camps.¹¹²

Typically drawn from well-connected members of the local majority clan, these networks have risen to prominence over the years in the absence of a functioning security force. This has left room for private individuals to claim public and private property to house displaced communities, requesting monetary or other forms of payment in return. Studies have documented how the humanitarian responses to the conflict, and in particular the 2011 famine and the scale of internal displacement in Mogadishu, continued to fuel the power of gatekeepers,

who emerged as a result of the ‘remote-control’ nature of service delivery of aid employed by humanitarian agencies operating in an insecure environment.¹¹³ Respondents highlighted the role that gatekeepers played in controlling access to almost every requirement in the camp, from mosquito nets and sanitary towels to health care and food:

‘Minority women in IDP camps don’t get [proper] humanitarian aid. Gatekeepers take the food after aid workers leave the IDP camp. Women have to buy the food.’

Minority women’s rights activist, South-Central Somalia, March 2014

‘Gatekeepers take half of the aid we are given – sometimes it is all taken. We have to pay \$5 ‘igu fariiso’ (gatekeeping fee) and sometimes still get nothing.’

Minority woman, South-Central Somalia, March 2014

Some have argued that gatekeepers do not play an entirely negative role and that they have on occasion provided an element of protection and security: for example, some have been able to provide a large volume of displaced and urban poor with housing and informal settlement tenures that would otherwise not have been available to them.¹¹⁴ However, IDPs live in dire conditions with limited or no access to basic services, very poor sanitation and health care, and little in the way of livelihood options. Overcrowding and a precarious protection environment create an enabling context for widespread human rights violations, including SGBV. Gatekeepers are often implicated in these abuses.¹¹⁵ The risks faced by minority women are intensified by the work they undertake in the informal sector, such as uncontracted domestic and cleaning jobs, and the limited clan protection afforded them.

Recent research by HRW has documented that rape is frequently seen as a normal act by the perpetrators, as highlighted by its prevalence and the fact that there are few or no consequences of rape for those who carry it out.¹¹⁶ These findings were echoed in IIDA/MRG’s own research, with accounts of minority women having suffered sexual exploitation and abuse by local security personnel and majority clan men.¹¹⁷ The prevalence of SGBV and other forms of violence against women, together with the absence of anything close to a functioning protection environment, have prompted experts interviewed for this report to describe the situation as ‘predatory’, and the single largest issue facing minority women.¹¹⁸

The perpetrators of sexual violence and exploitation vary by region. As legacies of the decades-long civil war in

Somalia, actors in uniform are believed to be the primary perpetrators. However, there have also been troubling allegations of internationally funded peace-keeping troops engaging in abuses themselves, including a September 2014 HRW report featuring accounts by Somali women of African Union troops raping women and girls as young as 12 in IDP camps or trading food aid for sex.¹¹⁹

‘A woman went to seek some help from AMISOM soldiers... Translators are the ones who took them there to deal with the soldiers. She agreed to be paid \$100 in exchange for sex, after he slept with her the whole night he gave her \$1 because she is illiterate and had never seen dollar bills. But he told her it was \$100. When she went to the exchange market, people laughed at her and told her it was \$1 and she cried.’

Minority woman, South-Central Somalia, March 2014

There is very little information on the prevalence of sexual violence in insurgent controlled areas. Although reported cases of rape in areas controlled by these armed groups have at times appeared to be lower in the past, it is accepted that other human rights violations against women and girls, such as forced marriage of young and pre-teen aged girls, are a major issue.¹²⁰ Sexual assault has also persisted in areas under the group’s control, with women exposed to regular incidents of sexual abuse and GBV. For example, there have been reports of IDP women and girls aged between 11 and 80 being raped by militias.¹²¹

The limited protection available to minority women, either from their own clan structures or local authorities, creates an environment of impunity, which drives acts of sexual violence against them in all three regions. In IDP camps, minority men are often unable to protect women within their clan from sexual assault by majority clan members.¹²² In South-Central Somalia, there are no state protection mechanisms in place with regards to sexual violence and other human rights violations against women.¹²³ In these instances, minority women find themselves with little protection either from customary clan-based justice systems or formal legal procedures.

‘An 18-year-old Benadiri girl was dragged by two majority clan men in broad daylight. They raped her and threatened to kill her family if she reported it to anyone. Her parents only took her to hospital and she refused to go to the police station.’

Rights activist, South-Central Somalia, March 2014

‘I once saw a majority clan man in a police station after he was arrested for raping a Bantu woman. His clan came and said that they wanted to solve the issue

at the clan level and the police released him. If the girl belonged to a major clan, the police would have never released him.'

Government official, South-Central Somalia, March 2014

Minority women, besides suffering sexual exploitation and abuse from local security personnel and majority clan men, may also be subjected to domestic violence and other forms of abuse from members of their own community. Nevertheless, despite this grave situation, some actors refuse even to acknowledge the problem. Both government officials and even some members of civil

society groups are at times sceptical and downplay reports of increased incidence of sexual violence, arguing that the prevalence of sexual violence in Somalia is frequently exaggerated.¹²⁴ Similarly, at a policy level, some government officials challenge the current picture of sexual violence in the country and claim that this misrepresentation is driven by the international community.¹²⁵ Survivors of sexual violence, as a result, may find themselves exposed to intimidation or even imprisonment if they report an assault. This translates into a situation where women are reluctant to report cases, further adding to the difficulty in obtaining data on the actual number of cases.

The everyday reality of hate speech against minorities

Hate speech remains a daily reality for minority communities, particularly women, in Somalia. This is evident in racialized labels such as 'jareer', which refers to certain physical features perceived to be different from those with 'jileec' Somali ancestry. Experiences of hate speech and social harassment that are specific to minority women are also common because of their distinct physical features, traditional occupations and related social attitudes. Under the Barre regime, hate speech and physical abuse against this group in the Jubba Valley was commonplace. In addition, in urban areas they were excluded from most livelihood opportunities and lacked any political participation.¹²⁶

Minority women respondents reported that they regularly suffered hate speech and social harassment

because of their distinct physical features and traditional occupations. Several members of Bantu and occupational minority groups, for example, spoke of being routinely insulted with derogatory language and name-calling.

'We face harassment from other people, even in public transport, because of our different physical features.'

Bantu woman, South-Central Somalia, March 2014

'When we walk in the main streets some children, even the old ones, call us [bad names] and some even stone us.'

Bantu woman, South-Central Somalia, March 2014

Conclusion

‘I don’t think it is possible to address violence against women because we can’t get security against such abuses; the abuses are naturally born with us... There is nobody working for our rights, there is no rule of law or equal justice... If you try to access justice nothing happens because they believe minorities have no rights or humanity... So where will you address your problem?’

Yibro woman, Puntland, March 2014

Despite significant progress in many areas, from improved governance to increasing stability, the governments of all three regions are still a long way from including minority women fully in Somalia’s politics, society or economic development. From clan leaders and public officials to civil society and the international community, there is a need for key actors to commit fully to promoting and protecting their rights to equality, security and participation in the country. In this context, it is difficult for the central stakeholders – minority women themselves – to effectively advocate for recognition.

Empowering minority women to play an equitable role in Somalia will involve a complex and long-term process of social transformation. In the immediate term, protection concerns for minority women, particularly SGBV perpetrated by militias, armed forces and members of majority clans as well as men from their communities, must be urgently prioritized to ensure their safety and dignity. This will require not only institutional reform and capacity building by Somalia’s police, military and judiciary, but also a broader process of social transformation to tackle the underlying discrimination that enables these abuses.

Beyond this, there must also be a clear and sustained strategy to ensure that the legal commitments to equality in place in all three regions are translated into concrete improvements in everyday life for minority women. This includes access to justice, provision of basic services such as health care and education, adequate political representation and livelihood opportunities. At present, however, minority women experience a spectrum of discrimination that ranges from social invisibility and lack of development to entrenched poverty and the regular threat of sexual violence.

In all three regions of Somalia the right to equality is constitutionally guaranteed. The authorities have a

responsibility to ensure these rights are respected by supporting civil society in promoting minority rights, with the active participation and inclusion of community members themselves. At present, however, minority rights interventions in Somalia remain minimal. Most international programmes in Somalia revolve around peace building, reconstruction and humanitarian assistance, while government initiatives are frequently constrained by a lack of political goodwill and clan-based discrimination. Meanwhile, though a significant number of women’s groups and human rights organizations have emerged in recent years, minority issues and concerns remain largely invisible within these movements. Few mechanisms are in place to engage minority groups and so the unique challenges minority women in particular face are typically overlooked. Nevertheless, a number of minority organizations are active in Somalia, many of them focused on basic services, though a few have been active in engaging authorities and advocating for greater participation. The efforts of these organizations should be encouraged and supported to ensure minority women’s voices are effectively heard.

While Somalia’s minority women face unique challenges, frequently sidelined by women’s movements and marginalized within their own communities by male-dominated power structures, their situation is also a reflection of the wider struggle to achieve peace and cohesion. While all too often excluded from peace settlements and other discussions about its future, Somalia’s transition from conflict and state failure to recovery and growth will hinge on the willingness of its leaders to promote lasting change for the country’s most disadvantaged populations. Importantly, this means not only women and minorities, but also minority women – a group historically excluded throughout Somalia’s recent history.

The situation of minority women should therefore be the concern of authorities in all regions of Somalia, the international community and all stakeholders committed to supporting lasting stability. Taking steps to address their exclusion will not only help remedy the country’s deep-seated gender and clan inequalities, but also contribute to a broader process of reconciliation and respect among all Somalis – the surest path for a durable solution to the decades of conflict that have blighted the country.

Recommendations

Immediate actions

(within an 18-month timeframe)

Tackling ‘gatekeepers’ and aid diversion:

- i *The government of Somalia, and the governments of Puntland and Somaliland, with support from international aid organizations, should ensure that minority groups are fully involved in implementing measures to monitor and set up task forces dealing with camp security, aid diversion, gate keepers and preferential allocation of aid.* This can be achieved by the government of Somalia adopting a tougher stance on gatekeepers and criminalizing individuals and groups profiting from humanitarian assistance. Allegations of complicity of gatekeepers, police and other security personnel in attacks on women in or around camps must be independently investigated and perpetrators prosecuted. At the community level, committees including members from minority groups should be set up to ensure that aid is targeted correctly and efficiently at the camp level, and that the security concerns of camp residents are adequately addressed.

Provide ‘positive action’ employment and training opportunities for minority groups:

- ii *Aid agencies should adopt ‘positive action’ employment policies to offer minority groups access to facilities for training and to encourage job applications from them as an under-represented group.* They should also offer training to all their staff so they can be made aware of and challenge discriminatory attitudes which may result in the poorest and most vulnerable – including minorities – not benefiting from food and other urgently needed aid and development interventions. Objective criteria for the allocation and distribution of aid, and inclusion of beneficiaries in development programmes, should be established immediately by international organizations operating in Somalia. Regular monitoring should be carried out to ensure that the criteria are followed. Training programmes on ethnicity and equality should be mandatory for all staff, while action should be taken against those who continue to discriminate against minorities in the distribution of aid or in development programmes.

Ending the impunity around SGBV:

- iii *The government of Somalia, and the governments of Puntland and Somaliland, need to end the ongoing climate of impunity for perpetrators of SGBV against minority women.* Given their additional barriers in accessing justice, the government should, with support from the international community, put in place a mechanism to investigate, monitor, and document violations of minority women’s rights. This can be placed under the management of the government’s Human Rights Commission in parliament, in collaboration with Somali civil society and the UN. In addition to educational campaigns on reporting violence against minorities to police and other authorities, as well as publicly shared statistics on a routine basis, the mechanism should also refer cases to formal justice mechanisms with a view to holding perpetrators to account. The Somali police should receive training on anti-discrimination, ethnicity and equality, with an independent unit established to investigate and prosecute any violations by police force personnel. The suggested specialist police unit on GBV and rape should be supported and strengthened, and should include women police officers as well as members of minority communities among its staff.

Education reform and greater targeting of minority girls:

- iv *The government of Somalia, and the governments of Puntland and Somaliland, indigenous education institutions and the international community should promote equitable educational access and performance for minority girls and women.* Besides monitoring attendance rates of minority and majority clan girls and boys in all educational institutions nationally, the ministries of education should immediately review curricula to ensure that anti-discrimination and equality are covered in meaningful ways. Actors in the Somali education system, including ministries, teachers, international donors, NGOs and UNICEF, should consider primary and secondary school curricula that promote a diverse understanding of Somali identity. Teachers will need to be trained on how to successfully present these topics in classrooms.

UNICEF and the Ministry of Education should establish a scholarship fund for disadvantaged groups, and particularly minority girls, as a way to encourage higher enrolment and retention rates. As a pilot, some schools should establish linked community services activities for students to undertake in minority and disadvantaged areas. Where minority girls are disproportionately out of school, the authorities should investigate why this is the case and address the barriers that limit their educational opportunities and take up. Use of these mechanisms must be carefully monitored to ensure that they benefit members of minority communities and are not redirected to members of more powerful clans.

Greater targeting of minority women for development assistance:

- v *The government of Somalia, the governments of Puntland and Somaliland, and the international community should review the beneficiaries of income-generating projects, health programmes and other initiatives to ascertain whether minorities in general and minority women in particular benefit less from development programmes. If and where this proves to be the case, the authorities and aid agencies should investigate the root causes of these discrepancies, with programmes redesigned to ensure that barriers to minority involvement are overcome. In addition to mainstreaming in general programmes, led by the government of Somalia and supported by the international community, a joint fund or initiative should be established specifically for projects that prioritize and address issues facing minority communities.*

Fast-track revision and roll-out of gender policies:

- vi *Revisions to gender policies and gender frameworks at the national and regional levels should specifically recognize minority women. In particular, authorities should ensure that these laws and frameworks are designed and implemented to address the special circumstances of minority women alongside women from all clans and backgrounds in Somalia.*

Inter-clan dialogue based on religion and Somali identity:

- vii *Religious leaders and Somali civil society organizations should initiate a dialogue with clan leaders and communities to foster inter-clan, inter-ethnic and inter-religious harmony. This should include developing a clear stance against prejudices surrounding inter-clan (majority-minority) marriage, which perpetuate the social exclusion of minorities. Respected religious*

leaders can and should use their social standing to bring an end to the view of intermarriage as taboo.

Improved representation and participation of minority women in the media:

- viii *The international community should facilitate partnerships between minority communities and the media to help communicate a more positive understanding of Somalia's diversity and to give minority women a voice in their society. This could include media training of minority community members and facilitating the production of their own programmes. Sensitization of journalists and editors would also help improve coverage of minority related issues, particularly concerning women and girls.*

In the medium term

Rectify international protocols:

- ix. *The government of Somalia should immediately ratify the CEDAW, CERD and the Maputo Protocol, and develop a policy framework to actualize the rights protected under these international legal texts, and others that Somalia has already ratified (such as the ICCPR and ACHPR).*

Implementation of affirmative action initiatives and follow up:

- x *The government of Somalia, and the governments of Puntland and Somaliland, should draft, pass and implement affirmative action legislation that provides special opportunities for minority women in politics and the economy, and facilitates social integration. Such special measures should aim to increase the participation of minority women in public life, and should include quotas for their representation in the federal government, and the governments of Puntland and Somaliland. Minority women's leadership training programmes should also be initiated to ensure that minority women have suitable skills to access and perform effectively in relation to new political and economic opportunities.*

In the long term

Accountable justice:

- xi. *The government of Somalia, and the governments of Puntland and Somaliland, should establish justice systems capable of enforcing the law, deterring crimes, and protecting all citizens equally, and a judicial system capable of holding perpetrators accountable without prejudice. In order to do so successfully, this will require the government of Somalia, and the*

governments of Puntland and Somaliland, with assistance from the international community and global experts, to take comprehensive measures in the short, medium and long term. These measures will be critical for Somalia to serve and protect its citizens, including those that are most vulnerable, as it moves towards stronger governance and stability.

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working to secure the rights of
minorities and indigenous peoples

minority
rights
group
international

Looma Ooyaan – No One Cries for Them: The Predicament Facing Somalia’s Minority Women

After decades of violence and instability, tentative progress is being made in Somalia to strengthen the country’s governance and democratic institutions. Yet one group in particular remains largely excluded – Somalia’s sizeable but unrecognized population of minority women. This report, *Looma Ooyaan – No One Cries for Them: The Situation Facing Somalia’s Minority Women*, explores in detail the double discrimination they face, both as minority members in Somalia’s hierarchical clan system and as women in a society dominated by men.

Despite legal commitments to equality across the different regions of Somalia, including Puntland and Somaliland, in reality minority women face constant marginalization and limited access to justice in the event

of abuse or exploitation. This leaves them especially vulnerable to violence, rape and other abuses. In addition, despite official commitments to more equitable participation, minority women are still largely excluded from political decision-making.

The situation of minority women in Somalia, though often overlooked, is a troubling reminder of the distance that still needs to be covered to ensure lasting stability. Minority women themselves have a central role to play in advocating for their rights, but this is unlikely to happen without the broader support of other powerful stakeholders in Somali society and the international community. Only with the support of all these groups can the country move forward towards lasting peace and inclusion for all Somalis, irrespective of their identity.

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