

report

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No redress: Somalia's forgotten minorities

by Martin Hill





A Bantu girl inside her family home, Mudug, Puntland.

Petterik Wiggers/Panos.

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The author

Martin Hill is an independent consultant. He holds a PhD in Social Anthropology from the London School of Economics. He was Researcher on the Horn of Africa for Amnesty International from 1976 to 2008, and Visiting Fellow of the Institute of Commonwealth Studies, University of London, for several years.

Minority Rights Group International

Minority Rights Group International (MRG) is a nongovernmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding 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.

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Contents

Abbreviations	2
Executive summary	3
Introduction	4
Maps	5
Somalia's clan system: majority power	7
Somalia's minorities: a legacy of institutional exclusion and discrimination	8
Current issues facing minorities	14
Violations of the rights of minorities by region	17
Minority refugees and the worldwide Somali diaspora	24
Ways forward: asserting minority rights through international instruments	25
Recommendations	27
Appendix 1: Research methodology	29
Appendix 2: Glossary	30
Select bibliography	32
Notes	33

Abbreviations

AMISOM	African Union Mission for Somalia	SOMRAF	Somali Minority Rights and Aid Forum
CAT	Convention Against Torture	TFC	Transitional Federal Charter
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	TFG	Transitional Federal Government
CERD	Committee on the Elimination of Racial Discrimination	TNG	Transitional National Government
CRC	Convention on the Rights of the Child	UNCHR	UN Commission on Human Rights
EU	European Union	UNDM	United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
ICCPR	International Covenant on Civil and Political Rights	UNDP	United Nations Development Programme
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	UNESCO	UN Educational, Scientific and Cultural Organization
ICESCR	International Covenant on Economic, Social and Cultural Rights	UNHCR	United Nations High Commissioner for Refugees
ICG	International Crisis Group	UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ICU	Islamic Courts Union	UN OHCHR	Office of the UN High Commissioner for Human Rights
IDP	internally displaced person	UNOSOM	United Nations Operation in Somalia
ILO	International Labour Organization	USWO	Ubah Social Welfare Organization
NGO	non-governmental organization	VOSOMWO	Voice of Somaliland Minority Women Organization
NSS	National Security Service	WFP	World Food Programme
SNM	Somali National Movement		

Executive summary

The struggle for minority rights in Somalia takes place in a context where the abuse of human rights in general has persisted for decades, from the widespread torture and political oppression of the Siad Barre era to state collapse in 1991 and subsequent and ongoing civil war. Immense violations have affected all Somalis, majorities and minorities alike.

Majority groups, however, benefit from a traditional clan structure that has afforded them protection and privilege not available to minorities, who, regardless of the conflict, already suffered marginalization and exclusion from mainstream economic, social and political life, thanks to a legacy of slavery, customary segregation, dispossession and displacement.

The clan structure of the majorities continues to exclude minorities from significant political participation and employment; limits their access to justice where abuse has been perpetrated against them or they stand accused of a crime; denies them their rights to development, education and sustainable livelihoods; and prevents and punishes inter-marriage with members of majority groups. Majorities also routinely subject minority members to hate speech, which has served to perpetuate stereotypes of minorities relating to their physical appearance and traditional practices, and thus heighten their exclusion.

Civil war, and later an Islamist insurgency against a weak transitional government in south-central Somalia, have forced thousands of minorities from their homes, both to other parts of Somalia and abroad. Minorities have been targeted due to lack of protection as well as, in some cases, for their religious or other traditional beliefs and practices.

MRG has found that minority women, in particular, suffer egregious abuse in the context of displacement. MRG's researchers visiting internally displaced person (IDP) camps in semi-autonomous Puntland in north-eastern Somalia in 2009, were told of a disturbing and persistent pattern of rape of minority women, perpetrated by majority men and sometimes by members of the Puntland police, army or security service.

In crisis-stricken south-central Somalia, armed group al-Shabaab has waged violent attacks in the past year

against minorities, particularly Bantu and Christians, with reports of shootings, beheadings and the imposition of laws restricting faith-based practices, with harsh consequences for dissent. The conflict has forced people from the area in their thousands in 2010 alone.

The report highlights a more tolerant atmosphere for minorities in the relatively peaceful self-declared Republic of Somaliland. Progress, however, has been limited by government inaction, negative government attitudes towards human rights defenders, and persistence of prejudicial attitudes among members of the majority clans that affect the educational and social advancement of minorities.

MRG recognizes that the advancement of minority rights is extremely difficult in an environment of unending conflict, but it must not be continually postponed. It therefore makes the following recommendations, among others:

- The future new Constitution of Somalia must specifically recognize the country's minorities, and entrench their rights to equality and non-discrimination in line with international human rights standards.
- Equal access to justice for members of minorities should be ensured, including through public education and training to familiarize judges, police, prosecutors and defence lawyers with minority rights issues and standards, and through their implementation in the justice system.
- Special measures should be implemented to protect and promote the rights of women from minority communities, who experience multiple discrimination on account of their gender and minority status.
- The international community should support expansion of the Somalia work of the Office of the UN High Commissioner for Human Rights (UN OHCHR) to include a special programme for minority rights, in conjunction with the role of the Independent Expert for Somalia, and support international and regional action to promote Somali minority rights through *inter alia* the UN Human Rights Council and the African Commission on Human and Peoples' Rights.

Introduction

The situation of minorities must be considered in the context of Somalia in the last 20 years of state collapse, war and resulting humanitarian disaster. Massive violations of basic human rights have affected all Somalis, majorities and minorities alike, and MRG recognizes the difficult path out of the seemingly endless and changing conflicts since the state collapse in 1991.

Somalia has begun to draw international attention on the heels of this turmoil, but the country's minority groups have so far received inadequate human rights protection and humanitarian assistance. Information about them is incomplete and not widely known, despite several reports in the last two decades, including those by Somali minority activist groups and Somali academics. International reports on the Somalia crisis rarely mention minorities and their rights.¹ Yet, implementing the rights of the marginalized minorities, who form an integral and substantial part of Somali society, cannot be forever postponed. Minorities face socially-institutionalized discrimination and severe human rights abuses. The traditional clan structure formed by the majorities continues to exclude minorities from political participation and employment; limits their access to justice where abuse has been perpetrated against them or they stand accused of a crime; denies them their rights to development, education and sustainable livelihoods; and places restrictions on inter-marriage between majorities and minorities.

Minority women face multiple discrimination: their human rights are violated as women, both from the wider political structures and male social attitudes, as well as within their own communities. Furthermore, a shocking pattern of gender-based violence is taking place against minority women languishing in IDP camps in the Puntland region in the north-east of the country.

An absence of data poses a primary obstacle to a comprehensive understanding of the situation. There are no reliable population statistics for Somalia due to the chaos in the country, and thus none on how minorities have fared, particularly given the general absence of statistics on minorities. Pre-civil war census statistics were dubious and contested. Calculations for the current population of Somalia, including Somaliland (a self-declared republic in the north-west), vary, with the latest World Bank figure suggesting approximately 9 million.² Estimates from the UN Office for the Coordination of Humanitarian Affairs (OCHA), combined with a figure

from the authorities in Puntland, suggest the total population might be higher, with around 5 million in south-central Somalia,³ about 2 to 3 million in Somaliland,⁴ and up to 2.4 million in Puntland.⁵

Similarly, poverty statistics for minorities are scarce. Somalia ranks close to the bottom of the least-developed countries in the world on several indicators.⁶ According to the United Nations High Commissioner for Refugees (UNHCR), ongoing conflict meant 1.4 million people were internally displaced in south-central Somalia and Somaliland as at the end of April 2010, while more than half a million people had fled to neighbouring countries.⁷ The World Food Programme (WFP) has identified 2.5 million people – almost one-third of the population – across the country in need of food aid.⁸

It is probable, even though the documentation is incomplete, that minorities overall have suffered (proportionally to their population numbers), more than majorities in the conflict, given the extreme disadvantage and discrimination already suffered by minorities.

In addition to recognized international standards for minority rights set out in several treaties and declarations, domestic legislation also exists. The Constitution of Somaliland (approved by referendum on 31 May 2001),⁹ Transitional Constitution of Puntland (approved 5 June 2001),¹⁰ and the Transitional Federal Government (TFG) Charter of Somalia,¹¹ all commit to equality and non-discrimination for all their citizens. Their legal codes are secular in origin and apply approximately the same wide range of rights.

Discrimination against minorities originates from historically derived social attitudes and customary law. In the absence of any specific non-discrimination laws, affirmative action measures or public pro-minority campaigns, change has been slow and uneven. Minority activism is thus in urgent need of support and resources.

Among Somalis, recognition of, and advocacy for, minority rights is slowly increasing. Political participation by minorities in government and parliament has been accepted in principle. A power-sharing deal in the TFG in accordance with the Transitional Federal Charter (TFC) adopted in 2004 included minority representation.

Yet much more progress still needs to be made in terms of protection of minority rights and livelihoods, and overturning the historically prejudicial social attitudes of the dominant majorities.

This report draws on new fieldwork by MRG¹² and on existing research. It identifies urgent and immediate needs in the country's crisis and non-crisis areas, and also long-

term changes for when the situation is more stable and amenable to the rule of law in all areas.

Horn of Africa



Somalia's clan system: majority power

The clan structure remains socially and politically important in Somalia. The Somali majority (customarily known as 'nobles')¹³ belong to four patrilineal clan families: Darod,¹⁴ Hawiye and Dir, which derive from the nomadic pastoralist economy and social structure, and Rahanweyn (also known as Digil-Mirifle), who are farmers with livestock (agro-pastoralists). These clans, traditionally carrying weapons, have continued to dominate modern government, politics, the economy, and urban life since independence from colonial rule in 1960.

The clan system has been described as a 'pastoral democracy',¹⁵ largely rejecting political centralization at any level. Clans operate highly developed institutions of conflict-resolution, mediation and cooperation according to customary law (*xeer*).¹⁶

After a half-century of enormous social change arising from the end of colonialism, national independence, political dictatorship, state collapse, armed conflict and the creation of a worldwide Somali refugee diaspora, clans remain, to a large extent, the particularistic building-blocks of the post-colonial Somali state arrangements and Somali society.¹⁷

Some majority members, struggling economically, have moved into occupations formerly held exclusively by particular minorities, such as shoe-making, leatherwork, and building, while the excluded minorities have sought new modern economic and political roles. However, historical patterns of clan-based domination and majorities' abuse of the human rights of minorities are still strongly apparent in the evidence gathered by MRG for this report.

Somalia's majorities

- **Darod:** a clan family or federation dominant in Puntland, with clan branches in eastern Somaliland and southern Somalia.
- **Hawiye:** a clan dominant in Mogadishu, the surrounding Benadir region, and also Hiran, Galgaduud and Middle Shabelle regions.
- **Dir:** a clan family comprising Issaq and Gadabursi in Somaliland, Isse in Djibouti, and Biyamal in southern Somalia.
- **Rahanweyn:** known also as Digil-Mirifle,¹⁸ a clan federation living in the agricultural 'inter-riverine' area between the Juba and Shebelle rivers in southern Somalia, now considered equivalent in status to the three pastoralist clans, consisting of two merged agro-pastoralist clans – Digil and Mirifle – claiming descent from a common ancestor.

Somalia's minorities: a legacy of institutional exclusion and discrimination

Somalia's minorities: in brief

- **Bantu (or Jareer):** the largest minority, they comprise descendants of former imported and runaway slaves, and indigenous farmers; they lived mostly as farmers and craftspeople in agricultural inter-riverine parts of southern Somalia, some later migrating or fleeing to other Somali areas.
- **Occupational groups:** historically known as Midgan (or commonly known nowadays as Gaboye, Madhiban and Musse Deriyo, and originally hunters and leatherworkers with other ritual and craft tasks performed for the majorities); Tumul (blacksmiths); and Yibro (ritual specialists). They are scattered throughout Somalia (Somaliland and Puntland), Ethiopia and Djibouti.
- **Benadiri:** mercantile communities of Arab origin living mainly in the coastal cities of southern Somalia – Mogadishu, Merca and Brava.
- **Religious minorities:** these include a small population of Somali Christians, as well as minorities within Islam – Ashraf and Shekhal.

Somalia's minorities are diverse and not framed simply by elements of ethnic, religious or linguistic differentiation as set out in the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities.¹⁹ This diversity also rests on social and historical distinctions between minorities and the pastoralist majorities highlighted in the previous section.

Minorities comprise mainly three distinct unarmed social groups – Bantu, Benadiri and the 'occupational groups'. All the minorities are Somali too, sharing language and many cultural characteristics with the majorities.

Minority groups mainly originate from particular historical and cultural situations.²⁰ Bantu represent the legacy of the nineteenth-century Zanzibar-based Arab slave-trade, in which Africans captured in east and southern Africa were shipped to Somalia and sold to Somalis. Benadiri originate from the establishment of foreign trading communities in southern coastal cities up to 1,500 years ago, migrating from the Arabian Peninsula. The subordinate, non-pastoralist 'occupational groups' traditionally provided services to pastoralists in a segregated relationship.²¹

Prior to large-scale internal population displacement since 1991 due to conflict, Bantu were formerly concentrated in the inter-riverine farming and forest regions of southern Somalia. Benadiri lived in southern coastal towns, while occupational groups were scattered throughout most rural and urban areas in small communities.

Bantu and occupational groups were customarily attached to particular local clans and lineages in a servile or bonded status.²² These bonded attachments (called *sheegat*) fell away when an individual or family fled, migrated or lost their patron, thus leaving them free but unprotected. Some tried to escape by moving away and reinventing their genealogical descent to pass as a member of a clan, often their former protecting clan.²³

All three minority groups are marginalized, discriminated against,²⁴ and generally prohibited from inter-marriage with the clans, a factor that has maintained

their broad separation from the majorities over centuries. The social exclusion of Bantu and ‘occupational groups’ – the most segregated and discriminated against minorities – is encapsulated in the well-known Somali sayings, ‘No-one will weep for you’ (*looma-ooyaan* in Somali) and ‘No-one will avenge your death’ (*looma-aaran*), indicating that minorities cannot expect redress if their rights are violated.²⁵ Majority clans traditionally refused to marry people belonging to minorities or eat with them (considering some of their dietary habits unclean).

Estimated numbers of minorities are largely speculative and disputed, as there are no reliable or recent population statistics. UN OCHA in 2002 estimated minorities to be one-third of the total population, or two million out of six million people at the time.²⁶

If that one-third proportion overall remains correct, minorities might now number up to 3 million of the estimated 9 million population (counting Somalia and Somaliland together). At the time, OCHA estimated that Bantu represented 15 per cent of the population, or 1 million, Benadiri 1.5 million, and Midgan/Tumal/Yibro 1.5 million, though these figures now likely underestimate Bantu and overestimate other minorities. Bantu might have made up to half the (pre-1991) population of the inter-riverine areas.²⁷ Bantu activists/researchers suggest Bantu comprise 20 per cent of the current entire Somali population.²⁸

Lack of timely and comprehensive statistics on Somali minority populations requires attempts by international agencies to produce estimates and disaggregated data of different minority groups, to better assess and respond to their development and humanitarian needs.

Bantu (Jareer)²⁹

Bantu have retained many separate cultural traditions and characteristics which date back to different earlier historical periods. These traditions have merged into new social formations in Somalia.³⁰ The name ‘Bantu’ derives from a late 20th century recognition of their Black African origin, appearance, cultural heritage and language. They were traditionally incorporated as inferiors into Somali clans and lineages.

Some Bantu are remote descendants of early indigenous farming communities pre-dating pastoralist migration into the area and forming separate communities in the nineteenth century known as Gosha. Although slavery had long been practiced in the area, contemporary Bantu society originated partly in the influx of hundreds of thousands of enslaved Africans in the nineteenth-century Arab slave-trade.

Bantu were put to work as unpaid labourers on southern agricultural farms that exported items like

sorghum and sesame oil to the Middle East and elsewhere. They also worked as livestock herders, domestic servants, concubines and artisans. Some were attached to local Somali family groups, though many lived in separate Bantu settlements.

They were originally held under a slavery regime³¹ supported and condoned by Italian colonial authorities in the south (then known as Italian Somaliland) up to final legal abolition and emancipation in 1903. Large numbers escaped to form fugitive slave communities deep in the inter-riverine forests; these became known as Gosha (‘people of the forest’). They managed to retain their autonomy to a considerable degree, and also some of their original socio-cultural institutions and languages, for example from Zigua, Yao, Nyasa, Makoia, Ngindu and Nyika societies.³²

After the abolition of slavery, many freed slaves migrated to forest areas to join Gosha and became Gosha too. Those remaining behind were given no compensation for being enslaved, and many continued to work for their former owners, sometimes still in slavery-like conditions. Others managed to live by farming independently in separate Bantu villages. In the 1930s, Bantu were subjected to a new colonial forced labour law³³ obliging them to work for long periods on Italian settler plantations with minimal or no payment.

As elsewhere in Somali society, pastoralist clans and Rahanweyn provided ‘protection’ in an institutionalized form of bonded incorporation (*sheegat* in Somali) into local clan segments. Bantu worked for their ‘patron’ (*abban*) without payment in return for subsistence and basic social needs. They thus gained customary law (*xeer*) protection by their patrons.

Females were sexually exploited; rape of Bantu girls and women was commonly perpetrated by clan members with impunity, in contrast to the punishments for rape of clan females. Clans customarily prohibited inter-marriage with Bantu, although concubinage was not uncommon.

After the army coup overthrowing the multi-party civilian government in 1969, economic changes provided new opportunities to Bantu linked to agricultural development and trade. Anti-discrimination measures (now defunct since state collapse) under President Siad Barre’s rule opened up state education and state employment, and gave some social recognition and political representation to Bantu and other minorities.

While continuing to do work and practice crafts rejected by pastoralists, Bantu also developed new skills within their communities and moved into many modern artisan occupations, notably in engineering (such as repairing vehicles or boats), manufacturing, carpentry, woodcarving, building, masonry, and house painting.

However, discrimination remained widespread, perpetuating their poverty. Bantu experienced a wave of extensive land loss as a result of the Siad Barre government's 1975 land registration law, which nationalized all land. Bantu were rarely able to document their customary land holding, and government-connected clan members seized or were allocated farmland in return for little or no payment. Many Bantu were dispossessed without any legal redress or protection. Bantu were forced to work, regularly without pay, for new and often absentee landlords.³⁴

The 1980s were characterized by new political mobilization by Bantu. The previously derogatory term of Jareer ('hard-hair', from their African ancestry) as used for Bantu by 'nobles', who called themselves *jileec* (soft or wavy hair, signifying Arab descent), was adopted positively by Bantu themselves as the preferred Somali-language term of self-description. In the 1990s, with a new international presence in Somalia, the term Bantu gained wider currency and became an equally acceptable ascription.³⁵

In the 1990s, during the civil wars following state collapse, warlords such as General Mohamed Aidede (who fought US forces in Mogadishu in 1993), occupied southern regions with their clan-based faction militias, and perpetuated land grabbing, killings, forced displacement and forced labour.³⁶ The horrendous 1992 famine in southern Somalia particularly affected Bantu and Rahanweyn in the Baidoa area. A UN humanitarian operation, UNOSOM, was launched, but the UN withdrew in 1995, with little having been achieved in terms of re-establishing peace, disarming factions, rebuilding central and regional government and the justice system, solving the humanitarian crisis, or securing respect for human rights. Civilians of all clans suffered abuses at the hands of warlord militias, and customary minority protections from majority clans disappeared.

Bantu suffered particularly from armed factions (which fought to control farmland and urban areas in the south), systematically looting and abusing civilians. They were also often denied famine assistance by clans. Thousands of Bantu were internally displaced or fled to Kenya.

Up to now, Bantu have rarely been able to reclaim land stolen in the 1990s or earlier. A typical situation and explanation based on discrimination and denial of access to justice was reported by a displaced Bantu woman interviewed in the city of Hargeisa in 2008:

*We owned a small piece of land in Hodan neighbourhood [in Mogadishu] but it doesn't belong to us anymore. It was taken by a Hawiye family and since we are Bantu we can't go and claim it.*³⁷

Political context: power struggles, state collapse and widespread human rights violations

The struggle for minority rights takes place in a context of long-standing and generalized abuse of human rights. The Siad Barre government, in power from 1969 to 1991, committed immense human rights violations, including widespread torture, large-scale arbitrary detention and political oppression. Siad Barre's highly personalized rule rested primarily on the army and National Security Service (NSS), dominated by his Marehan clan from the Darod clan family.

Early on, the Siad Barre government publicly banned 'clanism' (the use of clan ties for political or economic favouritism) and 'tribalism' (discrimination against minorities); measures that were intermittently enforced by the NSS and arbitrary security courts. No public education programme on minority rights was implemented nor legislation about discrimination, and in practice, the regime perpetuated and extended clanism as the core basis of control and repression.

However, the measures against tribalism did help to improve the position of minorities, as did the encouragement of the non-pastoralist economic sectors of agriculture and fishing, and the official ideology of 'socialist equality', particularly the provision of free education for all up to university.

This was the first time Bantu and occupational groups had real access to education. But these measures did not eliminate social discrimination. Bantu farmers suffered severely from resettlement of nomads to their region in the 1974 drought, and many were dispossessed of customarily-held land by a land registration law and confiscation of land for state farms in 1975. Their land was often lost in 'land grabs' by majority members connected to the government or Siad Barre's clan. Bajuni fishing people were forced into state cooperatives dominated by majority clans and lost much of their individual or family-owned fishing equipment and livelihood.

After the Siad Barre government was overthrown by rebel forces in 1991, the renamed Somali Republic disintegrated, and massive human rights abuses and war crimes were committed by southern clan-based and faction warlords. Government institutions collapsed, infrastructure was destroyed on a wide scale, and the country experienced huge internal displacement of civilians and mass movement of refugees to neighbouring nations and beyond. Most customary clan-based protection disappeared during this chaos and brutality, leaving minorities even more vulnerable to abuse and crimes committed with impunity by clan members.³⁸

In the north-west in 1991, the Somali National Movement (SNM) declared unilateral independence for the new self-declared Republic of Somaliland. Initially, minorities in the city of Hargeisa (the capital of Somaliland) were subject to violence, in reprisal for having, to some extent, benefited from the Siad Barre government's equality measures, with some recruited into special units of his army. Members of occupational groups that had been allowed to open businesses and rent property there were beaten, driven out and fled to Ethiopia or settled in the city's Dami slum village.³⁹

These attacks, however, soon stopped. Five minority seats were reserved in the House of Representatives and four in the Upper House of Parliament under a new Constitution, while a Gaboye doctor was appointed as assistant minister of health.

In 1998 in the north-east, a conference of clan elders (*Simo*) and politicians unilaterally declared the Puntland Regional State as a largely autonomous part of a federal Somalia, developing its own internal government, parliament, administration, judiciary and other institutions, with virtually no federal oversight. Thousands of people displaced from the southern Somalia conflict after 1991 fled to Puntland's rapidly developing port of Bossaso, including many Bantu and other minorities.

As a result of a peace conference in 2000, a transitional parliament was formed and a Transitional National Government (TNG) was installed in Mogadishu for a three-year term. However, the TNG was internally divided and did not manage to establish national jurisdiction, a central army and police force, or any system of administration or justice. In some areas, informal Islamic courts with armed militias and prisons sprang up and provided some locally welcomed security.

The clan system provided minimal protection for clan members, but those minorities without clan protection suffered heavily. Faction militias controlled different territorial areas, with total impunity for their crimes, and kidnappings for huge ransoms were widespread.

In IDP camps, often populated by minorities, armed majority members commonly established themselves as 'gatekeepers', known locally as 'black cats'. By diverting aid from international agencies (whose Somali staff were mostly from the majorities), they provided armed protection in exchange for food.⁴⁰

Some Somali NGOs (working on a wide variety of rights and development issues) developed during this period of anarchy in south-central Somalia, to counter-balance the power of the warlords and try to re-establish basic security, human rights and livelihoods.

The Transitional Federal Government (TFG), formed out of peace talks in 2004 to replace the TNG, is the current government of Somalia. Its Transitional Federal

Charter, an interim Constitution, contains important provisions for human rights and the rule of law, though it lacks specific reference to minority rights. The TFG, however, has little control over any part of the country and no power to enforce these provisions.

International investigations currently under discussion into war crimes and crimes against humanity committed by the different parties to conflict in Somalia in recent years should include crimes against minorities.

Benadiri

A second group of minorities originates from mercantile urban communities established by migrants at different periods (some up to 1,500 years ago) from what are now Saudi Arabia, Yemen, Oman, Iran and India. They settled along the 'Benadir coast' and inland towns,⁴¹ and built stone towns for defence and trade, becoming a key influence in the spread of Islam. They interacted with local clans (pastoralists and Rahanweyn), while retaining a partly separate identity.

Divisions of Benadiri

Benadiri comprise mainly the following communities:⁴²

- Rer Hamar, living in Mogadishu (at Independence about half of its population), meaning the 'clan'⁴³ of Hamar (another name for Mogadishu), with their own dialect of the Somali language (Af-Hamar), and divided into a large number of different segments or 'subclans'.
- Residents of Merca port (the former coastal 'capital' in the thirteenth century), sometimes called Rer Merca, with a separate Somali dialect (Af-Donte) related to Af-Maymay of the local Rahanweyn clans.
- Barawani (Bravanese), living in the coastal city of Brava, who have a partially separate historical and urban cultural identity deriving from the sixteenth century when Brava (founded in the ninth century) was an important self-governing trading port and fought off Portuguese attacks. In the nineteenth century, Brava was recognized as a local centre of Islamic Sufi scholarship, education, religious propagation and jurisprudence. Bravanese speak Chimini as a first language (also known as Chimbalazi), which is a local Kiswahili dialect, as well as the local Tunni subclan dialect of Af-Maymay.
- Bajuni, a low-status and poor fishing community who live in the southern port of Kismayu and the offshore Bajuni islands near the Kenyan border.⁴⁴ They have some remote south-east Asian ancestry from trading

links centuries ago between the Somali coast and China and south-east Asia. They speak Kibajuni, a local Kiswahili dialect, as a first language.

Benadiri speak Somali as a second language and have no other national identity than as Somali citizens. From the 1950s, Benadiri were engaged in nationalist politics through their own parties, sometimes aligned to other clan-based parties. They were not attached to or incorporated into pastoralist clans for protection, nor subject to exclusion and discrimination like Bantu and the occupational groups.

During the post-1991 civil wars, the formerly privileged status of Benadiri, many of them wealthy merchants, was reversed, as they did not form an armed militia for protection. *Rer Hamar* suffered heavily from warlord militia attacks; looting of their properties and businesses; theft of women's jewellery; and rape of girls and women. Most Benadiri fled to Kenya as refugees. A few thousand still remain with their businesses in Mogadishu, Brava and Merca, paying clan militias or privately-employed gunmen for armed protection.⁴⁵

Bajuni fishing people remain in the port city of Kismayu and the Bajuni Islands, although civil war has subjected them to attacks and looting by armed factions in Kismayu, which has seen chronic fighting between rival clan militias since 1991.

Occupational groups⁴⁶

The occupational groups are a distinct minority grouping comprising three main groupings practicing specific non-pastoralist occupations and crafts,⁴⁷ which were essential to the nomadic economy. They are found in all Somali territories; in Somaliland, they are the principal minority.⁴⁸

Members of the occupational groups are not physically distinct from the pastoralist clans with whom they lived and are not regarded as having a non-Somali or foreign origin. They speak local dialects of the Somali language.

The three main groups are Midgan (singular Midgan, plural Midgo), also known as *Gaboje* in Somaliland,⁴⁹ who were traditionally hunters and leatherworkers but also undertook various arts and craft work and male circumcision and female genital mutilation (FGM); Tumul, traditionally blacksmiths; and Yibro (singular Yibir, plural Yibro), traditionally ritual specialists.⁵⁰

Some traditional occupations died out in the mid/late twentieth century. Yibro, for example, can no longer benefit from their once main income of *samanyo* birth and wedding payments by 'nobles' (received in exchange for promises of good fortune), since this custom was banned by the Siad Barre government in the early 1970s as 'tribalistic'.

The few educated members of occupational groups work in any chosen field, but most find work in manual and service jobs, such as market-selling and trading, butcheries, domestic work, cooking and selling tea. However, they have lost their monopoly over their traditional tasks (where these still exist), and have often failed to find replacement employment.

With the disappearance of their traditional lifestyles, and as a result of conflict, many have moved to urban settlements or IDP camps or fled to refugee camps in neighbouring countries.

On the positive side, several well-known musicians and entertainers hail from the Midgan occupational group, and enjoy respect and success among majority communities.

Religious minorities

In addition to the aforementioned socio-cultural minorities, two small Muslim religious communities – Ashraf and Shekhal – who have suffered human rights violations are sometimes considered as minorities. There is also a small Somali Christian minority consisting of individuals or communities of Somali first- or second-generation Christian converts from Islam, some clandestine.

The dominant religion of Somalia and virtually all Somalis is Sunni Islam of the Shafi'i school. This has historically been a unifying factor in the growth of Somali society since the spread of Islam from the end of the first millennium. The particular configuration of Islam has, as elsewhere, developed certain local forms.⁵¹

Ashraf and Shekhal

Ashraf and Shekhal traditionally played important conflict-resolution roles, and were respected and protected by clans with whom they lived. However, some were badly affected by the civil conflicts of the 1990s and lost this customary protection, becoming targets for human rights abuses by clan militias and warlords.

Ashraf claim descent from the Prophet Mohammed and his daughter Fatima, and believe they migrated to Somalia in the twelfth century. Ashraf from some areas are affiliated to and counted as Benadiri, while Ashraf living among Digil-Mirifle are affiliated with them as a sub-clan. Shekhal (also known as Sheikhal or Sheikash) are a similar dispersed religious community of claimed Arabian and early Islamic origin.

Both Ashraf and Shekhal have achieved political influence and success in education and commerce with Arab countries, yet they can still face discrimination and human rights abuses on account of their non-clan origins

and lack of an armed militia. In 2006, for example, OCHA highlighted the case of several hundred displaced Shekhal families in Ethiopia in need of humanitarian assistance.⁵²

Christians

Up until the Islamic Courts Union (ICU) gained power in some southern areas after 2006, there was generally informal tolerance for the small number of Somali Christians, who could worship openly in churches, although proselytization by Christian missionaries was officially not allowed.

The TFG Charter in 2004 declared Islam to be the religion of Somalia. It imposed no restrictions on other faiths, but significantly omitted to recognize the right to freedom of religious belief. Somali Christians do not have any representation in the TFP or any other governmental institution that might offer some protection.

Armed group al-Shabaab, now controlling most of south-central Somalia, pursues a harsh interpretation of Shari'a law,⁵³ and has targeted those who contravene it by practicing Somali-Islamic, Christian or traditional African (Bantu and Goshu) religious beliefs and practices. Although radical Islamists have claimed to make no socially exclusionary distinctions, Benadiri, Bantu and Christian minorities became targets for religious persecution. For more information on the persecution of Christians, see the section on south-central Somalia.

Hunters

Aweer (also known as Boni) were the only contemporary hunter-gatherer community in Somalia, but they appear to have little or no present existence in Somalia, due to assimilation into local clans; famine and killings by warlords' militias; abandonment of their traditional lifestyle; and displacement to Kenya in the 1990s to live in the coastal Lamu district.⁵⁴ MRG researchers were unable to find any information about Aweer in Somalia (though some reportedly still live⁵⁵ in the Hola area of Badaade district in southern Somalia).

Previously, the very small Aweer community lived in forest areas along the Juba river in southern Somalia. Many became destitute IDPs in Brava town. They spoke a separate Cushitic language. Aweer had a potential claim to indigenous people status as remote descendants of early hunter-gatherers in the region maintaining a similar livelihood, although this status was never recognized in Somalia. Aweer are among 42 groups recognized as indigenous peoples in Kenya.⁵⁶

Eyle constitute a separate, small group of farmer-hunters who are a distinct minority community. They live in villages in parts of the inter-riverine area. They reportedly number up to 12,000 people in four villages in Middle Shebelle Region, and smaller numbers in a Mogadishu IDP settlement. They live separately from others, have rarely been to school, suffer prejudice from local Rahanweyn clans, and are very poor and ill-treated. (See also the section on south-central Somalia for more information on the current status of Eyle).

Current issues facing minorities

The Somali minorities collectively – and minority members individually – suffer denial and abuse of the whole range of basic human rights set out in international and regional conventions including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention Against Torture (CAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the African Charter on Human and Peoples' Rights, all of which are legally binding on Somalia.⁵⁷ Many of the abuses minorities have experienced in conflict situations are also violations of the Geneva Conventions and other provisions of international humanitarian law.

Hate speech

In testimony given to MRG for this report, interviewees often referred to hate speech terminology, deriving from prejudicial socio-cultural attitudes of contempt and a legacy of slavery. They reported verbal abuse being commonly used against them by members of majority clans, who disparaged them on the basis of their minority status and identity. Several members of Bantu and occupational minority groups spoke of being routinely insulted with derogatory language and name-calling. Bantu are still sometimes referred to as *adoon*, a Somali term for 'slave'.

A 40-year-old Bantu bus driver in Mogadishu recounted the following to MRG:

I live in a small two-roomed slum house. Life is very hard... We often face discrimination in the society we live in [i.e. from majority clans, who are mainly Hawiye in Mogadishu]. The passengers insult me. When they want an excuse to yell at me, they tell me to stop the vehicle when it is exactly where they want to alight, and since the bus cannot just come to a halt, I have to stop a few steps away from where they told me to stop. Then insults and shouts come at me in their dozens... My people are given names and despised.⁵⁸ Sometimes, I would prefer to work with a wheelbarrow [as a porter], which is common among my people in Mogadishu, so I could share with them these problems.⁵⁹

Minorities with a disability face multiple forms of discrimination. One woman in Puntland told MRG's researcher:

I am a minority and I am disabled. The amount of verbal abuse I face every day is unbearable. I already have enough challenges in my life and do not need people to abuse me because I am Tumul and disabled.

Articles 19 and 20 of the ICCPR⁶⁰ and Article 9 of the African Charter on Human and Peoples' Rights⁶¹ deal with hate speech. Somalia should aim to adopt legislation prohibiting any advocacy of national racial, ethnic or religious hatred that constitutes incitement to discrimination, hostility or violence. In the future, state authorities should strive to review and harmonize laws on hate speech to ensure they conform to acceptable international standards.

Given its significance as a precursor to violations of physical integrity documented in the next chapter, official tolerance of hate speech should be addressed as a matter of urgency.

A series of other mechanisms and options should be adopted in conjunction with this legislation, particularly aimed at strengthening minorities' public and political participation in Somalia; strengthening human rights education and knowledge; protecting minority and community media; inter-ethnic and inter-religious dialogue; and a meaningful and enforceable code of conduct for MPs and political leaders.

Weak political representation

In 2000 and 2004, the TNG and TFG respectively adopted the clan-based power-sharing system known as the '4.5 formula' of representation, a discriminatory approach whereby minorities combined were considered to make up only half of one majority clan: the formula equalized representation of the four majority clans, and gave to the minorities overall roughly half the number of seats assigned to each of the majority clan-families. Thus, in 2000, 31 out of 225 parliamentary seats (or 14 per cent) were allocated to minorities; in 2004, as the number of seats rose to 275, minorities retained their 31-seat share, reducing their representation to 11 per cent.

The means of allocation was not intended to represent population numbers or geographical distributions, on which there was no accepted data; rather, it represented a political compromise and was based on Somali cultural institutions. Each clan allocated its share of seats internally along genealogical lines of sub-clans etc, while the

minorities selected their candidates, as decided by representatives from the different minorities, with disagreements settled by a neutral arbitration committee.⁶² Twelve per cent of seats were reserved for women, although the full allocation was never made.

The number and identities of minorities were confusing. There was no official list to rely on, or clear ethnographic or census data. In addition to the main minorities described previously, there were also several other self-proclaimed 'minorities' who were of 'noble' origin but numerically and politically disadvantaged where they lived and sought to enhance their standing by claiming this new political minority status.⁶³ While the 4.5 formula gave minorities a voice in political decision-making, it was weak and largely unheard within the context of the failures of the TFG, which has been in continual conflict and crisis. It helped to put minority rights on the international agenda for reconstruction but without much impact so far.

A particular issue in drafting the revised Constitution to eventually succeed the current TFC will be the need for an appraisal and replacement of this formula, to ensure effective political representation of minority groups. The formula has been criticized by some minority academics and activists as representing 'absolute discrimination and severe ethnic marginalization' (based on alleged incorrect estimates of their population numbers) and as rejecting the protests of minorities at the time.⁶⁴

The 4.5 formula and its allocations have remained in force, but, in late 2008, the TFG and a coalition of opposition groups, called Alliance for the Reliberation of Somalia (ARS), made an agreement to increase the number of parliamentary seats to 550, with 200 of the new seats allocated to the ARS and 75 to civil society groups.⁶⁵ The number of seats allocated to minorities doubled to 62, meaning they continue to hold an 11 per cent share.⁶⁶

Prohibition on inter-marriage

Despite the customary prohibition by clans on inter-marriage with a minority, such relationships have historically probably always taken place, clandestinely at least, although they are rare. This restriction on inter-marriage has excluded minorities from forms of clan support or advancement through marriage ties.

A case reported to MRG researchers of a mixed marriage in Somaliland in 2009 is described below, where a majority man and minority girl developed a clandestine relationship and married, thus provoking intense hostility from the husband's clan.⁶⁷

I risked my life. I am Madhiban and I married an Issaq man about a month ago. We knew about the risk we were getting into but we decided to run away

and marry far from our village. We came to Gabileh and the family of my husband gave us a hard time. They forced my husband to divorce me and I was beaten up by some of his relatives. They filled a bottle with sand and hit me on my head. They identified me as the major problem, the one tempting their son. I was terribly injured and my family had to take me to hospital. The elders met and I was given compensation [magdhaw in Somali]. Their message was clear: 'Take your compensation and leave our son alone'. We are considered inferiors and no-one wants to marry us.

The forcibly-divorced Madhiban wife showed MRG's researcher the scars from the injury to her head. She said she did not report the assault to the police, 'because the person who injured me and the person I am supposed to complain to are from the same clan'.

An Ogaden woman living in an IDP camp in Mogadishu spoke about the following incident:

I know a girl from the Hawadle clan who got married to a Midgan man. They were neighbours in Beletweyne [in central Somalia] but her family did not accept her choice. She has five children; three boys and two girls. Her parents no longer consider her as their daughter and severed contacts with her. She loves her parents and wants to visit them but she fears they might harm her for her choice of husband. Realizing the ordeal, her loving husband decided to divorce her so that her 'dignity is restored'.

Employment

Since few minority members have received much education, with the exception of some who managed to travel abroad, they are ill-equipped for most modern employment opportunities. In addition, majority clan members now seeking employment in manual jobs previously associated with minorities are often favoured over minorities. A Gaboye woman in Somaliland told MRG's researcher:

The Issaq will never give you a job and they will always call you names and say, 'Why are you letting your parents pay so much for an education which will not lead you anywhere? Why don't you stay at home and help your mother?'

A 2006 survey on minority rights by Voice of Somaliland Minority Women Organization (VOSOMWO)⁶⁸ reported that many Gaboye, Tumaal and Yibir families lived on less than one US dollar per day. Almost half the interviewees were unemployed.

Minority language issues

The Somali language has distinct regional variants. The main variants are Af-Maay (or Af-Maymay), the common language in the south, and Af-Maxaa (or Af-Maha), spoken in the rest of Somalia, with minor dialectical spoken differences in Somaliland and Puntland. Both variants served as official languages until 1972, when the government determined that Af-Maxaa would be the official written language in Somalia. This decision further isolated and hindered those in the south, including Bantu, from participating in mainstream Somali politics, government services and education.⁶⁹

The Bantu Mushunguli language has been preserved largely by particular Gosha communities. While the main language in the Juba River valley is Af-Maay, some Bantu in traditional villages do not understand it. They instead speak ancestral tribal languages, such as Kizigua, with Swahili occasionally used as a common language.⁷⁰

Two Benadir groups with distinct cultural heritages speak dialects of Swahili: Barawani in Brava speak Chimini (also known as Chimwini or Chimbalazi), and Bajuni speak Kibajuni. The occupational groups speak standard Somali in the version where they live. Tumul and Yibro, as well as

Eyle, speak the Somali dialect of the clan to which they are attached, while Midgan and Yibro also have a special dialect that the major Somali clans do not understand.⁷¹

Language rights are an important facet of minority rights. For many minorities, their language is an integral part of their identity and culture. The African Commission on Human and Peoples' Rights recognized this point in cases brought against Mauritania. The Commission held that:

*Language is an integral part of the structure of culture; it in fact constitutes its pillar and means of expression par excellence. Its usage enriches the individual and enables him to take an active part in the community and in its activities. To deprive a man of such participation amounts to depriving him of his identity.*⁷²

Article 4.3 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) provides that 'States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instructions in the mother tongue'.

Violations of the rights of minorities by region

The situation for minorities varies in terms of geographical areas – between the *de facto* state of Somaliland in the north-west, which declared independence after the overthrow of Siad Barre in 1991 (but has not been internationally recognized); Puntland, in the north-east, which declared autonomy as a federal or regional state of Somalia in 1998; and south-central Somalia, a region in dramatic and sustained humanitarian crisis, containing the country's official capital, Mogadishu. Given the contrasts in terms of the contexts for human rights between these three territories, this report analyses the conditions for minorities on a regional basis.

Somaliland

Awareness and action for minority rights have advanced further and faster in Somaliland (particularly in the last few years) than in south-central Somalia and Puntland. The region has been characterized by peace, democratic development including multi-party elections, and civil society activism. Minority rights organizations such as VOSOMWO and Ubah Social Welfare Organization (USWO), have developed gradually alongside the traditional minority community structures headed by sultans and elders.

The Somaliland Constitution of May 2001 in article 8.1 states that 'all citizens of Somaliland 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, opinion, etc'. Under 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'. Somaliland legal expert Ibrahim Hashi Jama believes that this article 'relates to traditional practices that lead to discrimination and/or precedence on the prohibited grounds listed in the clause' and 'certainly covers the treatment of minority groups, such as Gabooye, etc'.⁷³

There is, however, no specific anti-discrimination legislation.

Progress, however, has been limited by government inaction, failures of the judicial system, limited action by the Somaliland National Human Rights Commission, negative government attitudes towards human rights

defenders generally,⁷⁴ and persistence of prejudicial social attitudes among members of the majority clans.

In addition, Somaliland has defined Somaliland citizenship primarily through membership of clans considered to originate from Somaliland territory; officially, the government treats persons from Puntland or south-central Somalia as 'foreigners'.⁷⁵

For the 2005 parliamentary elections, the House of Representatives voted to remove the previously established reserved quota of five minority seats on the grounds that it was incompatible with the Constitution, which guaranteed equality of all citizens (that is, it allegedly created an inequality violating article 8 stating that no social group should 'take precedence' over another). The *Gurti* (a non-elected upper house of traditional elders of clans) rejected this vote in 2007 but accepted it in a second vote in 2009.⁷⁶ Due to their lack of political representation, low educational levels and poor employment opportunities, very few minority members are in positions of prominence or leadership.

Educational discrimination

Very few minority children (and far fewer girls than boys) are in the educational system. VOSOMWO's 2006 minority rights survey found that only 20 per cent of children of the families interviewed had education or went to school.⁷⁷ When parents were asked why they did not send their children to school, 39 per cent blamed the 'segregating environment existing among young students and in the schools'; 47 per cent cited poverty and the discrimination their children were exposed to at school; while 13 per cent felt that there was no point in sending their children to school as they were denied employment other than traditional jobs even when qualified. The study found that for many minority students and teachers, discrimination was part of their daily lives.

Though attitudes are changing, the legacy of historical discriminatory treatment at school remains with some minority adults, as reflected in the following testimony to MRG in Hargeisa:

When I was at school my teacher did not know that he had a Midgan in the class, so he went on with his lesson on minority clan culture and tradition. He said

that the Midgan are different from the rest of the society, they belong to an inferior culture... They lack language skills and eat different bad quality food. I did not react at all but all my schoolmates were shocked. I just waited till the end of the lesson and then ran home. I told my mother and sister. The teacher did not realize the moral damage that his speech had on me. He probably never thought he could have a minority student in his class.

However, the same person added,

Jokes and sayings about minorities are there, but one has to go beyond that and rise above them. I never let discrimination put me down. I continued and succeeded in my studies.

Gaboye students at Hargeisa University have taken a lead in organizing themselves, with NGO support, to improve educational opportunities for minorities. In recent years, they have established a (gender-balanced) committee to coordinate financial support for their studies and to be positive role models for other minorities. The popular singer Mariam Mursal, who comes from the Gaboye minority and is internationally famous among Somalis, has been working with well-known Somali poet 'Hadrawi' (a majority clan member from Somaliland) to build a primary school in Dami shanty-town in Hargeisa.⁷⁸

Objections to inter-marriage

A small number of inter-marriages between members of 'noble' clans and occupational groups have occurred in the main towns of Somaliland in recent years, but they face hostility and violence from clan relatives.

In Hargeisa, MRG interviewed a 20-year-old Issaq woman from the Ogaden clan married to a Gaboye man. She had bruises all over her body as a result of continued assault and beatings from her family members. Her brothers had assaulted her a week before. She and her husband were both very depressed and in a state of anguish.

I married my husband four months ago. I knew about the risk I was getting into but destiny is more important than anything else. We got married in a small town near Hargeisa and we came back to our respective families without informing them about our marriage. My life became unbearable when my family got to know about my marriage. I was beaten up by my [Issaq] family who had my husband imprisoned. The police officers tried their best to mediate and explained to my family that our religion did not forbid inter-marriages. But there was no way to

convince them. The police decided to keep my husband in jail as a way to protect him from further retaliation. At last, he was freed after the intervention of others of his [Madhiban] relatives... He does not have a stable job. If he manages to get work, he brings food and I cook. If not, we sleep without eating. I live in a constant state of panic and tension. I am afraid that my family members will kill me because they have already done all that they could. Sometimes they attack me in public places and people of goodwill have rescued me. I do not know when this nonsense will end, only Allah the Almighty knows.

A 17-year-old Madhiban told MRG of how she got shot when gunmen arrived at the scene of a contested mixed-marriage wedding celebration in Hargeisa:

I was shot about a year ago. I was going home from school when I stopped to look at a wedding celebration. I knew there was a wedding of a Musse Deriyo man and an Issaq woman. As I was watching the celebration outside the gate of the house, armed men approached me. They came out of big cars. I got scared and ran away, they shouted at me to stop but I did not listen to them. They shot me in my arm. That was the last time I went to school. I am now afraid of going out. My arm still hurts and it is not functioning properly. All I remember is that I fainted. I do not know what happened after that. I heard that other people were also wounded.

Puntland

Life for our communities is a struggle, struggle for respect and for survival. I don't even own the goats I slaughter and sell the meat in the market. I have to pay for it after I finish selling the meat. Sometimes I do not manage to get enough money to pay for the goat and I get into debt. If you do not pay back you get into trouble, they can beat you and arrest you. The one who beats you is from the same clan as the one at the police station, where do we go?

Madhiban woman, Bossaso

The Puntland region consists of mainly Darod clan-populated administrative regions bordering Somaliland to the west and south-central Somalia to the south. Though the area has mostly managed to avoid the armed conflicts and politics of south-central Somalia, International Crisis Group (ICG) reports that Puntland has experienced a rise in insecurity and political tension due to 'poor governance

and a collapse of the intra-clan cohesion and pan-Darod solidarity that led to its creation in 1998'.⁷⁹

Puntland has provided little protection or assistance to minorities, whether communities long established in the region (mainly the occupational groups) or IDPs from southern Somalia (mostly Bantu, but with some occupational groups and Benadiri).

The Puntland parliament has no seats reserved for its small minority communities (mainly Madhiban and Musse Deriyo). The majority clans (Majerteen, Warsangeli and Dulbuhante; all from the Darod clan-family) did not allocate minority representation in the Isimo (clan elder) conferences convened to establish the Puntland region state and later to respond to critical situations,⁸⁰ and the government does not apply the TFG's 4.5 representation formula giving minorities a stake in parliament. Minority sultans (known as *garaad*, *ugas* or *bogor*, like majority clan leaders) are officially recognized, although with little actual power. Few minority rights organizations exist; none as influential as those in Somaliland.

Elections have been held in Puntland for the presidency and parliament, but political parties are not yet allowed in the region, and the rights to freedom of expression, association and assembly are weakly protected.

Rights violations of the internally displaced

I thought I had come to a safe place here in Bossaso, but I was raped again in 2007. I was collecting garbage when one man called me and asked me to wash his clothes for payment. I accepted, but as I entered the house I realized it was a trap. Two other men were in the house and they all they raped me. One of them is now the father of my two-year-old daughter.

Twenty-nine-year-old Bantu woman, Bossaso

The United Nations Development Programme (UNDP) in Somalia has estimated there to be about 35,000 IDPs in Puntland, of which there are 22,000 in the coastal town of Bossaso.⁸¹ A large proportion of IDPs come from minority and other vulnerable groups from south-central Somalia.⁸² Harsh conditions in the IDP settlements have been frequently criticized by successive UN Independent Experts, with little improvement to record.

While Bossaso port benefits substantially from Bantu and Gaboye labour in the construction industry, low-level public service jobs, such as street sweeping and rubbish collection, and the service industry, this work is unregulated and comes with few social benefits.

MRG researchers found that violations of rights of minority IDP women and children in Puntland were

widespread. The most severe human rights violations against IDP minorities reported to MRG's researchers were rape and denial of access to justice, with lack of protection from police and courts. Their conditions of extreme poverty and indignity are not being addressed by the authorities.

Focus on gender-based violence

There is not a single woman here safe from rape. At night, armed gunmen come to the IDP camp and forcibly drive women and girls out of their shelters and rape them outside the camp. Rape cases occur twice a week.

Minority woman in Ajuran IDP camp, Puntland

Women's rights have been particularly violated in Somalia since the 1991 breakdown of the state. Furthermore, while women have actively engaged in peace-building, the gendered nature of clan-based politics means that women are typically excluded from full participation in decision-making and peace talks.⁸³

Minority women face multiple discrimination. Their human rights are violated as women, both from the wider political structures and male social attitudes as well as, to some extent, within their own communities. They face harmful traditional practices, such as FGM and early marriage; gender-based violence and rape, particularly of vulnerable displaced persons; economic disadvantage and political marginalization; domestic violence arising from gender-abusive social customs; gender discrimination in Islamic justice institutions where these exist; and gender discrimination in customary law. Crimes against women are often perpetrated with impunity.

You have to keep quiet and not report the rape because they can always come back and do it again.

Benadiri woman, Puntland

These gender-based abuses are prevalent against women in general throughout Somalia, but they can affect minority women more severely, as is described in testimonies sourced by MRG for this report. Minority women have virtually no access to state legal and judicial protection or remedy where such institutions exist and function (in Somaliland and Puntland), particularly when they are also disadvantaged as IDPs. In conflict zones in south-central Somalia, they have no realistic protection from customary law, even though children, women, the elderly, peace envoys and the disabled are, in theory, protected by Somali traditional law from abuses by warring parties.⁸⁴

There is not any justice at all; women do not get the rights that they ought to have because no one is willing to intervene on our behalf, as we cannot speak out ourselves for fear of being subjected to harsher treatment than we experience currently.

Bantu woman, south-central Somalia

MRG's researchers visiting IDP camps in Bossaso in 2009 were told of a disturbing and persistent pattern of rape of minority women, perpetrated by majority men and sometimes by members of the Puntland police, army or security service. One woman had arrived in Puntland having been subjected to sexual violence in the south and en route to 'safety'. Testimonies (with names withheld for safety reasons) were gathered from IDP Benadiri, Bantu, Madhiban, Midgan and Ajuran women.

I have been living in Bossaso since 2001. I collect garbage from the streets and the houses and get paid for that. In 2000 when I was living in Baidoa [in south-central Somalia], I was walking down the road when four armed men abducted me. They forced me into their car, took me to an isolated place and raped me. No one rescued me and I came back home by myself...I left Baidoa with some relatives and decided to seek a safer place in the north. I was again raped during the journey between Beletweyn and Galkayo. Armed men forced me and three other young women, including my teenage sister, from the bus and raped us.

Twenty-nine-year old Bantu woman, Bossaso

I am originally from southern Somalia, from Lower Shabelle. My family used to be farmers, we had our lives but now we are refugees. I arrived in Bossaso in the early 1990s. I live in Camp Ajuran. Besides poverty, our main problem is security, women are constantly raped. I myself have been raped twice, in 2002 and in 2005. Both times I was assaulted when I had gone some distance away from the camp for toilet needs. This is when perpetrators often assault their victim, because they were most vulnerable.

Forty-two-year-old Bantu woman, Bossaso

A widowed *Benadiri* woman living with her daughters in an IDP camp in Bossaso described to MRG's researchers how, seven months previously, two men had entered her hut, beaten her and raped one of her daughters in front of her. Though she reported the incident to the police, little assistance was forthcoming, and she was attacked again.

He [the perpetrator] was arrested but freed the following day; he probably bribed the police officers. A month later, the same man came back with three other armed men and he raped me. The other men stood outside the hut and nobody would come and rescue us. The man said he would come again at any time to 'enjoy the white bodies of my daughters'. He raped me in revenge for reporting him to the police. I did not report to the police this time. I need medical treatment for the physical damage. My daughter is pregnant now, from the same man who raped her mother. We are desperate. Someone take us away from this land!

Women also spoke of rape by the authorities:

In 2004, I was with 12 women going to work in the early morning. A small vehicle came and stopped beside us. Some of the women ran away but they caught me and a 13-year-old girl who came back to see what was happening. We were both taken to Bossaso beach where two of the men raped me and a third raped the girl. I was bleeding and went to a police station to report the crime. Surprisingly, I saw one of the perpetrators at the police station wearing on his head a small piece of clothing of mine. He was also drunk. When I informed the police, they replied that he was the officer in charge of that police station and that they were not in a position to arrest him. The police took no action to investigate and no-one was prosecuted.

Madhiban woman, Bossaso

The first time in 2002, four men raped me, I at first tried to escape but then I was beaten. I lost some of my teeth as a result of the beating. I felt humiliated and did not report it to the police. Another time in 2004, six men in army uniform attacked me and raped me. I was with other women but they managed to escape. I had physical problems as a result of the brutal rape but I did not have enough money to seek medical treatment, I just took medication from the pharmacy. I did not report it to the police because I was too afraid. I got pregnant. I now raise my four-year-old daughter; her father is one of those six men who raped me. I love my daughter. Sometimes the bad memories come back and I cry in silence.

Forty-two-year-old Bantu woman, Bossaso

I usually go early in the morning to the market. Five years ago I was with my 14-year-old daughter. We were walking down the road to the market when

a car approached us. Six men in military uniform forced my daughter to get into their car and beat me as I tried to stop them...We found her at the same place the following day. It seemed that she was not even alive; she was like a dead body. I reported it to the police and was told that I was lucky that she was still alive. My husband was also beaten up in the police station for insulting the police authorities and wrongly accusing them. He started suffering from high blood pressure as a consequence of the physical and psychological injuries, and died one year later. Six of them raped her brutally and repeatedly till she fainted. I did not have money for her hospitalization...I also tried to contact journalists to denounce the case but I had no evidence and I was overwhelmed with those problems. After five years she still has problems while urinating. She married last year but she has not given birth yet. My daughter is seriously injured and she needs medical intervention. If we had been from another clan we would have been given compensation but we are just 'poor Midgan, who nobody cries for'.

Fifty-year-old Madhiban woman, Bossaso

No access to justice

Minorities who lack the protection of the major clans are likely to be victims of the discrepancies between customary, criminal and sharia law.

Dr Shamsul Bari, UN Independent Expert, in reference to Puntland in his 2010 report on the situation of human rights in Somalia.⁸⁵

MRG's research indicates that minorities in Puntland have little chance of obtaining justice if they complain of crimes against them or are accused of crimes and arrested. Police, who invariably belong to majority clans, commonly refuse to investigate complaints by minorities, support the majority side against a minority person (particularly if the complaint is against a police officer), and hardly ever investigate allegations of rape. Courts neglect to guarantee defendants' rights, including the right to legal defence representation, appeal and petition for clemency in regard to a death sentence, as highlighted in testimony given to MRG. Other sources have noted the weak state of the judiciary and legal profession in Puntland, as well as the absence of minority representation in government bodies.⁸⁶

Minorities also have little access to justice in customary law applied in crimes, including murder, where the death penalty following trial may be commuted to the payment of

diya, or blood compensation, with the agreement of the victim's clan; manslaughter; or a serious assault. As described to MRG, minority elders have been obliged to negotiate compensation with majority clan elders, and submit the decision to a court, which then closes the case without further police investigation or judicial action. Minorities receive a lower compensation payment than clan members, and reportedly have difficulty obtaining enforcement of it.

One Midgan man in Puntland's administrative capital, Garowe, told MRG's researchers that his pregnant sister was shot dead by her husband, from a majority clan, in July 2007. The case was reputedly settled out of court between elders of the minority and majority clans.

After discussing the matter, we were forced to accept blood compensation. We were told, 'You Midgan, accept 40 heads of she camels [10 camels less than the normal diya] or leave us' and we accepted because there was no alternative.

South-Central Somalia

The situation of the minority groups in south and central Somalia is that of despair and hopelessness. They are considered sub-human and live under constant mistreatment by the so-called majority clans. People from minorities feel intimidated by merely mentioning and expressing pride in their ancestors and heritage. The minority but skilled individual does not have access to employment opportunities as the rest do. This problem is acute in south and central compared to Mudug [north-central] and northern regions.
Madhiban elder

Due to high security risks, MRG has had great difficulty in documenting for this report the situation of minorities in this region, which contains the agricultural and forest inter-riverine areas where Bantu have historically lived; the coastal urban areas where Benadir had been, numerically, the largest community; the south-western islands where Bajuni fishing people lived; and Mogadishu and other areas with substantial Bantu and occupational groups.

A large part of south-central Somalia, from the Kenyan border to central regions towards Puntland, is controlled by the militant Islamist organization al-Shabaab, leaving only a few areas and parts of Mogadishu under the control of the TFG and the small supporting African Union Mission for Somalia (AMISOM) forces.⁸⁷

In his March 2010 report, the UN Independent Expert on the situation of human rights in Somalia, Shamsul Bari, highlighted the plight of women, children, IDPs and minorities in the face of 'Islamist forces' and a deteriorating security situation:

It will not be possible to restore peace and security in Somalia by watching passively the deteriorating security, humanitarian and human rights situation. A policy of simply containing attacks against Mogadishu will not last long. The capacity of the Government to protect civilians – including women, children, IDPs and minorities – against the wave of violence and harsh imposition of sharia law by the Islamist forces (leading to cruel, inhuman and degrading treatment on a daily basis) must be helped to develop rapidly.⁸⁸

The occupation of the region by al-Shabaab since 2006 has made it largely inaccessible to international humanitarian agencies and journalists. Locally based Somali human rights organizations have been largely forced into silence or flight. In 2010, steadily deteriorating conditions prompted the UNHCR to call on states to give shelter to people fleeing Somalia even if they do not meet formal refugee criteria.⁸⁹

In this vast area, for minorities as well as all civilians of the various majority clans, gross human rights abuses and violations of international humanitarian and human rights law have been a daily occurrence.⁹⁰

Individual testimonies documenting systemic local patterns of human rights abuses against minorities in these areas are difficult to obtain. However, discrimination and verbal abuse of Bantu by members of majority clans on account of their minority status, as well as violations of physical integrity, appear to persist for many people, despite Bantu being prominent in the TFG and Transitional Federal Parliament (TFP), such as the former Deputy Speaker of the TFP.

Life is hard for everyone in Mogadishu, and our lives are continuously under threat. But we also have the burden of discrimination and daily humiliation. I am somehow used to it, but I feel anger and sadness when I think that even my children go through this discrimination. We are used to the heavy jobs that others do not want to do. If you are a Jareer, you have to work hard because nobody will help you in this society. If I have an accident with another car, it is always my fault and I am insulted. My wife works as a maid. Once, she was arrested and beaten up in jail. She was accused of stealing a gold chain and there was no evidence. They finally released her and the gold chain was eventually found somewhere else. This is our life; we are discriminated against in our own country. Forty-year-old Bantu bus driver, Mogadishu

The main concerns identified by MRG from the available evidence about human rights violations against minorities in south-central Somalia, in addition to those affecting all

civilians and the majority clans in the same or different ways, are arbitrary killing; rape; denial of justice; forced displacement and land theft during the 1990s civil conflicts, as well as impunity for the theft of land and property under the Siad Barre government; lack of education; and mistreatment of IDPs and diversion of food aid in IDP camps.

Minority women spoke to MRG about the social and economic obstacles they face, including the lack of employment, education, political representation, and access to health care, and discriminatory attitudes from major clan members.

The main problem that minority women face is that they do not have any dignity in society. Furthermore, most of these women are domestic workers known as booyeeso and sometimes they face problems with the family that they work for, such as being suspected of theft by the female home-owner and consequently being dismissed arbitrarily. Some of these vulnerable women wander in the street and perform street dances to earn a living.

Madhiban elder, south-central Somalia

Ethnic minority women don't play a significant role on the social, economical and political platforms in mainstream communities. Mostly they are illiterate and have no capability to improve the quality of their livelihoods; most do household chores and other domestic errands mainly in the major clans' homes. Due to high poverty levels and discrimination among ethnic minority women, they do not have access to quality health care as compared to women from major clans who usurp all relief or other medical facilities.

Bantu woman, south-central Somalia

She also spoke, referring to her own situation, of the power of majority clans and the lack of recourse for minorities in the face of injustice:

I wanted to rent my own house to people who are from minority group Benadiri, to earn some money. A man who is from one of the major clans came to me and said, 'You cannot rent this house to the other people you can only rent it to me...' When the man realized that I rented my house to the family, he started to cause chaos in the family and chased them away from the building. To this day, my house is being occupied by this man and I don't know what is to happen.

As elsewhere in Somalia, the attitudes of majority clan members to inter-marriage also continue to have a devastating impact on minority women.

I got married to a man who is Majerteen [a Darod clan]. When I gave birth to my baby, my mother-in-law asked him to divorce me. He was reluctant for a while, but she threatened to disown him, so he decided to divorce me instead of losing his family. After the divorce, I moved to Mogadishu from Bossaso where I live hopelessly, losing my loving husband and family.
Midgan woman living in an IDP camp in Mogadishu

A 2008 report by the UN's IRIN news agency referred to the desperate plight of Eyle hunters. The article quoted the UN's regional coordinator for humanitarian issues in Middle Shabelle Region as calling them 'Somalia's forgotten people', and describing their situation as incomparable to anyone else's in the country due to the extent of their hunger and destitution caused by drought.⁹¹

Furthermore, UNHCR reports that discussions with Eyle in Baidoa, north-west of Mogadishu, in early 2009 revealed that women from their communities were not allowed to collect water from the same well as the dominant Rahanweyn. In addition, 'despite their desperate poverty', Eyle asked UNHCR not to provide them with humanitarian assistance 'for fear that they would be looted by dominant clan members.'⁹²

Al-Shabaab waging war

Al-Shabaab opposes occupation of Somalia by foreign forces, Ethiopian forces or AMISOM;⁹³ advocates global *jihad* against western intervention in Somalia, in alleged support for al-Qaeda; and is fighting to overthrow the TFG and govern Somalia under its radical interpretation of Islamic law.

The group's interpretation of Shari'a contravenes international standards of justice and fair trial (denying the right to legal representation and appeal to a higher court, for example). In one case in 2008, a 13-year-old girl in Kismayu was stoned to death after being arrested by al-Shabaab-related militia. She had been raped, but was convicted of adultery.⁹⁴

Al-Shabaab enforces public applications of *hudud* penalties such as amputation of limbs, execution by stoning, and flogging for acts such as theft, adultery, espionage, treason and offences against Islam; imposition of morality laws enforcing dress codes for women and dress and hair rules for men; and bans on smoking and drugs (including *khat*), performing or listening to secular songs and dances, and watching film, television and sport.

It also forbids religious beliefs and practices of other faiths, such as Christianity; apostasy (conversion from

Islam to another faith); adherence to non-Islamic African traditional rituals and customs; and 'heretical' traditional Somali Sufi practices such as veneration of ancestor-saints, pilgrimages to shrines, burial in funerary monuments, and religious healing practices.

Al-Shabaab have thus targeted particular minorities on account of their customary faith-related practices, namely Benadiri (Bravanese in particular), Bantu and Christians (many of whom are converted Bantu).

Somali Christians are at risk by al-Shabaab of being treated as non-believers and 'infidels' (*goal* in Somali) or 'apostates' subject to Shari'a death penalty provisions. According to the Bartamaha Somali media outlet, al-Shabaab and members of other Islamic groups 'have killed more than a dozen Christians' in the country between March 2009 and early 2010. Reports include the shooting of 69-year-old Omar Khalafe at a road block near Merca on 15 September 2009 for being found in possession of bibles;⁹⁵ the beheading of two young boys near Kismayu in February 2009 because their Christian father had apparently refused to divulge information about a church leader;⁹⁶ the killing of a clandestine church leader near Mogadishu on 1 January 2010, whose wife subsequently fled the country following death threats;⁹⁷ and the execution of a Christian convert in the town of Afgoye on 23 March 2010.⁹⁸

According to the National Somali Bantu Project (NSBP) in the United States, several Bantu were reportedly killed in Lower Juba region in January 2010 for attending a traditional ceremony. Bantu graves were said to be desecrated and Bantu Sheikhs forced to adhere to al-Shabaab doctrines.⁹⁹

NSBP reports numerous other cultural attacks by al-Shabaab against Bantu, with the practice of their traditions, such as dancing – an important feature of Bantu culture – and the use of traditional medicine (while al-Shabaab also restricts their access to medical aid) sometimes resulting in beatings and death. Al-Shabaab has prohibited the use of minority languages or dialects; has forced Bantu to adopt Arabic names; forced women to wear the *hijab*, and restricted their work; and stolen or destroyed Bantu property including mango trees.¹⁰⁰

Several reports have emerged of Al-Shabaab forcibly conscripting children including Bantu, some as young as 10.¹⁰¹ As a result, many young people have fled their villages for Kenya and Tanzania.

In March–April 2009, historic and revered Bravanese community tombs were destroyed by al-Shabaab forces in the town of Brava; mosques were closed; imams were banned from leading prayers; charitable relief work was stopped; and sheikhs were detained for some days.¹⁰²

Minority refugees and the worldwide Somali diaspora

The situation of minority refugees within the large, worldwide Somali refugee diaspora must be noted, since the challenges faced by minority refugees are often overlooked. At the same time, influential members of the diaspora can help raise awareness of the plight of minorities within Somalia.

The Somali diaspora probably amounts to the equivalent of between a quarter and a third of the current population of Somalia and Somaliland combined. A large migrant diaspora resides in the Middle East (especially Yemen), with long-established Somali populations in Kenya, Ethiopia and Djibouti. Most Somali refugees and diaspora members are from the Somali majorities, but minority communities are found among all of these groups, who can also be subject to discrimination in the host country.

Refugee numbers rapidly increased after state collapse in 1991. Most fled to Kenya or Ethiopia, which currently host 319,149 and 68,686 Somali refugees respectively.¹⁰³ Many sought resettlement to western countries as a durable solution in a situation of continuing conflict and state failure.

Somali refugees' legal protection rights were largely respected in host countries, but several western governments have attempted to limit and reduce the numbers of Somali refugees. With each escalation of conflict in the last few years, thousands more survivors have fled their homes and become displaced.

The Somali refugee diaspora often reflects homeland-based differences between majority clans and minorities, with the former receiving most aid and support. While all Somali refugee groups remained disadvantaged as an underprivileged ethnic minority sometimes subject to xenophobia, the majorities usually had the most start-up advantages such as education, employment experience, familiarity with western life, family links with established earlier refugees, as well as clan support structures.

Minority refugees and asylum seekers in the past two decades have often been 'invisible' due to their poverty, lack

of education and social marginalization. They have had little support from majority refugees and have been numerically few and organizationally weak. Refugees in Kenya have included thousands of Bantu and Benadiri and smaller numbers of occupational groups. They have often found themselves at risk from majority/clan members in refugee camps, to the extent that UNHCR in Kenya has previously relocated Bantu from one camp to another.¹⁰⁴

Few host-country refugee welfare organizations appear to be aware of the minority situation. A community social worker in London, working on issues of racial discrimination and deprivation of Somali refugees, expressed surprise and shock on hearing, as she said, that 'Somalis have their Dalits'.¹⁰⁵

The concealment of this 'minority-within-a-minority' situation among Somali refugee communities who are an ethnic minority in their host country, obstructs improvements to a serious transnational situation where human rights entitlements justifiably claimed by refugee majorities are not being equally and fairly accessed by refugee minorities. More activities to advocate minority rights among the Somali diaspora could make a difference for minority refugees and have some impact in Somalia too, where diaspora members with foreign citizenship have been key participants in peace talks as well as new governmental institutions.

UNHCR has recognized the special risks faced by Somali minority asylum seekers and issued special eligibility guidelines.¹⁰⁶ Most countries have accepted this principle. For example, in 2004, UNHCR facilitated a special resettlement programme in the US for 15,000 Bantu refugees from Kenya.¹⁰⁷ This followed an earlier, smaller US programme for Benadiri refugees.¹⁰⁸ European Union (EU) countries, including the UK, have also recognized minorities as a category meriting special consideration.¹⁰⁹ There has, however, been a problem created by majority members falsely claiming to be minority members in order to benefit from this classification.¹¹⁰

Ways forward: asserting minority rights through international instruments

Minority rights have been low on the international community's agenda for Somalia. The general situation of human rights violations against the Somali minorities has been raised from time to time at the UN Human Rights Council and its predecessor, the Commission on Human Rights (UNCHR).¹¹¹ However, reports on Somalia by international human rights organizations and policy groups have given little attention to minority rights, as compared to critical issues of international relevance such as peace-building between majorities, reconstruction and emergency humanitarian assistance. Meanwhile, development projects have been planned for 'vulnerable' groups such as women, children, minorities and IDPs but rarely with specific targeting of minorities. Few minority organizations known to MRG in Somalia and Somaliland have developed significant capacities for human rights reporting and advocacy so far, or for humanitarian or development work in their communities.

MRG acknowledges that general progress in peace and reconciliation and basic human rights protection are essential for advancing minority rights in the long term. This means the achievement of a sufficiently favourable context of peace, reconciliation, stable governance and rule of law nationwide, as has been achieved in Somaliland and partially also in Puntland. Yet even in the south-central Somalia conflict zones, there are still opportunities for advancing minority rights that must not be postponed indefinitely.

The Somali minorities are entitled to – and themselves demand – the same internationally and nationally recognized civil, political, social, economic and cultural rights as the majorities, deriving in particular from international and regional human rights treaties such as the ICCPR, ICESCR, African Charter on Human and People's Rights, and ILO Convention 111, without distinction as to their minority status, including rights not to be discriminated against in employment, to development and sustainable livelihoods, and to marry a person of their own choice.

Furthermore, to address the dire situation of minorities, which has been exacerbated by decades of neglect and subjugation as well as violent conflict, ICERD

obliges Somalia and its entities to introduce special measures, which, on a temporary basis, favour minority groups to allow them to reach socio-economic equality.¹¹² The authorities in Somalia should do their utmost to implement ICERD's provisions to ensure that no individuals belonging to minorities suffer any form of racial discrimination.

Somalia is party to the treaties mentioned above through ratification or accession by the pre-1991 government, which is binding on succeeding governments despite not being fulfilled in practice.

The former Transitional National Government signed the Convention on the Rights of the Child in 2002, and in November 2009, the TFG announced its intention to ratify it. Welcoming the decision, the UN Children's Fund (UNICEF) noted that authorities in Somaliland and Puntland, 'have already declared their intention to incorporate the principles of the CRC in their respective legal systems and have addressed specific child rights in legal instruments, such as the 2008 Somaliland Juvenile Justice Act and Article 19 on Children's Rights in the Puntland Constitution'.¹¹³

These treaties are important, as they point to the TFG's international obligations in terms of human rights, even though currently the TFG lacks capacity and authority to implement them. They also set standards for human rights adherence by the authorities of Somaliland and Puntland; and also by non-state armed groups such as al-Shabaab.

These instruments have also been a crucial reference-point for Somali human rights defenders in civil society, demanding that authorities should respect the basic human rights of those they purport to govern. Furthermore, the autonomous entities and non-state actors should respect minimum international standards of human rights, including minority rights, if they wish to be recognized as legitimate authorities for their respective territories.

Somalia, however, is not a party to the Convention on the Elimination of all Forms of Discrimination against Women, or to the Rome Statute of the International Criminal Court. Given the dire situation of women in the

country, and the incapacity of the justice system to deal with the commission of war crimes and crimes against humanity, the ratification of these instruments should be made a priority.

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) is relevant to all Somali minorities, in the following areas particularly:

- The state's duty to protect their existence and identities (article 1) through appropriate legislative and other measures (article 2);
- The right to enjoy their own cultures, religion and languages freely and without interference or discrimination (article 2.1);
- The right to full and effective participation in cultural, religious, social, economic and public life (article 2.2) and decisions on the national or regional level concerning minorities (article 2.3);

- The right to establish and maintain their own associations (article 2.4) and contacts with other minority groups (article 2.5);
- The state's duty to take measures for the full and effective exercise of minorities' rights without discrimination and in full equality under the law (article 4.1), to create favourable conditions to develop their cultures and religion and to develop and learn their languages (article 4.2), to encourage knowledge in the field of education of their history, traditions, languages and cultures (article 4.4), to consider measures to enable them to participate fully in the economic progress and development of the country (article 4.5);
- National policies and programmes to implement minorities' rights (article 5.1);
- Cooperation between states to promote these rights (article 5.2, 6 and 7);
- Contribution by UN agencies to the full realization of these rights (article 9).

Recommendations

To the Transitional Federal Government of Somalia (TFG):

- The future new Constitution of Somalia must specifically recognize the country's minorities, and entrench their rights to equality and non-discrimination in line with international human rights standards.
- The TFG formula for parliamentary representation (the 4.5 system) should be re-assessed to ensure that minorities are represented in proportion to their relative population size.
- Protection of minority rights should be included as a special task for a standing statutory human rights body (or bodies), for example a parliamentary committee, a ministry responsible for human rights, or an independent human rights commission.
- A national action strategy for minorities should be developed in consultation with Somali minority rights organizations, minority community leaders and others concerned about minority rights, regionally and internationally.
- Any transitional justice mechanisms, including an independent commission of inquiry into human rights abuses, reconciliation processes, criminal investigations, or reparation programmes, must specifically include investigations into abuses against minorities.
- Steps must be taken to ratify further international instruments protecting vulnerable populations, among them minorities, including in particular the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Rome Statute of the International Criminal Court.

To the Somaliland Government:

- The reservation of seats for minorities in the Somaliland House of Representatives and Upper House (*Gurti*) should be reconsidered to ensure their fair representation.

To the Puntland Regional State Government:

- Reserved seats for minorities in the Puntland Assembly (Parliament) should be introduced.
- An urgent impartial and independent investigation into reports of widespread rape and sexual assault by armed forces, police and others against minority and other women IDPs in Bossaso and other areas of IDP settlement must be carried out.

To the TFG, Somaliland Government, and Puntland Regional State Government:

- Public declarations of commitment should be made to support minority rights alongside other fundamental human rights, with appropriate measures to promote and secure these rights in accordance with international human rights standards.
- The rights to freedom of opinion, expression and association of minority rights organizations and activists should be supported, and the rights of minorities to practise and protect their own culture, religion and language.
- The participation of minorities in public life, including their representation in the civil service, local government bodies, the judiciary, police and security forces, should be promoted, and affirmative action measures should be explored.
- Equal access to justice for members of minorities should be ensured, including by public education and training to familiarize judges, police, prosecutors and defence lawyers with minority-rights issues and standards, and by their implementation in the justice system.
- Measures and public education programmes should be adopted to prevent expression of hatred, prejudice or discrimination against individuals or communities based on their minority status.
- Special measures should be implemented to protect and promote the rights of women from minority communities, who experience multiple discrimination on account of their gender and minority status.

To all armed forces operating in Somalia:

- Government security forces, the African Union Mission in Somalia, other international forces, and armed opposition groups, including al-Shabaab, should at all times ensure respect for Common Article 3 of the Geneva Conventions and other basic norms of international humanitarian law protecting civilians and other non-combatants in internal armed conflicts.

To the UN, AU and international development agencies:

- Minority rights should be integrated into international bilateral and multilateral assistance for Somalia and Somaliland, including the UN/World Bank Reconstruction and Development Framework plan.
- International agencies operating in Somalia, including OCHA, UNDP, UNHCR, UNICEF and WFP, should ensure that minority issues are mainstreamed in humanitarian planning and programmes in all sectors or clusters, and that special measures or tailor-made programmes are implemented to target the hard-to-reach minority populations. Humanitarian assistance should be based, where possible, on the collection of disaggregated data on Somali minorities; distribution should be closely monitored; and allegations of diversion and obstruction of humanitarian assistance intended for minorities

investigated. UNHCR should coordinate urgent action to secure the rights of minority IDPs, with priority given to special protection programmes against rape of girls and women in IDP camps, particularly in Bossaso.

- The international community should support expansion of the Somalia work of the UN OHCHR to include a special programme for minority rights, in conjunction with the role of the Independent Expert for Somalia; and support international and regional action to promote Somali minority rights through *inter alia* the UN Human Rights Council and the African Commission on Human and Peoples' Rights.
- Donors should provide support to build the capacity of Somali NGOs and minority community-based organizations working to promote the rights of minorities, and include minority rights defenders in support programmes for human rights defenders, in implementation of the UN and EU Declarations on Human Rights Defenders.
- International donors should establish development programmes that target and directly reach out to the needs of Somali minority communities in education, employment and livelihoods.

To countries of asylum:

- Host governments should take into account the pattern of widespread persecution against minorities in determining the refugee status of Somali minority asylum seekers.
- All countries should adhere to the principle of *non-refoulement*; under no circumstances should minority asylum-seekers be forcibly returned to Somalia.

Appendix 1: Research methodology

In addition to a survey of relevant academic and other material on the Somali minorities and related political context and background, MRG engaged two researchers to collect information on the current situation of minorities through visits in mid-2009 to appropriate areas of minority settlement where individuals and organizations could be safely interviewed, as well as phone interviews in early 2010.

Both researchers were Somalis (one female and one male) who had considerable experience of NGO work in Somalia and Somaliland, including on minority-rights issues, and familiarity with international and Somali organizations working from Nairobi, where they were based themselves.

Interviewees included minority members, international and local organizations, and members of majority clans.

They were interviewed in depth (mainly in the Somali language) through semi-structured individual and focus-group interviews in Hargeisa and Gabiley in Somaliland, and Bossaso in Puntland, for approximately a week in each location respectively, in June 2009, and in Nairobi in mid-2009, particularly in Somali settlements in Eastleigh. Guarantees of confidentiality were given that MRG would not name research informants in order to protect their security.

Due to the conflict and insecurity at the time, the researchers were unable to visit south-central Somalia. This was an unfortunate and serious restriction on their fieldwork, and inevitably left large areas of minority (particularly Bantu) settlement un-researched. Some further testimonies, however, were gathered in March 2010 by telephone and email.

Appendix 2: Glossary

AMISOM: African Union ‘peace support force’ in Somalia supporting the TFG since 2002, with 5,200 troops from Uganda and Burundi as at early 2010.

Bantu: the largest minority, consisting of farmers living originally in the agricultural areas of southern Somalia between the Juba and Shebelle rivers. They are called *Jareer* in Somali (‘hard hair’), indicating their physically distinct African descent and heritage.

Benadiri: minority group consisting of urban ‘coastal’ communities of mercantile Arab descent and common cultural heritage and Islamic religious traditions; they include *Rer Hamar* (in Mogadishu and the surrounding Benadir region), *Barawani* (in Brava), others in Merca and other coastal and inland towns, and *Bajuni* fishing-people in Kismayu port and nearby islands.

Darod: the largest majority clan-family.

Dir: a majority clan-family, comprising clans in southern Somalia, such as Biyamaal, and purportedly Issaq in Somaliland, though Issaq generally dispute this.

Gaboye: the commonly accepted term nowadays in Somaliland for Madhiban and Musse Deriyo minorities, historically called Midgan.

Hawiye: a majority clan based around the capital Mogadishu. The United Somali Congress (USC) force which overthrew the Siad Barre government in 1991 was based on Hawiye clan members.

Internally Displaced Person or IDP: person displaced within their own country, as distinct from refugees or asylum-seekers, who have fled to another country.

Islamic Courts Union: (ICU – also known by other similar names, such as Union of Islamic Courts) – formerly an armed opposition Islamist group opposing the TFG, later the core of the Eritrea-based opposition Alliance for the Re-Liberation of Somalia (ARS). The Djibouti-based wing of the ARS joined the TFG after negotiations in 2008 and the ICU leader, Sheikh Sharif Sheikh Ahmed, was elected by the TFP as President of Somalia in 2009.

Issaq: the dominant majority clan in Somaliland and its capital Hargeisa. The Somali National Movement (SNM) force, which defeated the Siad Barre government in the northwest in 1991, was based on Issaq clan members.

Jareer: see Bantu.

Madhiban: the commonly accepted term nowadays in Somalia (including Puntland) for the Midgan minority, although formally it refers to one section of Midgan/Gaboye, the other being Musse Deriyo.

Majorities: the four dominant ‘noble’ Somali clans (also called clan-federations or clan-families) – patrilineal descent-groups claiming common ancestry.

Midgan: the largest occupational ‘excluded’/discriminated against minority, traditionally mainly leather-workers and hunters, sub-divided into Madhiban and Musse Deriyo lineages, as they are more commonly named nowadays, and also known as Gaboye (see above).

Musse Deriyo: traditionally potters; see Midgan and Gaboye.

‘Noble’: English translation of the Somali terms *bilis* (in most of Somalia) and *aji* (in Somaliland) referring to the dominant majority clans (see ‘Majorities’).

‘Noble minorities’: numerically small local segments of majority clans who are politically disadvantaged.

Occupational group: occupation-based marginalized minority comprising three groups – Midgan, Tumul and Yibro – scattered throughout Somalia and Somaliland, and formerly attached to local clan segments.

Puntland: largely autonomous self-declared ‘regional state’ of the Somali Republic in the former north-eastern regions of Somalia, mainly inhabited by Darod clans. Puntland was unilaterally declared in 1998, with its own government and parliamentary assembly. Abdullahi Yusuf Ahmed (later President of Somalia) was its first president; the current President (elected in January 2009) is Abdullahi Fanoole.

Rahanweyn: an agro-pastoralist clan-family living mainly in the Bay and Bakol regions of southern Somalia, recognized as a majority clan in the TFG but formerly discriminated against by the three pastoralist clans. They are also known as Digil-Mirifle from their two subdivisions into Digil and Mirifle clans, or Reewin (their original term of self-description).

Al-Shabaab: ‘The Youth’ in Arabic, a radical Islamist political *jihadi* group opposing the TFG and AMISOM, and controlling large parts of territory in south-central Somalia. Formerly the armed wing of the ICU, fighting the TFG and the Ethiopian army until the latter’s withdrawal from Somalia in 2009, it has no clear organizational form, leadership structure or policies other than those deriving from their radical Islamist positions. It currently controls most of south-central Somalia and parts of Mogadishu.

Somali: person of Somali ethnic descent and heritage, including citizens of Somalia, Somaliland, the Somali Regional State of Ethiopia, other states in the region with large Somali populations (Kenya and Djibouti), and countries around the world with ethnic Somali diaspora minorities of refugees, asylum-seekers, migrants and naturalized citizens.

Somalia: the internationally recognized state of the Somali Republic (formerly known as the Somali Democratic Republic under the Siad Barre government). It is a member of the UN, African Union and League of Arab States. Since state collapse in 1991, it effectively consists only of south-central Somalia following the secession of Somaliland in 1991 and the declaration of near-autonomy by Puntland in 1998. Its government is the Transitional Federal Government (TFG), although this holds little effective control of the territory or even most of its capital, Mogadishu, which is the seat of the TFG and parliament (TFP).

Somaliland: the government of Somaliland, self-declared in 1991 but so far not internationally recognized, formed within the borders of the former British Somaliland Protectorate and consisting of the former north-western regions of Somalia. It has a disputed border with Puntland. Its citizens are known as Somalilanders and its capital is Hargeisa. Its current President is Ahmed Mohamed 'Silanyo', who replaced Dahir Ahmed Riyale after winning the July 2010 presidential election.

Transitional Federal Government or TFG: established in 2005 under the Transitional Federal Charter (constitution) as the result of a Peace and Reconciliation Conference held in Kenya to replace the previous Transitional National Government (TNG) established at the Artah Conference in Djibouti in 2002. Its first president was Abdullahi Yusuf Ahmed. Its current president is Sheikh Sharif Sheikh Ahmed, leader of the ICU.

Transitional Federal Parliament or TFP: established in 2005 and including representatives of the four majority clans and minorities in a 4.5 formula. It was expanded in 2009 to include the ICU and representatives of the Alliance for the Re-liberation of Somalia (ARS).

Tumal: the blacksmiths occupational minority.

Yibro: the smallest occupational group minority, traditionally respected and feared as ritual specialists, including attending birth and wedding ceremonies of 'nobles'.

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Notes

- 1 MRG's country reports and other publications have regularly publicized violations targeting Somali minorities. However, this is its first thorough study of the Somali minority rights issue, where MRG's concerns are clarified and its recommendations for action and advocacy are presented. MRG's annual analysis of those peoples or groups that are most under threat of violent repression, in its 'Peoples under Threat' survey, has led to some misunderstanding and criticism from Somali minorities through naming majority clans as well as minorities as the victims of Somalia's unrest. That listing was intended to record that civilians of all social groups remain at risk of massive human rights abuses in Somalia due to the conflict since 1991, including through inter-clan violence.
- 2 The World Bank, <http://data.worldbank.org/country/somalia>, accessed 21 June 2010.
- 3 United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) Somalia, South/Central Somalia Fact Sheet, November 2007.
- 4 UN OCHA Somalia, Somaliland Fact Sheet, May 2007.
- 5 Puntland Government, <http://www.puntlandgovt.com/profile.php>, accessed 21 June 2010.
- 6 UN-OHRRLLS, 'Country Profiles' and 'Criteria for identification of LDCs', <http://www.unohrrls.org/en/lcd/related/62/>, accessed 22 June 2010.
- 7 UNHCR Somalia Briefing Sheet, May 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SKEA-85MJBA-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SKEA-85MJBA-full_report.pdf/$File/full_report.pdf), accessed 16 June 2010.
- 8 World Food Programme, <http://www.wfp.org/countries/somalia>, accessed 23 June 2010.
- 9 Constitution of the Republic of Somaliland, Part Two, General Principles, Article 8: Equality of Citizens.
- 10 Transitional Constitution of Puntland Regional Government, Articles 23 and 39. Article 23 also states that the Constitution 'safeguards the rights of the minority groups'.
- 11 Article 15 of the 2004 TFG Charter states that, 'All citizens of the Somali Republic are equal before the law, have the right to equal protection and equal benefit of the law without distinction of race, birth, language, religion, sex or political affiliation.'
- 12 The research methodology for this report is described in Appendix 1.
- 13 'Noble' is the usual English translation of *bilis* in the south and *aji* in Somaliland. Both terms share the meaning 'pure'. The minorities were categorized as *bon* or *gum* in the south (as opposed to *gob* for 'nobles') and *sab* in Somaliland (Lewis 1994:151).
- 14 In this report, Somali names and places are spelled in an internationally recognizable form rather than a Somali-language form, e.g. Mogadishu (Muqdisho) and Darod (Darood).
- 15 Lewis, I. M., *A Pastoral Democracy: Study of Pastoralism and Politics Among the Northern Somali of the Horn of Africa*, Oxford, Oxford University Press, 1961 (revised ed.1999).
- 16 These groups may be called 'local noble minorities' (see also Lewis, *op. cit.*), and some have claimed minority status as an alternative route to equality, e.g., in allocations of reserved minority seats in the TFP and in Somaliland. MRG's concern focuses on the minority groups that have suffered severe human rights abuses and discrimination.
- 17 Lewis, I. M., *Blood and Bone: Call of Kinship in Somali Society*, Lawrenceville, NJ, Red Sea Press, 1994.
- 18 The Rahanweyn, as previously unarmed agro-pastoralists who were trying to promote their political and cultural rights, were formerly discriminated against by the 'noble' clans, but by developing a military force in the mid-1990s (the Rahanweyn Resistance Army, supported by Ethiopia to drive out General Aideed's occupying force), they secured federal regional status in Bay and Bakol regions and equal recognition as a 'noble' clan. Their homeland capital of Baidoa became the temporary seat of the transitional government and parliament from 2005 to 2008 during unrest in Mogadishu.
- 19 Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the UN GA on 18 December 1992, GA Res. 47/135. See also the International Covenant on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976, 999 UNTS 171.
- 20 This report concentrates on the situation in Somalia, Somaliland and Puntland, but the same majority/minority divisions and accompanying social attitudes are found in long-established Somali pastoralist communities in neighbouring countries – Ethiopia, Kenya and Djibouti. These countries did not historically contain Bantu or Benadiri settlements and therefore their minorities were mainly the occupational groups. They are also found among the global Somali diaspora of refugees and migrants.
- 21 These 'occupational groups' were formerly known as 'castes' or 'outcastes', with reference to the Indian caste system and compared to Dalits.
- 22 Lewis, I. M., *Peoples of the Horn of Africa and Somaliland: Somali, Afar and Saho*, London, Haan Press for the International African Institute, 1955, reprinted 1994; Lewis, I. M., *A Pastoral Democracy*, *op. cit.*; Lewis, I. M. *Blood and Bone*, *op. cit.*; and Luling, *op. cit.* Lewis 1955 uses the term 'bondsmen' for the *sab* and *boon* minorities, partly to distinguish the 'castes' from groups of slave origin (now called Bantu or Jareer).
- 23 *Sheegat* was nominally abolished by the Siad Barre government in 1960 to allow open access to land for all (Lewis 1994:144) but this made little difference. Some 'protection' relationships still survive, and MRG's researchers heard of many examples of individuals hiding their minority status and claiming the clan identity of their former protecting clan. This complicates the task of assessing the numbers of minorities.
- 24 *Dadka latakoooro* in Somali, meaning 'discriminated against on account of their clan'.
- 25 *Diya*, or blood compensation, is paid according to Somali customary law in response to injury or killing, but minority representatives report that they either cannot expect to obtain compensation from major clans (see, for example, Danish Refugee Council and Danish Immigration Service, *Human Rights and Security in Central and Southern Somalia*, August 2007, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46e109d92&skip=&coi=SOM>, accessed 22 June 2010), or, as told to MRG's researchers by a Madhiban man in describing the 2009 case of the killing of a Madhiban man in Mogadishu, that the killing of a minority person commands less payment than that of a 'noble' clan member.

- 26 UN OCHA Somalia, *A Study on Minorities in Somalia*, 2002, <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/7d1fc87ed568612dc1256c0004a2463>, accessed 22 June 2010.
- 27 Besteman, C., *Unraveling Somalia: Race, Violence and the Legacy of Slavery*, Philadelphia, University of Pennsylvania Press, 1999.
- 28 Lehman Van, D. and Eno, O., *Cultural Genocide and Ethnic Cleansing of Minorities in Southern Somalia by al-Shabaab*, National Somali Bantu Project, October 2009.
- 29 The term 'Bantu' is used here for this Somali minority for reasons of simplicity and because of its wide use in the region. 'Bantu' technically refers to an African language group in eastern, central and southern Africa, but that is not the usage here. Somali Bantu activists have generally accepted this term in a positive light (see Eno, M. A., *The Bantu-Jareer Somalis: Unearthing Apartheid in the Horn of Africa*, London, Adonis & Abbey publishers, 2008, and also Menkhaus, K., 'Bantu Ethnic Identity', France, *Annales d'Ethiopie*, 2003).
- 30 For example, in language, community institutions and leadership, beliefs and rituals, ceremonies, music, masquerades and dancing (See Luling, V., *Somali Sultanate: The Geledi City State Over 150 Years*, London, Haan Press, 2002; and Besteman, *op. cit.*).
- 31 Cassanelli, L., *Shaping of Somali Society: Reconstructing the History of a Pastoral People, 1600–1900*, Philadelphia, University of Pennsylvania Press, 1982; Besteman, *op. cit.*; Eno, O., 'Landless Landlords and Landed tenants: Plantation Slavery in Southern Somalia (1840-1940)' in A. Kusow (ed.), *Putting the Cart before the Horse: Contested Nationalism and the Crisis of the Nation-State in Somalia*, Trenton, NJ, The Red Sea Press, 2004.
- 32 Besteman, *op. cit.*; and Eno, *op. cit.*
- 33 Luling, *op. cit.*
- 34 Eno, *op. cit.*
- 35 Menkhaus, *op. cit.*
- 36 Non-Bantu weak clan-segments such as the Biyamaal (a Dir clan) also suffered forced labour by Hawiye warlord militias in the 1990s.
- 37 Lindley A., 'Voices of the dispossessed: displacement and peacebuilding in the Somali regions', Conciliation Resources, accessed 22 June 2010, <http://www.c-r.org/our-work/accord/somalia/voices-dispossessed.php>
- 38 However, a case reported to MRG researchers shows this kind of linkage may still occur. In Mogadishu in March 2009, 'noble' and minority elders negotiated a case where a Madhiban man linked to a Hawiye subclan allegedly killed another Madhiban man linked to a Darod subclan. The former subclan paid *dija* to the latter, but at a rate of USD\$160, half the amount for a 'noble' clan member. Such linkages and bloodwealth payments reportedly no longer existed in Somaliland, where Gaboye have long been independent of clans, neither contributing nor receiving *dija* or customary protection.
- 39 According to Iran Ka Yeer, a new Midgan community group, leader Ali Luglow was allegedly brutally killed in public, while other minority members were beaten, stripped naked, and their houses confiscated or burned.
- 40 UN OCHA Somalia, accessed 15 June 2010, <http://www.somali-jna.org/downloads/Humanitarian%20Access%20Fact%20Sheet.pdf> and IDMC 'Somalia', [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/21DB4D95C972619CC12576880041AE10/\\$file/Somalia+-+December+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/21DB4D95C972619CC12576880041AE10/$file/Somalia+-+December+2009.pdf)
- 41 See, for example, Luling, *op. cit.*
- 42 See Abbas, A. and Abdulkadir, K., *Somalia: The Struggle of the Benadir People and the Betrayals in History*, London, Benadir Publications, 2010.
- 43 It is not appropriate to call Benadiri collectively a 'clan' or 'clans', as they have no common ancestor and do not form a genealogically-reckoned descent-group.
- 44 Fishing and fish-eating were traditionally despised by pastoralists, but supported and encouraged by the Siad Barre government.
- 45 Having a *Hawiye* gunman providing armed protection is called the 'black cat' system.
- 46 This is probably the most useful term to describe the group in English. They could alternatively be termed the 'occupationally discriminated against groups' as they are discriminated against on account of their occupations. The term is *Dadka la yabsooco* in Somali. In Somaliland, they are called *saab* or *boon*.
- 47 Pastoralist women, men and children had numerous tasks, but minorities' tasks were 'set apart', symbolically loaded with contempt, and removed from central pastoralist tasks and skills.
- 48 Only fragmentary details are available on the social structure and institutions, cultural and artistic practices, or historical origins of the occupational groups, and no ethnographic fieldwork research has yet been conducted.
- 49 *Gaboye* is a preferred and non-insulting term replacing the historically pejorative associations of 'Midgan' as used by majority clans. See Gaildon, M., *The Yibir of Las Burgabo*, NJ, USA, Red Sea Press, 2005. Some *Gaboye* claim the term *Gaboye* represents all occupational groups in Somaliland, but MRG's researchers found that this is not generally accepted by Tumul or Yibro.
- 50 Occupational groups are also known by different names in different localities, such as Yahar or Gabyo in Hiraan region, while some have become identified with their affiliated clans.
- 51 These elements include religious orders (*tariqa*), mystical Sufi beliefs, *zar* spirit-possession cults, Islamic healing, magic and medicine, and devotion to local saints or holy tombs and places of pilgrimage (for Barawani particularly). See Lewis, *op. cit.*
- 52 UN OCHA, Humanitarian Bulletin, 25 September 2006, <http://www.ocha-eth.org/Reports/downloadable/HumanitarianBulletin25September.pdf>, retrieved 23 June 2010.
- 53 Shari'a law was adopted by the TFP in principle in Somalia in 2009 but without any legislation to define or implement it. It had previously been applied by the ICU in 2006 through informally established Shari'a courts in areas it controlled.
- 54 Stiles, D. N., 'Historical interrelationships of the Boni with pastoral peoples of Somalia and Kenya', in H. M. Adam and C. L. Gesheker (eds.), *Kenya Past and Present*, vol. 20, Atlanta, Georgia, USA, Scholars Press, 1992, pp. 38–45.
- 55 Ngaruiya, G., 'The Awer, or Boni, people', 16 June 2008, Zoological Society of London EDGE programme, <http://www.edgeofexistence.org/edgeblog/?p=668>, retrieved 23 June 2010.
- 56 International Labour Organization and the African Commission on Human and Peoples' Rights, *Kenya: constitutional, legislative and administrative provisions concerning indigenous peoples*, country report, ILO, Geneva, 2009.
- 57 See also Kane, I., *Protecting the rights of minorities in Africa: A guide for human rights activists and civil society organizations*, London, MRG, 2008.
- 58 The man referred to a number of insulting names and expressions related to stereotypes about his identity.
- 59 Testimony given to MRG's researcher by phone, March 2010.
- 60 International Covenant on Civil and Political Rights (ICCPR), 1966, New York, UN doc. A/6316.
- 61 African Charter on Human and Peoples' Rights, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).
- 62 The minority allocations were as follows, according to a TFP source: Jareer 7, Benadiri 6, Madhiban 2, Rer Aw Hassan 3,

- Arab Salah (Meheri) 2, Musse Deriyo 2, Ajuran 2, Tumul 1, Yahar 1, Yibro 1, Arab Somali 1, Garjante 1. Some appear to be 'noble minorities' rather than discriminated against minorities.
- 63 Just as, traditionally, a migrating lineage could realign itself where it found best protection, some weak sub-clans could choose the relative advantages of gaining a parliamentary seat as a minority or as a majority sub-clan. Such groups were Ajuran (a Hawiye sub-clan), Meheri (a Majerteen sub-clan in Puntland) and Gargante (a Hawiye sub-clan).
- 64 Eno, M.A., 'Inclusive but unequal: the enigma of the 14th SNRC and the 4.5 factor', in A. A. Osman and I. K. Souaré (eds), *Somalia at the crossroads: Challenges and Perspectives in Reconstituting a Failed State*, London, Adonis & Abbey, 2007; Eno, M. A. and Eno, O.A., 'Intellectualism amid ethnocentrism: Mukhtar and the 4.5 factor', in Bildaan: *Journal of International Somali Studies*, vol. 9, pp. 137-145, 2009.
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- 67 See the section on Somaliland for more cases.
- 68 VOSOMWO, 'Final Report: Minority Rights Monitoring Survey', Somaliland, VOSOMWO, 2006.
- 69 Lehman Van, D., and Eno, O., 'The Somali Bantu: Their History and Culture', Center for Applied Linguistics, Washington, DC, February 2003.
- 70 *Ibid.*
- 71 Danish Immigration Service, Report on Minority Groups in Somalia, 24 September 2000, <http://www.unhcr.org/refworld/docid/3ae6a5fa0.html>, accessed 21 July 2010.
- 72 Malawi African Association and Others v. Mauritania, (2000), African Commission on Human and Peoples' Rights, Comm. Nos. 54/91, 61/91, 98/93, 164/97 à 196/97 and 210/98.
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- 75 UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, 5 May 2010, HCR/EG/SOM/10/1, <http://www.unhcr.org/refworld/docid/4be3b9142.html>, accessed 20 July 2010.
- 76 'Parliament Reviews Local Gov' Election Law', The Somaliland Times, 14 July 2007; Jama, I. H., *Somaliland Electoral Laws*, Somaliland, 2009, p. 28, www.somalilandlaw.com
- 77 VOSOMWO, *op. cit.*
- 78 Dami village, where several tens of thousands of minorities live, grew out of the displacement in 1991 of minorities living in central areas of Hargeisa when the SNM took power. The ever-growing site consists of a mass of round huts with virtually no infrastructure facilities or sanitation.
- 79 International Crisis Group (ICG), 'Somalia: The Trouble with Puntland', policy briefing, 12 August 2009, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/somalia/B064%20Somalia%20The%20Trouble%20with%20Puntland.ashx>, retrieved 30 June 2010.
- 80 ICG, *op. cit.*
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- 85 UN, 'Technical Assistance and Capacity Building: Report of the Independent Expert on the Situation of Human Rights in Somalia, Shamsul Bari', 23 March 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/124/58/PDF/G1012458.pdf?OpenElement>
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No redress: Somalia's forgotten minorities

This report documents the neglected situation of Somalia's minorities. It aims to raise awareness of the continuing severe violations of their human rights, so that they can move from exclusion and poverty towards a future of dignity, equal opportunities and non-discrimination alongside their fellow citizens.

The report examines the current situation in three regions of Somalia – Somaliland, Puntland and south-central Somalia – where differing political climates have left minorities in a state of desperation. Severe human rights violations against internally displaced minorities, particularly women, were reported to MRG's researchers in Puntland. Accounts of hate speech, displacement and religious persecution, particularly of Christians, emerged in the violent south-central region of the country, where militant organization al-Shabaab controls much of the

territory. Meanwhile, in the relatively peaceful self-declared Republic of Somaliland in north-western Somalia, minorities still face significant barriers in the political, educational and social spheres.

MRG emphasizes, among other recommendations, that the future new Constitution of Somalia must recognize the country's minorities and guarantee their right to non-discrimination; that the participation of minorities in public life should be promoted; and that special measures should be implemented to protect and promote the rights of women from minority communities.

The report's author, Martin Hill, is a specialist on Somali human rights. He has extensive experience of the Horn of Africa, having spent more than 30 years as a researcher for Amnesty International.