International Protection Considerations with Regard to People Fleeing Somalia

September 2022
HCR/IPC/SOM/2022/01
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<th>Full Form</th>
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<tr>
<td>ACLED</td>
<td>Armed Conflict Location &amp; Event Data</td>
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<tr>
<td>AP</td>
<td>Associated Press</td>
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<tr>
<td>ASWJ</td>
<td>Ahlu Sunna wal Jama’a</td>
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<tr>
<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<tr>
<td>CEDAW</td>
<td>Committee on the Elimination of All Forms of Discrimination Against Women</td>
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<tr>
<td>CFR</td>
<td>Council on Foreign Relations</td>
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<tr>
<td>COHF</td>
<td>Candle of Hope Foundation</td>
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<td>CPJ</td>
<td>Committee to Protect Journalists</td>
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<td>CPU</td>
<td>Child Protection Unit</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CSIS</td>
<td>Center for Strategic and International Studies</td>
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<td>CTFMR</td>
<td>Country Task Force on Monitoring and Reporting</td>
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<td>DCAF</td>
<td>Geneva Centre for Security Sector Governance</td>
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<tr>
<td>DRR</td>
<td>Disarmament, Rehabilitation, and Reintegration</td>
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<td>DW</td>
<td>Deutsche Welle</td>
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<tr>
<td>EASO</td>
<td>European Asylum Support Office (now the EUAA)</td>
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<td>EUAA</td>
<td>European Union Agency for Asylum (formerly EASO)</td>
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<td>FAO</td>
<td>Food and Agriculture Organization</td>
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<td>FGM</td>
<td>Female Genital Mutilation</td>
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<td>FGS</td>
<td>Federal Government of Somalia</td>
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<td>FMS</td>
<td>Federal Member State</td>
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<td>GBV</td>
<td>Gender-Based Violence</td>
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<td>HPRD</td>
<td>Horn Population Research &amp; Development</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<td>IDMCR</td>
<td>Internal Displacement Monitoring Centre</td>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>IED</td>
<td>Improvised Explosive Device</td>
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<td>IFA/IRA</td>
<td>Internal Flight Alternative / Internal Relocation Alternative</td>
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<td>IFJ</td>
<td>International Federation of Journalists</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IHL</td>
<td>International Humanitarian Law</td>
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<td>ILGA</td>
<td>International Lesbian, Gay, Bisexual, Trans and Intersex Association</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>IPI</td>
<td>International Peace Institute</td>
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<td>ISS</td>
<td>Islamic State in Somalia</td>
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<td>LSE</td>
<td>London School of Economics and Political Science</td>
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<td>MRG</td>
<td>Minority Rights Group International</td>
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<td>NCC</td>
<td>National Consultative Council</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NISA</td>
<td>National Intelligence and Security Agency</td>
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<td>NRC</td>
<td>Norwegian Refugee Council</td>
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NUSOJ | National Union of Somali Journalists
OAU | Organization of African Unity (succeeded by the AU)
OCHA | United Nations Office for the Coordination of Humanitarian Affairs
OHCHR | Office of the High Commissioner for Human Rights
PLWD | Persons Living With Disabilities
RSF | Reporters Sans Frontières (Reporters Without Borders)
SOGI | Sexual Orientation and/or Gender Identity
SJS | Somali Journalists Syndicate
SMSJ | Somali Mechanism for Safety of Journalists
SNA | Somali National Army
SPF | Somali Police Force
UN | United Nations
UNCRC | United Nations Committee on the Rights of the Child
UNDP | United Nations Development Programme
UNFPA | United Nations Population Fund
UNHCR | United Nations High Commissioner for Refugees
UNICEF | United Nations Children's Fund
UNSOM | United Nations Assistance Mission in Somalia
USCIRF | US Commission on International Religious Freedom
VOA | Voice of America
VOSOMWO | Voices of Somaliland Minority Women Organization
I. Executive Summary

This document supersedes previous country guidance published by UNHCR on Somalia, including, most recently, the May 2016 UNHCR Position on Returns to Southern and Central Somalia (Update I).\(^1\) It is issued against a background of continuing concerns about the security situation in the country and

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widespread human rights abuses. It contains information on particular profiles of persons for whom international protection needs may arise in the current context in Somalia.

This document includes the most up-to-date information available at the time of writing, from a wide variety of sources. The analysis contained in this document is informed by publicly available information and by information collected and obtained by UNHCR in the course of its operations in Somalia and elsewhere, as well as by other United Nations (UN) agencies and partner organizations.

All claims lodged by asylum-seekers need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information. This applies whether the claims are analysed on the basis of the refugee criteria contained in the 1951 Convention Relating to the Status of Refugees (“1951 Convention”), and its 1967 Protocol, UNHCR’s mandate, regional refugee instruments, or on the basis of broader international protection criteria, including complementary forms of protection.

A. Refugee Status under the 1951 Convention

People fleeing Somalia may be at risk of persecution for reasons that are related to the ongoing armed conflict in Somalia, or on the basis of serious human rights violations that are not directly related to the conflict, or a combination of the two. UNHCR considers that individuals falling into one or more of the following risk profiles may be in need of international protection, depending on the individual circumstances of the case:

1. Individuals (Perceived as) Supporting the Federal Government of Somalia (FGS), Federal Member States (FMS) and/or Related Actors;
2. Members of Minority Religions and Those Accused of Blasphemy or Apostasy by Actors other than Al-Shabaab;
3. Individuals (Perceived as) Contravening Islamic Sharia and Decrees Imposed by Al-Shabaab, Including Those Deemed to Be “Apostates” by Al-Shabaab;
5. Journalists and Human Rights Defenders;
6. Children Exposed to Underage and Forced Recruitment and Adults Who Resist the Recruitment of Children;
7. Al-Shabaab Defectors;
8. Individuals Belonging to a Clan Engaged in Inter-Clan Conflicts, Including Blood Feuds;
9. Individuals Targeted for Taxation and/or Extortion by Al-Shabaab;
10. Women and Girls;
11. Children;
12. Survivors of Trafficking and Persons at Risk of Being Trafficked;
13. Individuals of Diverse Sexual Orientations and/or Gender Identities (SOGI);
14. Persons Living with Disabilities (PLWD) and Persons Living with HIV/AIDS.

This list is not necessarily exhaustive and is based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Depending on the specific circumstances of the case, family members or other members of the households of individuals found to be at risk of persecution may also be in need of international protection on the basis of their association with individuals at risk.

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2 These Guidelines are based on information available to UNHCR as of 25 August 2022, unless otherwise stated.
Somalia continues to be affected by a non-international armed conflict. Individuals fleeing violence or the threat of violence in the context of this conflict may meet the criteria for refugee status as contained in Article 1(A)(2) of the 1951 Convention.

For this to be the case, the feared persecution arising from the violence must be for reason of a 1951 Convention ground. In the context of Somalia, examples of circumstances where civilians are subjected to violence for reason of a 1951 Convention ground include situations where violence is targeted at areas where civilians of specific clans or specific ethnic, political or religious profiles predominantly reside, or at locations where civilians of such profiles predominantly gather (including markets, mosques, schools, or large social gatherings such as weddings). To qualify for refugee status there is no requirement that an individual be known personally to the agent(s) of persecution or be sought out personally by those agents. Similarly, entire communities may have a well-founded fear of persecution for one or more of the 1951 Convention grounds; there is no requirement that an individual suffer a form or degree of harm above that suffered by other individuals with the same profile.

For civilians fleeing violence to come within the scope of Article 1(A)(2) of the 1951 Convention, the impact of the violence must be sufficiently serious to amount to persecution. A risk of regular exposure to violent conduct or to the consequences of such conduct can amount to persecution within Article 1(A)(2) of the 1951 Convention, either independently or cumulatively. In the context of the conflict in Somalia, relevant considerations to determine whether the consequences of conflict-related violence for civilians are sufficiently serious to meet the threshold of persecution include the number of civilian casualties and the number of security incidents, as well as the existence of serious violations of international humanitarian law which constitute threats to life or freedom or other serious harm. Such considerations are not, however, limited to the direct impact of the violence, but also encompass the long-term and indirect consequences of violence, including the impact of the conflict on the human rights situation and the extent to which it impedes the ability of the State to protect human rights.

Relevant factors in this respect are: (i) territorial and social control exercised by Al-Shabaab over the civilian population in South and Central Somalia (see map on page 10), including through illegal taxation, the meting out of illegal punishments via parallel justice systems, restrictions on social conduct and freedom of movement, and threats and intimidation against civilians; (ii) forced recruitment; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty and the destruction of livelihoods and the loss of assets; (iv) high levels of crime and corruption and the ability of clan leaders and corrupt government officials to operate with impunity; (v) systematic constraints on access to education and basic health care as a result of insecurity; (vi) systematic constraints on participation in public life, in particular for women; and (vii) localized violence and revenge killings as a result of clan-based disputes.

**B. Broader UNHCR Mandate Criteria, Regional Instruments and Complementary Forms of Protection**

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention should be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention should broader international protection criteria as contained in UNHCR’s mandate and regional instruments be examined, including subsidiary protection.

Individuals who flee situations of violence where there is no nexus with a 1951 Convention ground would not ordinarily come within the scope of the 1951 Convention. Such individuals may nevertheless...
come within the terms of UNHCR’s broader mandate criteria, or the criteria set out in regional instruments.

UNHCR’s mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol, but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder. In light of this evolution, UNHCR’s competence to provide international protection to refugees extends to individuals who are outside their country of origin or of habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.10

In Somalia, indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence include: (i) the number of civilian casualties as a result of indiscriminate acts of violence, including suicide attacks, the use of improvised explosive devices (IEDs), landmines and air strikes; (ii) the number of conflict-related security incidents (see Section II.C.2); and (iii) the number of people who have been forcibly displaced due to conflict (see Section II.F). Such considerations are not, however, limited to the direct impact of the violence. They also encompass the longer-term, more indirect consequences of conflict-related violence that, either alone or cumulatively, give rise to threats to life, physical integrity or freedom.

In the exceptional circumstances of Somalia, relevant considerations to assess the threat to life, physical integrity or freedom resulting from events seriously disturbing public order include the fact that Al-Shabaab controls large parts of South and Central Somalia and exercises partial control and influence throughout almost the entire area. The following map shows areas under Al-Shabaab control as of December 2021.12

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Available information indicates that the exercise of control by Al-Shabaab over key aspects of people’s lives in these areas is repressive, coercive and undermines an ordre public based on respect for the rule of law and human dignity. Such situations are characterized by the systematic use of intimidation and violence against the civilian population, in a climate of widespread human rights abuses.  

UNHCR considers that individuals who originate from areas affected by active combat between government-affiliated forces and Al-Shabaab or from areas under the full or partial control of Al-Shabaab as characterized above, may, depending on the circumstances of their case, be in need of international protection. Those who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international protection under UNHCR’s broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

Somalis and others originating from Somalia who seek international protection in countries that are States Parties to the Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Convention") 14, and who have been found not to meet the criteria of the 1951 Refugee Convention, may qualify for refugee status under Article I(2) of the 1969 OAU Convention. In particular, UNHCR considers that individuals originating from areas of Somalia that are affected by active combat between government-affiliated forces and Al-Shabaab as well as areas of Somalia that are under the full or partial control of Al-Shabaab, may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.  

Somali asylum-seekers who seek international protection in any of the countries that have incorporated the Cartagena Declaration on Refugees ("Cartagena Declaration") 16 into their national legislation may qualify for refugee status under the terms of the Cartagena Declaration. In particular, UNHCR considers that individuals originating from areas in Somalia affected by active combat between government-affiliated forces and Al-Shabaab or from areas under the full or partial control of Al-Shabaab, and who have been found not to meet the criteria of the 1951 Refugee Convention, may be in need of international protection under the terms of the Cartagena Declaration on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order.  

Somalis who seek international protection in Member States of the European Union (EU) and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of EU Directive 2011/95/EU (Qualification Directive), if there are substantial grounds for believing that they would face a real risk of serious harm in Somalia. 17 In light of the information presented in

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13 See Section II.D.1.c of these Guidelines.  
16 Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html. Although the Cartagena Declaration is a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see UNHCR, Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions. 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/563959584.html, paras 61-85.  
17 Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict. European Union, Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast), 13 December 2011, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN (hereafter: EU, Qualification Directive, 2011, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN), Articles 2(f). 15.
Section II.D of these Guidelines, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds that they would face a real risk of the relevant forms of serious harm (death penalty\(^\text{18}\) or execution; or torture or inhuman or degrading treatment or punishment), either at the hands of the State or its agents, or at the hands of Al-Shabaab.\(^\text{19}\) Equally, in light of the fact that Somalia continues to be affected by a non-international armed conflict and in light of the information presented in Sections II.C, II.D, II.E and II.F of these Guidelines, applicants originating from or previously residing in conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds that they would face a serious and individual threat to their life or person because of indiscriminate violence.

Given the fluid nature of the conflict in Somalia, applications by Somalis for international protection under UNHCR’s mandate or under the definitions contained in regional instruments should each be assessed carefully in light of the evidence presented by the applicant and other current and reliable information about the situation in the country, giving due weight to the future-oriented nature of assessments of protection needs.

C. Internal Flight or Relocation Alternative (IFA/IRA)

In light of the available evidence of serious and widespread human rights abuses by Al-Shabaab across South and Central Somalia in areas they fully or partially control, paired with the inability of the State to provide protection against such abuses in these areas, UNHCR considers that an IFA/IRA is not available in areas of the country that are under the full or partial control of Al-Shabaab.

UNHCR considers that an IFA/IRA is also not available in areas of the country affected by active combat between government-affiliated forces and Al-Shabaab.

For detailed guidance on the assessment of the availability of an IFA/IRA in parts of Somalia that are neither under the control of Al-Shabaab nor affected by active combat, please see Sections III.C.1 (relevance analysis) and III.C.2 (reasonableness analysis).

In the case of Benadir/Mogadishu as a proposed area of IFA/IRA, UNHCR provides the following guidance (see Section III.C.3): to assess the relevance of Mogadishu as a proposed IFA/IRA, and in particular the risk that the applicant would face a real risk of serious harm, including a serious risk to life, safety, liberty or health, or of serious discrimination, decision-makers must pay due regard to the negative trends in relation to the security situation for civilians in Mogadishu and the ability of Al-Shabaab to carry out attacks in Mogadishu. Notably, Al-Shabaab taxes and extorts persons in Mogadishu and carries out attacks that cause significant civilian casualties. UNHCR notes that civilians who partake in day-to-day economic and social activities in Mogadishu are exposed to a risk of falling victim to a violent attack in the city. Such activities include travelling to and from a place of work, travelling to hospitals and clinics, or travelling to school; livelihood activities that take place in the city’s

\(^\text{18}\) Somalia’s Penal Code “retains the death penalty for twenty crimes, including many that do not constitute the ‘most serious’ crimes […] In addition to murder, they include crimes against the State, such as treason, espionage, bearing arms against the State, and disclosure of State secrets, and crimes endangering public safety, such as polluting the food or water supply, or causing an epidemic, resulting in death.” Advocates for Human Rights / World Coalition against the Death Penalty, Somalia: Stakeholder Report for the United Nations Universal Periodic Review, 15 October 2020, www.upr-info.org/sites/default/files/documents/2021-07/js2_upr38_som_e_main.pdf, para. 10. See also, Federal Government of Somalia, Somalia: Penal Code, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, Arts 184-186, 190, 196, 198-201, 204-206, 221-223, 329, 334 and 335, 434, 436. As of August 2022, there are 139 persons on death row in Somalia. The country executed 22 persons in 2021, 20 persons in 2020 and 13 persons in 2019. World Coalition Against the Death Penalty, Somalia, accessed 25 August 2022, https://worldcoalition.org/pays/somalia/.


Al-Shabaab uses the death penalty on, inter alia, spies and persons accused of witchcraft, blasphemy or adultery. See Section III.A.3.b.

\(^\text{19}\) It should be noted that where applicants face a real risk of such treatment for reason of a 1951 Convention ground, they should be accorded refugee status under the Convention (unless they are to be excluded from the benefit of protection under the Refugee Convention under Article 1F); only where there is no nexus between the risk of serious harm and one of the Convention grounds should the applicant be accorded subsidiary protection. See also, UNHCR, UNHCR Annotated Comments on the EC Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise need International Protection and the Content of the Protection Granted (OJ L 304/12 of 30.9.2004), January 2005, www.unhcr.org/43661eee2.pdf, p. 32.
streets, such as street vending; as well as going to markets, mosques and other places where people gather.

To assess the reasonableness of Mogadishu as a proposed IFA/IRA, it must be established that the applicant will have access in Mogadishu to:

(i) shelter;
(ii) essential services, such as potable water and sanitation, health care and education;
(iii) livelihood opportunities, or proven and sustainable support to enable access to an adequate standard of living.

Particularly relevant in this regard are patterns of displacement to Mogadishu, where most displaced persons end up living in districts on the outskirts of the city. The city has high levels of poverty and large numbers of people in need of humanitarian assistance. Influxes of IDPs have strained Mogadishu’s resources and services, and IDPs struggle to find livelihoods. Additionally, IDPs face forced evictions and secondary displacement.

UNHCR considers that given the current security, human rights, economic and humanitarian situation in Mogadishu, an IFA/IRA is generally not available in the city. An IFA/IRA may be available in exceptional cases, for example, for single healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), and who belong to a local majority clan such as the Abgaal subclan of the Hawiye through which they have access to (i) shelter outside an IDP settlement and without risk of eviction, (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood that does not place the person at an elevated risk of the indiscriminate violence affecting Mogadishu, or proven and sustainable support to enable access to an adequate standard of living.

In the case of Garowe as a proposed area of IFA/IRA, UNHCR provides the following guidance (see Section III.C.4): to assess the relevance of Garowe as a proposed IFA/IRA, decision-makers must assess whether an applicant can access Garowe by air as road travel is unsafe in South and Central Somalia.

To assess the reasonableness of Garowe as a proposed IFA/IRA, it must be established that the applicant will have access in Garowe to:

(i) shelter;
(ii) essential services, such as potable water and sanitation, health care and education;
(iii) livelihood opportunities, or proven and sustainable support to enable access to an adequate standard of living.

Particularly relevant in this regard is the high number of IDPs in Garowe, making up one-third of the population of the city, and the situation of IDPs in Garowe, who face rising food insecurity, poverty, insufficient livelihoods, forced evictions and lack of access to healthcare or sanitation. Additionally, it is reported that clan background is extremely important in Puntland and minority clans, as well as persons from majority clans that are in a minority in Puntland, suffer discrimination and may struggle to find livelihoods or provide for themselves in Garowe.

UNHCR considers that given the current economic and humanitarian situation in Garowe, an IFA/IRA would be available only for single, healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), who belong to a clan in Puntland through patrilineal descent through which they have access to (i) shelter outside an IDP settlement and without risk of eviction, (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood or proven and sustainable support to enable access to an adequate standard of living.
UNHCR considers that an IFA is generally not reasonable for members of minority groups, families with children, female-headed households, persons who do not have access to any kind of support network in Garowe, and persons from a majority clan who are otherwise in the minority in Garowe, for example, the Rahanweyn.

In the case of Hargeisa as a proposed area of IFA/IRA, UNHCR provides the following guidance (see Section III.C.5): to assess the relevance of Hargeisa as a proposed IFA/IRA, decision-makers must take into account documentation and visa requirements, including for Somali citizens not originating from Somaliland.

To assess the reasonableness of Hargeisa as a proposed IFA/IRA, it must be established that the applicant will have access in Hargeisa to:

(i) shelter;
(ii) essential services, such as potable water and sanitation, health care and education;
(iii) livelihood opportunities, or proven and sustainable support to enable access to an adequate standard of living.

Particularly relevant in this regard is the situation of IDPs from South and Central Somalia in Hargeisa, who lack access to livelihoods, water and sanitation as well as other basic necessities. IDPs from South and Central Somalia face discrimination and lack access to justice. The Isaaq clan is dominant in the city, and minority groups, as well as majority clan members who are not from the Isaaq clan, do not have the same access to property, services or livelihoods.

UNHCR considers that given the current socio-economic and humanitarian situation in Hargeisa, including for IDPs and specifically for IDPs who do not originate from Somaliland, an IFA/IRA would be available only for single, healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), who originate from Somaliland and who have access to a local support network through which they have access to:

(i) shelter outside an IDP settlement and without risk of eviction, (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood or proven and sustainable support to enable access to an adequate standard of living.

UNHCR considers that an IFA is generally not reasonable for families with children and female-headed households, even if they originate from Somaliland.

D. Exclusion Considerations

Somalia has a long history of armed conflict, serious human rights violations and transgressions of international humanitarian law — in light of this, exclusion considerations under Article 1F of the 1951 Convention may arise in relation to individual asylum claims by Somali asylum-seekers. Exclusion considerations may be triggered in any individual case if there are elements in the applicant’s claim that suggest that he or she may have been associated or involved with criminal acts that fall within the scope of Article 1F of the 1951 Convention. Exclusion considerations may arise in the cases of Somali asylum-seekers with certain backgrounds and profiles, including persons who have been engaged in the hostilities and armed conflict.

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20 “The protracted humanitarian crisis in Somaliland is multi-layered and complex. Limited development coupled with recurring climatic shocks, such as drought, riverine and flash-flooding, give rise to high levels of need among affected populations. The majority of internally displaced persons (IDPs) reside in overcrowded shelters in densely populated urban areas, further increasing their exposure to the risks and impacts of COVID-19.” REACH, Detailed Site Assessment (DSA): Hargeysa District, Wajir Region, Somalia, 7 April 2022, https://reliefweb.int/report/somalia/detailed-site-assessment-dsa-hargeysa-district-wajir-region-somalia-march, p. 1, see also pp. 3-5.

21 See for example, Global Centre for the Responsibility to Protect, Somalia: Populations at Risk, 5 April 2022, www.globalr2p.org/countries/somalia/ and the UN Secretary-General’s reports on Somalia, available at https://unsom.unmissions.org/secretary-generals-reports.
II. Overview of the Situation in Somalia

A. Somali Clans, Customary Law, Social Norms and Structures

Somalis are not ethnically homogenous, and there are significant variations in culture and language, especially between communities in southern and central Somalia. There is, however, a “dominant” ethnicity associated with the northern pastoralist groups, the Samaal, whose social structures have become pervasive in Somali society over several centuries and who traditionally spoke Af-Maxaa-tiri, which is present-day Somalia’s official language. The history of the Samaal expansion into modern-day southern and central Somalia has been one of interaction with, but eventually domination of other ethnic groups, including of the sedentary agro-pastoralists in the inter-riverine area, as well as other minority or “outcaste” groups. The latter non-Samaal groups have either been expected to adapt to Samaal culture, or face social exclusion, discrimination and, in some cases, persecution.

The position of a Somali vis-à-vis the clan system of the Samaal continues to be a primary defining factor in that person’s social relations, access to justice and other civil and political rights, and their political allegiances.

The clan structure is based on a “vertically oriented segmentary lineage system” in which an individual’s clan identity is passed down through the male line. The segmentary lineage system can be differentiated into categories of clan-family, clan, sub-clan, primary lineage and diya-paying group (also called mag-paying group) as divisions of varying size.

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Although the lineages of *Samaal* are supposedly united by common descent from a mythical forefather, the clan-family is generally the largest grouping defining individual clan identity. The *Samaal* nomadic pastoralist clan-families include the Darod, Hawiye, Dir and, arguably, the Isaaq. The Rahanweyn, who were traditionally agro-pastoralists and who inhabit parts of Bay, Bakool and Gedo regions, are distinct from the pastoralist Somalis, and have a different genealogy, although they claim a similar mythological descent. These groups (Darod, Hawiye, Dir, Isaaq and Rahanweyn) are sometimes referred to as majority clans. Clan-family identities dictate political representation and have been mobilized and exploited by political leaders. Minority groups (also called minority clans) are...
marginalized because of their lack of access to clan resources and their non-participation in the clan framework. 35

The “most basic and functional lineage unit” is the diya or mag-paying group, which consists of a “few hundred to a few thousand men” who trace their lineage to a common ancestor removed 4-8 generations and which is responsible for paying blood compensation, which is 100 camels in the case of homicide according to Sharia law. 36 The foundation of Somali customary law, called Xeer, is that violations can be compensated by a mag-paying group. 37 Therefore, each member of a clan is part of a mag-paying group, and membership in the group defines a person’s social, political and legal participation in society. 38

1) Customary Law (Xeer)

Somali Xeer, or customary law, is a collection of unwritten agreements, passed down orally from generation to generation. 39 Xeer is used to manage inter-clan relations, including marriage, hospitality, rules of resource use, and compensation for crimes committed by members of one clan against another; most precepts are “about collective defence and security and political cohesion in general.” 40 Decisions by the clan elders, usually of the offending and offended group, are precedent-based, but may also incorporate Sharia law and may fluctuate based on area or clan. 41 Xeer holds the entire mag-paying group collectively responsible for a crime committed by one or more of its members. 42 If the mag is not paid, then the aggrieved clan may opt to kill the criminal or other members of that person’s clan—a form of collective criminal responsibility that in theory acts as a deterrent against crimes being committed in the first place, and as a way of enforcing payment compensation. 43

35 “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.” MRG, No Redress: Somalia’s Forgotten Minorities, 2010, https://minorityrightsgs.org/wp-content/uploads/downloads/old-site-downloads/download-912-click-here-to-download-full-report.pdf, p. 3. See also, Section III.A.4.


38 “Hence, all men are defined by their belonging to a mag-paying group, and their social and political relations are defined by contracts called xeer— the Somali customary laws— that are entered within and between mag-paying groups.” DRC / OXFAM Novib, The Predicament of the ‘Oday’, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520Role%2520of%2520Traditional%2520Structures.pdf, p. 17. “Xeer is not a written set of legal doctrines, but an informal system that is carefully calibrated to settle disputes among segmented clan communities.” Heritage Institute, Rebuilding Somalia’s Broken Justice System, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6.pdf, p. 27. “As neighbouring clans historically competed over scarce environmental resources – particularly land and water – a customary code of conduct, known as Xeer, was developed to settle disputes and maintain the social order. The sources of Xeer precede Islamic and colonial traditions, and are generally considered to be the agreements reached by elders of various clans who lived and migrated adjacent to one another, in an analogous way to court precedents. However, it is not a written legal code, but rather a tradition that has been passed down orally from one generation to the next.” The African Centre for the Constructive Resolution of Disputes, Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches, 12 October 2017, www.accord.org.za/conflict-trends/reinvigoration-somali-traditional-justice-inclusive-conflict-resolution-approaches/pdf/.


41 “In general, the collective responsibility imposed on mag-groups by the xeer is seen as removing responsibility from individual perpetrators of crimes. Indeed, the fundamental challenge for the International Community is that the xeer is based on a collective rather than an individual rights and responsibility principle.” DRC / OXFAM Novib, The Predicament of the ‘Oday’, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520Role%2520of%2520Traditional%2520Structures.pdf, p. 16.

attacks can set off a cycle of blood vengeance between two clans until and unless elders agree on a resolution, for example through peace negotiations or further mag-payment.44

Xeer is one of the most common forms of dispute resolution in Somalia; by one estimate, “between 80-90% of all legal cases in Somalia are settled through the informal justice system, of which Xeer is the most prominent.”45 However, Xeer can result in discriminatory outcomes for persons from minority groups and for women, especially in the context of gender-based violence (GBV).46 Additionally, many persons turn to local ulamas (Muslim scholars) for them to apply Sharia law to disputes; reportedly, people may turn to ulamas when a dispute has not been immediately resolved by Xeer.47 In Somaliiland, an estimated 30 per cent of legal cases are settled through Sharia law.48

2) Interaction with Other Ethnic Groups

Significant numbers of Somalis are not members of any clan or are broadly grouped as ‘Sab’ or ‘non-Samaal’. These include people of Arab-Persian descent in coastal cities, Somali-speaking Bantu people, and Islamic Somali-speaking people of non-Somali ancestry along the Shabelle River.49 The definition of ‘minority groups’ varies between sources, but are generally held to include the Bantu, the Benadiri and associated sub-groups, occupational caste groups and groups defined by their religious origin.50 Other groups are considered minorities, but are closely associated with specific majority clans, such as Biymaal with the Dir, and Sheikhaal with the Hawiye; while the Rahanweyn are considered ‘non-Samaal’, but dominate and constitute a majority in their home regions.51 The Rahanweyn in Bay, Bakool and Gedo regions differ from the Samaal in their practices, their culture and their language; however, their social practices have gradually adapted to the Samaal, with some important differences,

See Section III.A.8.
See Sections III.A.4 and III.A.10.

For a discussion of individual groups, please see Section III.A.4.
Groupings differ based on the source, and other ethnicities that are sometimes included as separate groupings include the Bravanese, the Barawani and the Bajuni. The occupational caste groupings (which some sources refer to collectively as the Sab) also have a variety of names (including Gabooye/Midgan, Yibir, Yahhar, Galgalo, Boon, and Eyle) which oftentimes referred to their traditional occupations. The Bantu are sometimes referred to as Jareer, but this is a term which describes their hair and is considered derogatory. Additionally, some sources treat the Reer Hamar as a separate group, but they are part of the Benadiri. Lastly, the Ashraf and Sheikhaal are groups that are defined by their religious origin.

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and they organize themselves along clan lines. Historically, larger clans have sometimes assimilated or protected minority groups in exchange for services or work.

The Bantu are called various derogatory names by other Somali clans, such as boon (person of low status) and addoon (slave), to label and identify the Juba valley descendants of the Arab slave trade, as well as Jareer (from tiin Jareer — meaning ‘hard hair’). The occupational caste groups, such as the Yibir, Tumaal, or Midgan/Madhiban/Gaboye, may appear physically similar to Samaal, but their inferior status is reinforced by their association with certain “despised” occupations and their exclusion from social interaction with majority clans, including the prohibition for a majority clan member to marry a person from such a group. The Tumaal are traditional blacksmiths, making spears, knives, arrowheads and swords; and the Yibir and Midgan (also referred to as Gabooye/Gaboye and Boon, depending on location) are traditionally hunters and weavers. Importantly, there are regional and local differences in the terms used to refer to the occupational caste groups. These occupational castes traditionally could not own cattle or horses, or other possessions reserved for the “noble” clans and their work opportunities were mainly confined to menial jobs or specific trades. While some members of occupational caste groups now work in professions, the majority of persons from these groups still work in manual labour or service jobs.

The Rahanweyn speak a separate Somali dialect called Af-May (or Af-Maay-tiri), which was ignored when Af-Maxaa-tiri, the language spoken by the “noble” clans, was adopted as the official language of the State. Other minority groups, including the Benadiri, some of the Bantu and some occupational caste groups, also have their own dialects. The decision to use only Af-Maxaa-tiri as the official language deprived persons from majority clans marrying persons from the occupational caste groups of customary law (xeer) protection by their patrons. MRG, No Redress: Somalia’s Forgotten Minorities, 2010, https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf, p. 9. “Internally the sad may have segmented lineage systems along the Somali pattern. They can only have relations with the Somali through an abbaan (Somali patron). […] in the Somali tradition, weak and scattered clans may be driven to seek protection from the stronger clans in the areas where they settle, and enter a protection status with them. Such alliances of contractual agreements between weak and strong clans are known as gaashaanbuur coalition.” DRC / OXFAM Novib, The Predicament of the ‘Oday’, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditionally%2520structured%2520systems.pdf, p. 51.

Because of their sedentary lifestyles, there is less of a focus on genealogy and a greater focus on location and land. They organize themselves in larger groupings and “pay diya collectively at a much higher level in their lineage structure than the pastoralists do.” Their form of Xeer is “primarily formed around the traditional waaro water-catchments, or rather regulations related to them”. DRC / OXFAM Novib, The Predicament of the ‘Oday’, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditionally%2520structured%2520systems.pdf, pp. 30-31.


language of the State “further isolated and hindered those in the south, including Bantu, from participating in mainstream Somali politics, government services and education.”

3) Clan Protection and Customary Justice

Discrimination against minority groups is embedded in the history of Somalia. Many groups have long faced exclusion from economic, political and social spheres dominated by Sammaal. The civil war of the 1990s unleashed clan-based violence at the national level, which exposed many minority groups to widespread human rights abuses and caused a large-scale exodus across the Kenyan and Ethiopian borders. Although the abuses against minorities have reduced in scale since the 1990s, low intensity violence against minorities continues to characterize Somali society today, largely because the same underlying social structures are still active. While social exclusion of minorities, including prohibition on inter-marriage and unequal social and political rights, may have been grounded in disdain for their ethnic origin, violations of minorities’ rights occur primarily because they lack the threat of armed force.

Resolution of a dispute between majority clan members, for instance over a killing, relies on negotiation between elders using established Xeer, the subsequent setting of compensation, and payment within a specified time-frame. This process is initiated and enforced by the threat of force – blood vengeance is the fall-back option for the aggrieved clan if they are not satisfied by the terms of the resolution. Military capacity is therefore a crucial factor in deterring attacks and enforcing compensation. Minority groups often do not have sufficient military capacity, which, in turn, means that majority clans have no incentive to negotiate or pay compensation to minorities when one of their members attacks the minority group, which effectively allows members of majority clans to abuse minorities with impunity.


extent of this impunity varies depending on location and on whether a client-patron relationship has been forged between a minority and the majority clans.  

Client-patron relationships between minorities and majority clans have also acted as a means of protection for minority groups, where a majority clan extends its protection to a minority group through mutual agreement, although the options available or ability to negotiate the agreement for minority groups are generally limited. For instance, through adoption (called sheegad), a minority group may be allowed to take on the lineage of the majority clan, to the extent that the majority clan will protect the minority and even pay *mag/divya* should they come into conflict with another clan. This mechanism is reportedly more popular in southern Somalia, but looked down upon in northern Somalia. Persons who are adopted by a majority clan may identify themselves with their adopted clan rather than their minority group (i.e. an occupational caste). According to some sources, terms like sheegad and *gaashaanbuur* (used generally for alliances) may no longer be widely known in Somalia, and minority groups and persons may instead conclude smaller and individual agreements with clans.

Marriage is typically not allowed between majority clan members and members of minority groups, and this includes adopted minority groups. Marriages do take place between majority clans, sometimes to create local alliances or to seal peace agreements. Women maintain their original family’s clan identity, although any resulting children will belong to the clan of the father.

### B. Main Developments in Somalia

Somalia is affected by a non-international armed conflict between the Somali government — supported by AMISOM, other international forces and pro-government militias — and Al-Shabaab. In the context of a volatile security environment and shifting political tensions, the Somali people continue to face a
difficult and deteriorating humanitarian situation. International humanitarian law violations have been committed by all parties to the conflict, including the targeting of civilians, the killing, maiming and recruitment of children, and conflict-related sexual violence.

1) Background and Actors

a) Somalia Armed Forces

Somalia’s federal security structure includes the Somali National Army (SNA), the Somali Police Force (SPF), the National Intelligence and Security Agency (NISA), and the Special Forces (currently there are three: Danab, Gorgor and Haram’ad). Additionally, there are smaller branches such as the custodial corps, marine forces and air force, along with a host of security and police forces overseen by the Federal Member States (FMS). The SPF and NISA fall under the authority of the Ministry of Internal Security (MoIS), while the SNA falls under the authority of the Ministry of Defence (MoD). In addition to the formal structures, clan militias and private security groups operate in the FMS. In particular, some FMS have what are called darwish forces which operate as both police and military; these forces are sometimes also termed “special police.”

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80 “Decades of conflict, recurrent climate shocks, disease outbreaks and increasing poverty are devastating the people of Somalia. Despite progress in recent years, the compounding impacts of these shocks continue to erode coping strategies and undermine resilience against future crises. […] In 2021, the country faced heightened political tensions, at times associated violence, in the context of a delayed electoral process and power struggles at the leadership level. In southern and central Somalia, conflict and insecurity spiked, driving cycles of displacement, disruptions to livelihood activities, and constraints on trade and humanitarian access.” OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+-+HNO.pdf, p. 6.


86 “The term darwish refers […] to a composite militia force carrying out military and police functions, operating independently from the SNA and directed by federal member state presidents. Regardless of their origin, darwish forces constitute an important power base for elite political actors, a sort of praetorian guard providing protection and the threat of force against rivals. However, because the Somali constitution does not permit federal member states to command armies of any kind, state governments have renamed many darwish forces ‘special police,’ allowing them to be fed within the national structures. Although they often operate fully independently of and potentially against the SNA, they are often used to secure territories from al-Shabaab attacks. […] States that have taxable ports, such as Juba and Puntland, have a far easier time supporting their darwish forces than states without rents, such as the South-West State.” United Nations University (UNU), Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-Conflict Transitions, 2020, https://unu.edu/media/cpr/unu.edu/post/3895/HybridConflictSomaliaWeb.pdf (hereafter: UNU, Hybrid Conflict, Hybrid Peace, 2020, https://unu.edu/media/cpr/unu.edu/post/3895/HybridConflictSomaliaWeb.pdf), p. 127. See also, Heritage Institute, Dysfunctional Federalism, July 2020, https://heritageinstitute.org/wp-content/uploads/2021/01/federalism.pdf, p. 18.
Figures for the total size of the SNA are difficult to establish, in part due to the phenomenon of "ghost soldiers."\(^7\) In a registration exercise to address this, 21,209 soldiers were registered by February 2020.\(^8\) There are no precise figures for the force size of the SPF; upper estimates suggest the SPF has around 11,000 police officers.\(^9\) NISA may have up to 4,500 officers; it has allegedly been used repeatedly for political aims.\(^9\)

After the collapse of the SNA in 2009, Somalia’s Transitional Federal Government reconstructed the army through "a clan-based recruitment drive in which fully formed clan and warlord-based militias were incorporated into the army" and therefore "SNA units remained strongly linked to the dominant clans of their home areas".\(^9\) As a result, the SNA is widely perceived as a loose collection of militias rather than a cohesive army.\(^9\) Units and sections of the SNA have acted in their clan's political interest rather than their home areas.\(^9\) Following clashes on 25 April 2021, opposition leaders retreated to their clan strongholds in northern Mogadishu, protected by splinters of the security forces along clan lines.\(^9\) Similarly, SNA units opposing the Hirshabelle President as part of an ongoing clan dispute took over administration offices in Beledweyne on 25 August 2021.\(^9\)

The SNA has been accused of committing human rights violations, perpetrating violence against civilians, and engaging in land grabbing and theft of resources.\(^9\)

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The SNA’s military capacity is reported to be limited due to lack of training, weapons and logistical support. On 7 December 2021, the Africa Union’s Peace and Security Council noted with concern “the persistent institutional capacity challenges facing the SNA, including force generation, insufficient capacity to effectively hold on to, and ensure effective control over, territory liberated from Al Shabaab and, most importantly, lack of required capacity to immediately take over full responsibility [from AMISOM] of guaranteeing national security in Somalia after 31 December 2021”.

b) AMISOM


In 2017, the FGS and international partners agreed to the Comprehensive Approach to Security (CAS), a four-year plan for the FGS to “transition […] primary responsibility of security from AMISOM to Somali security forces”. The Mission was due to end in December 2021; discussions between the FGS and the AU led to the creation of the AU Transition Mission in Somalia (ATMIS), which replaced AMISOM as of 1 April 2022 and will operate until the end of 2024. The Security Council has authorized AU member states to deploy up to 19,626 uniformed personnel, until 31 December 2022, and up to 17,626 uniformed personnel between 1 January and 31 March 2023. The AU aims to withdraw all ATMIS uniformed personnel by December 2024, after which all security-related responsibilities will be handed to the Somali Security Forces.


Ethiopian and Kenyan forces have occasionally operated outside of the AMISOM framework in Somalia.

c) AFRICOM Forces

The United States Africa Command (AFRICOM) deployed between 650 to 800 soldiers to Somalia until an official troop pullout was completed in January 2021. US forces also trained an elite special forces unit, called the Danab. From January 2021 until May 2022, AFRICOM sent troops periodically to visit...
Somalia from bases in Kenya and Djibouti, an arrangement that the head of AFRICOM told the Senate Armed Services Committee “was not effective, […] not efficient, and [put] our troops at greater risk”. 109

During and after the pull-out of US forces from Somalia, AFRICOM has continued to provide air support to the SNA by conducting airstrikes against Al-Shabaab. 110 In May 2022, shortly after Somalia’s presidential election, the US announced it would redeploy up to 500 troops to Somalia. 111

d) Clan-based Militias

Clan-based militias are “the most prevalent type of organizational structure of armed actors in Somalia.” 112 Historically, clan militias served a multitude of purposes such as protecting land, avenging grievances, providing security and otherwise protecting the interests of a clan. 113 Some clan militias have been formed more recently; they can be specific to a sub-clan or area. 114 Clan militia may organize directly around a clan structure or may also organize around a powerful individual, such as a politician. 115

Clan militia have killed civilians, committed human rights violations and engaged in child recruitment. 116

e) Al-Shabaab

Al-Shabaab grew out of the defeat of the Islamic Courts Union in December 2006, although it is rooted in previous Islamic fundamentalist movements in Somalia. 117 The group adheres to Sunni Islam, embraces a Salafi jihadist identity and is an affiliate of Al-Qaeda. 118 Fundamental to the group is the idea of creating an “Islamic state under its interpretation of Sharia law in Somalia”, as well as long term goals of extending “its conceived Islamic state to the predominantly ethnic Somali regions of East


114 For example, the Macawisleye militia in Lower Shabelle was formed with the express purpose of resisting Al-Shabaab taxation, and is made up of around 200 men. Other clan-based militias have formed for similar purposes around the country. Thus, clan militias are not necessarily large or longstanding institutions connected to the larger clan framework, but can also be recently formed and smaller clan-based armed groups. UNU, Hybrid Conflict, Hybrid Peace, 2020, https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf, p. 129.


As a result, Al-Shabaab is militarily active in Somalia and in neighbouring regions that it perceives as connected, and carries out isolated attacks against international actors who are involved in the Somalia conflict.120

As of January 2020, the US State Department estimated that Al-Shabaab had between 7,000 and 9,000 fighters.121 This is a “substantial increase from 2017, when its active combatant force was estimated at 2,000–3,000.”122 The group controls large portions of territory in South and Central Somalia, but does not hold any major cities.123 Al-Shabaab is able to generate large income streams, primarily by means of illicit taxation of persons and businesses, including through checkpoints placed along the roads and the targeting of specific individuals for taxation.124

The current leader, or emir, of Al-Shabaab is Ahmed Diriye, also known as Sheikh Ahmed Umar Abu Ubaida.125 His deputy, Abukar Ali Adan, oversees defence and security; they are supported by the Shura, which is an advisory body.126 Al-Shabaab “ministries” (maktab) act like governmental departments; the heads of these ministries form the Al-Shabaab executive, or “Cabinet”.127

The Panel of Experts noted in October 2021 that Al-Shabaab uses certain methods to “control the population, influence political outcomes and perpetuate a climate of fear,” including “administrative control of large areas; hit-and-run attacks on towns and military positions where security forces have an established presence; exploitation of clan competition and use of divide-and-rule tactics to expand its influence; and the interdiction of main supply routes and the blockade of villages to prevent the arrival of resources.”128

Al-Shabaab is active in both rural and urban areas of Somalia and has proven able to infiltrate government institutions.129 Political infighting between the FGS and the FMS during former President

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119 GWU, Inside the Minds of Somalia’s Ascendant Insurgents, March 2022, https://extremism.gwu.edu/sites/g/files/zzzzzzzzz/s_2021_849_E.pdf, paras 5-6; Hiraal Institute, Inside the Minds of Somalia’s Ascendant Insurgents, March 2022, https://hiraalinstitute.so/wp-content/uploads/2022/02/Al-Shabaab’s-Arsenal-From-Taxes-to-Terror-Web.pdf, p. 6. “The group’s executive council is its primary leadership body, which is believed to consist of 7–14 members and a broader consultative shura that has input but no formal decision-making authority. Though the group recruits from the region, with an increasingly influential Kenyan cadre in Kenya, the executive council is currently and has historically been Somali. Clan identities permeate even at this level. Despite the group’s abdication of clanism, the executive council composition roughly follows the 4.5 clan balance formula, an approach that distributes power equally between the four major Somali clans and gives some limited representation for other clans.” GWU, Inside the Minds of Somalia’s Ascendant Insurgents, March 2022, https://extremism.gwu.edu/sites/g/files/zzzzzzzzz/s_2021_849_E.pdf, p. 24.

120 “These ministries (Maktab, pl. Makatib) are the main structural pillars of the movement, the heads of which make up another consultative body, the Executive (Tanfid) or AS ‘Cabinet’. The Maktab structure, organised and hierarchical, is responsible for delivering strategy and policy through the organisation, and ensuring that decisions from the top are effectively and efficiently transmitted down the chain to the regions.” Hiraal Institute, Inside the Minds of Somalia’s Ascendant Insurgents, March 2022, https://extremism.gwu.edu/sites/g/files/zzzzzzzzz/s_2021_849_E.pdf, p. 4.

In the course of Farmajo’s term, friction between the federal government and member states worsened. Al-Shabaab directly expanded its reach as a result, including in parts of south-central Somalia that have witnessed the sharpest quarrels between Mogadishu and federal member state leadership [...]. The wider point, however, is that Al-Shabaab took advantage of the discord to expand its operations, more by exploiting the authorities’ distrust with infringing on than by collaborating with them actively. As detailed above, the administration in Mogadishu directed its limited resources primarily toward eliminating domestic political competition and paid less attention to curtailting Al-Shabaab’s activities. The key questions are how much damage has been done and how much can be repaired if Mogadishu now refocuses on the task at hand. Yet even such efforts can at best claw back the gains the militants have made, rather than lead to the war’s conclusion.”


The FGS is led by President Hassan Sheikh Mohamud, who was elected in May 2022 by the two houses of Parliament: the 275-member House of the People (“Lower House”) and the 54-member Upper House. Somalia comprises five Federal Member States (FMS) — Galmudug, Hirshabelle, Jubbaland, Puntland and South West — and the Benadir Regional Administration, as well as the region of Somaliland, which claims independence. Puntland operates as an autonomous region but still considers itself part of Somalia.

On 20 August 2012, the FGS replaced the previous Transitional Federal Government, whose mandate had been extended multiple times since its creation in 2004. The FGS is led by President Hassan Sheikh Mohamud, who was elected in May 2022 by the two houses of Parliament: the 275-member House of the People (“Lower House”) and the 54-member Upper House. Somalia comprises five Federal Member States (FMS) — Galmudug, Hirshabelle, Jubbaland, Puntland and South West — and the Benadir Regional Administration, as well as the region of Somaliland, which claims independence. Puntland operates as an autonomous region but still considers itself part of Somalia.

2) Political Developments

a) Federal Government of Somalia (FGS)

On 20 August 2012, the FGS replaced the previous Transitional Federal Government, whose mandate had been extended multiple times since its creation in 2004. The FGS is led by President Hassan Sheikh Mohamud, who was elected in May 2022 by the two houses of Parliament: the 275-member House of the People (“Lower House”) and the 54-member Upper House. Somalia comprises five Federal Member States (FMS) — Galmudug, Hirshabelle, Jubbaland, Puntland and South West — and the Benadir Regional Administration, as well as the region of Somaliland, which claims independence. Puntland operates as an autonomous region but still considers itself part of Somalia.

and participates as a Federal Member State. The FMS have their own constitutions and several have their own security services, including Jubbaland, Puntland and South West.

On 17 September 2020, the FGS and FMS came to an agreement on how to hold the parliamentary and presidential elections which were scheduled for 2021. A timeline was established by the National Consultative Council (NCC) on 1 October 2020. As in 2016, the election would be conducted by an indirect electoral college system, with 27,775 delegates (101 delegates per Member of Parliament) voting for the members of the Lower House, and the State assembles of the FMS selecting the members of the Upper House. Both the delegate places and the seats are allocated based upon a “4.5 system” that splits power between the four major clans, with the remaining 0.5 share reserved for minority groups. Thirty per cent of parliament seats are reserved for women.

Disagreements regarding the implementation of the 17 September agreement over several key issues and accusations about the appointment of certain officials led to political gridlock between the FMS and the FGS in late 2020. When the FGS failed to hold polls as planned in early December 2020, opposition groups protested in Mogadishu on 15 and 25 December 2020.

The delay in the elections meant that the term of President Mohamed Abdullahi Mohamed “Farmajo” lapsed on 8 February 2021. When talks intended to address the stalemate broke down, renewed protests broke out in Mogadishu on 19 February 2021 in which at least three civilians died.

According to Markus Hoehne: “Puntland’s government acts autonomously when the federal Somali government is not strong, and it also acts like a state in other ways though it does not aspire to independence.” Additionally, when Puntland was founded in 1998, it “did not declare independence from Somalia [unlike Somaliland], Article 1.4 of the Puntland charter, which served as its preliminary constitution, stated: “Puntland is part of Somalia, and it is striving to regain the unity of Somali people and the creation of a Somali government based on a federal system.”

IPI, State-Level Military Forces Can Potentially Turn Tide in War Against al-Shabaab, 7 November 2019, https://theglobobservatory.org/2019/11/state-level-military-forces-potentially-turn-tide-war-al-shabaab/. Political relations between the FGS and FMS can be contentious. In October 2021, “political relations between the Federal Government of Somalia and the federal member states remained volatile”. During 2021, there were election-related clashes in Gedo in Jubbaland. UN Security Council, Letter Dated 5 October, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2026553/S_2021_849_E.pdf, para. 29. “Since coming into office, President Farmajo has moved to assert the central government’s control over semi-autonomous regions known in Somalia’s federalised system as federal member states. Though he has installed compliant allies as presidents in some states, Farmajo has struggled to do the same in Jubaland, where opposition to Mogadishu – both his administration and its predecessors – has been particularly pronounced over the years.”


The National Consultative Council (NCC) comprises “the leaders of the Federal Government and the federal member states and the Governor of the Banaadir Regional Administration”. Ibid., para. 21.


In April 2021, parliament passed a controversial new election bill outlining a different electoral procedure and extending the term of the President and the Prime Minister by two years. Protests erupted on 25 and 26 April 2021 and quickly turned violent, with armed opposition factions taking control of parts of Mogadishu. SNA forces split along clan and political lines and participated in the violence, which caused the displacement of between 60,000 and 100,000 people. After several tense days, the Lower House rescinded the election bill and returned to the 17 September 2020 agreement. On 27 May 2021, an agreement for elections was reached by the President, the houses of Parliament and the Prime Minister. The first round of elections for the Upper House took place on 29 July 2021. Somaliland held its own elections for parliamentary and local council seats on 31 May 2021. However, progress towards holding the remaining parliamentary and presidential elections in Somalia was slow.

While elections for the Upper House had been concluded by the end of 2021, elections for the Lower House, which began in November 2021, were delayed through early 2022 due to a dispute over parliamentary seats in Gedo.

According to the Heritage Institute, “the NCC leaders engaged in a widespread rigging of the Upper House elections […] candidates engaged in real competition [for] only about 15 seats [out of 54]”, with most seats going to allies of the FMS presidents. The election for the Lower House “wasn’t any better as the NCC leaders exploited loopholes in the 27 May agreement to install their political allies.”

The presidential election, where both houses vote to choose the president, were finally held on 15 May 2022; Hassan Sheikh Mohamud was elected president, defeating incumbent President Mohamed “Farmajo” Abdullahi Mohamed.

b) Benadir/Mogadishu

As of February 2022, Benadir Regional Administration, which coincides with the capital city of Mogadishu, was the only region in Somalia completely controlled by the FGS. The Administrative Region is of significant political importance for the FGS, as it “hosts the FGS, has an airport and a port...”

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157 Ibid., para. 9.


159 “The Somali government and regional leaders […] have manipulated the parliamentary election] by barraging serious candidates and replacing them with dummy candidates or ‘wedding attendants’ in local parlance, practically leading to uncontested elections and ‘quick victories’. Indeed, reminiscent of previous Somali elections, there are widespread allegations of vote-buying, bribery, intimidation and violent coercion. These raise serious questions about the integrity and credibility of the process.” The Conversation, Somalia’s Elections Are Finally under Way: Five Things You Should Know, 23 February 2022, https://theconversation.com/somalians-elections-are-finally-under-way-five-things-you-should-know-177584.


(the country’s largest two revenue sources) and is the only city where the FGS collects taxes.\textsuperscript{164} In 2019, the President appointed Omar Mohamud Mohamed Filish as the Mayor of Mogadishu and the regional Governor of Benadir.\textsuperscript{165} The previous mayor, Abdirahman Omar Osman, was killed by an Al-Shabaab suicide attack on 24 July 2019.\textsuperscript{166} The region is allocated five seats in the Lower House of Parliament.\textsuperscript{167} However, the region holds no seats in the Upper House of Parliament, a fact which has caused protests in the past and which Mogadishu residents allege strips them of adequate representation.\textsuperscript{168}

The main clans in Mogadishu are the Hawiye subclans Abgaal, Habar Gedir and Murasade, along with the Benadiri, specifically the Reer Hamar.\textsuperscript{169}

c) Jubbaland

Jubbaland comprises Middle Juba, Lower Juba and Gedo provinces.\textsuperscript{170} The two main clans in Jubbaland are the Ogaden and the Marehan, both sub-clans of the Darod.\textsuperscript{171}

In August 2019, Jubbaland re-elected Ahmed “Madobe” Mohamed Islam as its president in a disputed election.\textsuperscript{172} The FGS refused to recognize the election, which led to clashes among clan and political lines in Gedo.\textsuperscript{173} Then-President Farmajo has Marehan roots, whereas Madobe is Ogaden, and the opposing forces split along these lines, with the FGS sending troops into the Marehan region of Gedo in February 2020 and clashes occurring near Kismayo and in the town of Belet Xaawo.\textsuperscript{174} An estimated


\textsuperscript{165} Somali Dispatch, Somali President Appoints New Governor for Banadir, 23 August 2019, www.somilidispatch.com/featured/somali-president-appoints-new-governor-for-banadir/


\textsuperscript{169} *A standoff between forces loyal to Somalia’s federal authorities and those allied to the southern state of Jubaland could trigger a wider Horn of Africa crisis. Clashes between the two sides in February and March 2020 displaced 56,000 people and killed at least ten, including civilians. The warring parties have since settled into an uneasy stalemate but discord is rife among clans in Jubaland’s Gedo region, the epicentre of the violence.* ICG, Ending the Dangerous Standoff in Southern Somalia, 14 July 2020, www.ecfi.org/en/local/203356/b158-standoff-in-southern-somalia.pdf, p. 1. “The Federal Government rejected Madobe’s re-election and called for a fresh process, while the administrations of Puntland and Galmudug and many opposition political parties, as well as the Government of Kenya, recognized Mr. Madobe’s victory.” UN Security Council, Report of the Secretary General on Somalia, 15 November 2019, S/2019/884, https://undocs.org/S/2019/884, para. 5.


56,000 people (9,000 households) were displaced.\(^{175}\) By May 2020, the FGS controlled the districts of Luuq, Doolow and Beled Hawo, Garbaharey and Bardeere through the deployment of federal security forces and had appointed new district commissioners loyal to the FGS in those districts.\(^{176}\)

On 14 June 2020, the FGS recognized Madobe’s presidency, but only for a limited term of two years, a condition which Madobe and the Jubbaland administration immediately rejected.\(^{177}\) FGS troops remained in Gedo; clashes in January 2021 caused “civilian casualties, destruction of civilian property and displacement”.\(^{178}\) An agreement in March 2021 between the FGS and Jubbaland de-escalated tensions but “did not address the root causes of disagreement with Jubbaland’s leadership”.\(^{179}\) The fighting in Gedo “had the multiple effects of casualties and internal displacement, localized armed build-ups, diversion of military resources away from operations against Al-Shabaab and provision of space for armed groups to exploit in their favour.”\(^{180}\)

In April 2022, Jubbaland and Mogadishu disagreed over whether the polls for the 16 seats in the Lower House of Parliament allocated to the region should be held in Gedo or in Kismayo.\(^{181}\) Two polls were held, and two sets of MPs were elected; however, the FGS condemned the parallel election and NISA agents attempted to stop the swearing-in of the second set of MPs in Mogadishu but were stopped by Puntland Security Forces.\(^{182}\)

d) Galmudug

Galmudug State was formed in 2015 when Galgaduud and Mudug regions merged.\(^{183}\) Despite this, until 2020 the structure of the government and distribution of power remained split between the FGS-supported administration and Ahlu Sunna Wal Jama’a (ASWJ), a Sufi militia which had fought against Al-Shabaab, until 2020.\(^{184}\) The parliamentary seats for Galmudug are allocated by clan based on the 4.5 formula and “there are 11 clans involved in power-sharing arrangements: five HabarGidir sub-clans (Sa’ad, Saleeban, Saruur, Ayr and Duduble); Marhan; Dir; Abgaal (Waa’isle subclan); Murursade (of


\(^{178}\) Ibid. See also, ACLED, A Turbulent Run-Up-To The Elections in Somalia, 7 April 2021, https://acleddata.com/2021/04/07/a-turbulent-run-up-to-elections-in-somalia/, “The [original] dispute was triggered by Mogadishu’s refusal to recognise what it and Madobe’s local rivals argued was a flawed August 2019 vote that saw the Jubiland president win a second term. But it reflects deeper disagreement between Farmajo and Madobe over how Somalia’s political system should allocate power. Their differences have fuelled local tensions via clan and sub-clan alliances and rivalries that characterise the country’s often fractious politics.” ICG, Ending the Dangerous Standoff in Southern Somalia, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, p. 2. It is also important to note the involvement of regional actors in the Jubbaland dispute, as Ethiopia had troops in the Gedo region supporting the FGS and Kenya had troops lower in Jubbaland supporting Madobe. Kenya sees Jubbaland as “a buffer between it and Al-Shabaab”.” ICG, Ending the Dangerous Standoff in Southern Somalia, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, pp. 9-11.


\(^{180}\) Ibid. See also, ACLED, A Turbulent Run-Up-To The Elections in Somalia, 7 April 2021, https://acleddata.com/2021/04/07/a-turbulent-run-up-to-elections-in-somalia/, “The [original] dispute was triggered by Mogadishu’s refusal to recognise what it and Madobe’s local rivals argued was a flawed August 2019 vote that saw the Jubiland president win a second term. But it reflects deeper disagreement between Farmajo and Madobe over how Somalia’s political system should allocate power. Their differences have fuelled local tensions via clan and sub-clan alliances and rivalries that characterise the country’s often fractious politics.” ICG, Ending the Dangerous Standoff in Southern Somalia, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, p. 2. It is also important to note the involvement of regional actors in the Jubbaland dispute, as Ethiopia had troops in the Gedo region supporting the FGS and Kenya had troops lower in Jubbaland supporting Madobe. Kenya sees Jubbaland as “a buffer between it and Al-Shabaab”.” ICG, Ending the Dangerous Standoff in Southern Somalia, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, pp. 9-11.


\(^{182}\) “Disputes between rival political camps over the election of parliamentary speakers escalated in Mogadishu on April 25. National Intelligence and Security Agency (NISA) agents clashed with Puntland State forces at the Mogadishu airport hotel on April 25. The agents tried to forcefully enter the swearing-in of 16 MPs controversially elected in Jubbaland State. Puntland State forces stopped the NISA agents in a shootout. Garowe Online claimed the NISA airport commander led the attack.” Critical Threats, Gulf of Aden Security Review, 28 April 2022, www.criticalthreats.org/briefs/gulf-of-aden-security-review/gulf-of-aden-security-review-april-27-2022. “Mr Farmajo, in a statement, said there will be consequences after a group announced a plan to run parallel elections in the restive Gede region of Jubbaland state, a move he said was illegal. […] Loyalists of Jubbaland President Ahmed Mohamed Islam Madobe have opted to hold the election of the 16 seats of the House of the People (Lower House of Somalia’s bicameral parliament) in El Wak town while the Gede regional administration have strongly insisted that the polls will be held in Garbaharey.” The East African, “Parallel” Elections Emerge in Somalia, 23 April 2022, www.theeastafrican.co.ke/tea/news/east-africa/parallel-elections-emerge-in-somalia-3791800.


the wider Hawiye family clan); Shekhal; and several smaller clans collectively known as Beesha Shanaad (including the sub-clans of Madhiibaan and Tumaal)

In 2017, State President Ahmed Duale Geel Haaf reached a power-sharing deal with ASWJ which allowed the government to move back to Dhusamareb City; he also negotiated the boundary in Galalko with Punland. The deal with ASWJ promised the group seats in the State Parliament and the integration of ASWJ fighters with Galmudug security forces. However, tension escalated during the 2019 elections between the FGS-supported administration, opposition groups and ASWJ, culminating in a presidential election boycotted by opposition candidates and a parallel election by ASWJ, resulting in a brief period where Galmudug had three presidents and three parliaments claiming legitimacy. While the new president, Ahmed Abdi Karie "Qoorqoor", was able to reach an agreement with the opposition, fighting broke out between ASWJ and the SNA in Dhusumarreeb on 27 and 28 February 2020. The SNA defeated the ASWJ with the leadership of the group surrendering on 29 February 2020, leaving the country shortly afterwards.

The return of ASWJ leadership sparked a violent clash between the group and the Galmudug authorities in Bohol village on 30 September 2021, with 10 fatalities. ASWJ then took control of Guri Ceel and Matabaan in Hiraan. On 23 October 2021, ASWJ and the Galmudug authorities engaged in heavy fighting in Guri Ceel, causing the displacement of over 100,000 persons and the deaths of 120 persons, mostly civilians. After successful mediation efforts, ASWJ pulled back to Bohol. As of August 2022, only sporadic further violence between ASWJ and State forces had been reported.

The South West

Established in 2014, South West State is comprised of Lower Shabelle, Bay and Bakool regions. South West State contains large populations of the Digil-Mirifle or Rahanweyn clan. On 19 December 2021, the wider Hawiye family clan); Shekhal; and several smaller clans collectively known as Beesha Shanaad (including the sub-clans of Madhiibaan and Tumaal).
2018, South West State elected Abdiisiss Mohammed “Laftagareen,” a former MP and minister, as president, after the FGS arrested the other candidate, a former Al-Shabaab leader.198

Parliamentary elections took place in March 2020, after the state reduced the number of MPs from 149 to 95 to bring it into line with the size of other regional administrations.199 Shortly after, the parliament voted to extend the president’s term by one year to align presidential and state assembly terms.200 The state administration has tried to set up local councils across the region, but in Barawe and El-Barde districts the process has stalled over disputes about the allocation of seats to non-Rahanweyn candidates.201

During 2021, Al-Shabaab controlled supply routes throughout South West State and continued actively fighting FGS forces.202

f) Hirshabelle

Hirshabelle State was established in 2016 and consists of Hiiraan and Middle Shabelle.203 Hirshabelle’s dominant clans are the Hawadle in Hiiran and the Abgaal in Middle Shabelle, two Hawiye sub-clans.204 There is also a Bantu minority in the region.205 These groups, and other smaller sub-clans, have engaged in conflict over, inter alia, power, land and resources.206

When Hirshabelle was formed, the Federal Government brokered a power sharing agreement by which the capital would be in Jowhar (Middle Shabelle) and, in return, only persons from the Hawadle clan, the majority in the Hiiran region, could run for the state presidency.207 On 11 November 2021, the State Assembly elected Abdullahi Ali Hussein “Gudlawe” (Hawiye-Abgaal sub-clan) to the presidency and Yusuf Ahmed Hagar “Dabageed” (Hawiye-Hawadle sub-clan) as Vice President; this allegedly broke the power sharing agreement and led to accusations of election rigging and public protests in Beledweyne.208 Tensions between Hawadle militia and Hirshabelle forces flared during July and August 2021, and forces opposing the President took over administration offices in Beledweyne, which they occupied until an agreement was reached on 25 August 2021.209 Despite ongoing reconciliation efforts,
Hawadle militia, led by General Abukar Hud, and Hirshabelle forces fought near Beledweyne on 30 December 2021 and 2 January 2022, with eight persons killed and 11 injured.\textsuperscript{210}

\textbf{g) Puntland}

Puntland is the “oldest, most stable and most developed” member state in Somalia, founded as an autonomous region prior to the formation of the federal government.\textsuperscript{211} According to its 2009 Constitution, Puntland consists of Bari, Nugaal, Sool, Ayn, Karkaar, Mudug, Haylan, and Sanagis regions, which in terms of Somalia’s 18 official regions correspond to parts of Sanaag and Sool, as well as Bari, Nugaal and Mudug regions.\textsuperscript{212} Parts of Sanaag and Sool remain contested between Puntland and Somaliland.\textsuperscript{213} The dominant clan in Puntland is the Majeerfeer, part of the Harti sub-clan of the Darood, and minority groups present in Puntland include Madhiban, Muuse Diriye, Tumaal and Yibir.\textsuperscript{214}

The current President of Puntland, Said Abdullahi Deni was elected on 8 January 2019 by the Puntland Parliament, which is comprised of 66 members chosen by elders according to a clan-based system.\textsuperscript{215} In October 2021, Puntland organized pilot elections in Qardho, Eyn and Ufeyn districts on a one-person, one-vote basis, a move which was celebrated by international partners and which is meant to pave the way for elections on a similar basis for the State Assembly in 2022.\textsuperscript{216} Puntland completed its elections for the Upper House of Parliament in August 2021, but the elections for the Lower House were not complete until the end of April 2022.\textsuperscript{217}

\textsuperscript{211} Heritage Institute, \textit{State of Somalia Report 2021}, 8 February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf, p. 19. “During the latter stages of the civil war and “once it had become clear that a united Somalia would not be re-established in the short term, people in the north-east (part of the former Italian territory) agreed to establish Puntland as an autonomous regional state. In the way it was set up, leaders in Puntland mimicked Somaliland, establishing a government through inter-clan conferences and traditional authorities. Their aims, however, are different: Puntland does not claim independence but works to rebuild a federal Somalia. Consequently, Puntland has rejected Somaliland’s unilateral secession and ignored the full significance of its shared border, imposed by Hargeysa.” Rift Valley Institute, Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions, 2015 https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RVI%20Contested%20Borderlands%20%282015%29%20%281%29.pdf, p. 15.
The regions of Sool and Sanaag have historically been contested between Puntland and Somaliland, a dispute which has frequently turned violent. Tensions flared during 2018, with at least 20 armed clashes between Puntland and Somaliland forces between January and June 2018. Political violence broke out from 22 to 24 December 2021 between factions loyal to the President of Puntland and forces loyal to the Director of the Puntland Security Forces, who the President had dismissed on 24 November 2022. The fighting killed dozens and displaced thousands, making it “the most intense [fighting] that Puntland had seen in over a decade”.

Puntland continues to fight against Islamic State in the northern areas.

h) Somaliland

Somaliland declared independence from Somalia in 1991 and does not consider itself affiliated with the FGS. It continues to arrest and detain persons critical of independence as well as residents who are employed by the FGS. Somaliland’s borders were not formed along clan lines, and its territory comprises areas inhabited by Dir sub-clans, such as Cishe and Gadi anduri, the Isaaq, which are the dominant clan and constitute almost two-thirds of the population, and the Harti sub-clans the Dhulbahante and Warsangeli along the border with Puntland. Minority groups present in Somaliland include Gaboye, Tumal and Yibir. Somaliland continues to lobby for international recognition as an independent state, which is recognized by a small number of countries.

Somaliland uses the geographic borders as drawn by the previous colonial authorities, whereas Puntland, which was organized as a clan-based state, claims that the two regions, which are also primarily the Harti clan, are part of its territory. “This is where the overlapping claims to the Sool and Sanaag regions emerge. Demarcated as part of Somaliland through colonial legacy, a large portion of Sool is primarily occupied by the Dhulbahante, while part of Sanaag is inhabited by the Warsangeli, placing them within Puntland’s clan-based area of responsibility. The differing legitimacies underpinning the formation of the two regions bring about divergent visions over their administration, depending on perceptions of whether their status is to be determined by colonialism or clan.” Institute for Security Studies, Overlapping claims by Somaliland and Puntland– The case of Sool and Sanaag: East Africa Report No. 27, 20 November 2019.


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Somaliland has its “own civilian administration, armed forces and currency, and it runs its own elections.”229 Despite some concerns about police actions during campaigning, and despite long delays, Somaliland held free and fair elections on 31 May 2021 for parliamentary and local council positions.230 The opposition Waddani party won the majority of seats in the House of Representatives and other key local positions, and formed a controlling coalition with the Justice and Welfare Party (UCID), another opposition party.231 While one Gabooye candidate was elected to a parliamentary seat, which was considered a step towards minority representation, no women were elected.232 Presidential elections are scheduled for November 2022.233 Allegations from opposition parties that the President intended to extend his term and delay the elections sparked protests in August 2022.234

In 2021, a construction project enlarging the Berbera port was completed, increasing the port’s capacity from 150,000 to 500,000 containers annually, a project which could have significant economic implications for Somaliland.235 In April 2022, Somaliland’s largest market, Waheen market in Hargeisa, burned down; according to the chamber of commerce chairman, Jamal Aideed, the market and its businesses represented 40 to 50 per cent of Hargeisa’s economy.236

International Protection Considerations with regard to People Fleeing Somalia

However, there have been indications, including a dispute about the Somaliland government’s proposal to reform the current three-party political system and open the registration of new political parties prior to the presidential election, that the timeline may be delayed. The Elephant, Between a Rock and a Hard Place: Somaliland’s Elections in Limbo, 14 February 2022, www.theelephant.info/features/2022/02/14/between-a-rock-and-a-hard-place-somalilands-elections-in-limbo/. See also, ICG, Building on Somaliland’s Successful Elections, 12 August 2021, www.icg.org/africa/horn-africa/somaliland/b174-building-somalilands-successful-elections; Reuters, Somaliland Opposition Win Majority in First Parliamentary Vote since 2005, 6 June 2021, www.reuters.com/world/africa/somaliland-opposition-win-majority-first-parliamentary-vote-since-2005-2021-06-06/. “We recognise the significant achievements of female candidates during this electoral process, but deeply regret that this has not translated to more women in elected office resulting in decreased women political representation.” European Union, Statement by International Partners on Somaliland Parliamentary and Local Council Elections, 8 June 2021, www.eea.europa.eu/delegations/somalia/statement-international-partners-somaliland-parliamentary-and-local-council_en. In the 2021 elections, not a single woman was elected to parliament. This level of female exclusion from politics is unprecedented, but the problem is not new. Prior to these elections, there was only one female MP and nine female local councillors. Now, uniquely in Africa, Somaliland is left with zero women among its 82 elected MPs and a mere three women among the 220 elected councilors.” African Arguments, How Did Somaliland End Up with Zero Female MPs?, 10 January 2022, https://africanarguments.org/2022/01/how-did-somaliland-end-up-with-zero-female-mps/.


3) Economic Developments

During 2021, the FGS struggled to implement its programmes due to budgetary deficits caused by a decline in domestic revenue and international budget support continuing to be on hold over election delays.\textsuperscript{237} In the private sector, as of August 2021, "45 per cent of microfirms are reported to have closed and nearly half of the firms have experienced a fall in sales or layoffs."\textsuperscript{238} Remittances, which account for 35 per cent of the country’s GDP, declined during the COVID-19 pandemic and were still below pre-pandemic levels by the end of 2021.\textsuperscript{239}

An estimated 71 per cent of the population of Somalia live below the international poverty line of USD 1.90 per day, with poverty being worse in rural areas.\textsuperscript{240} Restrictions related to the COVID-19 pandemic, an ongoing drought, desert locusts and political uncertainty have “deepened and widened poverty” in Somalia and “compounded pre-existing vulnerabilities.”\textsuperscript{241} The economy, originally projected to decline in 2020 by 1.5 per cent, only declined by 0.4 per cent, rebounding to an increase of 2.4 per cent in 2021; however, pre-pandemic levels of growth are not projected to be reached until 2023.\textsuperscript{242} The drought has driven up inflation, which is estimated to reach 10 per cent, the highest level in over 15 years, by the end of 2022. \textsuperscript{243} The costs of food and water continue to rise across Somalia, with the cost of a standardized food basket having increased by 36 per cent between February 2021 and February 2022.\textsuperscript{244}

Somalia became eligible for the Heavily Indebted Poor Countries (HIPC) initiative in March 2020, an IMF debt relief programme.\textsuperscript{245} Debt relief under the HIPC initiative is “critical to help Somalia normalise relations with international financial institutions, access financial resources and connect to the global economy” and would “enable increased focus on resilience and infrastructure building within the country.”\textsuperscript{246}

C. The Security Situation in Somalia: Impact of the Conflict on Civilians

This section provides detailed information about the numbers of civilian casualties and security incidents in Somalia. It should be noted that while the total numbers of civilian casualties and of security incidents are important indicators of the intensity of the ongoing conflict in Somalia, they represent only one


aspect of the direct impact of conflict-related violence on civilians. For an accurate understanding of the full impact of the conflict on the civilian population, the consequences of violence that are more long-term and indirect must also be taken into account, including the impact of the conflict on the human rights situation and the extent to which the conflict impedes the ability of the State to protect human rights (see Section II.D). Relevant factors in this respect are:

- The control over civilian populations by Al-Shabaab, including through the imposition of parallel justice structures and the melting out of illegal punishments, as well as by means of threats and intimidation of civilians, abductions of clan elders, retaliatory attacks and the use of extortion and illegal taxation (see Section II.D);
- Forced recruitment (see Section III.A.6);
- The impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty and the destruction of livelihoods (see Section II.E);
- High levels of crime and the ability of corrupt government officials and clan members to operate with impunity (see Section II.D); and,
- Systematic constraints on access to education and basic health care as a result of insecurity (see Section II.E).

1) Civilian Casualties

From 1 February to 6 May 2022, UNSOM recorded 428 civilian casualties (167 killed and 261 injured), with Al-Shabaab responsible for 325 civilian casualties (76 per cent), clan militia for 34 (8 per cent) and State forces for 18 (4 per cent). This was a 134 per cent increase from the prior reporting period — 6 November 2021 to 31 January 2022 — where UNSOM recorded 183 civilian casualties (82 killed and 101 injured), with Al-Shabaab responsible for 78 civilian casualties (43 per cent), State forces responsible for 64 (35 per cent) and clan militia for 10 (5 per cent). From 8 May to 4 November 2021, 470 civilian casualties were recorded (224 killed and 246 injured).

As of 29 July 2022, Action on Armed Violence reported 40 incidents involving explosive devices in 2022, with 88 per cent attributed to Al-Shabaab, causing a total of 432 civilian casualties. Since 2016, the number of civilians harmed by explosive devices has risen significantly, most likely because of attacks by Al-Shabaab.

Airstrikes conducted by US forces have also caused civilian casualties in South and Central Somalia. Between 16 December 2020 and 6 September 2021, AFRICOM conducted 14 air strikes, killing at least...
three civilians. On 3 and 4 June 2021, airstrikes by an unidentified party caused six civilian casualties.

On 10 August 2021, an AMISOM patrol was ambushed by Al-Shabaab; in the ensuing skirmish, seven civilians were killed. After an investigation, the Ugandan government court-martialed five Ugandan AMISOM soldiers for killing civilians, issuing death sentences to two soldiers and 39-year prison sentences to the other three.

2) Security Situation and Security Incidents

The security situation in Somalia remains volatile and characterized by entrenched conflict between Al-Shabaab and the FGS, FMS and associated groups. Between 1 January 2021 and 1 August 2022, the Armed Conflict Location & Event Data Project (ACLED) recorded 4,090 incidents of battles, explosions/remote violence and violence against civilians, causing 5,520 fatalities. According to the Panel of Experts, 2021 saw a monthly average of 265 security incidents, with the majority perpetrated by Al-Shabaab; the regions most affected by the group's activity were Lower Shabelle, Benadir and Middle Shabelle. Between 16 December 2020 and 6 September 2021, Al-Shabaab attacked the SNA, FMS security forces and international forces at least 1,047 times, mainly in Jubbaland, South-West State, Hirshabelle and Galmudug.

As of October 2021, Al-Shabaab directly controlled "most towns in Jamame District, Lower Juba; Jilib, Bu’ale and Sakow in Middle Juba; parts of Baardheere in Gedo; towns located in southern Dinsor and Burhakabra Districts in Bay Region; Adale and Adan Yabal in Middle Shabelle; and El Dher, El Bur and Harardhere in Galmudug." During 2021, Al-Shabaab expanded its control in Galmudug, exploiting the vacuum resulting from the demobilization of Ahlu Sunna wal Jama’a. The group controls roads through many parts of the country, including in Jubbaland, South-West and in Lower Shabelle. In areas where it has influence but not control, Al-Shabaab imposes blockades and compels local populations and clan elders to support its cause.

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254 Ibid., pp. 87-88.
Additionally, Al-Shabaab maintains a large presence in Mogadishu and exerts significant influence over the population. From 16 December 2020 to 6 September 2021, the Panel of Experts documented “270 incidents attributed to Al-Shabaab in the 17 districts of Benadir Region […] including assassinations, hit-and-run attacks on government positions and grenade, improvised explosive device and mortar attacks.” Across Somalia, Al-Shabaab’s activities increased by 17 per cent from 2020 to 2021.

Al-Shabaab uses IED attacks throughout Somalia, targeting, inter alia, individuals, hotels, military posts and Somali government institutions. The group also uses suicide and complex attacks, including to target attacks in urban centres such as Mogadishu. In a particularly deadly attack in March 2022, an Al-Shabaab suicide bomber targeted a female MP in Beledweyne, with another suicide bomber targeting the civilians who were injured in the first explosion; the two blasts killed 48 people, including the MP, and injured another 108 persons.

In addition to carrying out attacks within Somalia, Al-Shabaab regularly conducts attacks across the Somali-Kenya border, and extorts tax from Kenyan civilians and businesses. In July 2022, Al-Shabaab militants crossed the border into Ethiopia, sparking heavy clashes; by 6 August 2022, the Ethiopian government claimed that over 800 Al-Shabaab fighters had been killed and 100 had been captured.

Despite Islamic State’s low numbers of fighters, the group carried out several attacks in Mogadishu during 2021, including an IED attack on 6 November 2021 that wounded 4 persons and an IED attack on 23 November 2021 that killed two civilians. In Puntland, despite reports that the Puntland Security Forces successfully curtailed the group’s operations, Islamic State continues to operate and carry out attacks.
out attacks.\textsuperscript{275} Al-Shabaab also remained active in Puntland and conducted, for example, an attack on the prison in Bossaso in March 2021 which killed seven soldiers and which freed 337 prisoners.\textsuperscript{276}

During 2021, political violence occurred in Hiiraan over the disputed election and power sharing agreement, and also in Bossaso over the dismissal of the director of the Puntland Security Forces.\textsuperscript{277} Additionally, clan-related violence continues across the country and contributes to insecurity and destabilization.\textsuperscript{278} From 16 December 2020 to 6 September 2021, the Panel of Experts noted “an increasing level of armed clan violence closely associated to competition over resources and power struggles and exacerbated by the ongoing electoral process in several Somali regions, particularly Galgaduud, Hiiraan, Mudug, Sanaag and Bari.”\textsuperscript{279}

D. Human Rights Situation

1) Violations of International Humanitarian Law and Human Rights Violations and Abuses

Human rights violations and abuses occur in all parts of the country, regardless of who effectively controls an area.\textsuperscript{280} While most violations of international humanitarian law are committed by Al-Shabaab, State agents, clan militias and Al-Shabaab all commit violations and abuses of human rights.\textsuperscript{281} Impunity for human rights violations and abuses remains widespread for State and non-State actors.\textsuperscript{282} Human rights violations and abuses against children by state actors and Al-Shabaab, including sexual violence and forcible recruitment, are prevalent.\textsuperscript{283}

a) Human Rights Violations by State Actors

During 2021, State actors committed arbitrary and unlawful killings, forcible disappearances, torture, arbitrary arrest and detention, especially of journalists and media workers, and a variety of human rights violations related to the ongoing conflict.\textsuperscript{284} The SPF and FMS forces in particular have been accused of human rights violations related to the ongoing conflict, including "rapes in camps for internally displaced persons (IDPs), uncontrolled shootings as a mechanism of crowd control and extrajudicial killings at checkpoints."\textsuperscript{285}

Additionally, some government officials have engaged in land grabbing and forcible eviction of IDPs.\textsuperscript{286}
Security forces, and specifically NISA officers, engaged in torture and ill-treatment of detainees including beatings. Both NISA and the Puntland Intelligence Agency (PIA) regularly detain children who are associated with Al-Shabaab and have used torture to obtain confessions, which have then been used in military tribunals, or to punish the detainee. Clan militias, including those affiliated with the government, torture or ill-treat individuals; this was reportedly common in 2021 along the Mogadishu-Afgoo road by Hawiye militias, “some with strong ties to the [SNA]”.

Prisons in Somalia generally suffer from substandard conditions including poor sanitation, inadequate food and water, and lack of access to medical care. Juveniles and adults are sometimes held together, and prisons frequently do not separate convicts from pretrial prisoners. It is common for prisoners to remain in pretrial detention for long periods of time. Fair trial standards and due process are not upheld by government authorities and trials are often manipulated by clan politics or influenced by corruption.

State actors also substantially limit the freedom of expression in Somalia by intimidating, attacking, arbitrarily arresting and prosecuting journalists and media workers. Government security forces harass, arrest and attack protestors and demonstrators, and use force to disperse protests. Arbitrary arrest and detention have been used against Al-Shabaab suspects, journalists, media workers, religious leaders, business persons, other politicians and clan elders.

In October 2021, Somaliland authorities forcibly displaced over 7,000 persons from Las Anod town, claiming they were “non-locals”.

b) Human Rights Abuses by Clan Militia

Clan militias deliberately target civilians and civilian infrastructure in the context of clan disputes and blood feuds. During 2021, Galjeel militias “targeted trade truck convoys and reportedly engaged in rape, looting, burning of homes and property, illegal checkpoints, and land grabbing.” Clan militias engage in torture and ill-treatment, and recruit and use children in armed conflict.


289 Ibid. “A joint monitoring visit by the United Nations representatives and stakeholders to prisons in Puntland identified protection gaps, including periods of prolonged detention and the absence of health care, education, clean water and adequate food services, which did not meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).” UN General Assembly, Situation of Human Rights in Somalia, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 31. Somaliland prison conditions are reportedly poor: “On 28 January 2021, the Independent Expert, together with four other mandate holders, issued a communication on the poor conditions in Somaliland prisons and on allegations of the indefinitely prolonged and arbitrary detention of five inmates in the Hargeisa Central Prison, whose imprisonment has continued during the coronavirus disease (COVID-19) pandemic despite the fact that they have finished serving their prison sentences.” UN General Assembly, Situation of Human Rights in Somalia, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 31. “Accessibility, basic food and shelter conditions are also lacking in many prisons. […] Problems such as sanitary conditions, sleeping areas, or clean latrines are problems faced by prisons across the board in all the region. What little access we were granted, it was not hard to see the dire conditions of the prisons or jail stations.” Somaliland Human Rights Center, Annual Report of Human Rights Center 2021, 2 February 2022, http://hrscsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf, pp. 6-9.


291 Ibid.

292 See Section IIA.5.

293 See Section IIA.5.


296 See Section III.A.5.


298 Ibid. Concerning pro-government or government-affiliated militias: “The use of militias has been criticized for allowing unrestrained, unaccountable armed actors into highly volatile settings, with a high likelihood of human rights violations. This is a valid concern — darwish forces have been accused of serious violations against civilians.” UN, Hybrid Conflict, Hybrid Peace, 2020, https://unu.edu/media/cpr/unu.edu/post/3895/HybridConflictSomaliaWeb.pdf, p. 120.
militias commit GBV with impunity, including rape.\textsuperscript{301} From interviews conducted with truck drivers in Mogadishu, the Panel of Experts found that “civilians [had been] victims of repeated incidents of assault, robbery, extortion and SGBV perpetrated by militia manning illegal checkpoints along the road.”\textsuperscript{302}

\begin{flushleft}
\textbf{c) Violations of International Humanitarian Law and Human Rights Abuses by Al-Shabaab}
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Al-Shabaab “continues to be responsible for the highest number of violations of international humanitarian law involving the targeting of civilians.”\textsuperscript{303} In addition, Al-Shabaab commits serious abuses of human rights across Puntland and South and Central Somalia, including “terrorist attacks on civilians and targeted killings, including extrajudicial, and religiously and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations and the United Nations” as well as blocking humanitarian assistance, recruiting and using child soldiers and restricting fundamental freedoms.\textsuperscript{304} Al-Shabaab relies heavily on the forced recruitment of children and abductions.\textsuperscript{305} The group’s members have engage in conflict-related sexual violence and the forced marriage of girls as young as 14.\textsuperscript{306}

In areas it controls, Al-Shabaab enforces a strict interpretation of Sharia law via parallel judicial structures and applies harsh punishments, including corporal punishment and the death penalty, often in summary and unfair trials.\textsuperscript{307} Punishments carried out by Al-Shabaab include executions, amputations and lashings.\textsuperscript{308} From 1 January 2017 to 31 December 2019, Al-Shabaab’s parallel justice system “was […] responsible for 1,745 incidents of arbitrary deprivation of liberty, with most victims suspected of spying for the Government of Somalia or foreign forces, or for otherwise cooperating with the Somali authorities.”\textsuperscript{309} Al-Shabaab also imposes illegal taxes in and outside of areas it controls, including in major urban centres and in Mogadishu.\textsuperscript{310} The group places restrictions on journalists in areas it controls, prohibits persons from listening to international media sources and has directly attacked and targeted journalists for their reporting.\textsuperscript{311}

Al-Shabaab has attacked schools and teachers including as a way to influence curricula and for the purposes of forced recruitment.\textsuperscript{312} Additionally, Al-Shabaab has attacked hospitals, including an attack in March 2022 where Al-Shabaab detonated a car bomb outside of the main hospital in Beledweyne, where authorities had been transporting the injured from an earlier bomb targeting a female MP.\textsuperscript{313} Between 2017 and 2019, Al-Shabaab perpetrated attacks against 174 schools and 17 hospitals or medical facilities, accounting for 80 per cent of all attacks against schools or hospitals during that period.\textsuperscript{314} These attacks occurred in Galgadud, Middle Shabelle, Lower Shabelle, Middle Juba, Bay, Hiran, Lower Juba, Banadir, Togdheer, and Gedo regions.\textsuperscript{315}

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\footnotesize{303 Ibid., p. 4.}
\footnotesize{305 See Section III.A.6.}
\footnotesize{306 See Section III.A.11.a.}
\footnotesize{308 See Section III.A.3.}
\footnotesize{309 Ibid., p. 31.}
\footnotesize{312 See Section II.C.2.}
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During 2021, Al-Shabaab “deliberately restricted the passage of relief supplies and other items, as well as access by humanitarian organizations, particularly in the southern and central regions.”\(^\text{316}\) Al-Shabaab uses blockades of towns and areas as a form of control and punishment, restricting food and nonfood items from entering, which leads to rising humanitarian needs in those areas.\(^\text{317}\)

Prison conditions in areas controlled by Al-Shabaab are “harsh and life threatening.”\(^\text{318}\) Al-Shabaab has tortured and otherwise ill-treated prisoners and other detained persons, including both male and female civilians.\(^\text{319}\)

2) The Ability and Willingness of the State to Protect Civilians from Human Rights Violations and Abuses

Even where the legal framework provides for the protection of human rights, the implementation of Somalia’s commitments under national and international law to promote and protect these rights in practice frequently remains a challenge.\(^\text{320}\) The vast majority of the population relies on customary and informal justice mechanisms, which apply traditional and Islamic law, and even formal courts are known to apply customary law instead of existing legislation.\(^\text{321}\) Corruption and politics frequently undermine the rule of law and powerful people in society are able to act generally with impunity.\(^\text{322}\) The capability of the FGS, FMS and other regional authorities to protect human rights is also undermined by continuously high levels of insecurity.\(^\text{323}\) While government officials have made some efforts towards promoting accountability for perpetrators of human rights violations, “[i]mpunity generally remained the norm.”\(^\text{324}\) Victims are unable to seek redress via the formal justice system.\(^\text{325}\)


\(^{318}\) “Armed conflict and forced taxation have continued to impact areas with high access constraints, in particular besieged towns. In 2021, supply chains to markets in Xudur were disrupted by security challenges, causing prices of essential commodities to rise steeply. Road blockades also impacted supply to Qansaxdhore, where armed non-state actors intensified their activities towards the end of April 2021, closing all roads to the town and leading to scarcity of food items and other commodities.” OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 31. See also, Section II.E.


\(^{322}\) “There are also numerous cases where families and influential figures related to suspected perpetrators have bribed judges and prosecutors to influence the outcome of a criminal case. This, and the widespread corruption in the justice system, has caused the public to have little to no faith in the rule of law in Somalia.” Somali Civil Society Organizations, Universal Periodic Review Report, October 2020, www.upr-info.org/sites/default/files/documents/2021-07/jes7.upr38.som_e_main.pdf, p. 5.


\(^{324}\) US Department of State, 2021 Country Report on Human Rights Practices: Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html. “Overall, due to the lack of fair and equitable justice mechanisms available, the most vulnerable Somali citizens struggle to have their grievances justly resolved as they often face discriminatory practices, are not well informed about their rights, and have few functional institutions to meet their justice needs. As a result, human rights violations continue with little to no retribution or consequences for the perpetrators.” OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 96.

\(^{325}\) “There were only a handful of lawsuits during the year seeking damages for or cessation of human rights abuses. Individuals generally do not pursue legal remedies for abuses due to a lack of trust and confidence in the fairness of judicial procedures.” US Department of State, 2021 Country Report on Human Rights Practices: Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html.
Rural areas in particular suffer from a generally weak formal justice system that is unable to effectively and reliably adjudicate civil and criminal disputes. No government-affiliated formal justice system is available in areas controlled by Al-Shabaab or in areas newly recovered from Al-Shabaab. In some areas, courts rely on “dominant local clan and associated factions” for authority instead of the government. Many judges are not able to use the varying sources of law to adequately adjudicate cases and compete with customary leaders and ulama for legitimacy and for decision making authority; as a result, the “[r]ule of law is limited in judicial practice, which lacks consistency and predictability, and by the fact that the laws cannot easily be accessed and understood by the public.” In 2020, the Chief Justice of the Galmudug Supreme Court noted that Somalia is “a society that has not known the rule of law for nearly 30 years.” Across the country, formal civil courts are generally not functional. Even when a court does issue an order, the authorities are frequently unable to enforce the order. There is little consistency in legal interpretation or practice across jurisdictions.

According to the ABA Rule of Law Index (ABA ROLI), the Somali justice system “lacks clarity and predictability” which “limits the impact of legislation”, and the “broad discretion enjoyed by judges when resolving disputes creates opportunities for corruption and abuse of power.” Clan politics and corruption affect and influence the formal judicial system. People have to pay bribes in order to access the formal justice system or to appeal a verdict. The 2021 Transparency International Corruption Index ranks Somalia as 178th out of 180 countries for corruption levels. In addition to corruption there are often expensive court fees; as a result, IDPs, refugees, returnees and vulnerable host communities are generally unable to afford to access the formal justice system.

The judiciary lacks independence because of the executive’s power to appoint and fire judges. Judges across Puntland and South and Central Somalia are extremely vulnerable to attacks without adequate protection from the FGS or FMS and generally lack “the necessary security to perform their jobs without fear.” According to the International Development Law Organisation, the low funding for

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327 “These shortcomings mean that access to justice cannot be extended to newly recovered areas, such as Sahib and Barire, that the rights of Somalis in these areas remain unprotected and that no formal justice institutions exist in Al-Shabaab controlled areas.” UN General Assembly, Situation of Human Rights in Somalia, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 32.
331 “Civil courts in Somalia are practically nonfunctional; a combination of traditional and customary, sharia and formal law guide the institution and in some local courts depend on dominant local clans for establishing authority”. GAN Integrity, Somalia Corruption Report, July 2020, www.ganintegrity.com/portal/country-profiles/somalia/.
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the justice system results in “low salaries, insufficient record-keeping and enforcement, diversion of funds, and susceptibility to bribery and influence from powerful clans and lobbies”.341

The FGS and FMS are unable to prevent or protect civilians from human rights abuses by Al-Shabaab even in major urban areas.342 Al-Shabaab has shown operational capacity to carry out attacks and targeted assassinations even in Mogadishu, and its taxation network spreads across South and Central Somalia.343

In Somaliland, the justice system is relatively more developed and is able to hold non-State perpetrators accountable in some circumstances.344 However, the system suffers from a shortage of judges, “widespread interference in the judicial system” and “widespread allegations of corruption.”345 In practice the formal court system is only accessible in Hargeisa, and the system lacks the necessary infrastructure to reach the rural areas.346 Statutory courts are perceived as subject to corruption, as the least effective and predictable form of justice as compared to customary and religious alternatives and as the most likely form of justice to lead to an unfair outcome.347 The Independent Expert on Somalia expressed concern in August 2020 over “reports [in Somaliland] of systemic abuse of power by police officers and a culture of impunity hav[ing] caused a breakdown of trust between the police and the community.”348

In light of the foregoing, UNHCR considers that Somali applicants for international protection are in general not able to rely on the protection of the Somali State and its agents against human rights violations by agents of the Somali State itself or against human rights abuses by non-State actors, including Al-Shabaab.

Somali applicants originating from Somaliland may, depending on the circumstances of the case, be able to rely on the protection of the Somaliland authorities against human rights violations and abuses.

E. Humanitarian Situation

Somalia’s already dire humanitarian situation continues to deteriorate, with the ongoing conflict and climate-related shocks driving people into deeper poverty, exacerbating food insecurity, causing mass-scale displacement and eroding resilience.349 An estimated 7.7 million people are in need of humanitarian assistance in 2022 out of a total population of 15.7 million, a substantial increase from 2021, when an estimated 5.9 million people were in need of humanitarian assistance.350

Somalia was heavily affected by desert locust swarms during 2019 and 2020, the worst in at least 25 years, which caused crop destruction and an increase in food insecurity, leading the government to

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342 See above, Section II.D.1.c.
343 See Sections II.C. and III.A.9.
345 “In Somaliland functional courts existed, although there was a serious shortage of trained judges, as well as limited legal documentation upon which to build judicial precedent and prosecute widespread allegations of corruption. Somaliland’s hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported that local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.” Ibid.
346 “The justice landscape in Somaliland still lacks infrastructure. This includes both physical infrastructure that courts require for their work and for courts to be more widespread in their reach and accessibility to the rural populace and the justice personnel. Lawyers provide the main avenue for advice and representation in statutory settings but remain largely confined to Hargeysa.” PACT / ABA ROLI, Access to Justice Assessment Tool: Baseline Study in Somaliland, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, p. 1.
347 Ibid., p. 1.
declare a state of emergency in February 2020. Swarms decreased in August 2021 due to systematic control operations and low rainfall, but remain a threat in Somalia and neighbouring countries. The risk of desert locusts causing substantial damage during 2022 is low. Droughts and the locust infestation have caused a sharp decrease in crop production, estimated to be “50 to 70 per cent below the last 10-year average” in January 2022.

By August 2022 Somalia was affected by a severe drought exacerbated by multiple failed rainy seasons, displacing one million persons since January 2021. The drought has caused a severe deterioration in food security, access to water, and access to livelihoods across Somalia, and in particular in South and Central Somalia. As of June 2022, 7.1 million people, over 40 per cent of the population, were estimated to face crisis levels of food insecurity (IPC Phase 3) or worse through September 2022, with 2.1 million people already facing emergency levels of food insecurity (IPC Phase 4). Areas most likely to experience famine include “Hawd Pastoral of Central and Hiraan, Addun Pastoral of Northeast and Central, Agro Pastoral livelihoods in Bay and Bakoool regions, and IDP settlements in Baidoa, Mogadishu, Dhusamareb, and Galkacyo.” By the end of 2022, 1.5 million

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354 OCHA: Humanitarian Bulletin, 10 January 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Humanitarian%20Bulletin_December.%202021_FINAL.pdf, p. 1. See also, Famine Early Warning Systems Network (FEWS NET), Somalia: Food Security Outlook, 4 November 2021, https://fews.net/sites/default/files/documents/reports/SO-FAO-202110-final.pdf, p. 1. As of March 2022: “The deyr rains ranged from 40-70 percent below the 40-year average (Figure 1), punctuated by long dry spells that caused most planted crops to wilt. Consequently, cereal production was below 63 percent in the 25-year average in Bay Region and 73 percent below average in Bakool. Cash crop production failed, with the cowpea and sesame harvest performing nearly 90-95 percent below the 10-year average in both regions.” FEWS NET, Somalia: Food Security Outlook, 25 March 2022,


children under the age of five (45 per cent of children in this age bracket) are projected to suffer from acute malnutrition. "Persistent insecurity, conflict and unresolved political tensions" have also contributed to rising food insecurity in Somalia. The drought has "particularly devastated the livelihoods of the most vulnerable Somalis, whose ability to cope has been eroded by decades of protracted conflict, climate shocks, locust infestation and disease outbreaks." The loss of 30 per cent of Somalia's livestock between mid-2021 and June 2022 has severe repercussions for livelihoods in rural areas and on food security. Lack of access to clean water and sanitation has resulted in outbreaks of water-borne diseases, measles and cholera, as well as acute watery diarrhea (AWD); the risk of these diseases is increased in areas affected by conflict and in IDP camps. Across the country, only 48 per cent of IDP camps have access to water; out of 572 IDP camps in Benadir/Mogadishu, only 30 per cent have access to water. In Somalia, the drought has caused a deterioration in the humanitarian situation, which has caused the displacement of 810,000 people. An estimated 1.5 million persons are affected by the drought in Somalia. This has exacerbated already high inflation and an economic downturn for pastoralists caused by the COVID-19 pandemic. Surveys in Togdheer, Sool and Sanag found that 59 per cent of households reported losing all of their livestock. In both Puntland and Somaliland, pastoralists are increasingly unable to get enough water for their livestock. As a result of the drought, communities...
in Puntland reported increases in acute malnutrition of children and pregnant or lactating women. As of May 2022, the price of water had tripled in some parts of Puntland.\textsuperscript{371}

An estimated 1.8 million children attend school out of 6 million school-age children (30 per cent); the proportion of children attending school is worse for IDPs (17 per cent of IDP children).\textsuperscript{372} Conflict and drought have caused school closures, further impacting children’s ability to access education.\textsuperscript{373} It is more difficult for girls to access education due to conservative social norms which limit their freedom of movement, and which encourage early and child marriage.\textsuperscript{374} Due to the cost of educational materials, many families cannot afford to send their children to school.\textsuperscript{375}

Poverty is widespread with 71 per cent of persons living below the poverty line, and almost the population is unemployed or underemployed.\textsuperscript{376} Youth unemployment is high.\textsuperscript{377} Many persons, especially in urban areas, are employed in the informal sector or work in day labour.\textsuperscript{378} Displaced persons in urban areas frequently have to rely on informal work.\textsuperscript{379} Restrictions related to the COVID-19 pandemic had significant impacts on the private sector; a survey of 550 businesses found that 45

\textsuperscript{370} “Majority of assessed communities (93%) reported an increase in acute malnutrition of children or pregnant and lactating women. At the same time, 46% of assessed communities reported access to nutrition centers/facilities where people can get nutrition programs. Out of the 37 locations that reported access to a nutrition centre, 7 communities reported that the centre was over 5 km away from their location.” Somalia: Humanitarian Affairs and Disaster Management Agency (HADMA), Puntland Drought Assessment Report, December 21, https://reliefweb.int/report/puntland-drought-assessment-report-puntland-december_2021_final_2.pdf, p. 11. Additionally, in Puntland “poor access to clean water, food and nutrition” has led to an increase in water borne diseases and measles, as well as an increase in reported cases of gender-based violence (GBV). OCHA, Somalia: Drought Response and Famine Prevention, 2 August 2022, https://reliefweb.int/report/somalia/somalia-drought-response-and-famine-prevention-situation-report-no-9-31-july-2022, p. 6.

\textsuperscript{371} “According to the Ministry of Humanitarian Affairs and Disaster Management, the price of water has tripled in some areas, with a 10,000-litre water tanker selling at $180 to $280, up from $90 to $120 during the normal dry season. In parts of Badhan district, water is trucked from 100 to 130 km away.” OCHA, Somalia: Drought Response and Famine Prevention Situation Report No. 7, 20 May 2022, https://reliefweb.int/report/somalia/somalia-drought-situation-report-no7-20-may-2022, p. 3.

\textsuperscript{372} OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 80. “The situation of drought displaced children is generally worse, with over 400,000 (37 per cent in Banadir) having no access to any form of learning opportunities in IDP camps or settlements, either because schools are closed or because there are no learning facilities within the area. Data from the CCCM (Camp Coordination and Camp Management) site monitoring indicates that only 46 per cent of IDP sites have access to education”. UNICEF, Humanitarian Situation Report No. 6: Somalia, 19 July 2022, www.unicef.org/media/124056/file/Somalia-Humanitarian-SitRep-June-2022.pdf, p. 2.


\textsuperscript{375} Ibid., p. 82. “In locations where limited education facilities exist, most parents cannot afford to send their children to school, as they lack access to a sustainable livelihood. Many rely on casual labour, which is inadequate to even meet the basic needs of their families. Moreover, in some cases, boys are often favored over girls in accessing education due to cultural reasons.” OCHA, Somalia: Humanitarian Bulletin, 12 April 2022, https://reliefweb.int/report/somalia/somalia-humanitarian-bulletin-march-2022, p. 4.

\textsuperscript{376} “Unemployment and underemployment accurately describe the livelihoods of almost half the population, with youth underparticipation in the labour market indicating a growing concern. Over 7 in 10 Somalis survive on under $1.90 a day, while the per capita GDP is estimated at $314.5. At the national level, almost half (42 per cent) of all households report challenges to obtain enough money to cover their basic needs in the 30 days prior to the JMCNA data collection, while only 3 per cent of households are reliant on remittances as a main source of income.” OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 82


per cent temporarily closed, 71 per cent experienced supply shortages and that sales and employment both fell by 30 per cent.\footnote{Bertelsmann Stiftung, BTI 2022 Country Report: Somalia, 23 February 2022, www.ecoi.net/en/file/local/2069667/country_report_2022_SOM.pdf, p. 29.}


### F. Conflict-Induced Displacement

An estimated 2.97 million people are internally displaced in Somalia due to conflict and natural disasters; the number of IDPs is one of the highest in the world.\footnote{Internal Displacement Monitoring Centre (IDMC), https://reliefweb.int/sites/reliefweb.int/files/resources/Drought%20Situation%20Report%20%236%20- %2020%20April%202022%20eoah.pdf, p. 2.} An estimated 43 per cent of IDPs in Somalia have been displaced due to conflict.\footnote{Many IDPs live in highly precarious conditions and most require emergency humanitarian aid; however, access to humanitarian aid is difficult in many areas due to conflict, generalized violence and other barriers.\footnote{Thirty per cent of IDPs live in Banadir region.\footnote{Humanitarian access in Somalia is affected by ongoing conflict, the presence and control of armed groups including Al-Shabaab, and a lack of infrastructure including traversable roads.\footnote{Humanitarian organizations and the government have reportedly had to rely on clan elders and connections to ensure aid delivery in Al-Shabaab controlled areas.\footnote{Al-Shabaab has blocked the town of Xudur since 2014, along with neighbouring towns, preventing any road access for the delivery of humanitarian supplies, food or other goods.\footnote{IDMC, Somalia: Humanitarian Access Overview, 17 July 2022, https://reliefweb.int/report/somalia/somalia-humanitarian-access-overview-quarter-1-january-march-2022; ACAPS, Humanitarian Access Overview, July 2022, www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_access_overview_july_2022_0.pdf, pp. 5, 15-16; USAID, Somalia: Complex Emergency, 10 January 2022, www.usaid.gov/sites/default/files/documents/2022-01-10_USG_Somalia_Complex_Emergency_Fact_Sheet_1.pdf, p. 3; OCHA, Somalia: Humanitarian Bulletin, 10 January 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Humanitarian%20Bulletin_December_%262021_FINAL.pdf, p. 4.}}}}}
During 2021, 544,000 people were newly displaced due to conflict. This number is projected to remain high in 2022. The UN Office for the Coordination of Humanitarian Affairs (OCHA) predicts that conflict and insecurity will remain two of the principal drivers of displacement and humanitarian needs in 2022. Conflict will continue to exacerbate an already dire situation for the estimated 7.7 million persons in need of humanitarian assistance.

Conflict between Al-Shabaab and government-affiliated forces caused regular displacement during 2021; for example, 1,100 persons were displaced in April in Hobyo district in Mudug, 8,303 persons were displaced in Berdale district in Bay in April, and 42,000 persons were displaced between June and August in Galmudug. In October 2021, conflict displaced over 100,000 persons in Galmudug State near Guri Ceel town. Clashes between Al-Shabaab and SNA forces displaced an estimated 13,800 people in the eastern villages of Balcad district in Middle Shabelle in January 2022.

Clan conflicts also continue to cause displacement and are inflamed and exacerbated by climate-related shocks. In April 2021, election-related clashes in Mogadishu between political factions, reportedly split along clan lines, caused the displacement of 207,000 people. In early February 2022, two days of clan conflict between the Marihan and the Habar-Gedir in Balanbale district of Galgadud displaced 14,100 persons.

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391 “Together with the drought, conflict and insecurity are also likely to remain major drivers of humanitarian needs and internal displacement in Somalia throughout 2022. In addition to ongoing political tensions, conflict with Al-Shabaab and the regional security implications of the Ethiopia conflict, the potential security vacuum created by the reconfiguration of AMISOM and closure of Forward Operating Bases (FOBs) are likely to cause internal displacement and present obstacles to humanitarian access. Overall, it is expected that more than 277,000 people will be internally displaced due to conflict in 2022.” OCHA, 2022 Humanitarian Response Plan: Somalia, December 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/2022_Somalia_HRP.pdf, p. 17.

392 “Conflict, insecurity and climatic shocks continue to aggravate vulnerabilities and trigger population displacements across Somalia”. OCHA, Somalia Humanitarian Bulletin, October 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Bulletin_October_%202021_final.pdf, p. 1. “The humanitarian situation in Somalia has been worsened by a recent double climate disaster – drought in two thirds of the country and flooding in other areas - and the impact of political tensions, COVID-19 and the worst desert locust infestation in years. […] In addition to weather shocks, food availability and access are further constrained by conflict in southern and central Somalia, uncertainty over the parliamentary and presidential elections, and rising staple crop prices linked to low domestic production and high global food prices. Similarly, these regions host the largest proportion of internally displaced persons (IDPs); an estimated 1.4 million of the approximately 2.6 million IDPs in Somalia reside in this part of the country. The majority of IDPs settle in camps located around large urban centres.” Reach Initiative, Assessment of Hard-to-Reach Areas - Somalia, July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/REACH_SOM_Factsheet_Assessment-of-Hard-to-Reach-Areas_July_2021.pdf, p. 1.

393 At least 9 civilians were killed in the clashes. Many of the IDPs settled in pre-existing Gargaar 1 and 2 IDP camps in Balcad, others moved in with relatives and some moved to Mogadishu. OCHA, Update on Situation in Balcad, Middle Shabelle Region, 10 February 2022, www.ecoi.net/en/file/local/2068205/20220210_update_on_situation_in_balcad.pdf, p. 1.

394 “In addition to electoral violence, inter-clan conflict – driven by rivalries, land, property and resource control disputes – will continue to displace and affect households. These dynamics are closely interlinked with climate as inter-clan struggles over resources have been intensified by repeated extreme climatic shocks like drought and floods, which further reduce the availability of water and pastures.” OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 22.

395 “The ongoing conflict has led to the displacement of approximately 14,100 individuals (2,350 households), as well as 43 deaths and 35 injuries. The families have been displaced to the following locations: Oodale, Qeydaar, Ina-Cabaade, Balanbale, Turbi, Hodale and Kahadhaale.” UNHCR, Somalia: Protection and Return Monitoring, 11 February 2022, www.ecoi.net/en/file/local/2065176/Somalia-protection-return-monitoring-11%20Feb%202022%20%281%29.pdf, p. 1.
In December 2021, clashes in Puntland between rival political factions in Bosasso killed 15 civilians, injured 36 others and caused thousands to be displaced.\(^{399}\)

Most displaced persons live in “over 2,400 sub-standard and unplanned IDP sites in urban, semi-urban and rural areas across the country.”\(^{400}\) These sites are often cut off from basic services.\(^{401}\) Almost half of IDPs live in “sub-standard makeshift shelters […] made of tree branches, torn clothing, plastic sheeting and rags” and the proportion is higher among single female-headed households.\(^{402}\) An estimated 1.8 million displaced persons are at risk of eviction.\(^{403}\) Between January and August 2021, 74,473 IDPs were redisplaced as a result of eviction.\(^{404}\)

According to OCHA, the majority of displaced persons “are poor with limited livelihood assets, few income-earning opportunities, low communal support and high reliance on external humanitarian assistance.”\(^{405}\) Over 75 per cent live below the poverty line (compared to 71 per cent of Somalis as a whole), and 75 per cent of IDPs require humanitarian assistance.\(^{406}\) IDPs face disproportionate rates of both food insecurity and malnutrition compared to host communities.\(^{407}\)

Women and girls who are displaced are more vulnerable to all types of GBV.\(^{408}\) During 2021, displacement disproportionately affected children.\(^{409}\) Displaced children often struggle to access education, healthcare and other basic social services, and are vulnerable to forced marriage, family separation, GBV and child labour.\(^{410}\)

Restrictions related to COVID-19 disproportionately affected IDPs, who suffered from reduced livelihood opportunities, limiting their ability to afford food and necessities.\(^{411}\)

In November 2019, Somalia adopted a National Policy on Refugee-Returnees and Internally Displaced Persons, in order to formulate “guiding principles” for actors “assisting refugee-returnees and internally

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\(^{400}\) *“According to the detailed site assessment finding and site verification assessments conducted by the CCCM cluster, more than 85 per cent of sites are informal settlements settled on private land with the majority of sites located in urban areas.”* OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 77.


\(^{402}\) *“During the reporting period, in South Gaalkacyo, about 1,400 IDPs in Bula Jawan settlement in Galmudug Region are at risk of eviction, following an instruction from the landlord, despite living on the land since 2016. On 13 January, in Banadir, 400 IDPs were evicted from two settlements in Daynille and Garasabaly districts. The same day, nearly 1,300 people were reportedly evicted by non-state armed actors from Garasale village, Wanla Weyn District, Lower Shabelle Region. The evictions are largely due to lack of security of tenure”* OCHA, *Humanitarian Bulletin*, 10 February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/HumanitarianBulletin%20January%202022%20final%20over.pdf, p. 3.


\(^{405}\) Ibid., pp. 37, 39.

\(^{406}\) It is estimated that one-third of IDPs face food consumption gaps. Ibid., p. 83, see also pp. 7, 39, 91.


\(^{408}\) “In many ways, the Somali crisis is a children’s crisis. Children constituted the majority - 67 per cent - of the 573,000 people who were newly internally displaced between January and August 2021.” OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 35.


displaced persons (IDPs) inside Somalia”. Somalia also adopted National Eviction Guidelines and an Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons, addressing “the human rights implications of evictions in urban and rural areas by preventing arbitrary and forced eviction” and providing “for land and housing for vulnerable IDPs”.


G. Refugees and Returnees

As of 31 July 2022, there were 658,397 refugees from Somalia in the region, with 279,200 refugees in Kenya (as of 30 June 2022), 249,573 refugees in Ethiopia, 69,366 refugees in Yemen and 60,394 refugees in Uganda. According to Eurostat statistics, 10,135 Somalis applied for international protection in the EU in 2020. Nearly 16,400 Somalis applied for international protection in the EU in 2021. As of the end of 2020, Somalia was the seventh largest refugee producing country in the world, with an estimated 815,000 persons displaced across borders.

In 2019, at the Global Refugee Forum, the governments of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda launched the IGAD regional support platform meant to “motivate and aggregate […] support from the international community, civil society and the private sector” and “facilitate and coordinate the delivery of this technical and financial support for refugees, returnees and […] host communities.” The support platform and its launch sought to reinvigorate the Nairobi Declaration and Plan of Action, adopted at an IGAD Special Summit on protection and durable solutions for Somali refugees and reintegration of returnees in Somalia in March 2017.

UNHCR recognizes the right of all individuals to voluntarily return to their country of origin, even under adverse circumstances. UNHCR therefore continues to stand ready to support Somalis who are


414 The policy “aim[s] to improve the status and treatment of IDPs by raising awareness of their rights, to establish a strategy to facilitate effective responses to their needs and to ensure consistent co-ordination between local and national government and the humanitarian community.” Puntland State of Somalia, Puntland Policy Guidelines on Displacement, 2014, www.refworld.org/docid/5f5a7a878.html.


registered refugees in the countries neighbouring Somalia and who, being fully informed of the situation in their places of origin, voluntarily decide to return to Somalia. However, despite the efforts of the Government and the international community, returnees continue to face multi-faceted difficulties to their reintegration.

Voluntary repatriation of refugees and forced return of former asylum-seekers whose applications were rejected are processes of fundamentally different characters, engaging different responsibilities on the parts of the various actors involved.\textsuperscript{423} UNHCR’s engagement with Somali individuals who voluntarily decide to return to Somalia should therefore not be construed as implying an assessment on the part of UNHCR of the safety and other aspects of the situation in Somalia for individuals who have applied for international protection in countries of asylum.

\section*{III. Assessment of International Protection Needs}

UNHCR considers that individuals falling in one or more of the risk profiles outlined in this Section may be in need of international refugee protection, depending on the individual circumstances of the case. However, the profiles listed here are not necessarily exhaustive; they are based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Depending on the specific circumstances of the case, family members or other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.

People fleeing Somalia may be at risk of persecution for reasons that are related to the ongoing armed conflict in Somalia, or on the basis of human rights abuses that are not directly related to the conflict, or a combination of the two.

Somalia continues to be affected by a non-international armed conflict.\textsuperscript{424} Individuals fleeing violence or the threat of violence in the context of this conflict may also meet the criteria for refugee status as contained in Article 1(A)(2) of the 1951 Convention. For this to be the case, the feared persecution arising from the violence must be for reason of a 1951 Convention ground.\textsuperscript{425} In the context of Somalia, examples of circumstances where civilians are subjected to violence for a 1951 Convention reason include situations where violence is targeted at areas where civilians of specific clans or specific ethnic, political or religious profiles predominantly reside, or at locations where civilians of such profiles predominantly gather (including markets, mosques, schools, or large social gatherings such as weddings). To qualify for refugee status there is no requirement that an individual be known personally to the agent(s) of persecution or be sought out personally by those agents. Similarly, entire communities may have a well-founded fear of persecution for one or more of the 1951 Convention grounds; there is no requirement that an individual suffer a form or degree of harm above that suffered by other individuals with the same profile.\textsuperscript{426}

For civilians fleeing violence to come within the scope of Article 1(A)(2) of the 1951 Convention, the impact of the violence must be sufficiently serious as to amount to persecution.\textsuperscript{427} A risk of regular exposure to violent conduct or to the consequences of such conduct can amount to persecution within

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\item[423]\footnotesize The UNHCR Master Glossary defines forced return as: “The return of foreign nationals to their country of origin or country of transit against their will.” Voluntary repatriation is defined as: “The free and informed return of refugees to their country of origin in safety and dignity. Voluntary repatriation may be organized (i.e. when it takes place under the auspices of the concerned States and/or UNHCR) or spontaneous (i.e. when refugees repatriate by their own means with little or no direct involvement from government authorities or UNHCR).” UNHCR, Master Glossary of Terms, accessed 25 August 2022, www.unhcr.org/glossary/.
\item[426]\footnotesize Ibid., paras 22-23.
\item[427]\footnotesize Ibid., paras 11-13.
\end{itemize}
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Article 1(A)(2) of the 1951 Convention, either independently or cumulatively. In the context of the conflict in Somalia, relevant considerations to determine whether the consequences of conflict-related violence for civilians are sufficiently serious to meet the threshold of persecution include the number of civilian casualties and the number of security incidents, as well as the existence of serious violations of international humanitarian law which constitute threats to life or freedom or other serious harm. Such considerations are not, however, limited to the direct impact of the violence, but also encompass the consequences of violence that are more long-term and indirect, including the impact of the conflict on the human rights situation and the extent to which the conflict impedes the ability of the State to protect human rights.

In the context of the conflict in Somalia, relevant factors in this respect are:

(i) territorial and social control exercised by Al-Shabaab over the civilian population in South and Central Somalia (see map on page 10), including through illegal taxation, the meting out of illegal punishments via parallel justice systems, restrictions on social conduct and freedom of movement, and threats and intimidation against civilians;

(ii) forced recruitment;

(iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty and the destruction of livelihoods and the loss of assets;

(iv) high levels of crime and corruption and the ability of clan leaders and corrupt government officials to operate with impunity;

(v) systematic constraints on access to education and basic health care as a result of insecurity;

(vi) systematic constraints on participation in public life, including in particular for women; and

(vii) localized violence and revenge killings as a result of clan-based disputes.

All claims lodged by asylum-seekers need to be considered on their merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information, whether they are assessed on the basis of the refugee criteria in the 1951 Convention, the refugee definitions in regional instruments, UNHCR’s mandate, or complementary forms of protection based on broader international protection criteria. Certain claims by asylum-seekers from Somalia may require examination for possible exclusion from refugee status.

The status of recognized refugees should be reviewed only if there are indications, in an individual case, that there are grounds for:

(i) Cancellation of refugee status which was wrongly granted in the first instance;

(ii) Revocation of refugee status on the grounds of Article 1F of the 1951 Convention; or

(iii) Cessation of refugee status on the basis of Article 1C(1-4) of the 1951 Convention.428

UNHCR considers that the current situation in Somalia does not warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention.

A. Risk Profiles

1) Individuals (Perceived as) Supporting the FGS, FMS and/or Related Actors

Al-Shabaab embraces the Salafi doctrine of Takfirism, where opponents are labelled as apostates or infidels, and declares that the Somali government, and by extension those affiliated with it, are apostates.429 In 2019, a spokesperson stated that Al-Shabaab operations target the “apostate regime, [including] the apostate leaders, soldiers, army officials, members of parliament, ministers, members of
so-called judicial system, apostate spies, and all those who work in the different sectors of the apostate regime.”430 For example, Al-Shabaab views certain hotels as legitimate targets and considers all those who enter or work at the hotel, including "hotel owners [...] cleaners, guards, cooks and other staff", as enemy combatants.431

In 2020, Al-Shabaab publicly threatened persons participating in the elections, which they called an “apostate” activity, including “as electors, delegates or candidates for office”.432 In September 2021, the group further warned all persons against taking part in the elections, including as voters.433 Al-Shabaab attacks increased during the electoral period, including against locations with high numbers of civilians.434 Additionally, Al-Shabaab has punished groups of civilians for supporting the government or SNA forces, including in January 2022 when it burned houses in Balcad, claiming “that the owners work[ed] with the government by supporting government forces and resisting [Al-Shabaab’s] attack.”435

In areas where it is not in direct control, Al-Shabaab uses tactics such as abductions and disrupting supply routes to both punish the local population and to force it to support its fight against the government of Somalia.436 The group has abducted clan elders and forcibly displaced populations in order to crush resistance and to punish perceived collaboration with the government.437 In areas where

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431 “[I]t has been noted that AS views certain hotels as legitimate targets, warning civilians not to get close to them. An AS member is quoted as saying that the group considers five, six or seven hotels in Mogadishu as prime targets as they are known to host government officials, certain members of the Somali diaspora, foreigners and others seen as ‘infidels’. Harper notes that some hotels do indeed serve as homes and workplaces of senior government officials. According to a member of AS’s department for communications, the group considers ‘every person who visits or works at such hotels’, including hotel owners (who allow ‘members of government to live and visit their hotels’), cleaners, guards, cooks and other staff as enemies. Elaborating on this logic, the AS source is quoted as saying that the group considers such hotels to be ‘government buildings, not civilian buildings’. It has been reported that the group sometimes justifies their attacks on these facilities by referring to them as military bases.” EASO, Somalia: Targeted Profiles, September 2021, www.ecoi.net/en/file/local/206580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, pp. 87-88.

432 For example, Al-Shabaab views certain hotels as legitimate targets and considers all those who enter or work at the hotel, including “hotel owners [...] cleaners, guards, cooks and other staff” as enemies. For example: ‘On 28 February 2019, at least 33 civilians were killed and 127 injured in a coordinated attack in the vicinity of the Maka Almukarama Hotel in Mogadishu. Al Shabaab claimed responsibility, stating that the targets were senior government officials and diplomats frequently visiting the hotel. ’ UNSOM / OCHCR, Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 13.

433 “Al-Shabaab has threatened retribution for anyone participating in the vote, whether as electors, delegates or candidates for office, calling the exercise an ‘apostate’ activity. Its warnings have aimed both to advertise the group’s position and to provide justification for attacks. At a March forum, the group defined any form of electoral participation as unbelief, in line with its perspective that democracy is a type of ‘infidelity’ that elevates the rule of human beings above that of God.” ICG, Blunting Al-Shabaab’s Impact on Somalia’s Elections, 31 December 2020, www.crisisgroup.org/africa/horn-africa/somalia/165-blunting-al-shabaab-impact-somalias-elections, p. 3.


436 “In areas where Al-Shabaab failed in or decided against pursuing direct control, it conducted interdiction operations along main supply routes or punished locals and traditional leaders to attempt to compel them to support its fight against security forces.” UN Security Council, Letter Dated 5 October, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/202253/S2021849_E.pdf, para. 12. When Al-Shabaab faced resistance from clan militia, such as from the Leeyeysan sub-clan in Bay and Bakool, and the Galjeel sub-clan in Lower Shabelle, where protection by security forces was limited, the group abducted elders and evicted several villages, forcing the population to displace.”
it has influence but not control, Al-Shabaab imposes blockades and compels local populations and clan elders to support its cause.\footnote{438}

a) Clan Elders

Clan elders play a major role in Somali society\footnote{439} and therefore have been targeted for abduction, harassment and killing by Al-Shabaab.\footnote{440} In areas they control, Al-Shabaab "co-opt[s]" the clan structure to further their control.\footnote{441} Clan elders in areas controlled by Al-Shabaab must cooperate with the group or face severe consequences.\footnote{442} Al-Shabaab coerces clan elders into recruiting children and others for its ranks, setting quotas for how many fighters clan elders must provide within a given time period.\footnote{443} Despite fearing for their safety, some clan elders reportedly stay under Al-Shabaab rule knowing that should they leave Al-Shabaab may appoint one of its own members as an intermediary instead.\footnote{444} By early October 2021, it was reported that Al-Shabaab had appointed 13 clan elders in 2020 and 2021 in ceremonies where Al-Shabaab "provided the selected elder with a vehicle, an AK 47 rifle, a copy of the Quran and the group's flag to demonstrate the allegiance of the clan to the cause."\footnote{445}

During 2021, Al-Shabaab killed community leaders and clan elders.\footnote{446} Clan elders were also abducted, for example, when Al-Shabaab faced "resistance from clan militia, such as the Leeyasan sub-clan in Bay and Bakool, and the Gajel sub-clan in Lower Shabelle".\footnote{447} Al-Shabaab members kidnapped eight clan elders in Lower Juba on 13 January 2022 after they refused to pay taxes.\footnote{448} On 14 October 2021, a clan elder was killed by Al-Shabaab after he resisted a forceful abduction.\footnote{449} On 8 September 2021, Al-Shabaab abducted 40 clan elders for unknown reasons, but they had previously warned the

During 2021, Al-Shabaab killed community leaders and clan elders.\footnote{446} Clan elders were also abducted, for example, when Al-Shabaab faced "resistance from clan militia, such as the Leeyasan sub-clan in Bay and Bakool, and the Gajel sub-clan in Lower Shabelle".\footnote{447} Al-Shabaab members kidnapped eight clan elders in Lower Juba on 13 January 2022 after they refused to pay taxes.\footnote{448} On 14 October 2021, a clan elder was killed by Al-Shabaab after he resisted a forceful abduction.\footnote{449} On 8 September 2021, Al-Shabaab abducted 40 clan elders for unknown reasons, but they had previously warned the

Additionally: "Al-Shabaab compelled entire communities to displace in retaliation to military and territorial losses of the group. The order to displace was triggered by the perceived collaboration of these communities with Federal or Regional authorities or the facilitation of SNA and AMISOM military operations. For example, on 26 December 2020, the Al-Shabaab administration for Lower Shabelle based in Ujungi, gathered the elders of seven villages in Marka district and gave an ultimatum to the residents, to vacate their villages within 48 hours. Over 1,400 households (approximately 10,000 people from the Rahamweyn and Garre clans) were forced to abandon Buulo Ohror, Daarayow, Falacko, Farange, Gaarlow, Kamirow, and Shufereen (see figure 1 for a breakdown of displacement) and displace to Buufow Bacaad and Mogadishu. Sources within the affected communities told the Panel that Al-Shabaab accused these displaced communities of having collaborated with AMISOM and SNA forces after these recovered Marka in March 2020." UN Security Council, Letter Dated 5 October, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2068253/2021_849_E.pdf, para. 15.

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elders to boycott the forthcoming elections and to refuse government contracts. Additionally, in 2021 Al-Shabaab targeted villages and elders who were affiliated with ASWJ in retaliation for ASWJ fighting alongside the FGS in Middle Shabelle.

In July 2019, Al-Shabaab reportedly gave a 45-day ultimatum for clan elders involved in the selection of Members of Parliament for the FGS to “repent” or be killed. The group claimed in September 2019 that 635 elders had repented of supporting democracy and registered with them.

b) Electoral Delegates

As noted in Section II.B.2, the members of the Lower House of Parliament are elected by electoral delegates, who are themselves selected by clan elders. During the 2016-2017 election period, Al-Shabaab killed, threatened and harassed electoral delegates; delegates were warned in the following years not to take place in future elections. In July 2021, the leader of Al-Shabaab, Ahmed Abu Ubaidah, warned electoral delegates not to participate in the forthcoming parliamentary election, reminding them of the fate of previous delegates who were killed by the group. Al-Shabaab also contacted previous delegates directly and demanded they boycott the polls.

Throughout 2021 and into 2022, Al-Shabaab killed and attacked electoral delegates across Somalia, and elders who were involved with the election process. Attacks intensified during February and March 2022, targeting polling locations, delegates and parliamentary candidates. Notably, Al-
Shabaab targeted a minibus carrying electoral delegates on 10 February 2022, killing at least six people; the group claimed responsibility and said the attack was “against a convoy of the apostate government” and expressly to target “delegates selecting lawmakers”.460 On 18 and 21 January 2021, Al-Shabaab killed two traditional elders, one in Mogadishu and one in Afgooye, both of whom had participated as delegates in the 2016 election.461

Al-Shabaab continued to target electoral delegates even after the conclusion of the 2022 elections.462

c) Government Officials and Workers

UN SOM noted in March 2021 that Al-Shabaab had “increased its operational tempo since August 2020” and attacks against government officials saw “a new peak” in the beginning of 2021.463 This trend has continued into 2022, with Al-Shabaab directly targeting and killing civilian government officials and workers.464 During 2021 and 2022, directors and others with managerial responsibilities have been targeted,465 but so have judges and prosecutors,466 tax collectors and lower-level officials.467 Former...
government officials have also been targeted and killed.\textsuperscript{468} Attacks in the past have targeted the President of Puntland,\textsuperscript{469} the mayor of Mogadishu and government ministers.\textsuperscript{470}

On 20 August 2022, Al-Shabaab attacked a hotel where government employees regularly gathered, killing at least 21 persons and wounding 117 others.\textsuperscript{471} On 16 January 2022, Al-Shabaab targeted the government spokesperson with a suicide bomb.\textsuperscript{472} Al-Shabaab has targeted other government officials with suicide bombs, including in places where civilians are present in large numbers.\textsuperscript{473} For example, on 5 March 2021, Al-Shabaab targeted a “restaurant popular among government officials and security forces in the Hamarjajab district” with a vehicle-borne improvised explosive device; the explosion caused a nearby building to collapse which killed 10 persons and injured 30 others.\textsuperscript{474} On 27 November 2020, Al-Shabaab targeted an ice cream parlour known to be popular with government officials with a suicide bomber, killing 8 and wounding 10 persons.\textsuperscript{475}

The Hamar Jajab district commissioner in Mogadishu, Mohamed Abdi Ahmed, was shot and killed by Al-Shabaab on 16 April.\textsuperscript{476} Al-Shabaab members raided the house of the head of the Buur Hakaba district court, took him to the edge of town and beheaded him on 22 December 2021.\textsuperscript{477} The former governor of Hiraan, Abdirahman Ibrahim Maow, was shot and killed by two militants from Al-Shabaab on 22 January 2022 after leaving a mosque.\textsuperscript{478}

In Puntland, Al-Shabaab assassinated the governor of Nugal, Abdisalam Hassan Hersi, on 29 March 2020, and the governor of the Mudug region, Ahmed Muse Nur, on 17 May 2020; the group also attempted to kill the Minister for Internal Security in Somalia on 18 July 2020.\textsuperscript{479}

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\textsuperscript{468} Al-Shabaab targeted a former Afgooye district official with an IED near a main market on 30 May 2022, killing three persons and injuring four, including the targeted former official. Al-Shabaab shot and injured a former MP and minister of Southwest State on 14 December 2021 in Mogadishu. A former commander and current government official was killed by Al-Shabaab in Mogadishu on 19 June 2021. ACLED, Data Export Tool, accessed 25 August 2022, https://acleddata.com/data-export-tool/.


d) Police Officers and Off-Duty Members of the Security Forces

Al-Shabaab has continuously targeted police officers (both on and off-duty) and off-duty members of the security forces, including SNA and NISA officers.\(^{480}\) During 2021 and into 2022, off-duty police officers were targeted and killed or injured by Al-Shabaab while shopping or near or inside their own homes, primarily in Mogadishu\(^{481}\) but also in Jubbaland\(^{482}\) and Puntland.\(^{483}\) Al-Shabaab targeted and killed off-duty soldiers in Mogadishu, Afgooye and other parts of South and Central Somalia.\(^{484}\)

On 18 January 2022, an Al-Shabaab suicide bomber blew up a tea shop in Mogadishu frequented by off-duty soldiers from a nearby barracks.\(^{485}\) An Al-Shabaab suicide bomber detonated an explosive in front of the Waberi district police station on 10 May 2021, killing six officers.\(^{486}\) Al-Shabaab bombed a restaurant near the police academy on 17 November 2020, killing six police officers, wounding four officers and also injuring two civilians.\(^{487}\) The group also attempted to kill the Chief of the Somali Armed Forces on 13 July 2020 with an improvised explosive device.\(^{488}\)


\(^{481}\) Off-duty police officers were killed in Mogadishu on 10 May 2022, 25 April 2022 and 14 April 2022. Two off-duty police officers were shot and killed by suspected Al-Shabaab members on 10 January 2022 in Mogadishu. On 30 December 2021, Al-Shabaab killed an off-duty police officer in Mogadishu who was shopping. On 14 November 2021, Al-Shabaab forced their way into the house of a woman who worked as a Southwest Special Police Forces member and killed her. Al-Shabaab killed an off-duty police officer on 7 November 2021 in a minimarket in Mogadishu. Two off-duty police officers were killed in Mogadishu by Al-Shabaab on 6 October 2021, and another on 28 September 2021. An off-duty police officer was killed in front of his home on 29 June 2021 in Mogadishu, and a senior off-duty police officer was killed by Al-Shabaab by his house in Mogadishu on 12 April 2021. Another off-duty police officer was killed by Al-Shabaab on 25 January 2021 in Mogadishu. ACLED, Data Export Tool, accessed 25 August 2022, https://acleddata.com/data-export-tool/.


\(^{484}\) Off-duty intelligence officers were killed by Al-Shabaab on 15 December 2021 in Marka, Lower Shabelle and on 30 November 2021 in Afgooye, Lower Shabelle. An off-duty woman soldier was killed at her home by Al-Shabaab on 12 November 2021. Another off-duty soldier was shot the same day outside of his house in Mogadishu, and two other off-duty soldiers were shot in a market in Lower Shabelle on 10 November 2021. On 27 October 2021, Al-Shabaab killed an off-duty soldier in Afgooye, Lower Shabelle, while he was travelling back from Mogadishu. Al-Shabaab killed off-duty soldiers in Mogadishu on 25 October 2021, 13 October 2021, 26 September 2021, two off-duty soldiers on 19 September 2021, and others on 18 September 2021 and 15 September 2021. Another off-duty soldier was killed by Al-Shabaab in Afgooye on 30 August 2021, and two others in Mogadishu on 25 August 2021 and 11 August 2021. Another was killed in Weydow IDP settlement in Mogadishu on 23 July 2021. An off-duty soldier was killed while shopping in Afgooye on 3 July 2021. Off-duty soldiers were also shot (one killed, one injured) on 31 and 11 May 2021 in Afgooye. A former soldier was killed by Al-Shabaab near Baidoa town while taking public transport. An off-duty soldier was shot and injured by Al-Shabaab on 28 February 2021 in Belet Weyne town, and another on 28 February 2021 on his way home at Tableelaha-Weydow village. Another off-duty government soldier was killed at Waberi village on 10 February 2021, and two on 28 February 2021 in Mogadishu and 3 February 2021. ACLED, Data Export Tool, accessed 25 August 2022, https://acleddata.com/data-export-tool/.


governmental organizations (NGOs).

According to OCHA, during 2021, “humanitarian workers [were] frequently been targeted for carrying out lifesaving humanitarian activities”.

During 2021, two aid workers were killed, one was kidnapped and three more were injured. This was an improvement from 2020, when 12 aid workers were killed, 18 were abducted, 21 were injured and another 24 were detained, with most violations taking place in Mogadishu, Southwest and Jubbaland.

A women’s advocate and NGO staff member was killed in a targeted bombing in Dinsor, Bay region, on 23 May 2020; she had previously received death threats from Al-Shabaab.

According to Freedom House, “civil society groups, international nongovernmental organizations (NGOs), and UN agencies have been able to conduct a wide range of activities in some parts of the country, but they face difficult and often dangerous working conditions”; “[r]egional authorities and security forces have reportedly harassed, extorted, obstructed, and attempted to control” them.

The Somaliland Ministry of Planning and National Development reviewed the licenses of 2608 local NGOs according to a 16 August 2020 directive; on 8 September 2020, the Ministry revoked the licenses of 2,372 NGOs.

f) Other Civilians Perceived as Supporting the FGS, FMS or Foreign Forces

Al-Shabaab regularly arrests and publicly executes persons, including civilians, who they allege are spies for the FGS or for foreign forces. This has included persons that they suspect of providing information for airstrikes by foreign forces. A specialized intelligence unit within the group, the


On 4 November 2018, Al Shabaab reportedly held 10 civilian community elders from Abayow village, Walawen District, Lower Shabelle, accusing them of spying for foreign forces and the Government. The incident reportedly occurred after an unidentified airstrike in support of Somali Special Forces hit a target in Abayow village earlier that day, killing 11 Al Shabaab militants.” UNOSOM / OHCHR, Protection of Civilians Report: Building
Amniyat, is responsible for identifying alleged spies among the civilian population, in addition to targeting alleged spies, defectors and dissidents in Al-Shabaab’s own ranks.\(^{498}\) Persons accused of spying often undergo “unfair trials” in Al-Shabaab courts, without access to lawyers.\(^{499}\) From 1 January 2017 to 31 December 2019, Al-Shabaab “was […] responsible for 1,745 incidents of arbitrary deprivation of liberty, with most victims suspected of spying for the Government of Somalia or foreign forces, or for otherwise cooperating with the Somali authorities.”\(^{500}\)

During 2020 and 2021, almost sixty individuals were publicly executed as spies allegedly for a range of foreign countries (including Ethiopia, Kenya, United Kingdom, United States including Washington State), FMS (including Jubbaland and South West), ISIS, and the United Nations.\(^{501}\) Al-Shabaab continued to carry out executions of persons accused of spying in 2022; for example, in July 2022 the group executed six men in Bay region after an Al-Shabaab judge found them guilty of spying for “the Somali government and a US intelligence agency.”\(^{502}\) In January 2022 a man was executed by Al-Shabaab in Bula-Fulay town in Bay region for allegedly spying on behalf of the Ethiopian National Defense Forces, AMISOM and South West regional troops; as is usual practice, the execution took place by firing squad and hundreds of local civilians were forced to watch.\(^{503}\) Al-Shabaab carried out several mass executions of alleged spies during 2021 in the days immediately following a mass execution of Al-Shabaab members by Puntland.\(^{504}\)

g) Summary

Based on the evidence presented above, UNHCR considers that, depending on the individual circumstances of the case, persons associated with, or perceived as supportive of, the FGS, the FMS and/or related actors may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of (imputed) political opinion or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Such persons include:


2) *Members of Minority Religions and those Accused of Blasphemy or Apostasy by Actors other than Al-Shabaab*\(^{505}\)

Sharia law underpins non-State justice mechanisms across Somalia, as well as the formal legal frameworks and judicial systems in South and Central Somalia, Puntland and Somaliland.\(^{506}\) The 2012 Provisional Constitution states that it is based on the foundation of the Quran and “protects the higher objectives of Shari’ah and social justice”; it also prohibits any law which conflicts with Sharia and states that the constitution is subordinate to Sharia.\(^{507}\) The Somaliland constitution establishes Islam as the State religion and mandates that the “laws of the nation shall be grounded on and shall not be contrary to Islamic Shari’a.”\(^{508}\) According to the 2009 Puntland constitution, Sharia is a guiding principle of the political system and Sharia is the supreme law of Puntland.\(^{509}\)

One per cent of Somalia’s population practises a religion other than Sunni Islam.\(^{510}\) Non-Muslims report that they cannot practise their religions openly.\(^{511}\) The Provisional Constitution prohibits proselytizing any religion other than Islam;\(^{512}\) conversion from Islam is “socially unacceptable” in all of Somalia, with converts facing discrimination and violence from their communities.\(^{513}\) For example, a seven-year-old boy was attacked and beaten by other children for being a Christian in October 2020, and a woman convert faced familial discrimination and physical abuse in August 2019.\(^{514}\) In Al-Shabaab-controlled areas, people who convert from Islam to another religion are threatened with death.\(^{515}\)

In Somaliland, Article 5 of the Constitution forbids the propagation of any religion other than Islam, and further provides that Muslims cannot renounce their belief under Sharia law.\(^{516}\) In October 2020, a couple accused of proselytizing Christianity in Somaliland were arrested and then deported to

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505 For the treatment of people accused of apostasy by Al-Shabaab, see Section III.A.3.b.


507 Federal Republic of Somalia, Provisional Constitution, 1 August 2012, www.refworld.org/docid/51b6d0d04.html, arts 2(3), 3(1) and 4(1), see also, arts 40(2) and 40(4).


Mogadishu. A further six persons who had converted to Christianity were arrested in Somaliland in April 2021 on charges of offences against Islam, while three were also charged with apostasy; the charges against all six were dismissed in August 2021. Making statements that could be perceived as blasphemous is extremely dangerous in Somalia. Blasphemy and apostasy are prohibited by law in Somalia, including in Somaliland and Puntland. A university professor in Hargeisa who suggested that praying was not the best way to address a drought received death threats and was arrested in 2019 and sentenced to 2.5 years of incarceration for blasphemy; the Somaliland authorities released him after a conditional presidential pardon in January 2020, but he continued to receive death threats.

Members of minority religions, and those accused of blasphemy and/or apostasy by actors other than Al-Shabaab, are likely in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their religion, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

3) Individuals (Perceived as) Contravening Sharia and Decrees Imposed by Al-Shabaab

Sharia law is used in the State-run courts, in local forms of dispute resolution and justice mechanisms, and by Al-Shabaab in areas they control. It is estimated that over 80 per cent of legal cases are decided via informal justice mechanisms including by Xeer, a traditional form of dispute resolution which incorporates Islamic law principles, or by Sharia as applied by local ulamas. Sharia is usually the only option in Al-Shabaab-controlled areas.


“Hoehne states that making blasphemous statements is something that is ‘extremely dangerous’ in all parts of Somalia, although he has rarely heard of people being executed for blasphemy, even in areas under the control of AS.” EASO, Somalia: Targeted Profiles, September 2021, www.ecoi.net/en/file/local/2060590/2021_08_EASO_CDI_Report_Somalia_Targeted_profiles.pdf, p. 51.


Al-Shabaab imposes conservative social norms upon the population, enforcing strict instructions for how women must dress in public and for women to be accompanied by a male guardian, as well as segregating by gender in public transportation and other public areas. Women are required to wear a robe, veil and gloves and can be subjected to beatings, punishment or arrest for non-compliance. Women are not allowed to work, and Al-Shabaab has reportedly punished women for such acts as selling tea by imposing fines or by confiscating their goods. Al-Shabaab prohibits institutions, services and behaviours that it considers not in line with Islam—including cinemas, television, internet access, music, smoking, the use of khat and the shaving of beards—and punishes infractions harshly. Reportedly, corporal punishments for minor infractions may be applied immediately, and likely do not receive media attention. Al-Shabaab has detained people in “inhuman conditions” for “relatively minor offenses, such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab.”

Al-Shabaab implements a strict and extreme form of Sharia law in areas it controls, with harsh punishments including stoning and amputation. According to the Panel of Experts, Al-Shabaab’s punishments “include flogging for sexual conduct, hand amputation for stealing as well as execution for spying.”

Al-Shabaab courts lack due process, do not allow “legal representation or appeals” and the “evidence largely relies on alleged confessions.” Defendants have alleged that their prosecution was motivated by humanitarian groups, Al-Shabaab continued threatening to execute anyone suspected of converting to Christianity. In the areas it controlled, the group continued to ban cinemas, television, music, the internet, and watching sporting events. It prohibited the sale of khat (a popular stimulant plant), smoking, and other behavior it characterized as un-Islamic, such as shaving beards. It also enforced a requirement that women wear full veils.

Al-Shabaab’s Gendered Economy


The Shari'ah in Somalia


Pact / ABA ROLI, The Shariah in Somalia, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 27. “Believing that a woman’s place is at home as a wife, the group formally prohibits women from working or engaging in businesses – behavior they consider to be ‘un-Islamic’. Women are subject to a strict dress code, they are prohibited from leaving their homes without a male escort and they cannot loiter outside, further limiting their involvement in the public sphere.”


女性的场所是家庭作为妻子，行为他们认为是‘非伊斯兰’的。女性需要遵守严格的着装规定，禁止离开家庭外出，进一步限制了她们在公共领域的参与。


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by political motives.\textsuperscript{534} Decisions also rely on circumstantial evidence, despite applying the most severe penalties.\textsuperscript{535} Al-Shabaab is reported to arrest individuals on the basis of “questionable or false accusations.”\textsuperscript{536}

Al-Shabaab carried out 56 executions in 2018 and another 34 in 2019, by firing squad and beheading.\textsuperscript{537} The group executed at least another 28 persons in 2020, and between 16 December 2020 and 6 September 2021, the Panel of Experts documented the execution of 29 individuals.\textsuperscript{538} Al-Shabaab killed a woman for allegedly committing adultery on 14 February 2022 in Hiraan; the partner was sentenced to 100 lashes and banned from his village for one year.\textsuperscript{539} Other examples of Al-Shabaab courts imposing the death penalty include:\textsuperscript{540} the execution of an 83-year-old man on 5 August 2021 found guilty of insulting the prophet Mohamed;\textsuperscript{541} the execution of two persons on 4 April 2021 who were found guilty of practising witchcraft;\textsuperscript{542} the execution of a man who allegedly confessed to practising witchcraft on 24 September 2020;\textsuperscript{543} the execution of a man on 31 May 2020 for allegedly possessing supernatural powers;\textsuperscript{544} and the public stoning to death of a woman accused of having multiple husbands on 9 May 2018.\textsuperscript{545}

Examples of corporal punishments include amputations of limbs of people convicted of theft on 28 October 2021, 12 July 2021, 1 March 2021, 26 February 2021, 16 January 2021, 22 December 2020 and 3 June 2020.\textsuperscript{546}

Despite Al-Shabaab courts’ application of a strict interpretation of Sharia and the imposition of harsh punishments, some people bring land disputes to their courts as an alternative to the formal and informal court systems, even when they live outside of Al-Shabaab control, because of Al-Shabaab’s ability to
enforce its judgments, and a perception that Al-Shabaab is less corrupt than the government. However, persons turning to Al-Shabaab courts who live in government-controlled territory may face arrest for consorting with Al-Shabaab.

b) Persons Viewed as Apostates by Al-Shabaab

Under conservative interpretations of Sharia law, such as that espoused by Al-Shabaab, apostasy is a hadd crime with a penalty up to and including the death penalty. Al-Shabaab views those who do not conform to its interpretation of Islamic law and practice as apostates and, in some cases, has executed persons for apostasy in areas they control. According to Al-Shabaab, someone who does not follow its interpretation of Islamic law and practice as apostates and, in some cases, has executed persons for apostasy in areas it controls. People who support or are affiliated with the government, defectors, and others who oppose their rule have also been labelled as apostates.

According to Minority Rights Group International (MRG), as of 2010, Al-Shabaab had "targeted those who contravene it by practicing Somali-Islamic, Christian or traditional African (Bantu and Gosha) religious beliefs and practices." Al-Shabaab has also targeted Sufis and imposed rules and restrictions to forbid Sufism in areas it controls.

In August 2021, Al-Shabaab reportedly executed an 83-year-old man in Galmudug for blasphemy. In 2017, Al-Shabaab claimed responsibility for an attack on a Muslim cleric who had posted controversial videos on YouTube and who used music in his worship services after accusing him of blasphemy.

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Robow Abu Mansur, defected to the government, Al-Shabaab accused him of apostasy and stated that: “Anybody who joins the line of non-Muslims is an apostate who can be killed.”

Based on the evidence presented above, UNHCR considers that persons living in areas controlled by Al-Shabaab who are perceived as contravening Islamic laws or decrees by Al-Shabaab, including people deemed to be apostates or blasphemers, are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of a non-State actor for reasons of religion, imputed political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Depending on the individual circumstances of the case, persons of this profile who live outside areas controlled by Al-Shabaab may also be in need of international protection.

Persons who have been accused by Al-Shabaab of ordinary crimes carrying harsh penalties, including in particular the death penalty or corporal punishments, such as robbery or theft, are likely to be in need of international protection on the basis of a well-founded fear of persecution at the hands of a non-State actor for reasons of religion, imputed political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Claims for international protection of this kind may, depending on the alleged crime, give rise to the need to examine possible exclusion from refugee status.

4) Members of Minority Groups Including: Ethnic Minorities and Minority Clans, Groups Defined by Religious Origin and Occupational Caste Groups

Minority groups in Somalia include ethnic minorities and minority clans, groups defined by religious origin and caste-like groups previously defined by their occupations. The country’s political and social system is largely clan-based and the traditional clan structure may define whether a person has, inter alia, protection against violation of their rights, access to services, access to justice mechanisms, or any type of social safety net. No reliable estimates exist for the total size of minority groups in Somalia given the general unavailability of census data; the last estimate, which is almost two decades old, is that minority groups make up 30 per cent of the population.

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562 OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, [www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf](http://www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf), p. 25. “Somalia has not published a national census since 1975 and since then major international refugee flows and significant internal displacement have occurred. (Somalia has never conducted a full census). It is thus extremely difficult to calculate or even estimate with a high degree of accuracy numbers of people living across Somalia/ Somaliland and their situation, let alone the proportions of the minority or majority clan heritage of those people and how the situation of each compares with the population as a whole. The UN has nonetheless estimated that minority communities could form 30% of the population.” MRG, Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa, 24 July 2021, [https://reliefweb.int/sites/reliefweb.int/files/resources/2021-09-EASO_COI_Report_Somalia_Targeted_profiles.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2021-09-EASO_COI_Report_Somalia_Targeted_profiles.pdf), p. 14-15.
The electoral system in Somalia is based upon the traditional clan structure and uses a "4.5 formula", where the majority of seats in parliament are allocated to members of the four majority clans, while the small remainder of seats is meant to represent all other minority groups. The 4.5 power sharing formula contributes to the exclusion and marginalization of minority groups in Somalia. Minority groups in Somalia have "been completely left out of the development of the country's government, with no opportunities for participation and influence in official institutions."

In October 2020, however, Puntland began holding a local electoral process based on universal suffrage where each person has one vote. Somaliland also holds elections on the same basis, but with a minimum quota (3 of 82) for seats filled by minority candidates, which is nevertheless below the estimated proportion of the minority population in Somaliland.

Minority groups such as "the Bantu, Tumaal, Reer Hamar/Benadiri, and Madhiban" experience racism and discrimination, and are generally "in a bad position" in Somali society. Because of their low standing in society and their lack of protection or assistance from a broader clan network, people from minority groups and minority clans are vulnerable to conflict-related displacement. Additionally, discrimination and segregation of minority groups can be a driver which causes and prolongs displacement.

In general, persons from minority groups may struggle to access reliable livelihoods, are generally unable to engage in pastoralist activities (reserved for majority clans) or hold important positions in businesses or in the government, and are likely more vulnerable to "economic or crisis related..."
shocks”.574 Reportedly, the Somali armed forces are made up mostly of persons from majority clans and there are no minority group members in any senior positions.575 Members of minority groups may also be more food insecure,576 and “experience more conflict related attacks on their households relative to majority clan members”.577 In urban IDP camps which are primarily inhabited by minority group members, people “have higher levels of food insecurity, are less likely to be receiving food or cash assistance, and are more likely to be dependent on casual labour as a livelihood.”578 Minority clan members are often denied or excluded from access to humanitarian assistance, and suffer more extreme poverty and less access to livelihoods than persons from majority clans when displaced to urban areas.579

Because the customary dispute mechanism of Xeer is based on the ability of “powerful clans of equal strength” to negotiate settlements, minority groups have “no access or opportunity to seek justice and indemnification for legal infringements they have experienced through [Xeer]”.580 Members of minority groups lack the protection that majority clans provide to their members, and therefore members are disproportionately affected by “killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities.”581 Minority groups are unable to help defend their members or avenge any violations against them.582

Women from minority groups are highly vulnerable to gender-based violence.583 Minority group children face bullying at school for their ethnic or clan background.584

According to one source, the situation of minority groups is improving slightly with more and more persons pursuing higher education and the younger generation less concerned with clan or ethnic background.585 Some minority groups may seek or find ways to acquire the protection of a larger clan, via inter-marriage, when permitted, or via local alliances.586

574 Researchers surveyed persons in IDP camps and minority-only settlements, and found that: “Those in minority settlements were most likely to report having no source of income (24% minorities; 19% IDPs; 20% host communities) and least likely to report having two incomes per household (3.4% minorities; 6.1% IDPs; 9.3% host communities). Moreover, for those with an income, almost half (45%) of those living in a minority settlement were dependent on casual labour for their main source of income [...]. This was more than double those in IDP camps (17%) and host communities (21%).” MRG, Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa, 24 July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/revised-final-report_minority-inclusion-learning-review_13_07.pdf, p. 26.

575 One NGO said this was likely because the “Somali government does not want to arm members of marginal groups to a large extent, because they could challenge the position of the powerful clans.” Finnish Immigration Service, Somalia: Fact-Finding Mission to Mogadishu in March 2020, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 44.


578 Ibid., p. 24.

579 Ibid., pp. 39, 46.


581 US Department of State, 2021 Country Report on Human Rights Practices: Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html. One woman from a minority clan explained that she was unable in her area to move freely, due to checkpoints where women from her clan were targeted by “other clans’ militia and SNA from other clans.” She concluded: “There are no [justice] mechanisms that can support the victims”. UN Security Council, Letter Dated 5 October, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 89. “Minority groups (ethnic minorities such as Bantu, Bajuni, Benadiri, ReXamar, Bravanese; or occupational groups such as Miidan/Gaboye, Tumal, Yibir, Galgala) that are estimated to represent up to 1/3 of the population in Somalia, continue to be excluded from political participation, have limited access to justice, are denied multiple rights and are disproportionately affected by natural hazards and conflicts.” MRG, Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa, 24 July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/revised-final-report_minority-inclusion-learning-review_13_07.pdf, p. 111.


583 “Female members of marginal groups are in a desperate position, finding it difficult to obtain protection from legal infringements against them. Eighty percent of the victims of violence against women in Mogadishu belong to marginal groups, and most of them live in camps of internally displaced people. Women who belong to marginal groups are often subjected to sexual or other violence.” Ibid., p. 44.

584 Ibid., p. 45.

585 Ibid., p. 45.

586 See, for example, ibid., p. 44. See also, Section II.A.3.
In Somaliland, minority clans face marginalization and discrimination. They are often only able to work undesirable jobs and many live in poverty, including in IDP camps.587

a) Members of Ethnic Minorities

The principal minority ethnic groups in Somalia are the Bantu and the Benadiri and associated groups, the Bajunis589 and Barawanis.590 These groups may be known by various other names,591 and are generally found in the southern region of Somalia.592

The Bantu are stigmatized as the descendants of slaves and are characterized as African, not Somali.593 The Bantu have historically experienced discrimination and marginalization in Somalia, and are excluded from some livelihoods, including government jobs594 and professional positions, and often work instead in manual trades or agriculture.595 Bantu persons reportedly have a generally low level of education, and even when educated will not be hired for anything other than manual work.596 Bantu persons are not able to access the Xeer system of customary law.597 In Al-Shabaab-controlled areas,
Bantu persons are forced to pay taxes and are subjected to extortion. They are also forced into slave labour.  

Bantu women in Al-Shabaab-controlled areas are often forced into marriages with fighters, sometimes under threat of death or other serious penalties for them or their families. Two researchers found that Bantu girls were forced into marriage to fighters at a younger age than other Somali girls, were not incorporated into the fighter’s households, and the children of such marriages are ignored; this led the researchers to conclude that Al-Shabaab subjugates Bantu women in a form of sexual slavery rather than forced marriage. Men and women from majority clans and powerful clan groups are generally not permitted to marry Bantu persons. In 2018, a man was murdered because his nephew, a Bantu man, had married a Somali woman from a larger clan. His nephew and his nephew’s wife remained in hiding as of August 2020.  

Bantu and Bajuni people have also suffered “persistent confiscation of land and property”. One important Benadiri clan, the Reer Hamar, holds more power than other minority groups and its members have been able to obtain some government positions and also have been able to intermarry with members of more powerful clans.  

b) Minority Groups Defined by Religious Origin

Somalia has two main groups that are defined by their religious origin, the Ashraf and the Sheikhal; these are sometimes labelled as minority clans or ethnic groups. Both groups are considered “dispersed religious communit[ies] of claimed Arabian and early Islamic origin.” While both are seen as individual minority communities, both the Ashraf and the Sheikhal have affiliated with larger clan groups.  

There are two sub-sets of the Ashraf, those affiliated with the majority Rahanweyn clan, and those who live along the coast and are associated with the Benadiri. According to one researcher, the Ashraf are not generally “targeted as a minority” but “may suffer the same problems as their ‘host’ clans”, such
as the Benadiri. While the Ashraf affiliated with the Rahanweyn clan have the protection of being part of a majority clan, the Ashraf affiliated with the Benadiri are a minority group and may suffer the same discrimination and lack of protection that other minority groups experience.

Many of the Sheikhal have reportedly affiliated with the Hayiwe majority clan and benefit from that clan’s protection. Some sub-groups may nevertheless be minority groups and suffer marginalization and discrimination, especially the Gendershe and Jasirhe groups which are reportedly connected with the Benadiri rather than a majority clan.

c) Occupational Caste Groups

In Somalia, certain groups have traditionally been defined by their occupations, usually in less desirable or ‘unclean’ jobs often involving manual labour, for example hunting, hairdressing, blacksmithing or shoemaking. These groups are structured like clans, live in certain areas and neighbourhoods and are referred to by a variety of terms including Tumaal, Waable, Sab, Madhhibaon, Boon, Gabooye and Midgan. These terms may also refer to sub-groups within these occupational castes, and may differ by area. Additionally, a variety of derogatory terms are used for persons from occupational caste groups, especially by people from majority clans, which refer to their positions in society or the myths surrounding their origins.

The most important sub-groups include the Madhhibaon, the Tumaal, the Muse Dheriyon, the Yibir and the Boon. Occupational caste groups are frequently confined to their historic profession, or at least to professions that are not considered desirable by majority clans. However, members of minority clans may engage in occupations traditionally reserved for caste groups out of economic need and the lack of other jobs.

According to one scholar, the “Gabooye groups, like other occupational specialists in Africa, suffer a range of restrictions regarding economic, social and political exchange with the dominant groups they...
INTERNATIONAL PROTECTION CONSIDERATIONS WITH REGARD TO PEOPLE FLEEING SOMALIA

live with."\(^{624}\) Gabooye groups in Somaliland are economically disadvantaged, continue to be confined to their traditional low-paying occupations, and as a whole are unable to achieve "upward social or economic ability" due to societal discrimination and lack of access to resources.\(^{625}\) Children of occupational caste groups suffer bullying at school.\(^{626}\)

Although there are differences between the experiences of the various occupation-based groups, generally all occupation-based groups are excluded from the clan structures and have limited access to education, professional jobs or government positions, recompense for violations against them and political participation.\(^{627}\) Minority occupation-based groups lack the protection of a clan and are marginalized, harassed, and discriminated against by persons from majority clans.\(^{628}\) In disagreements, they are unable to enforce negotiated settlements and do not have the same bargaining power as a majority clan, thus putting them in a weaker position, unless they are affiliated with a majority clan that can negotiate on their behalf.\(^{629}\)

Reportedly, the Tumal and the Gabooye "enjoy more rights and are in a slightly better position" in Puntland than in Somaliland and in South and Central Somalia.\(^{630}\)

d) Individuals Who Live Outside the Area Where their Clan Is Able to Provide Protection

Members of majority clans may constitute a minority in certain areas and may lack the protections of their clan or group.\(^{631}\)

People who flee from South and Central Somalia to Somaliland are considered as refugees by the Somaliland authorities, not as IDPs, which affects "access to services, land ownership as well as documentation and legal papers".\(^{632}\)

e) Summary

Based on the foregoing, UNHCR considers that individuals who belong to one of Somalia’s minority groups (minority ethnic groups, minority groups defined by religious origin, and occupational caste groups, as described above), particularly in areas where they do not constitute a local majority, may, depending on the individual circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their nationality or ethnicity/race, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors. Relevant considerations to assess the well-foundedness of the fear of persecution include the relative power position of the ethnic group in the applicant’s area of origin and/or settlement, the history of inter-ethnic relations in that area and the relative enfranchisement of that specific minority group.

Individuals who belong to one of Somalia’s majority clans but who live in an area where their clan is a minority may, depending on the individual circumstances of the case, also be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of the...
state or non-State actors for reasons of their nationality or ethnicity/race, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

International protection needs based on ethnicity/race may overlap with those based on religion and/or (imputed) political opinion. Due consideration should also be given to whether other risk profiles outlined in these Guidelines apply to the person concerned.

5) Journalists, Human Rights Defenders and Government Critics

The 2012 Provisional Constitution guarantees the right to freedom of expression, including “freedom of speech, and freedom of the media, including all forms of electronic and web-based media.” In January 2016, Somalia passed a Media Law that was criticized by human rights organizations as overly restrictive and potentially reducing freedom of the press. In August 2020 the President signed into law a series of amendments to the 2016 Media Law, which did explicitly provide for freedom of expression, media freedom and the right to information; however, the amendments were immediately criticized by rights groups for retaining draconian criminal provisions and allowing the imposition of heavy fines. The National Union of Somali Journalists stated that the amendments only serve to “further exacerbate the previous shortcomings” of the 2016 Media Law.

Somalia’s Penal Code contains provisions criminalizing insults, the publication or circulation of false news, sedition and defamation, which hamper press freedom. While the President committed to change these in May 2020, no further actions have since been taken by the Somali government.
According to the National Union of Somali Journalists, the relevant legal framework in Somalia provides “Federal Member States with overly broad powers to arbitrarily arrest, detain and charge journalists with vaguely-worded offences.” This legal framework, and the government’s abuse of it, reportedly has a chilling effect on journalists and media workers. The fear of harassment and spurious prosecution, as well as the fear of physical harm or death, has led journalists in Somalia to self-censor.

Puntland’s 2009 Constitution guarantees freedom of the press, free from government interference, and freedom of opinion. Despite this, Puntland’s authorities have previously closed or suspended independent media organizations in retaliation for their reporting. The 2014 Media Law gave the government broad powers to penalize journalists and media organizations, suspend their activities, levy fines, or force their closure. The Media Law was amended in 2016, providing that censorship orders require a court order, and granting the Media Council accreditation powers as opposed to the Ministry of Information.

The Somaliland Constitution provides the right to freedom of expression and explicitly protects a free and independent press, prohibiting any attempt to “subjugate” the press or other media. The right to a free press is reiterated in the 2004 Somaliland Press Law, which also prohibits any constraints on the media. However, a ministerial decree from 2002 banned all radio stations other than the state-owned Radio Hargeisa; the decree has continued to be enforced even after the subsequent passage of the 2004 Press Law.

As a result, much of the population of Somaliland either has no access to radio...
Somalia ranked number 140 out of 180 countries in the 2022 World Press Freedom Index by Reporters Without Borders (RSF). Journalists are often unable to obtain information from the government and can be denied access to, among other areas, government buildings, protests or sites of Al-Shabaab attacks. During 2020 and 2021, journalists struggled to obtain information about the government response to the COVID-19 pandemic.

Across Somalia, journalists who report on stories that are “politically sensitive, corruption or security related” are harassed, threatened and intimidated by federal and regional authorities, both to prevent reporting and to control the media. According to the Independent Expert on the Situation of Human Rights in Somalia, journalists and human rights defenders “continue to be targeted by the security forces, politicians and Al-Shabaab at local, state and federal levels when they report on political, economic and social issues, including alleged corruption by government officials.” The government monitors social media and has threatened and harassed government critics. The Independent Expert expressed concern in 2020 about the use of excessive force by police and arbitrary arrest and detention of journalists, human rights defenders and those accused of terrorism. Brief and arbitrary arrests are used by the federal and regional authorities as “a method of retaliation for journalists’ earing and revealing stories that garner significant public interest.”

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565 “Regarding convictions on the grounds of spreading ‘false news’, Somaliland courts and law enforcement agencies typically cite article 328 of the Penal Code (on publication or circulation of false, exaggerated or tendentious news capable of disturbing public order) to justify their actions. However, in such cases, the courts do not follow a strict set of criteria […] these vague provisions are used by the government to restrict the freedom of expression, and the Penal Code is used as a vehicle to target journalists and media workers who express opinions that the authorities wish to silence.” UNSOM, The Precarious Enjoyment of Freedom of Expression in Somalia, September 2018, www.ecoi.net/en/file/local/2013026/the_precarious_enjoyment_of_freedom_of_expression_in_somalia_1.pdf, para. 19, see also para. 30. In October 2020, the Somaliland Journalists Association (SOLJA) protested the criminalization of the media industry. Somali Dispatch, Solja Calls on Government to Implement the Press Law, 9 October 2020, www.somalidispacht.com/latest-news/solja-calls-on-government-to-implement-the-press-law/. The Somaliland Human Rights Center documented the arrest of 13 journalists in 2021; however, most were released without charges.


The government also reportedly uses national security as an excuse to suppress and prevent media coverage of sensitive events including the coverage of opposition figures. The government of Somalia regularly uses provisions of the Penal Code or other laws to prosecute journalists and media workers in retaliation for their reporting. The authorities of Somaliland and Puntland also use arbitrary arrest and detention as a means of views against journalists. Between 1 February and 6 May 2022, UNSOM documented the arrest and detention of 27 journalists and media workers for "allegedly spreading false information, posting views critical of public officials and covering an attack by Al Shabaab." During 2020 and 2021, UNSOM recorded the arbitrary arrest and detention of journalists in each of its periodic reports across all regions of Somalia, including Puntland and Somaliland.

Somaliland.\footnote{\url{https://rsf.org/en/news/somalia-puntlands-independent-journalists-are-all-under-threat-rsf-says}.} In March 2021, the Military High Court of Puntland sentenced journalist Kilwe Adan Farah to a prison sentence of three years, following a “sham” trial, according to the National Union of Somali Journalists (NUSOJ); while he was later pardoned, the action “revealed the extent that Puntland authorities would go to intimidate a journalist and suppress the voice of independent journalists”.\footnote{\url{https://cpj.org/2022/01/seven-somali-journalists-detained-radio-station-raided-after-interview-with-opposition-group/}.} Detained journalists are frequently not treated in accordance with due process requirements.\footnote{\url{https://allafrica.com/stories/202201300036.html/}.}

The governments of Somalia and Puntland have raided media houses to prevent or punish reporting.\footnote{\url{https://www.mediassupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf}, p. 17. See also, NUSOJ, 

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Al-Shabaab had targeted journalists and media workers, killing two during 2021, including the director of Radio Mogadishu who was a vocal critic of the group. A veteran journalist who had previously received threats because of his critical reporting on Al-Shabaab was gunned down by two unidentified men on 2 March 2021 in Puntland. Al-Shabaab did not allow media outlets in territory they control to receive threats because of his critical reporting on Al-Shabaab was gunned down by two unidentified men on 2 March 2021 in Puntland.
broadcast news that was contrary to their interpretation of Islamic law and “[forbids] persons in areas under its control from listening to international media outlets.”

Women journalists and women human rights defenders face additional vulnerabilities including sexual harassment and other forms of gender-based violence. Human rights violations and abuses against journalists by federal or regional authorities, or by Al-Shabaab, are committed with impunity.

In light of the foregoing, UNHCR considers that human rights defenders, government critics and journalists who report on issues perceived to be sensitive by either State or non-State actors, are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their (imputed) political opinion or other relevant Convention ground. This includes journalists who have already been arrested, detained or charged with an offence in direct retaliation for their reporting.

Journalists reporting on Al-Shabaab are likely in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of Al-Shabaab for reasons of their (imputed) political opinion or religion. Other journalists and media workers may also be in need of international protection depending on the individual circumstances of their case. When the persecutor is a non-State actor, UNHCR considers there is a general inability of the State to provide protection from such persecution.

6) Children Exposed to Underage and Forced Recruitment and Adults Who Resist the Recruitment of Children

approval in the Upper House of Parliament, would prohibit the “forced or compulsory recruitment of children for use in armed conflict.”

The Ministry of Defence Child Protection Unit (CPU) seeks to eradicate child recruitment and has successfully carried out screenings at bases for underage soldiers and trainings on child recruitment. However, the government has failed to fully implement the 2012 Action Plan, and inconsistent levels of control of the armed forces has hampered the prevention of child recruitment.

Al-Shabaab uses forcible recruitment across Somalia, targeting children and using incentives, propaganda and threats as well as abductions and violence. Al-Shabaab pressures clan elders, families and communities to provide children for recruitment, with penalties for disobedience. Community members reported violations ranging from the abduction of children to have their properties evicted and would be expelled from the villages.

The National Commission for the Protection of Children from Violence (NCPC) stated that Al-Shabaab forces them to provide children who were between 12 and 15 years of age. After 8,000 families were displaced in Berdale district, Bay region in April 2021, some of the displaced families cited Al-Shabaab demands to provide children for recruitment as a reason for fleeing as homes. Families who refuse requests to join Al-Shabaab or to provide others for recruitment may be subject to violence, forced eviction and the abduction of village and clan elders.

In March 2020, Al-Shabaab addressed the elders and community leaders of eleven villages in Huddur District, Bakool region, and ordered the community to provide children to the group, including financial support for the children. Al-Shabaab also threatened that those who would not comply would have their properties evicted and would be expelled from the villages.


“threatened and labelled as infidels who reject Islam and the Sharia law” or killed.\footnote{709} Six elders were abducted by Al-Shabaab on 25 January 2021 after they failed to provide new recruits.\footnote{709} The Hiraaal Institute reported in 2018 that residents of one central Somalia town bought children from poorer clans to provide to Al-Shabaab in lieu of providing children from their own village.\footnote{709}

Additionally, Al-Shabaab abducts children from schools, markets, playgrounds and other public locations for various purposes including recruitment and use in combat.\footnote{703} Al-Shabaab abducted 1,012 children (933 boys and 97 girls) during 2021, mostly for recruitment; the vast majority of children abducted during 2021 by Al-Shabaab remained held by the group by the end of the year.\footnote{704} Abducted children are placed in training camps where they are subjected to gruelling training, punishment and religious instruction; the training includes “forcing children to punish and execute other children.”\footnote{705}

Al-Shabaab also uses propaganda in mosques and schools to recruit children.\footnote{706} In addition, it has imposed directives on the curricula of madrasas and schools in rural areas, using them “as an entry point for the indoctrination and affiliation of youths.”\footnote{707}

In October 2021, the Panel of Experts warned that reports of child recruitment by different armed actors were on the rise.\footnote{708} During 2021, the United Nations documented the recruitment and use of 1,161 children (1,116 boys, 45 girls) by Al-Shabaab (854); government security forces (138); regional forces (73); clan militia (63) and Ahl al-Sunnah Wal-Jama’a (33).\footnote{709} The recruitment and use of children is most


“According to residents in AS-controlled territory, some clans have started buying children from poorer clans to take the place of their children. For instance, in one central Somalia AS-controlled town, residents were ordered to provide 40 children. The families that could afford to raised $1,000 each to buy 13 children from southern Somalia to replace their children. This has in effect created a child slave trade, with the tacit approval of AS.” Hiraaal Institute, The Fighters Factory: Inside Al-Shabaab’s Education System, 15 May 2018, https://hiraaalinstitute.org/wp-content/uploads/2018/05/Education-in-Al-Shabaab.pdf.


“1,030 children (933 boys, 97 girls) were abducted by Al-Shabaab (1,012), clan militia (5) and unidentified perpetrators (13). Most children were abducted for recruitment and use (532), owing to alleged association with armed forces (104) and as a result of non-compliance with codes imposed by Al-Shabaab (131). Some were released (123) or relocated (35).” UN Security Council, Children and Armed Conflict, 23 June 2022, S/2022/493, www.ecoi.net/en/local/2075706/N2234471.pdf, para. 154. During 2020, “1,430 children (1,348 boys, 82 girls) were abducted by Al-Shabaab (1,413), clan militia (9), unidentified perpetrators (7) and the Westland armed group (1). Children were abducted for recruitment and use (866), alleged association with armed forces (174) and non-compliance with Al-Shabaab-imposed codes (93). Some 136 children were released 52 escaped and 42 were rescued, whereas 1,168 remained held, 6 were killed and 26 are unaccounted for.” UN Security Council, Children and Armed Conflict, S/2021/437, 6 May 2021, https://documents-dds-ny.un.org/doc/UNDCC/GEN/N21/113/09/PDF/N2111309.pdf, para. 141. Specific examples of abductions for recruitment during 2021 include: Al-Shabaab abducted eight boys between the ages of 15 and 18 in Jowhar, Middle Shabelle on 26 September 2021, and thirty-five boys were abducted and forcibly recruited via attacks against schools in Hiraan and Bay regions during 2021. ACLED, Data Export Tool, accessed 25 August 2022, https://acledda.com/data-export-tool; UN Security Council, Letter Dated 5 October 2021, S/2021/849, www.ecoi.net/en/local/2062553/S_2021_849_E.pdf, para. 129. “In Lower Juba, as in other parts of Al-Shabaab-controlled territories, recruitment mechanisms whereby locals were incorporated into the military apparatus or other parts of the organization were employed in a number of ways, for example through indoctrination and peer pressure in schools and mosques; often clan elders were not directly involved”. M. Skjelderp, Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012, 7 August 2020, www.tandfonline.com/doifull/10.1080/096992318.2020.1780866. Al-Shabaab attacks and closes schools which follow any unsupervised curricula; on 27 October 2020, for example, Al-Shabaab “attacked and closed a primary school that was providing education to 195 children (115 boys, 80 girls) in Gedo Region after the new Government of Somalia curriculum, which Al-Shabaab has forbidden in areas under its control, had been provided to the school the previous week.” UN Security Council, Children and Armed Conflict in Somalia, 16 May 2022, S/2022/207, www.ecoi.net/en/local/2065588/N2235204.pdf, para. 46.

UN Security Council, Letter Dated 5 October 2021, S/2021/849, www.ecoi.net/en/local/2062553/S_2021_849_E.pdf, para. 124. “In Lower Juba, as in other parts of Al-Shabaab-controlled territories, recruitment mechanisms whereby locals were incorporated into the military apparatus or other parts of the organization were employed in a number of ways, for example through indoctrination and peer pressure in schools and mosques; often clan elders were not directly involved”. M. Skjelderp, Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012, 7 August 2020, www.tandfonline.com/doifull/10.1080/096992318.2020.1780866. Al-Shabaab attacks and closes schools which follow any unsupervised curricula; on 27 October 2020, for example, Al-Shabaab “attacked and closed a primary school that was providing education to 195 children (115 boys, 80 girls) in Gedo Region after the new Government of Somalia curriculum, which Al-Shabaab has forbidden in areas under its control, had been provided to the school the previous week.” UN Security Council, Children and Armed Conflict in Somalia, 16 May 2022, S/2022/207, www.ecoi.net/en/local/2065588/N2235204.pdf, para. 46. UN Security Council, Letter Dated 5 October 2021, S/2021/849, www.ecoi.net/en/local/2062553/S_2021_849_E.pdf, p. 4.


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frequently documented in areas where there is active conflict, illustrated in 2021 by spikes in child recruitment in Middle Shabelle, Gedo and Hiraan.  

During 2020, the United Nations documented “the recruitment and use of 1,716 children (1,655 boys, 61 girls).”  

Children are recruited for support roles and also in combat, including as suicide bombers and human shields, planting explosives and carrying supplies or acting as guards.  

Children are, on average, 13.5 years old at the time of their recruitment.  

In February 2022, the Protection Cluster in Somalia noted that “the actual extent of grave violations of children’s rights [including forced recruitment] is [expected to be] far higher than reported and verified.”  

In light of the available information on forced recruitment by Al-Shabaab, UNHCR considers that, depending on the specific circumstances of the case, children living in areas under the effective control of Al-Shabaab, or in areas contested between Al-Shabaab and the government of Somalia, may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of a non-State actor for reasons of their membership of a particular social group, religion or other relevant Convention ground, combined with a general inability of the State to provide protection from such persecution.  

Depending on the specific circumstances of the case, clan elders and community members who are perceived by Al-Shabaab to have resisted instructions to provide children for recruitment may also be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of a non-State actor for reasons of their religion or imputed political opinion, combined with a general inability of the State to provide protection from such persecution.  

In light of the available information on underage recruitment by the Somali National Army, UNHCR considers that children living in areas under government control may, depending on the specific circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of the State for reasons of their membership of a particular social group. 

Asylum claims made by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including in relation to the examination of any exclusion considerations for former child soldiers.  

Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.
7) Al-Shabaab Defectors

Al-Shabaab does not allow members to leave and the punishment for doing so is death. A study of 32 Al-Shabaab defectors in a Disarmament, Rehabilitation, and Reintegration (DRR) centre in 2017 found that 70 per cent of defectors had received death threats from Al-Shabaab after leaving. While Al-Shabaab may not pursue a low-level defector outside of areas it controls, it may still punish that defector if the person comes to the organization’s attention or attempts to travel. However, high-level and mid-level Al-Shabaab members reportedly fear defecting because Al-Shabaab would target them even outside of areas it controls. Al-Shabaab’s intelligence services tracks those who leave the organization and has targeted and killed family members of defectors.

The government’s overall approach to former members of Al-Shabaab who have defected or left Al-Shabaab has been ad-hoc, ranging from disarmament and rehabilitation to sentencing high-profile defectors in military courts to the death penalty. UNSOM and the Federal Government, in partnership with other international actors including the International Organization for Migration (IOM), run disarmament programmes for low-risk Al-Shabaab defectors, and it is estimated that up to 3,000 people have been in the programmes since their establishment. By 2 December 2021, there were 337 male and 223 female ex-Al-Shabaab fighters in rehabilitation centres across Somalia.

Children are reported to be arrested and prosecuted for their alleged association with Al-Shabaab, including by military tribunals. According to Human Rights Watch, children “as young as 14 have been sentenced to serve prison terms ranging from six years to life imprisonment” for their association with Al-Shabaab. During 2021, 195 children were detained for reason of their alleged association with Al-Shabaab.
with armed groups, a similar number as 2020. In 2019, the UN had documented 910 children who had been detained for their alleged association with an armed group in Somalia.

Low and mid-level Al-Shabaab defectors must rely on clan networks to do so safely, as they may otherwise be handed over to NISA, which can result in a military trial and execution. The defection process is “non-transparent” and civilians, including those who performed non-violent tasks such as cooking or washing, “risk getting caught up in the screening process”; therefore, “even civilians who were only tangentially associated with Al-Shabaab risk being deemed high-risk and then facing the death penalty.” Al-Shabaab members are tried in military courts that advocates allege “violate basic fair trial standards”; trials are often hurried and may rely on confessions obtained while the suspect was in the custody of the intelligence services.

Women and children who have been associated with Al-Shabaab face ostracization and stigma, and in some cases have been expelled from their communities as spies.

Adult defectors from Al-Shabaab may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State, in the context of prosecution leading to the application of the death penalty, for reasons of their (imputed) political opinion, their religion, or other relevant Convention ground. They may also have a well-founded fear of persecution at the hands of a non-State actor for reasons of their (imputed) political opinion, their religion, or other relevant Convention ground. Child defectors from Al-Shabaab may be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State for reasons of their (imputed) political opinion, their religion, membership of a particular social group, or other relevant Convention ground. Claims for international protection on the basis of being a defector from Al-Shabaab may give rise to the need to examine possible exclusion from refugee status.

Depending on the specific circumstances of the case, family members of persons of this profile may be in need of international protection on the basis of their association with individuals at risk.

Asylum claims made by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including in relation to the examination of any exclusion considerations for former child soldiers. Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.

727 This included 192 boys and 3 girls. More than half were detained by the Somalia Police Force (101 children), while the remainder were detained by the Somali National Army (35), Jubbaland police (20), Jubbaland police (9), Galmudug police (9), NISA (7), Puntland police (6) and Galmudug forces (2). UN Security Council, Children and Armed Conflict, 23 June 2022, S/2022/403, www.ecoi.net/en/file/local/2075706/N22334471.pdf, para. 150. During 2020: 212 children (211 boys, 1 girl) were detained for alleged association with armed groups by the Somali Police Force (127), the Somali National Army (40), Jubbaland forces (27), Puntland forces (8), Galmudug forces (1), Jubbaland police (4), Galmudug police (3) and Puntland police (2). UN Security Council, Children and Armed Conflict, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 137.

728 More than half of these (492 cases) were detained by the Somali National Army, UN Security Council, Children and Armed Conflict in Somalia, 4 March 2020, S/2020/174, https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf, para. 31.

729 Low and mid-level Al-Shabaab defectors must rely on clan networks to do so safely, as they may otherwise be handed over to NISA, which can result in a military trial and execution. The defection process is “non-transparent” and civilians, including those who performed non-violent tasks such as cooking or washing, “risk getting caught up in the screening process”; therefore, “even civilians who were only tangentially associated with Al-Shabaab risk being deemed high-risk and then facing the death penalty.” Al-Shabaab members are tried in military courts that advocates allege “violate basic fair trial standards”; trials are often hurried and may rely on confessions obtained while the suspect was in the custody of the intelligence services.

730 More than half of these (492 cases) were detained by the Somali National Army, UN Security Council, Children and Armed Conflict in Somalia, 4 March 2020, S/2020/174, https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf, para. 31.


UNHCR / September 2022
In Somalia, clans can be further divided into sub-clans and sub-sub-clans; the most basic clan unit is the diya-payng group (also called jilib), which is collectively responsible for the blood debts of its members. Blood debts are commonly incurred when one diya group member murders a member of another diya group, but may also be engaged in cases of assault, theft or rape. The diya group of the perpetrator must pay just compensation to the diya group of the victim. If compensation is not provided, the victim’s kin can exact revenge by killing the murderer or another member of the diya-paying group, which may trigger further claims for blood compensation and cycles of revenge killing. Innocent people become targeted in these blood feuds as members of the particular diya group.

Minority clans often do not have the capacity to exact revenge and are forced to seek protection through a more powerful clan.

Inter-clan conflict and revenge killings have continued at high levels during 2020 and 2021. Political instability and competition over natural resources, as well as the effects of the COVID-19 pandemic, have contributed to the persistence of clan violence closely associated to competition over resources and power struggles and exacerbated by the ongoing electoral process in several regions, particularly in Hiraan, Galmudug, Lower Shabelle, Middle Shabelle and Sool regions, where clan violence is closely associated to competition over resources and power struggles and exacerbated by the ongoing electoral process in several regions.


pandemic.\textsuperscript{745} have exacerbated blood feuds and inter-clan conflict.\textsuperscript{746} Climate-related shocks and the effects of climate change have affected and caused inter-clan conflict.\textsuperscript{747}

From January to August 2021, the Panel of Experts documented “118 incidents of clan conflict, particularly revenge killings and abductions, which left 80 dead and 170 injured.”\textsuperscript{748} Clan conflict, including revenge killings, contributes to insecurity and displacement, and obstructs humanitarian assistance.\textsuperscript{749} Revenge killings may take place immediately, but can also be delayed for years.\textsuperscript{750} Clan conflicts have been exploited by external parties, including Al-Shabaab,\textsuperscript{751} hindering mediation and resolution.\textsuperscript{752}

a) Blood Feuds in Somaliland\textsuperscript{753} 

Clashes between Habar Yonis/Sa’ad Yonis and Habar Je’lo/B’de sub-clans in El Afweyne in the Sanaag region of Somaliland have persisted for many years.\textsuperscript{754} On 10 March 2020, following an
agreement by traditional and religious leaders, the two rival sub-clans began an exchange of compensation for victims of the conflict.755

When an inter-clan conflict between Reer Hagar and Hayaag in the Togheer region in the killing of a Hayaag man in 2019, it sparked a cycle of revenge violence, costing 27 lives in less than one year, until mediation ended the dispute and ordered compensation.756 In April 2021, a conflict between Dhuulbahante sub-clans Jama Siyaad and Ugaadhyahan/Naaleeye Ahmed in the Sool region caused at least 15 deaths; peace negotiations were ongoing as of June 2021.757 Dhuulbante clan members clashed with Habar Je’lo members in April 2021 in the Togheer region, causing at least four deaths.758

b) Blood Feuds in Puntland

Although clan conflicts have been previously recorded in Puntland, such as between rival clans Darood and Hawiye,759 there has been relative stability since January 2020.760 In Galkayo, which is partially controlled by Puntland, a conflict continues between the Omar Mohamud/Majerten, which is a sub-clan of the Darood, and the Sa’ad/Habargadir, which is a sub-clan of the Hawiye.761

c) Blood Feuds in South and Central Somalia

There are several active and violent clan disputes in Galmudug that have resulted in deaths, injuries, and abductions, including during 2021.762 In early 2022, a cycle of violence continued between Habar Gedir and Marehan clans in Mudug.763 In three districts in Galmudug, clan conflicts are controlled by Al-Shabaab, but there are concerns that these clan conflicts could re-erupt once these districts are returned to Galmudug government control.764

761 Habar Gedir militia members killed two civilians of the Marehan clan on 11 April 2022. A revenge killing by Habar Gedir clan militia took place on 16 March 2022, where they ambushed a vehicle of civilians from the Marehan clan group in Dubad village, killing one. On 10 February 2022, members of a sub-clan of the Marehan clan killed a pregnant woman from the Habar Gedir-Saleban sub clan and injured several pastoralists. Militias of the two groups clashed on 1 February 2022, with 11 persons killed, and on 31 January 2022, with eight persons killed and eight injured.
In Hirshabelle, major clan grievances were sparked by the election of the new regional president on 11 November 2020.\(^{765}\) A reconciliation process between the Abdalla Aroni and Eli Oumar sub-clans was concluded by the Hirshabelle administration on 7 January 2021, with support from the United Nations.\(^{766}\) However, the dispute between the Hawadle clan and the Hirshabelle administration remains unresolved;\(^{767}\) on 30 December 2021 and 2 January 2022, clashes between the two forces killed 8 persons and injured 11 others.\(^{768}\)

In May 2021, violent clashes between the Jejele and Makane clans occurred near Beledweyne, where clan fighters burned villages and displaced inhabitants, killing 15 and injuring 25 persons.\(^{769}\)

There are long-running clan conflicts in Lower Shabelle, particularly between Galjeel and Shanta Alemod, with numerous fatalities recorded in 2020.\(^{770}\) In April 2020, fierce inter-clan clashes in Wanlaweyn led to civilian deaths and displacement.\(^{771}\) Inter-clan continued throughout 2020 and 2021 in Lower Shabelle, despite interventions by State and federal authorities and reconciliation efforts mediated by clan elders and the local population.\(^{772}\)

In February and April 2021, political conflicts led to pro-government forces and opposition groups fighting in Mogadishu, largely split along clan lines, raising fears of serious infighting within the Somali military and security forces.\(^{773}\)

In Jubballah, intermittent clashes resulted in more than 50 fatalities between 2 February and 2 April 2020; the clans agreed to a ceasefire on 11 April 2020.\(^{774}\)

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\(^{765}\) “On 11 November, in Jawhar, Hirshabelle State, Abdullahi Ali Hussein ‘Gudlawe’ from the Hawiye-Abgaal sub-clan was elected as state President by the regional assembly; Yusuf Ahmed Hagar ‘Dabageed’ of the Hawiye-Hawadle sub-clan, was elected as Vice-President. However, several Hawadle stakeholders alleged that the elections were rigged and raised power-sharing concerns relating to their representation in state institutions and to the location of the state capital in Jawhar, Middle Shabelle. There were also public protests in Beletweyne.” UN Security Council, Situation in Somalia, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, para. 7.

\(^{766}\) “The sub-clans agreed among other things to the payment of compensation and the release of persons detained in connection with a land dispute between both sub-clans.” Ibid., p. 7.


\(^{768}\) “In Hiran Region, Hawadle clan militias led by General Abukar Hud and Colonel Nur Dheere clashed with Hirshabelle armed forces near Beledweyne on 30 December and 2 January. Reportedly, eight people were killed and 11 were injured. Elements of the Hawadle clan claimed that they had been disenfranchised from key political and official positions in the Administration. The fighting ended following intervention by clan elders.” UN Security Council, Situation in Somalia, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 24.


In light of the foregoing, UNHCR considers that persons involved in a blood or clan feud may, depending on the circumstances of the individual case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Depending on the specific circumstances of the case, family members, partners or other dependents of individuals involved in blood feuds may also be in need of international protection on the basis of their association with individuals at risk.

Claims by persons involved in blood feuds may, however, give rise to the need to examine possible exclusion from refugee status.

9) Individuals Targeted for Taxation and/or Extortion by Al-Shabaab

Al-Shabaab requires all persons in the territory they control to pay certain types of taxes, including on agricultural produce, vehicles, goods and livestock, as well as giving alms and making contributions to their fighters. The group operates approximately 100 road checkpoints across Somalia, where it taxes trucks and goods being transported. According to truck drivers in Somalia, they are unable to avoid taxation by taking different routes due to “the extensive network of informants who gather information for the group and instil fear in the population”; drivers who avoid taxation are reported and fined.

Al-Shabaab targets business owners and businesses across Somalia, including in government-controlled territory, as well as Somali businesses based abroad, for tax payments and extortion. According to the Hiraal Institute, the group “taxes all major companies” and requires clans and businesses “to pay infaq [further contributions] when the local AS government is short in cash”. Al-Shabaab has infiltrated both Mogadishu and Kismayo ports and is able to obtain cargo manifests and levy taxes on shipped goods by contacting the business owners and making demands for payments. As of October 2021, the Panel of Experts was investigating claims that Al-Shabaab had also began to tax professionals in Mogadishu including doctors, teachers and university professors.


776 "There are four main areas of illicit taxation and income generation: (a) Agriculture (dalag beeraha): illicit taxation of farms and farming produce, on land, at checkpoints and for export; (b) Vehicles (gadiid): illicit taxation on transitng vehicles. Transit taxation fees depend on the type of vehicle and length of the journey undertaken; registration fees for vehicles are also levied; (c) Goods (badeeco): illicit taxation of goods being transported. The amount paid depends on type and quantity; import and export charges are levied at ports and border crossings; (d) Livestock (xoolo): illicit taxation on the sale of livestock, primarily cattle, camels and goats, at local markets.” This is in addition to zakat (alms) and infaq ("voluntary financial contribution to support fighters"). UN Security Council, Letter Dated 5 October, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, paras 49-50. “As of 2021, the group was believed to have annual revenue collection of about USD 180 million, with planned expenditure of around USD 100 million.” Hiraal Institute, Al-Shabaab’s Arsenal: From Taxes to Terror, February 2022, https://hiraalinstitute.so/wp-content/uploads/2022/02/Al-Shabaabs-Arsenal-From-Taxes-to-Terror-Web.pdf, p. 8.


778 Ibid., para. 56.

779 Ibid., paras 60-61.


782 Ibid., footnote 65.
People who refuse to pay taxes to Al-Shabaab face threats of punishment and violence. Non-compliance may also result in Al-Shabaab forcing a business to close. One civil servant reported that in "extreme" cases, Al-Shabaab may kill the person refusing to pay taxes. It has also been reported that Al-Shabaab may force families to give up their children for recruitment in lieu of the owed tax.

Reportedly, Al-Shabaab "tortured residents in el-Baraf for offenses [including] failure to pay taxes". Businesses and business owners in areas outside of Al-Shabaab’s reach are less likely to pay Al-Shabaab.

The Islamic State in Somalia also extorts business owners in urban areas. For example, in January 2022, the Islamic State in Somalia demanded that taxes be paid to them in Mogadishu by traders in the city’s largest market Bakara and responded with violent attacks when traders refused; on 18 January 2022 the group targeted a trader with an explosive device, and on 24 January 2022 the group targeted two other traders with similar weapons.

In response, merchants closed their stalls on 26 January 2022.

In January 2019 the Hirshabelle authorities arrested over ten businessmen who they accused of paying taxes to Al-Shabaab in Jowhar.

Depending on the individual circumstances of the case, UNHCR considers that individuals targeted for Al-Shabaab taxation or extortion may, in the context of refusal or inability to pay, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group, their (imputed) political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.
Women and Girls

Somalia has yet to sign or ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and has signed but not ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. In 2019, Somalia adopted a Women’s Charter, which “calls for full inclusion of women across the political, economic and social spectrum in Somalia” and support for women’s rights, including a 50% quota for women in government positions. Somalia has taken limited steps to try and increase women’s political participation in line with the Charter. However, women are frequently excluded from clan and government leadership structures.

Women continue to face serious challenges to the full enjoyment of their economic, social, political and cultural rights. Discrimination against women is pervasive in Somali society. According to the Independent Expert on human rights in Somalia, “the situation of women in Somalia has been characterized by systemic violence.”

Girls, especially in rural areas, face barriers in accessing education. The majority of adult women are illiterate. Women are disproportionately affected by Somalia’s weak healthcare system.

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796 "UNOSOM continued its efforts towards the implementation of a minimum quota of 30 per cent for the parliamentary representation of women in Somalia, 2021, www.somaliavalley.com/story/pressrelease/2021/07/16-unosom-further-steps-towards-connect-quota-30-for-parliamentary-seat.


801 “Girls have been especially disadvantaged with more than 72% of women in rural areas of Somalia having never attended school.” Additionally, the education system in Somalia has been “destroyed” by years of conflict, and 20% of children are receiving primary education. World Bank, Girls in Somalia to Benefit from Enhanced Access to Education, 29 June 2021, www.worldbank.org/en/news/press-release/2021/06/29/girls-in-somalia-to-benefit-from-enhanced-access-to-education.

802 “According to the UN-backed survey in 2006, the adult literacy rate for women in Somalia was estimated to be 26 per cent, up from 19 per cent in 2001.” More recent data is not available. UNSOM, Amina Abdi Ali: Improving Literacy among Somali Women, 15 October 2020, https://unsom.unmissions.org/amina-abdi-ali-improving-literacy-among-somali-women. “[M]ore than 50% of women are unable to read or write”. USAID et al., Case Studies on Forced Marriage in Somalia, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 17.

803 "15.9 per cent of women do not have access to toilets and 32.3 per cent report no access to health facilities. This has significant implications for maternal health with only 32 per cent of births delivered with the assistance of a health professional and 21 per cent of births delivered at a health facility. In total, an estimated 1 out of 22 women is likely to die due to pregnancy or childbirth-related causes over the course of their lifetime." OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 46, see also p. 86. “Women aged 15-49 reported numerous challenges in accessing healthcare during pregnancy and child delivery: 65 per cent reported lack of money; 62 per cent reported the distance to health facilities; and 42 per cent reported the need to obtain permission to access services.” OCHA, 2022 Humanitarian Needs Overview: Somalia, 9 March 2021, www.ecoi.net/en/file/local/2046600/20200903_HNO_Somalia.pdf, p. 35, see also p. 40.
women are discriminated against in their access to healthcare and procedures, with, for example, doctors refusing to perform "a caesarean section even if the women require it, if their husbands or village elders have not given them permission to undergo the surgery." The rate of maternal deaths in Somalia is one of the highest in the world. Female-headed households are among the most vulnerable groups in Somalia.

As noted above (see Section II.A.1), many people in Somalia rely on informal justice mechanisms, including Sharia courts and Xeer, which are only administered by men. Women may need to be accompanied by a man to "support their case, represent them, and accompany them to the courts" and some judges will not allow a woman to appear alone. Women face barriers in claiming inheritance in the formal and informal courts, and may be granted only a smaller inheritance or denied inheritance altogether.

The clan system and customary law are built upon traditional and patriarchal structures which systematically exclude women. Within the clan, women are excluded from decision making processes and leadership positions. Additionally, if a woman marries, she is likely to lose the protection of her clan of birth.

In many places in Somalia, women may have no other option besides Xeer for resolving disputes or seeking justice; however, Xeer does not provide adequate protection for women and does not let women participate fully in the process. Women are not considered independent legal persons under

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807 In the courts themselves, women face additional barriers, such as an expectation that they will pay higher fees or bribes. USAID, Pathways and Institutions for Resolving Land Disputes in Mogadishu, January 2020, www.usaid.gov/sites/default/files/documents/1860/Access-to-land-rights-in-Somalia-research-report-March-20.pdf, pp. 25-27.


customary law, they are the responsibility of their father or husband. Only a man can bring an action in customary law, as a result of which women who are not geographically close to any male relative lack access to customary law mechanisms; women also “have no mandate to participate in decision making” under customary law. Customary law prescribes that women can be used as part of the penalty to compensate a clan for a crime, while the penalties for a crime committed against a woman are half that of a crime committed against a man. Under customary law, a widow can be forced to marry a male relative of her deceased husband.

Additionally, in some areas, notably in Somaliland, local ulamas apply Sharia law to disputes, operating as a distinct form of traditional justice, separate from Xeer, although the lines between Sharia and customary law can be “blurred.” Ulamas are often consulted if family mediators or elders in some areas are not comfortable enforcing customary law. Ulamas turn to elders for immediate de-escalation. Shari’a is also able to resolve cases that cannot be settled through xeer, such as business, finance, and technology-related cases. Approximately 30% of all cases are resolved through shari’a, which also takes pressure off statutory courts that are unevenly staffed.


Lifos, Somalia: The Position of Women in the Clan System, 27 April 2018, https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863, p. 15, see also p. 13. “A key assumption [in Xeer] is an inherent unevenness in rights accorded to either gender: women’s membership in kinship-based social groups is treated as of lesser importance compared to men. This exclusionary ethos also spills into the body of elders who are tasked with implementing, arbitrating and upholding. It is an inherent unevenness in rights accorded to either gender: women’s membership in kinship-based social groups is treated as of lesser importance compared to men. This exclusionary ethos also spills into the body of elders who are tasked with implementing, arbitrating and upholding. It is extremely difficult for women to gain access to this body. These underpinning assumptions have huge implications on how women approach issues of justice.” UK Aid et al., Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 40.

“Elderly rates stipulate that the diya-paying subclan will offer the victim’s clan about 100 camels as well as a bride. […] Thus, the perpetrator’s sister may be forced to marry someone in the victim’s clan.” Lifos, Somalia: The Position of Women in the Clan System, 27 April 2018, https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863, pp. 5, 16. For more information on diya payments, see Section III.A.8. Lifos, Somalia: The Position of Women in the Clan System, 27 April 2018, ibid. “The detrimental outcomes for women in some Xeer decisions are also widely recognized. These include persistent lack of justice for victims, the practice of forced compensation from the perpetrator’s family to a victim’s family, and the practice of exchanging women in marriage between clans to end conflict.” IDLO, Accessing Justice: Somalia’s Alternative Dispute Resolution Centers, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalia-alternative-dispute-resolution-centers, p. 10.

Lifos, Somalia: The Position of Women in the Clan System, 27 April 2018, https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863, p. 16. “The primary departure from practices elsewhere is that the population in Somaliland tends to use shari’a given its unequivocal verdict, rather than turning to elders for immediate de-escalation. Shari’a is also able to resolve cases that cannot be settled through xeer, such as business, finance, and technology-related cases. Approximately 30% of all cases are resolved through shari’a, which also takes pressure off statutory courts that are already overtaxed.” Pact / ABA ROLI, The Shari’ah in Somalia, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 28.

"Alongside the Xeer, Shari’a enjoys a powerful position in local communities across Somalia. Citizens seek out local Ulamas for legal opinions, and to address their claims and resolve disputes.” UK Aid et al., Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 38. In measuring the use of traditional law across alternative dispute resolution centres, IDLO found that: “In Benadir, 83 per cent of all disputes were resolved using Xeer, while 7 per cent were resolved by a mix of both Xeer and shari’a and only 1 per cent were resolved using only shari’a. In 9 per cent of cases, the law applied was not specified in the case files. On the other hand, in Puntland, although Xeer prevails slightly (57 per cent), shari’a was also quite commonly used across all types of disputes (34 per cent).” IDLO, Accessing Justice: Somalia’s Alternative Dispute Resolution Centers, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalia-alternative-dispute-resolution-centers, p. 52. “The three types of law cannot, however, be understood as clear-cut categories or distinct justice systems. The lines between Xeer, the formal judicial system and Shari’a law are blurred. There is neither harmonisation of the application of the three different systems nor a division in jurisdiction, which results in an ad hoc and highly subjective application of the laws.” Horizon Institute, Seeking Justice for Rape in Somaliland: The Role and Limitations of the Criminal Justice System, March 2018, www.thehorizoninstitute.org/usr/documents/publications/document_url/15/horizon-institute-s-report-on-prosecution-of-rape-cases-in-somaliland-march-2018.pdf, p. 7.
have been unable to resolve a dispute. Xeer and Sharia may be invoked in different types of cases.

There is a perception that women can achieve better outcomes under local Sharia law than under Xeer.

a) Survivors and Those at Risk of Gender-Based Violence (GBV)

In 2018, a draft Sexual Offences Law was developed “following five years of wide-ranging consultations” and was submitted to Parliament after being unanimously endorsed by the Somali Council of Ministers; the bill was returned by Parliament for substantive amendments and to date has not been passed. In 2020, the Federal Parliament attempted to “replace the draft 2018 Sexual Offences Bill with a new draft bill on sexual intercourse-related crimes”, which a number of independent experts and special rapporteurs criticized as violating Somalia’s human rights obligations. As of March 2022, the bill has not been passed by parliament. Somalia does not have any laws which criminalize domestic violence, spousal rape or sexual harassment. In 2013, Somalia adopted a joint communiqué with the UN on the prevention of sexual violence, followed by a national action plan in 2014; in January 2022 the government adopted a new action plan for the continued implementation of the 2013 communiqué.
and punish perpetrators”. An extensive Sexual Offences Law was passed in 2016 in Puntland; however, the law is not fully implemented.

Gender-based violence against women and girls in Somalia remains widespread with the overall number of cases suffering from “severe underreporting”. Reported cases were often taken to informal justice mechanisms, including Xeer or Sharia courts, instead of being prosecuted via the formal justice system. GBV increased during the COVID-19 pandemic, and there was a “marked increase” in the number of reported rapes in 2020. A July 2020 assessment showed an increase of “283 percent in Federal Member States (FMS) and 767 percent in Somaliland” of calls to GBV helplines. Domestic violence is the most commonly reported type of GBV.

Women and girls in Somalia are subjected to conflict-related sexual violence by “clan militias and Al-Shabaab, the Somali Police Force, the Somali National Army, regional forces and unknown armed elements”. Al-Shabaab uses sexual violence as a tool to “subjugate areas under its de facto control”. In 2021, UNSOM verified conflict-related sexual violence perpetrated against 19 women, one man, 306 girls and one boy, primarily “attributed to unidentified perpetrators, Al-Shabaab and clan militia”. Girls were subjected to rape and forced marriage. Customary law approaches to rape


UN Security Council, Conflict-Related Sexual Violence, 30 March 2021, S/2021/312, www.ecoi.net/en/file/local/2049397/S_2021_312_E.pdf, para. 44. “Government security and police forces, as well as Puntland forces and Jubbaland forces, were also implicated.” Ibid., para. 46. Between 1 October 2019 to 30 September 2021, the UN Secretary-General recorded violations that included: “rape (445), attempted rape (130), forced marriage (79), sexual harassment (26) and sexual assault (21)” against 478 girls and 4 boys. UN Security Council, Children and Armed Conflict in Somalia, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 41.
include forcing the victim to marry the perpetrator. There are reports that families may force unmarried adolescent girls to have abortions.

Displaced women and girls are particularly vulnerable to GBV, as are women and girls with disabilities, and women from minority clans. Reportedly, divorced and widowed women are also more vulnerable to GBV because they work outside the home and due to societal perceptions that they are looking for a husband. Survivors of GBV are stigmatized, and reportedly fear social and familial exclusion, abandonment and poverty. In some cases, perpetrators have published photos of survivors as a form of cyber violence, resulting in stigmatization and, in at least one case, suicide.

"Under the traditional resolution mechanism in Somalia, individual perpetrators are rarely punished, rather the clans or families of perpetrators pay fines to the clans or families of survivors. Occasionally, survivors are forcibly married to their abusers as part of traditional resolution." UN Security Council, Children and Armed Conflict in Somalia, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/207658/N2235204.pdf, para. 43. See also, US Department of State, National Gender Profile of Agriculture and Rural Livelihoods, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf, p. 7.


There are a "limited" number of operational shelters for GBV survivors in Somaliland and Puntland; however, shelters are rarer in the rest of the country. Survivors are frequently unable to access specialized care. According to OCHA, the COVID-19 pandemic “further shrunk service provision and access for [GBV] survivors.

Women face difficulties in holding perpetrators accountable due to Somalia’s overlapping formal and informal legal systems. In some cases, police have been “reluctant to investigate” GBV. In 2021, the commander of Garowe Central Police Station and three police officers physically attacked a female police officer, the head of the Sexual and Gender-Based Violence and Child Protection Unit, for investigating registered sexual violence cases. The officers were never prosecuted and the regional police commissioner prevented the female officer from investigating cases further or visiting police stations. Survivors are often unable to access services; lack of awareness, discrimination, lack of confidence in the justice system, stigma and fear of reprisals prevent survivors from reporting GBV or holding perpetrators accountable.

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852 “Overall, women and girls who are survivors of Sexual and Gender-Based Violence (SGBV) face significant challenges in accessing competent health services that may respond to their needs in a dignified manner. Health providers struggle to have appropriate training and resources to care for GBV survivors or provide clinical management of rape, potentially putting survivors at even more risk. Facilities often lack confidential spaces in which to examine and counsel survivors, and referral services, including mental health and psychosocial support, are often difficult to access, especially from rural areas.” OCHA, 2021 Humanitarian Needs Overview: Somalia, 9 March 2021, www.ecoi.net/en/file/local/20149633/20220903_HNO_Somalia.pdf, p. 40, see also pp. 25, 41. See also, UNFPA, Voices: Somalia, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, pp. 17-18, see also, p. 26.

853 OCHA, 2021 Humanitarian Needs Overview: Somalia, 9 March 2021, www.ecoi.net/en/file/local/20149633/20220903_HNO_Somalia.pdf, p. 88. “Furthermore, out of the 318 service providers surveyed, 83 per cent noted that they suffered a 1-20 per cent reduction in capacity; three percent indicated a 21-40 per cent reduction; eight per cent indicated a 41-60 per cent reduction; four per cent indicated a 61-80 per cent reduction; and two percent indicated more than a 80 per cent reduction in capacity […] The FGDs conducted by GBV experts for this report affirmed that there was a reduction in service provision [during the COVID-19 pandemic].” UNFPA, Voices: Somalia, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 17.

854 “[…] stakeholders report that women struggle to access justice both for sexual violence cases and on other issues because of Somalia’s overlapping plural legal system, which does not favour women.” UN General Assembly, Situation of Human Rights in Somalia, 14 July 2021, A/HR/48/80, www.ecoi.net/en/file/local/2059956/A_HRC_48_80_E.pdf, para. 42. Additionally, the country lacks sufficient infrastructure for prosecuting cases of GBV. Only one hospital provided medical certificates in cases of rape, but the gender-based violence centre there was reportedly closed by the Police Commissioner of Benaadir on 13 September 2020. The centre had also provided “urgent multifaceted and holistic services to survivors of gender-based violence, including clinical management of rape, health care, psychosocial support and legal counselling.” UN Security Council, Children and Armed Conflict in Somalia, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/207658/N2235204.pdf, para. 52.


856 “There is no need to investigate assault cases and hold perpetrators accountable sometimes faced violence and possible sexual assault themselves. For example, on March 23, four police officers, including the commander of Garowe Central Police Station, physically assaulted and beat the head of the Sexual and Gender-Based Violence and Child Protection Unit in Garowe. The female officer was reviewing the sexual violence cases registered at the station, and the commander reportedly accused her of interference. A male police officer was also assaulted for trying to assist her. Authorities arrested the alleged perpetrators but released them the same day, and authorities later suspended the investigation into the incident. The Nugaal region police commissioner also reportedly prevented the female officer from further investigating rape cases and prohibited her from visiting police stations in Garowe.” US Department of State, 2021 Country Report on Human Rights Practices: Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html.


100 UNHCR / September 2022
Forced marriage occurs frequently in Somalia and is driven by cultural expectations and norms, as well as familial and communal pressure. Due to its nature, and the position that women have in Somali society, it is impossible to quantify the prevalence of forced marriage, which is likely underreported. Forced marriage is more common in rural settings than in urban areas. Women and girls subjected to forced marriage suffer from increased physical and mental health risks, increased vulnerability to abuse and GBV and decreased educational opportunities.

The government of Somalia has not effectively addressed forced marriage of women and girls either in law or in practice. Reliance on customary law and Sharia law in Somalia may also undermine efforts to prevent forced marriage. As also noted above, women who are raped may be expected or forced to marry the perpetrator. As a result, women may not report other types of GBV out of fear of forced marriage.

Some women in forced marriages are unable to leave for fear they will lose custody of their children. Disabled women are at higher risk of forced marriage, as well as GBV.

For information on early marriage, see Section III.A.11.d.

Most women are married under the age of 18 and most marry in arranged marriages. The differences between a forced marriage and an arranged marriage can be subtle in Somalia, and it is important to acknowledge the cultural and social factors and various types of coercion that may be involved. See M. Otieno, Al-Shabaab and Forced Marriage in Somalia: Beliefs, Practices and Interventions, June 2019, www.researchgate.net/publication/334731397_Al-Shabaab_and_Forced_Marriage_in_Somalia_Beliefs_Practices_and_Interventions, pp. 76-77;


M. Otieno, Al-Shabaab and Forced Marriage in Somalia: Beliefs, Practices and Interventions, June 2019, www.researchgate.net/publication/334731397_Al-Shabaab_and_Forced_Marriage_in_Somalia_Beliefs_Practices_and_Interventions, pp. 77-78. “Early and forced marriage continue to be pervasive in Somalia especially within the context of prevailing poverty and the perceptions around the value of girls versus boys in families and communities. Girls are usually married at early age because of the need for families to ensure social and economic security. Women are traditionally valued according to their ability to procreate. Marriage provides the platform for women and young girls to demonstrate this value to society to retain the privilege of respect and recognition as a mother of children. Early marriage is perceived to be both a cultural and a religious requirement in Somalia as there continues to be a lack of consensus among key stakeholders (religious and Government actors) on the age of marriage/maturity.” UNFPA, Overview of Gender-Based Violence in Somalia, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 12.

PACT / ABA ROLI, Case Studies on Forced Marriage in Somalia, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 10, also see pp. 7-8. Additionally, information on forced marriages in Al-Shabaab held territory is unavailable, although forced marriage does occur, and many marriages to Al-Shabaab fighters, although seemingly voluntary, take place in “the shadow of powerful parental pressure and clan expectations”.


“In Somalia, forced marriages are said to be 43% more rampant among pastoral communities than among urban dwellers.” PACT / ABA ROLI, Case Studies on Forced Marriage in Somalia, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 8, see also p. 12, 14.


“Some men have reportedly taken advantage of traditional laws, leading to a tremendous increase in rape cases as a foundation for forced marriage.” PACT / ABA ROLI, Case Studies on Forced Marriage in Somalia, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 17.


“Interviewees elaborated that in circumstances where men divorce their wives, xeer norms maintain that their children must remain in the custody of the father or his mother, who is deemed to have married the woman to remain in wedlock even when their marriage is not working.” PACT / ABA ROLI, Case Studies on Forced Marriage in Somalia, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 14.

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Survivors and Those at Risk of Forced Marriage

Forced marriage occurs frequently in Somalia and is driven by cultural expectations and norms, as well as familial and communal pressure. Due to its nature, and the position that women have in Somali society, it is impossible to quantify the prevalence of forced marriage, which is likely underreported. Forced marriage is more common in rural settings than in urban areas. Women and girls subjected to forced marriage suffer from increased physical and mental health risks, increased vulnerability to abuse and GBV and decreased educational opportunities.

The government of Somalia has not effectively addressed forced marriage of women and girls either in law or in practice. Reliance on customary law and Sharia law in Somalia may also undermine efforts to prevent forced marriage. As also noted above, women who are raped may be expected or forced to marry the perpetrator. As a result, women may not report other types of GBV out of fear of forced marriage.

Some women in forced marriages are unable to leave for fear they will lose custody of their children. Disabled women are at higher risk of forced marriage, as well as GBV.
Forced marriage also frequently happens in the context of abductions by Al-Shabaab. In areas controlled by Al-Shabaab, women and girls between the ages of 14 and 20 are often forced to marry Al-Shabaab fighters, and such marriages may occur when families or communities are unable to meet demands of Al-Shabaab for money or other services. Even when not forced under threat of physical violence, women and girls may feel unable to refuse marriage to an Al-Shabaab fighter; widows of Al-Shabaab fighters are pressured to remarry within the group. Al-Shabaab uses the promise of marriage as a way to recruit young men. Reportedly, Al-Shabaab forces Bantu women into marriage as a form of sexual slavery.

In July 2020, Al-Shabaab occupied mosques and madrasas in Markad in Sanag region and demanded that local women married members of the group. After local elders resisted, Al-Shabaab arrested three elders, causing the displacement of over 60 households.

While the 2012 Constitution prohibits FGM, the practice is not criminalized and is not addressed in the Penal Code. The authorities in Somalia and Somaliland are working on drafting a bill to criminalize FGM. In June 2021, the President of Puntland and his cabinet approved for submission to the
parliament a bill that would criminalize FGM.\textsuperscript{880} Islamic scholars in both Puntland and Somaliland have issued religious edicts ("fatwa") banning FGM.\textsuperscript{881} There is no evidence that anyone has been prosecuted for performing FGM in Somalia.\textsuperscript{882}

The rate of FGM in Somalia, including in Puntland and Somaliland, remains extremely high; according to the Somali Health and Demographic Survey 2020, 99 per cent of women between the ages of 15 and 49 had undergone FGM, most under the age of 10.\textsuperscript{883} More than 58 per cent of women in both urban and rural settings had undergone the most extreme forms of FGM.\textsuperscript{884} FGM is deeply rooted in traditional Somali culture, with the vast majority of the population believing that it should continue or is a religious requirement.\textsuperscript{885} Since FGM is perceived as a religious requirement and as a practice that makes a girl more eligible for marriage, refusal or evasion of the practice can have serious social consequences for a child and for their families, including exclusion and marginalization.\textsuperscript{886} Reportedly, school closures due to the COVID-19 pandemic also led to an increase in female genital mutilation.\textsuperscript{887}

Exact statistics are not available for FGM prevalence in Al-Shabaab-controlled areas; however, advocates believe that prevalence rates are similar as for other parts of Somalia, as Al-Shabaab does not forbid the practice.\textsuperscript{888}


\textsuperscript{881} In November 2013, Puntland Islamic scholars declared a ‘fatwa’ calling for a ‘complete stopping’ of all types of FGM’. UNFPA, Accelerating the Abandonment of Female Genital Mutilation in Somalia, undated, https://somalia.unfpa.org/sites/default/files/publications/pdf/GoodPractitionerFGMInSomalia.pdf, p. 2. The fatwa issued in Somaliland pertain specifically to “any circumcision that is contrary to the religion which involves cutting and sewing up”, and stated that any girl who underwent so-called “Pharaonic FGM” (the worst form of FGM, see also footnote 884) would be eligible for compensation and the person who performed the practice would be punished. However, it is not clear how or whether this fatwa has been enforced, as it does not have legal effect without accompanying legislation. Reuters, Village by Village, the Quest to Stop Female Genital Cutting in Somaliland, 29 August 2019, www.reuters.com/article/us-somali-women-fgm-idUSKCN1VJ0C8. See also, US Department of State, 2021 Country Report on Human Rights Practices; Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html; The Guardian, Somaliland Set to Ban FGM but Activists Fear New Law Will Fall Short, 23 February 2018, www.theguardian.com/global-development/2018/feb/23/somaliland-ban-female-genital-mutilation-activists-fear-law-will-fall-short; Reuters, Somalia Issues Fatwa Banning Female Genital Mutilation, 7 February 2018, www.reuters.com/article/us-somalia-fgm-fatwa-idsUSKBN1PR26A.


\textsuperscript{883} Current reports that their daughters are undergoing FGM at later ages, with 76 per cent of daughters between 10 and 14 years old, marking a shift from the previous generation where girls were circumcised between the ages of five and nine.\textsuperscript{9} Danish Immigration Service, Somalia: Female Genital Mutilation, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, p. 4.

\textsuperscript{884} The Somali Health and Demographic Survey defined three types of FGM, with the most extreme being “pharaonic”, meaning: “Excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening; or all other procedures that involve pricking, piercing, stretching; or incising of the clitoris and/or labia; introduction of corrosive substances into the vagina to narrow it. [...] Most women aged 15-49 in urban (58 percent), rural (66 percent) and nomadic (72 percent) areas have undergone the worst form of FGM/C—the Pharaonic type.” Somalia National Bureau of Statistics, The Somali Health and Demographic Survey 2020, 2020, www.nbs.gov.so/wp-content/uploads/2021/09/SHDRS-Report-2020_Updated.pdf, pp. xxx, 212-214. “Girls in Somalia are generally circumcised when they are between 10 and 14 years old, marking a shift from the previous generation where girls were circumcised between the ages of five and nine.” Danish Immigration Service, Somalia: Female Genital Mutilation, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, p. 4.

\textsuperscript{885} The fatwa issued in Somaliland pertain specifically to “any circumcision that is contrary to the religion which involves cutting and sewing up”, and stated that any girl who underwent so-called “Pharaonic FGM” (the worst form of FGM, see also footnote 884) would be eligible for compensation and the person who performed the practice would be punished. However, it is not clear how or whether this fatwa has been enforced, as it does not have legal effect without accompanying legislation. Reuters, Village by Village, the Quest to Stop Female Genital Cutting in Somaliland, 29 August 2019, www.reuters.com/article/us-somali-women-fgm-idUSKCN1VJ0C8. See also, US Department of State, 2021 Country Report on Human Rights Practices; Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html; The Guardian, Somaliland Set to Ban FGM but Activists Fear New Law Will Fall Short, 23 February 2018, www.theguardian.com/global-development/2018/feb/23/somaliland-ban-female-genital-mutilation-activists-fear-law-will-fall-short; Reuters, Somalia Issues Fatwa Banning Female Genital Mutilation, 7 February 2018, www.reuters.com/article/us-somalia-fgm-fatwa-idsUSKBN1PR26A.

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\textsuperscript{887} If a girl is not cut, her family members and local community will know, and she risks being seen as uncivil, being forbidden from praying or performing other religious practices, and not being eligible for marriage or otherwise stigmatised. Danish Immigration Service, Somalia: Female Genital Mutilation, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, p. 7.

\textsuperscript{888} Reports received by the Independent Expert also suggest that the incidence of female genital mutilation and cutting have also increased; nurses reported receiving higher than normal requests for such procedures during school closures, and traditional practitioners have reportedly been knocking on doors to offer their services. Stakeholders report that in July 2020, 20 girls were allegedly subjected to the practice, leading, in some cases, to serious injuries that required hospitalization.” UN General Assembly, Situation of Human Rights in Somalia, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058965/A_HRC_48_80_E.pdf, para. 41. See also, OCHA, 2021 Humanitarian Needs Overview: Somalia, 9 March 2021, www.ecoi.net/en/file/local/2046902/20210309_OCHA_HNO_Somalia.pdf, p. 84.
INTERNATIONAL PROTECTION CONSIDERATIONS WITH REGARD TO PEOPLE FLEEING SOMALIA

893 Somalia is among the top five countries with the highest number of grave violations against children. UN Security Council, See, in particular, Sections III.A.6 (Children Exposed to Underage and Forced Recruitment), III.A.10 (Women and Girls), III.A.12 (Survivors of FGM) for guidance on continuing forms of harm for women who have already suffered a form of FGM, see UNHCR, Children in Somalia continue to endure grave violations in the context of armed conflict, including, inter alia, underage and forced recruitment, gender-based violence and abduction, as well as other serious human rights violations including child labour, forced and/or underage marriage, trafficking in persons

11) Children

Children may fall within a number of the other risk profiles contained in these guidelines.892 Children in Somalia continue to endure grave violations in the context of armed conflict,893 including, inter alia, underage and forced recruitment, gender-based violence and abduction, as well as other serious human rights violations including child labour, forced and/or underage marriage, trafficking in persons

UNHCR, Guidance Note on Claims Relating to Female Genital Mutilation, May 2009, www.refworld.org/docid/4a0c28492.html. In 2021, the Committee on the Rights of the Child (CRC) found that Denmark failed to adequately consider the best interests of the child where a mother had claimed that her daughter would be subjected to FGM upon return to Somalia and that she could not prevent it as a single mother. The CRC noted that the children’s best interest could not be made dependent upon the mother’s ability to resist social pressure, noting the extremely high rate of FGM in Somalia. CRC, R.H.M. (on behalf of Y.A.M.) v Denmark, communication No. 83/2019, 4 February 2021, CRC/C/86/D/83/2019, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DNK/CRC_C_86_D_83_2019_32398_E.pdf, paras 8-9. An earlier case from the CRC noted that the evaluation of when a child is at risk for a harmful practice such as FGM should use the principle of precaution, and when “reasonable doubts exist that the receiving State cannot protect the child against such practices, State parties should refrain from returning the child.” CRC, I.A.M. (on behalf of K.Y.M.) v Denmark, communication No. 3/2016, 25 January 2018, CRC/C/77/D/3/2016, www.refworld.org/docid/5a7dd3264.html, para. 11.8(c).


For guidance on continuing forms of harm for women who have already suffered a form of FGM, see UNHCR, Guidance Note on Claims Relating to Female Genital Mutilation, May 2009, www.refworld.org/docid/4a0c28492.html, paras 13-15.

See, in particular, Sections III.A.6 (Children Exposed to Underage and Forced Recruitment), III.A.10 (Women and Girls), III.A.12 (Survivors of Trafficking and Persons at Risk of Being Trafficked) and III.A.14 (Persons Living With Disabilities (PLWD) and Persons Living with HIV).

Somalia is among the top five countries with the highest number of grave violations against children. UN Security Council, Children and Armed Conflict, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 5. Grave violations against children are defined in international law as: recruitment and use of children, killing or maiming of children, sexual violence against children, attacks against schools or hospitals, abduction of children, denial of humanitarian access. Office of the SRSG for Children and Armed Conflict, The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation. November 2013, https://childrenandarmedconflict.un.org/publications/WorkingPaper1_SixGraveViolationsLegalFoundation.pdf, p. 9. “From 6 November 2021 to 31 January 2022, the country task force on monitoring and reporting on grave violations of children’s rights verified 767 grave violations affecting 835 children (467 boys and 168 girls), seven attacks on schools and one attack on a hospital. A total of 289 children were recruited and used, 220 were abducted, 182 were victims of killing and maiming and 68 were subjected to rape and other forms of sexual violence. Of the violations, 510 (66.5 per cent) were attributed to Al-Shabaab, 114 (14.9 per cent) to unknown armed elements, 39 (5.1 per cent) to clan militia, 4 (0.5 per cent) to Ahl al-Sunna wal-Jama’a, 1 (0.1 per cent) to Westland militia and 99 (12.9 per cent) to federal and state security forces.” UN Security Council, Situation in Somalia, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 59.
and the systematic denial of education. Moreover, the protracted conflict in Somalia and recurrent natural disasters including drought and flooding have disproportionately impacted the lives of Somali children, and resulted in cyclical displacement.

Over the past decade the FGS has taken steps towards safeguarding the rights of children in law and policy. In 2015 Somalia ratified the Convention on the Rights of the Child (CRC). However, Somalia has yet to fully incorporate the CRC into its national laws. In May 2022, the UN Secretary-General called on Somalia to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child, as well as “fast-track the endorsement of the child rights bill”, adopt the 2018 sexual offences bill, endorse the juvenile justice bill, and “ensure that all legislation pertaining to children and sexual violence is in line with the country’s international human rights commitments, including regarding the age of majority.”

Somaliiland’s Parliament approved the Children’s Act on 1 February 2022, which “sets out children’s rights so they are consistent with the United Nations Convention on the Rights of the Child, its Optional Protocols and the Constitution of Somaliland”.

Children are disproportionately affected by the conflict in Somalia. During 2021, the UN verified 200 conflict-related deaths and 593 injuries of children, with the vast majority of cases attributable to unidentified perpetrators and Al-Shabaab. Between 1 August 2016 and 30 June 2021, the Country Task Force on Monitoring and Reporting (CTFMR) verified 21,560 violations against 18,079 children.
(3,291 girls / 14,788 boys) of which the majority were attributed to Al-Shabaab. The full extent of violations against children is likely higher than documented or verified.

According to the Population Estimation Survey of 2013-2014, 45.6 per cent of the Somali population is below the age of 15; an estimated 4.9 million children need humanitarian assistance. According to October 2021 estimates, between August 2021 and July 2022, 1.2 million children under five were expected to face acute malnutrition, including "213,400 who are likely to be severely malnourished."

a) Survivors and Those at Risk of Violence against Children, including Gender-Based Violence

Children, primarily girls, are vulnerable to gender-based violence in Somalia. During 2020 and 2021, the UN verified cases of rape, attempted rape, forced marriage, sexual harassment and sexual assault against children. In 2020, the number of cases of sexual violence increased by 5,656 in 2018 and decreased to 2,959 in 2019. The increase in 2018 could be attributed in part to Al Shabaab’s recruitment drive. The decrease could also be linked to the movement of children and their families from Al Shabaab-controlled areas to government-controlled areas to avoid forced child recruitment by Al Shabaab, coupled with large-scale operations by AMISOM and the SNA targeting Al Shabaab. UNSOM / OHCHR, Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, para. 73.


The government has not adequately addressed the problem of child abuse and sexual violence against children, and the law does not expressly prohibit using or offering a child for sexual purposes or for child labor.


The Provisional Constitution does not set a minimum age for employment. Although the Provisional Constitution of Somalia has made some strides to tackling child labour, including by ratifying the Worst Forms of Child Labour Convention, establishing a Labour Inspectorate, and “creating an office for the Senior Advisor on Child Labour to lead the drafting and implementation of a National Action Plan to address the worst forms of child labour.” The Provincial Constitution does not set a minimum age for employment, and it is not clear whether any older laws concerning the age of employment could be enforced. A pre-1991 Labour Code provided that a child must be 15 to be employed, but it is not enforced. The Somali


According to OCHA, “[w]hile national and state level initiatives exist to prevent and end recruitment, killing, and maiming of children […] recruitment appears to be increasing [in 2021]”. The vast majority of underage recruitment in Somalia is attributable to Al-Shabaab. Recruited children have been used as human shields and suicide bombers, have been forced to plant explosives, to spy, and to carry ammunition and supplies for fighters. Children have been recruited as young as eight years old. In addition, during 2020 a Jubbaland brigade was reported to forcibly recruit children.

For more information on underage and forced recruitment, as well as on the practices used by Al-Shabaab to force communities and families to provide recruits and to punish disobedience, see Section III.A.6 (Children Exposed to Underage and Forced Recruitment).


During 2021, the following federal and regional forces recruited children: “government security forces (138) (Somali Police Force (75), Somali National Army (60) and National Intelligence and Security Agency (31)), regional forces (73) (Puntland forces (26), Jubaland forces (21), Galmudug forces (14), Galmudug police (5), Jubbaland police (2), “Somaliiland” forces (2), Hirshabelle police (2) and Puntland police (1)”. UN Security Council, Children and Armed Conflict, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 149. See also, UN Security Council, Children and Armed Conflict in Somalia, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 29. During 2020: “The United Nations verified the recruitment and use of […] children […] by […] government security forces, including the Somali Police Force (101), the Somali National Army (62) and the National Intelligence and Security Agency (5), regional forces, including Jubaland forces (36), Galmudug forces (31), Puntland forces (21), Jubaland police (3), Puntland police (2) and Galmudug police (1); and clan militia (47).” UN Security Council, Children and Armed Conflict, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_737_E.pdf, para. 136.


Al-Shabaab continued forcibly to recruit children as young as eight years old for combat.” Ibid.

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Police labour is widespread, and children in Somalia are subjected to some of the worst forms of child labour. Children work in herding, agriculture, household labour, breaking rocks into gravel, as street vendors and as “transporters of cigarettes and khat on the streets.” According to OCHA, the most common forms of child labour in Somalia include “recruitment by armed forces, begging in extreme heat, selling goods in the market, and working as ‘house help’, with the latter largely affecting girls who migrate to towns for this work.” An estimated 9.5 per cent of children aged between 5-14 in Puntland and 13.2 per cent in Somaliland are working, whilst an additional 4.7 per cent (Puntland) and 6.6% (Somaliland) combine working and school. It is estimated that half of all children between ages 5 and 14 from Central and Southern Somalia are employed. The driving factors that compel children to take up employment include poverty, conflict, displacement and the State’s inability to provide universal access to education and to enforce prohibitions on child labour. School closures in 2020 and 2021 due to the COVID-19 pandemic, and the generally low rate of school attendance, have led to an increase in child labour in Somalia. Somali children are vulnerable to trafficking for labour, both inside Somalia and abroad, and into sex trafficking.

According to the Provisional Somali Constitution, “no marriage shall be legal if one or both have not reached the age of maturity”. The Provisional Constitution defines a child as being less than 18 years old. The government does not enforce these provisions, and during 2020 there were “no known efforts by the government or regional authorities to prevent child, early, and forced marriage.”

Child marriage continues to be widely practised throughout Somalia and disproportionately impacts young girls; according to the Somali Health and Demographic Survey conducted by the Somalia National Bureau of Statistics, sixteen per cent of Somali women aged 20-49 reported that they were married before the age of 15, and an additional thirty-four per cent were married before the age of 18. Early marriage as a “practice prevents young girls from realizing their full potential in life, limiting their physical, psychological and economic development. Early marriage often results in early childbearing,
which has a detrimental effect on the health of both the mother and child."\textsuperscript{940} School closures related to restrictions due to the COVID-19 pandemic led to an increase in the number of child marriages in Somalia.\textsuperscript{941}

Poverty, displacement and prevailing social attitudes concerning women and girls continue to drive early and forced marriage.\textsuperscript{942} Families may encourage daughters to get married early to improve their social or financial situation, or so that the family no longer has to assume responsibility for the girl’s welfare.\textsuperscript{943} Some children are married off in order to “reduce their economic burden or earn income”, or because their families “believe it will secure their daughters’ futures or protect them”.\textsuperscript{944} Early marriage is also driven by conservative social norms and discriminatory beliefs about the role of women in society.\textsuperscript{945} There are reports that families may force unmarried pregnant adolescent girls to have abortions.\textsuperscript{946}

In areas controlled by Al-Shabaab, girls as young as twelve years old have been forced into marriage to Al-Shabaab fighters.\textsuperscript{947}

In 2020, the Somali Federal Parliament tabled the Sexual Intercourse Related Crimes Bill, which “would allow a child to be married once they reached puberty.”\textsuperscript{948} UNSOM and other actors have concluded that the bill’s provisions were “in contravention of the Convention on the Rights of the Child”.\textsuperscript{949}

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An estimated 4.2 million children do not attend school, out of 6 million school-aged children countrywide, with girls and displaced children less likely to attend school due to additional barriers.\textsuperscript{950} School closures and the severe economic and social impacts of the COVID-19 pandemic have further hampered access to education for girls and women in the country, largely due to the economic impact of the COVID-19 pandemic, lack of social protection and increased vulnerability to violence.

\textsuperscript{940} Ibid., p. 74. “[T]he Somali girl child or adolescent has very little say in when to get married, whom to marry, when to have children and the number and spacing of her children.” UNFPA, Voices: Somalia, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 11.


\textsuperscript{944} “Hafsa was married off at 13 by her father to a man who paid $100. She and her mother say she was beaten and raped for two years before they convinced him to divorce her. ‘The man just slept with me, beating me always,’ she said, sitting by her mother, who clutches her daughter tightly. ‘I regretted I was born.’” Reuters, Uhlor after Somali Lawmaker Presents Bill to Legalise Child Marriage, 20 August 2020, www.reuters.com/article/us-somalia-child-marriage-idUSKBN25G0VK. “Girls are usually married at early age because of the need for families to ensure social and economic security.” UNFPA, Overview of Gender-Based Violence in Somalia, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somaligbv_advocacy_brief_05march21.pdf, p. 12.

\textsuperscript{945} “Women are traditionally valued according to their ability to procreate. Marriage provides the platform for women and young girls to demonstrate this value to society to retain the privilege of respect and recognition as a mother of children. Early marriage is perceived to be both a cultural and a religious requirement in Somalia as there continues to be a lack of consensus among key stakeholders (religious and Government actors) on the age of marriage/maturity.” UNFPA, Overview of Gender-Based Violence in Somalia, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somaligbv_advocacy_brief_05march21.pdf, p. 12. A survey of 104 persons in Garowe found that 85 per cent believed that it was traditional to marry off your children, even without their consent. Expanding Access to Justice, Case Studies of Forced Marriage in Somalia, April 2021, www.eajprogram.org/scholarships/Publications8.pdf, p. 13.


children's access to education.\textsuperscript{951} Out of school children are “at increased risk of recruitment into armed groups, sexual violence, abduction, child labor and early marriage.”\textsuperscript{952} Girls face additional barriers to accessing education due to social norms and the lack of qualified female teachers.\textsuperscript{953}

High levels of insecurity force school closures, prevent school attendance, and otherwise hamper children's access to education.\textsuperscript{954} Al-Shabaab continues to carry out direct attacks against schools, teachers and students.\textsuperscript{955} During 2021, there were 30 attacks on schools.\textsuperscript{956}

Climate-related environmental shocks also negatively affect children's ability to go to school.\textsuperscript{957} Displaced children and children with disabilities are often unable to access education due to limited service provision and social factors.\textsuperscript{958} Children from pastoralist communities have extremely low rates of school attendance because of their nomadic lifestyle; this makes them vulnerable to exploitation and underage recruitment.\textsuperscript{959}

f) Summary

Depending on the particular circumstances of the case, UNHCR considers that children falling in the following categories are likely to be in need of international refugee protection:

- a) Children at risk of violence, including gender-based violence;
  - i. Children from areas where Al-Shabaab engages in forced recruitment, including by means of abduction;
  - ii. Human trafficking;\textsuperscript{961}

- b) Children at risk of the worst forms of child labour,\textsuperscript{960} including:
  - i. Children from areas where Al-Shabaab engages in forced recruitment, including by means of abduction;

- c) Children at risk of harmful traditional practices, including:
  - i. Child, early and forced marriage (including girls who were forced into marriage and who have escaped);
Girls at risk of FGM, and girls who have resisted having FGM performed on them.962

d) Children who are accused by the FGS or FMS security or police services as being associated with Al-Shabaab or another armed group, including survivors of forced recruitment by Al-Shabaab.

Depending on the particular circumstances of the case, UNHCR considers that children falling in the following categories may be in need of international refugee protection:

a) Survivors of violence, including gender-based violence;963
b) Survivors of FGM;964
c) Children from areas where State actors engage in underage recruitment;
d) Children at risk of being engaged in labour likely to harm their health, safety or morals (“hazardous work”), depending on the particular child’s experience, his/her age and other circumstances;965
e) School-age children at risk of being denied access to education, particularly girls.

Depending on the individual circumstances of the case, children in these categories may be in need of international protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group, their religion, their (imputed) political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

Asylum claims made by children including any examination of exclusion considerations for former child soldiers, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims.966

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12) Survivors of Trafficking and Persons at Risk of Being Trafficked

Somalia is not a party to the United Nations Convention against Transnational Organized Crime967 or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children968 and “lack[s] a comprehensive legal framework to address human trafficking”.969 The 1962 Penal Code criminalizes slavery and similar situations in Article 455, the transferring or purchase of slaves in Article 457, forcing another person into prostitution in Article 408 and the forcing of another person into compulsory labour in Article 464.970 The Provisional Constitution prohibits “slavery, servitude,
trafficking, or forced labour for any purpose” in Article 29(6). In 2016 the Federal Government established a High-Level Task Force for Migration Management with a technical task force for human trafficking and smuggling; however, the task force was inactive as of 2021.

While Somaliland and Puntland have gone further than the Federal Government of Somalia and attempted to create legal frameworks to prosecute and prevent human trafficking, they have failed to implement the relevant laws. In Somaliland, a law on human trafficking was endorsed in September 2017 and passed by Parliament in January 2022, but is pending the President’s signature. In Puntland, a human trafficking legislative framework was ratified in November 2017 but has yet to be implemented. The governments of Somalia, Somaliland and Puntland have failed to adequately respond to human trafficking, and during 2021 only demonstrated “minimal efforts in all regions on prosecution, protection, and prevention of human trafficking.”

The data on trafficking in Somalia is sparse and challenging to authenticate, as a result of which understanding the “trends and victims” is difficult. In 2020, a report by a coalition of Somali civil society organizations supported by the IOM-led Better Migration Management Program looked at 206 route submissions by participating organizations. The most frequently documented origin and route destinations included: “(1) Ethiopia to Yemen, with Somalia as transit location, (2) Somalia to Italy, (3) Somalia to South Africa, (4) Somalia to Germany, (5) Ethiopia to Saudi Arabia, with Somalia as transit location, and (6) Somalia to Saudi Arabia.” In addition the most common “industries of exploitation” included domestic work, followed by agriculture, construction, commercial sex and begging. Forced labour was the “most commonly cited type of abuse or exploitation […], followed by physical violence and sexual violence.”

Complicity of government employees in trafficking and corruption inhibit law enforcement actions on human trafficking. Additionally, law enforcement agencies lack capacity to enforce laws related to human trafficking or child labour.

The Somalia Police Force has a unit dedicated to investigating human trafficking, or forced labour for any purpose. However, the unit’s effectiveness is limited by resource constraints. The government’s human trafficking task force, chaired by the Ministry of Internal Security, is reported to have been inactive as of 2021. The government’s human rights task force, which included a working group on human trafficking and migration, was not functioning as of 2021. The government’s human rights task force was the “most commonly cited type of abuse or exploitation […], followed by physical violence and sexual violence.”

The Somali government has attempted to create legal frameworks to prosecute and prevent human trafficking, but has failed to implement the relevant laws. For example, in Puntland, a law on human trafficking was endorsed in September 2017 and passed by Parliament in January 2022, but is pending the President’s signature. While Somaliland and Puntland have attempted to create legal frameworks to prosecute and prevent human trafficking, they have failed to implement the relevant laws.

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Complicity of government employees in trafficking and corruption inhibit law enforcement actions on human trafficking. Additionally, law enforcement agencies lack capacity to enforce laws related to human trafficking or child labour. While the Somalia Police Force has a unit dedicated to investigating human trafficking, it remains understaffed and undertrained, and lacks the capacity to investigate or enforce laws on the worst forms of child labor. Generally, criminal enforcement authorities lack the capacity to fully implement laws that are technically in force. The US Department of Labor, 2020 Findings on the Worst Forms of Child Labor: Somalia, 29 September 2021, www.ecoi.net/en/document/2077592.html.

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trafficking, it did not report any investigations during 2020 or 2021. The Attorney General's office did report 30 prosecutions and the conviction of 9 traffickers, the first reported convictions since 2018. Puntland authorities reported only two prosecutions for trafficking-related offenses during 2020, despite identifying over 300 potential victims. Law enforcement regularly retains survivors for immigration violations.

Traffickers recruit via deception including through social media and travel agencies; Al-Shabaab more commonly uses force and coercion. Displaced women, and children, are particularly vulnerable to being trafficked into domestic service or sexual exploitation. Somali men are targeted by traffickers for forced labour, including to Gulf states for construction or farming. Some men and women who are smuggled abroad may then be trafficked or exploited. In some cases, families in Somalia may be targeted for exploitation or asked to pay exorbitant ransoms for their family members.

Children may be trafficked for the purposes of sexual exploitation and forced marriage, particularly in areas controlled by Al-Shabaab; children are also trafficked abroad into forced street begging. Children have also been trafficked for the purpose of being recruited, trained and used in military operations by Al-Shabaab, and have been recruited and used by all parties to the conflict, including in combat and for purposes of sexual exploitation. Children who are engaged in child labour in informal situations are vulnerable to being trafficked, including abroad. In some cases, Somali families have reportedly given their children to family or clan connections who have exploited them for forced labour or sex trafficking.

Restrictions related to the COVID-19 pandemic, including the closure of international borders, led to an increase in international human trafficking from Somalia. Survivors of human trafficking lack access to specialized resources or services. Survivors of human trafficking who have experienced sexual


992 “According to one official in Somaliland who spoke with families who had paid them, ransoms typically range between USD 4,000 and USD 6,000, but can be as high as USD 10,000.” Expertise France et al., Somalia Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa, September 2017, www.expertisefrance.fr/documents/20182/234347/AMMi+-+Country+Report+-+Somalia.pdf/1779e55a-791d-42fa-ba0a-94973969c9c8, p. 14.


996 For more information on child recruitment and use, please see Section III.A.6.


998 Children have reportedly given their children to family or clan connections who have exploited them for forced labour or sex trafficking.

999 Survivors of human trafficking who have experienced sexual
violence face discrimination and stigma. Women trafficked by Al-Shabaab face discrimination and stigma due to their association with the group. As also noted in Section III.A.3, Al-Shabaab runs a parallel justice system based on Sharia law for both civil and criminal cases, and even some.

In light of the foregoing, UNHCR considers that people in particular socio-economic circumstances that create vulnerabilities to trafficking may, depending on the individual circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Individuals falling into the risk profile include survivors of trafficking who may be in a position of heightened vulnerability to being re-trafficked.

13) Individuals of Diverse Sexual Orientations and/or Gender Identities (SOGI)

The 1962 Penal Code, which entered into force in 1964 and remains in effect, criminalizes same-sex sexual acts. However, in practice application of the Penal Code is limited. As also noted above, likely the vast majority of criminal and civil cases are settled outside of the formal justice system by means of informal justice mechanisms. It is not clear how informal justice mechanisms, including xeer courts and Sharia law as applied by local ulamas, may treat persons of diverse SOGI. In areas controlled by Al-Shabaab, strict interpretations of Sharia law may be applied, including the death penalty for consensual same-sex sexual acts. On 10 January 2017, Al-Shabaab executed an adult man and a 15-year-old boy after they admitted to an Al-Shabaab court having been caught having sex, which according to an Al-Shabaab official was the second time that the group had executed persons accused of homosexuality.

See Section III.A.10.a.

"In Somalia, the United Nations, together with civil society organizations, conducted household surveys in Baidoa, Kismayu and Mogadishu, and determined that over 2,600 women who had escaped, been rescued or defected from Al-Shabaab remained in urgent need of support. The specific stigma of a perceived affiliation with a terrorist group can dramatically affect the lives of survivors and their children, reducing their prospects for social acceptance, integration and economic survival." UN Security Council, Women and Girls Who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict, 31 January 2022, S/2022/77, para. 8.


The Penal Code applies in South and Central Somalia, Somaliland and Puntland, although in Somaliland any provisions "which are contrary to the fundamental rights and freedoms of the individual and to Islamic Sharia" are not applied under Article 130 of the Somaliland constitution. Somalia, Penal Code, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, pp. 1-2. The 1964 Penal Code is being reviewed by the Government of Somalia, however, the review has "been ongoing for more than five years without any significant progress" and was postponed again in 2021 until 2022. UN General Assembly, Situation of Human Rights in Somalia, 14 July 2021, www.ecosoc.net/en/file/local/2058966/A_HRC_48_80_E.pdf, paras 30, 70(b).

"Whoever has carnal intercourse with a person of the same sex shall be punished, where the act does not constitute a more serious crime, with imprisonment from three months to three years. Where the act committed is an act of lust different from carnal intercourse, the punishment imposed shall be reduced by one third." Penal Code, Art. 409. See also, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), State-Sponsored Homophobia: Global Legislation Overview Update, December 2020, https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, pp. 75-76.


In the absence of effective and reliable statutory courts, an alternative dispute resolution (ADR) mechanism is rapidly growing across the country. By some estimates, more than 80% of all civil and criminal cases in Somalia [including Somaliland] are settled through a traditional Xeer system, and customary legal justice in and customary legal justice in Section II.A. As also noted in Section III.A.5, Al-Shabaab runs a parallel justice system based on Sharia law for both civil and criminal cases, and even some persons in government-controlled territory seek out their courts, especially as a makeshift appellate court, as these courts are seen as "fast and efficient". Heritage Institute, Rebuilding Somalia’s Broken Justice System: Fixing the Politics, Policies and Procedures, January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 4, see also p. 28.

As also noted in Section III.A.5, Al-Shabaab runs a parallel justice system based on Sharia law for both civil and criminal cases, and even some persons in government-controlled territory seek out their courts, especially as a makeshift appellate court, as these courts are seen as "fast and efficient". Heritage Institute, Rebuilding Somalia’s Broken Justice System: Fixing the Politics, Policies and Procedures, January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 27.


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There is a general lack of information on the treatment of individuals of diverse SOGI by State actors and members of society, because of pervasive social taboos concerning same-sex sexual relations and social stigma. No organizations in Somalia work with persons of diverse SOGI, likely “due to the fact that the heavy stigma associated with homosexuality prevents the topic from having any place in the public sphere.” A lesbian woman in 2016 fled abroad after learning that her family was planning to kill her because of her sexual orientation. A gay man who was found with his partner in Somaliland in 2019 fled the country after being told that his family was preparing to kill him. Underground communities of persons of diverse SOGI reportedly exist but are secretive in order to stay safe. Persons of diverse SOGI may be sent to rehabilitation centres or camps for conversion therapy or Islamic reeducation.

In light of the criminalization of same-sex sexual activity in both formal and informal justice mechanisms and the strong social taboos, UNHCR considers that individuals of diverse SOGI are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group, since they do not conform or are perceived not to conform to prevailing legal, religious and social norms. They may also be in need of international protection on the basis of other relevant Convention grounds, with their sexual orientation and/or gender identity likely to cause additional vulnerability to persecution for reason of such grounds, as well as restricted access to protection.
Individuals who are perceived to be of diverse SOGI by State or non-State actors are similarly likely to be in need of international refugee protection on the same grounds.

Individuals of diverse SOGI cannot be expected to change or conceal their orientation or identity in order to avoid persecution. Furthermore, the existing criminal sanctions for consensual same-sex sexual acts in Somalia constitute a bar to state protection for individuals of diverse sexual orientations and/or gender identities, including where persecutory acts are perpetrated by non-State actors such as family or community members.

14) Persons Living with Disabilities (PLWD) and Persons Living with HIV

Somalia signed the Convention on the Rights of People with Disabilities in 2018 and ratified it in August 2019. In December 2018, Somalia passed the National Disability Organization Bill, and launched a National Disability Agency in July 2021. The Provisional Constitution states that all citizens “shall have equal rights and duties before the law” regardless of, inter alia, “disability”, and mandates non-discrimination on the part of the Somali state. The Ministry of Women and Human Rights Development has developed a road map for 2020-2023 on the inclusion of persons with disabilities in Somalia. No law prohibits discrimination against persons with disabilities by private actors.

While the prevalence of disabilities in Somalia is difficult to determine because of the lack of data, decades of conflict and lack of access to healthcare has likely resulted in a rate of disability which is “higher than the global estimate of 15 per cent of the population”. A study covering the 146 IDP sites in Kismayo found that 20 per cent of respondents were persons with disabilities. Some of the causes of disability in Somalia include, inter alia, landmines and explosive remnants of war, the collapse of the Somali health system, poor pregnancy-related healthcare and the high prevalence of FGM.

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1020 See, for example, Court of Justice of the European Union, X, Y, Z v Minister voor Immigratie en Asiel, C-199/12 to C-201/12, 7 November 2013, www.refworld.org/docid/527b94b14.html.

1021 For further guidance on applications for refugee status from individuals of diverse sexual orientations and/or gender identities, see UNHCR, Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afcc2.html. See also, Court of Justice of the European Union, A, B, C v. Staatssecretaris van Veiligheid en Justitie, C-148/13 to C-150/13, 2 December 2014, www.refworld.org/docid/547d943da.html.


1024 “All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law. [...] The State must not discriminate against any person on the basis of age, race, colour, tribe, ethnicity, culture, dialect, gender, birth, disability, religious, political opinion, occupation, or wealth.” Federal Government of Somalia, Provisional Constitution, 1 August 2012, www.refworld.org/docid/5166d0c34.html, Art. 11(1) and 11(2).


Despite some positive legal developments, persons with disabilities suffer discrimination and stigma, and do not enjoy equal rights with able-bodied persons.\textsuperscript{1030} According to UNSOM, people with disabilities are “a particularly marginalized and at-risk group within Somali society as a result of the numerous attitudinal, environmental and institutional barriers they face, and the lack of concerted efforts to include them.”\textsuperscript{1031} People with disabilities face “daily human rights abuses” such as “unlawful killings; violence including rape and other forms of gender-based violence; forced evictions; and lack of access to health care, education, or an adequate standard of living.”\textsuperscript{1032}

Persons with disabilities face numerous barriers to participating in Somali society, and struggle to find adequate livelihoods, resulting in high rates of poverty.\textsuperscript{1033} A study by the Somali Disability Empowerment Network in 2019 found that persons with disabilities had trouble accessing most services, had a low level of education, and lacked easy access to healthcare, water and housing.\textsuperscript{1034} Access to education is limited by a lack of infrastructure such as ramps, discrimination and stigma, and the lack of enabling equipment.\textsuperscript{1035} Some 58 out of 66 persons with disabilities who were interviewed (or 88 per cent) did not have an occupation or livelihood.\textsuperscript{1036} Persons with disabilities struggle to access water and have to rely on others to travel to water points for them.\textsuperscript{1037}

Persons with disabilities are at a higher risk for gender-based violence including domestic violence,\textsuperscript{1038} and families may force women and girls into marriage in order to pass off what they perceive as a


\textsuperscript{1036} “Domestic violence and forced marriage were prevalent practices affecting persons with disabilities. Women and girls with disabilities faced an increased risk of rape and other forms of gender-based violence, often with impunity, due to perceptions that their disabilities were a burden to the family or that such persons were of less value and could be abused.” US Department of State, 2021 Country Report on Human Rights Practices: Somalia, 12 April 2022, www.ecoi.net/en/document/2071126.html.
burden. Men and women may be targeted for gender-based violence because they are disabled. Women and girls with disabilities face additional challenges in accessing education.

Children with disabilities are stigmatized as they are seen as a burden upon a family, and some people perceive children with disabilities as bad luck, bringing drought and poverty. Disability is “sometimes thought to be a punishment from Allah, sometimes a blessing or teaching, and sometimes a form of protection for the community.”

Children with disabilities “face challenges to access an inclusive learning environment” and have difficulty accessing education.

Children and IDPs with disabilities are some of the most vulnerable persons in Somalia. Persons with disabilities are frequently unable to access humanitarian assistance. This includes food assistance and has likely resulted in persons with disabilities experiencing higher levels of food insecurity. Displaced persons with disabilities face additional vulnerabilities, including eviction and insecure housing. In the event of a natural disaster, such as flooding, people with disabilities and their families face additional challenges to ensure their safety, access to appropriate assistance, and long-term solutions.


"Children living in IDP camps are particularly vulnerable to protection risks due to limited provision of services and poor living conditions. [...] it is estimated that 463,042 of the 3 million children in need of education are school aged children living with disabilities. Children with disabilities are significantly affected and face challenges to access an inclusive learning environment. Recent reports identified prevalent negative attitudes towards children with disabilities by teachers and parents, and structural challenges that hinder these children to access an inclusive learning environment." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, [www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf](http://www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf), p. 81.


"People with disabilities in Somalia are often overlooked or have limited access to humanitarian assistance, including food assistance. […] Given the inequalities people with disabilities face in Somalia, and the inaccessibility of humanitarian assistance for them, their levels of food insecurity are likely to be disproportionately high.” ACAPS, *Somalia: Food Security*, October 2021, [https://reliefweb.int/sites/reliefweb.int/files/resources_/2021.10.21_IDMC_Impacts%20of%20Displacement_Somalia.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources_/2021.10.21_IDMC_Impacts%20of%20Displacement_Somalia.pdf), p. 5.


"Surveyed IDPs with disabilities had difficulty accessing food, clean water, and toilet facilities, and participating in community life. They cited the distance to services, the inaccessibility of services, and the fear of violence or harassment as the main reasons for these challenges.” IDMC, *Impacts of displacements: Flood Displacement in Beledweyne Somalia*, October 2021, [https://reliefweb.int/sites/reliefweb.int/files/resources_/2021.10.21_IDMC_Impacts%20of%20Displacement_Somalia.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources_/2021.10.21_IDMC_Impacts%20of%20Displacement_Somalia.pdf), p. 14.
pandemic and have often been left out of or inadequately included in community responses and prevention measures.¹⁰⁵⁰

There are high rates of mental illness in Somalia; according to one estimate, one in three persons are affected by some form of mental illness.¹⁰⁵¹ Despite this, Somalia has only five WHO-recognized health centres that treat mental illness.¹⁰⁵² People with mental disabilities or illnesses are often chained to trees or restrained within their homes.¹⁰⁵³ A 2015 investigation by Human Rights Watch found that the practice of confining and chaining persons with mental illnesses was widespread in Somaliland.¹⁰⁵⁴ People confined in these public and private institutions experienced “arbitrary detention, chaining, verbal and physical abuse, involuntary medication, overcrowding and poor conditions.”¹⁰⁵⁵

Persons living with HIV/AIDS face discrimination, stigma and abuse, including “physical abuse, rejection by their families, and workplace discrimination and dismissal”.¹⁰⁵⁶ According to the Somali Health and Demographic Survey in 2020, “56 percent of women think that children living with HIV/AIDS should not attend school with children who are not infected by HIV/AIDS […] sixty-two percent of the women said they would not buy fresh vegetables from a shopkeeper who is HIV positive […]and 48 percent of the respondents had discriminatory attitudes towards people living with HIV/AIDS.”¹⁰⁵⁷ Children of HIV-positive parents also suffer discrimination and stigma.¹⁰⁵⁸

UNHCR considers that depending on the individual circumstances of the case, persons suffering from mental illnesses and persons with disabilities, including in particular persons with mental disabilities, may be in need of international refugee protection on the basis of the well-founded fear of persecution at the hands of State or non-State actors for reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution at the hands of non-State actors. Additionally, mental or physical disabilities may increase the vulnerability of persons who also fit other risk profiles included in these guidelines.

Depending on the individual circumstances of the case, persons living with HIV/AIDS may be in need of international refugee protection at the hands of non-State actors for reasons of membership of a

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¹⁰⁵² “It is estimated that the prevalence of mental health disorders in Somalia is higher than in other low-income and war-torn countries (one person out of three is or has been affected by some kind of mental illness). There are many determinants that explain the high rate: overall insecurity (such as displacement and violence), war traumas, poverty, unemployment and substance abuse.” WHO, A Situation Analysis of Mental Health in Somalia, October 2010 https://reliefweb.int/report/somalia/situation-analysis-mental-health-somalia, p. 8.


¹⁰⁵⁸ UNHCR / September 2022
particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.

B. Refugee Status under UNHCR’s Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention should be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention should broader international protection criteria as contained in UNHCR’s mandate and regional instruments be examined, including subsidiary protection.\footnote{1059}

This section provides guidance for the determination of eligibility for international protection of Somali asylum-seekers who are found not to meet the refugee criteria contained in Article 1(A) of the 1951 Convention. Individuals who do not come within the criteria set out in the 1951 Convention may nevertheless be in need of international protection. In particular, individuals who flee situations of violence where there is no nexus with a 1951 Convention ground may be found to come within the terms of UNHCR’s mandate, or the criteria set out in regional instruments.\footnote{1060}

Given the fluid nature of the conflict in Somalia, applications by Somalis for international protection under UNHCR’s broader mandate criteria or under the regional instruments, or for forms of complementary protection, including subsidiary protection under Article 15 of the 2011 EU Qualification Directive, should each be assessed carefully in light of the evidence presented by the applicant and other current and reliable information about the situation in Somalia.

1) Refugee Status under UNHCR’s Broader Mandate Criteria and Regional Instruments

a) Refugee Status under UNHCR’s Broader Mandate Criteria

UNHCR’s mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol,\footnote{1061} but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.\footnote{1062} In light of this evolution, UNHCR’s competence to provide international protection to refugees extends to individuals who are outside their country of origin or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.\footnote{1063}


In the context of Somalia, indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence include: (i) the number of civilian casualties as a result of indiscriminate acts of violence, including bombings, air strikes, suicide attacks, IED explosions and landmines (see Section II.C.1); (ii) the number of conflict-related security incidents (see Section II.C.2); and (iii) the number of people who have been forcibly displaced due to conflict (see Section II.F).

Such considerations are not, however, limited to the direct impact of the violence. They also encompass the longer-term, more indirect consequences of conflict-related violence that, either alone or on a cumulative basis, give rise to threats to life, physical integrity or freedom. In this respect, relevant elements include the information presented in Sections II.D and II.E relating to (i) the territorial and social control over civilian populations by Al-Shabaab (see map on page 10 for the situation as of September 2021), including through the imposition of parallel justice structures and the meting out of illegal punishments, as well as by means of threats and intimidation of civilians, restrictions on freedom of movement, and the use of extortion and illegal taxation; (ii) forced recruitment; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty, the destruction of livelihoods and the loss of assets; (iv) high levels of crime and the ability of clan leaders and corrupt government officials to operate with impunity; (v) systematic constraints on access to education and basic health care as a result of insecurity; (vi) systematic constraints on participation in public life, including in particular for women; and (vii) localized violence and revenge killings as a result of clan-based disputes.1064

Relevant considerations to assess the threat to life, physical integrity or freedom resulting from events seriously disturbing public order include the fact that in parts of the South and Central Somalia, the Government has lost effective control to Al-Shabaab and is unable to provide protection to civilians. Available information indicates that the exercise of control over key aspects of people’s lives in these areas is repressive, coercive and undermines a public order (ordre public) based on respect for the rule of law and human dignity.1065 Such situations are characterized by the systematic use of intimidation and violence directed against the civilian population, in a climate of widespread human rights abuses.

Against this background, UNHCR considers that individuals who originate from areas affected by active combat between government-affiliated forces and Al-Shabaab, or from areas under the full or partial control of Al-Shabaab (see map on page 10 for the situation as of September 2021), may, depending on the individual circumstances of the case, be in need of international protection. Those who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international protection under UNHCR’s broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

b) Refugee Status under Article I(2) of the 1969 OAU Convention

Somalis and others originating from Somalia who seek international protection in countries that are States Parties to the 1969 OAU Convention may qualify for refugee status under Article I(2) of that instrument, on the grounds that they were compelled to leave their place of habitual residence owing to events seriously disturbing public order in either part or the whole of Somalia, in order to seek refuge outside Somalia.1066

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1065 In interpreting the meaning of the term public order (ordre public) in the context of permitted limitations on the human rights enumerated in the International Convention on Civil and Political Rights, the UN Commission on Human Rights stated: "The expression ‘public order (ordre public)’ as used in the Covenant may be defined as the sum of rules which ensure the functioning of society or the set of fundamental principles on which society is founded. Respect for human rights is part of public order (ordre public)." UN Commission on Human Rights, The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, 28 September 1984, www.refworld.org/docid/4672bc122.html, paras 22-24.

In the context of the 1969 OAU Convention, the phrase “events seriously disturbing public order” encompasses situations of conflict or violence that threaten civilians’ lives, freedom or security, as well as other serious disruptions of the public order. For the same reasons as above, UNHCR considers that areas of Somalia that are affected by active conflict between government-affiliated forces and Al-Shabaab, as well as areas of Somalia that are under the full or partial control of Al-Shabaab (see map on page 10 for the situation as of September 2021) should be regarded as areas affected by events seriously disturbing public order. Consequently, UNHCR considers that individuals originating from such areas and who have been found not to meet the criteria of the 1951 Refugee Convention may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

### c) Refugee Status under the Cartagena Declaration

Somali asylum-seekers who seek international protection in any of the countries that have incorporated the Cartagena Declaration on Refugees (“Cartagena Declaration”) into their national legislation may qualify for refugee status on the grounds that their lives, safety or freedom have been threatened by generalized violence, internal conflict, massive violation of human rights or other circumstances that have seriously disturbed public order. For the same reasons as above, UNHCR considers that individuals originating from areas in Somalia affected by active conflict between pro-government forces and Al-Shabaab, or from areas under the full or partial control of Al-Shabaab (see map on page 10 for the situation as of September 2021), and who have been found not to meet the criteria of the 1951 Refugee Convention, may be in need of international protection under the terms of the Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order, either in the form of direct or indirect consequences of conflict-related violence, or as a result of serious and widespread human rights abuses committed by Al-Shabaab in areas under their effective control.

### 2) Eligibility for Subsidiary Protection under the EU Qualification Directive

Somalis who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for believing that they would face a real risk of serious harm in Somalia. In light of the information presented in Section II.D of this document, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds of a real risk of the relevant forms of serious harm.

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1068 Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984, www.refworld.org/docid/3ae6038e8ec.html, Section III.3. Although the Cartagena Declaration is included in a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see: UNHCR, Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595f44.html, paras 61-85.

1069 Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict. EU, Qualification Directive, 2011, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN, Arts 2(f), 15.
serious harm (death penalty or execution; or torture or inhuman or degrading treatment or punishment), either at the hands of the State or its agents, or at the hands of Al-Shabaab or the Islamic State.\footnote{1071}

Equally, in light of the fact that Somalia continues to be affected by a non-international armed conflict\footnote{1072} and in light of the information presented in Sections II.C, II.D, II.E and II.F of this document, applicants originating from or previously residing in conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.

In the context of the armed conflict in Somalia, factors to be taken into account to assess the threat to the life or person of an applicant by reason of indiscriminate violence in a particular part of the country include the number of civilian casualties, the number of security incidents, as well as the existence of serious violations of international humanitarian law which constitute threats to life or physical integrity. Such considerations are not, however, limited to the direct impact of the violence, but also encompass the consequences of violence that are more long-term and indirect, including the impact of the conflict on the human rights situation and the extent to which the conflict impedes the ability of the State to protect human rights. In the context of the conflict in Somalia, relevant factors in this respect are (i) the territorial and social control over civilian populations by Al-Shabaab (see map on page 10 for the situation as of September 2021), including through the imposition of parallel justice structures and the metabolizing out of illegal punishments, as well as by means of threats and intimidation of civilians, restrictions on freedom of movement, and the use of extortion and illegal taxation; (ii) forced recruitment; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty, the destruction of livelihoods and the loss of assets; (iv) high levels of crime and the ability of clan leaders and corrupt government officials to operate with impunity; (v) systematic constraints on access to education and basic health care as a result of insecurity; (vi) systematic constraints on participation in public life, including in particular for women; and (vii) localized violence and revenge killings as a result of clan-based disputes.\footnote{1073}

These factors, either alone or cumulatively, may be found to give rise to a situation in a particular part of Somalia that is sufficiently serious to engage Article 15(c) without the need for the applicant to demonstrate individual factors or circumstances increasing the risk of harm.\footnote{1074} Where, after all relevant evidence has been considered, this fact is not to be the case in the part of Somalia from which the applicant originates, it falls to be considered whether the applicant’s individual characteristics are such as to reveal specific vulnerabilities which, combined with the nature and the extent of the violence, give rise to a serious and individual threat to the applicant’s life or person.
C. Internal Flight, Relocation or Protection Alternative

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), also referred to as internal protection alternative, is contained in the UNHCR Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees. An assessment of the possibility of relocation requires an assessment of the relevance as well as the reasonableness of the proposed IFA/IRA. In cases where a well-founded fear of persecution has been established in some localized part of the country of origin, the determination of whether the proposed internal flight or relocation area is an appropriate alternative for the individual concerned requires an assessment over time, taking into account not only the circumstances that gave rise to the risk feared, and that prompted flight from the area of origin, but also whether the proposed area provides a safe and meaningful alternative in the future. The personal circumstances of the individual applicant and the conditions in the area of relocation need to be considered.

If an IFA/IRA is considered in asylum procedures, a specific area of proposed relocation must be identified, and all relevant general and personal circumstances regarding the relevance and reasonableness of the proposed area of relocation for the applicant must be considered. A proposed area of relocation will only be relevant when practically, safely and legally accessible to the applicant, and where the applicant would not face a risk of persecution. A proposed area of relocation will only be reasonable if the applicant can “lead a relatively normal life without facing undue hardship.” The applicant must be given an adequate opportunity to respond to the purported relevance and reasonableness of the proposed IFA/IRA.

The guidance provided in this Section applies to IFA/IRA assessments in the context of determinations of the need for international refugee protection under the 1951 Convention (Section III.A), UNHCR’s broader mandate criteria (Section III.B.1.a), and the Cartagena Declaration (see Section III.B.1.c). The guidance provided in this Section also applies to internal protection assessments under Article 8 of the Qualification Directive. The consideration of possible internal relocation is not generally relevant to the determination of refugee status under Article I(2) of the OAU Convention (Section III.B.1.b). Sections III.C.1 and III.C.2 provide general guidance on applying the criteria of relevance and reasonableness to a proposed area of IFA/IRA in Somalia. Section III.C.3 provides relevant considerations where the proposed area of IFA is Mogadishu. Section III.C.4 provides guidance for where the proposed area of IFA is Garowe and Section III.C.5 provides guidance for where the proposed area of IFA is Hargeisa.

1076 UNHCR, Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7. In relation to applications for international protection in EU Member States, see also Article 8(2).
1077 In relation to applications for international protection in EU Member States, Article 8 of the 2011 Qualification Directive applies. It includes both a relevance and reasonable test. 2011 Qualification Directive, Article 8.
1078 UNHCR, Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative”, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7. In relation to applications for international protection in EU Member States, see also Article 8(2) of the 2011 Qualification Directive, which provides that “Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant”.
1080 Ibid., para. 7(f).
1081 Ibid., para. 6.
1083 UNHCR, Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative”, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 5. See also, UNHCR, Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions, 2 December 2016, www.refworld.org/docid/5635959f4.html, para. 60. Article I(2) of the 1969 Convention extends the refugee definition to “every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” (emphasis added). Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.unhcr.org/refworld/docid/34aeb636018.html, art. I(2). The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention.
1) Relevance Analysis

I. Areas of Somalia where an IFA/IRA is not available

In light of the available evidence of serious and widespread human rights abuses by Al-Shabaab in areas under their effective control, as well as the inability of the State to provide protection against such abuses in these areas, UNHCR considers that an IFA/IRA is not available in areas of the country that are under the full or partial control of Al-Shabaab.

UNHCR considers that an IFA/IRA is also not available in areas of the country affected by active combat.

II. Assessing whether the applicant would be exposed to the original risk of being persecuted in the proposed area of IFA/IRA

A proposed area of IFA/IRA would not be relevant if the applicant would be exposed to the original risk of being persecuted in that area.

1. Where the applicant has a well-founded fear of persecution at the hands of the State or its agents, there is a presumption that consideration of an IFA/IRA is not relevant.1084

2. Where the applicant has a well-founded fear of persecution at the hands of members of society as a result of harmful traditional practices and religious norms of a persecutory nature (see for example Sections III.A.2, III.A.8, III.A.10, III.A.11, III.A.13 and III.A.14), the endorsement of such norms and practices by large segments of society needs to be taken into account as a factor that weighs against the relevance of an IFA/IRA. Coupled with the fact that the Somali State cannot be considered as an actor of protection against human rights abuses by non-State actors (see Section II.D), UNHCR considers that there is a presumption that consideration of an IFA/IRA in these cases is not relevant.

3. In cases where the agent of persecution is Al-Shabaab or Islamic State, decision-makers must consider whether the persecutor is likely to pursue the applicant in the proposed area of relocation.1085 Given the wide geographic reach of Al-Shabaab, in particular, coupled with the fact that the Somali State cannot be considered as an actor of protection against human rights abuses by non-State actors (see Section II.D), a viable IFA/IRA may not be available to individuals at risk of being targeted by Al-Shabaab.

III. Assessing whether the applicant would be exposed to new risks of being persecuted in the proposed area of IFA/IRA, or to other forms of serious harm

In addition to the above considerations, which relate to the original form of persecution in the applicant's home area, the decision-maker must also establish that the applicant would not face any new form of persecution in the proposed area of IFA/IRA, nor any other serious harm, including as a result of indiscriminate violence.1086

As UNHCR has noted in its Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative”:


1086 Ibid., para. 20.
“a person with an established fear of persecution for a 1951 Convention reason in one part of the country cannot be expected to relocate to another area of serious harm. If the claimant would be exposed to a new risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination, an internal flight or relocation alternative does not arise, irrespective of whether or not there is a link to one of the Convention grounds. The assessment of new risks would therefore also need to take into account serious harm generally covered under [broader refugee criteria or] complementary forms of protection.”

The assessment must be based on up-to-date information about the human rights and security situation in the proposed area of IFA/IRA, particularly including the impact of the conflict in Somalia on civilians.

IV. Assessing where the proposed area of IFA/IRA is practically, safely and legally accessible

In cases where an area of Somalia has been identified that is not excluded as a relevant IFA/IRA on the basis of considerations under I, II and III above, it would still need to be assessed whether the proposed area of IFA/IRA is practically, safely and legally accessible to the individual. In the context of Somalia, this requires assessing the concrete prospects of accessing the proposed area of relocation, specifically with regards to documentation.

2) Reasonableness Analysis

a) The Applicant’s Personal Circumstances

Whether an IFA/IRA is “reasonable” must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including their age, ethnicity, gender, health, disability, family situation and relationships, as well as their educational and professional background. In the context of Somalia’s clan-based society, clan membership and clan protection are important factors, along with the existence of a more immediate network that could assist the person to establish a life in the proposed area of relocation.

Where the proposed area of relocation is an urban area where the applicant has no access to preidentified accommodation and livelihood options, and where he/she cannot be reasonably expected to fall back on meaningful support networks, the applicant will likely find himself or herself in a situation comparable to that of urban IDPs. Under these circumstances, to assess the reasonableness of the IFA/IRA, adjudicators need to take into account the living conditions of IDPs in the location, as well as the fact that many IDPs are exposed to various human rights violations and abuses, including forced evictions (See Sections II.D and II.F).

The particular circumstances of children as well as the legal obligations of States under the Convention on the Rights of the Child—in particular the obligations to ensure that the best interests of the child are a primary consideration in all decision-making affecting children and to give due weight to the views of the child in light of his or her age and maturity—need to be taken into account.
In assessing the reasonableness of an IFA/IRA involving children. Adjudicators need to give due consideration to the fact that what is considered merely inconvenient for adults may constitute undue hardship for a child.

These considerations take on additional importance in relation to unaccompanied and separated children.

To determine the reasonableness of a proposed IFA/IRA for persons with specific needs, including persons with disabilities and elderly persons, it would be particularly important to establish that members of their (extended) family or members of their clan or their ethnic or religious community in the area of prospective relocation are willing and able to provide durable support to meet the person’s identified needs in a sustainable—and where necessary permanent—manner.

In light of the serious human rights and humanitarian situation for women in Somalia (see Section III.A.10), and the restrictions on women’s employment and movement in Al-Shabaab-controlled areas, UNHCR considers that an IFA/IRA is not reasonable for women who are single heads of household and who do not or who are not perceived to have male protection through members of their family or clan.

b) Safety and Security

A proposed area of IFA/IRA would only be reasonable if the applicant is able to live in the proposed area in safety and security, free from danger and risk of injury. These conditions must be durable, not illusory or unpredictable. In this regard, the volatility and fluidity of the armed conflict in Somalia must be taken into consideration. Any assessment of a proposed IFA/IRA should take into account the information presented in Section II.C of these Guidelines, as well as further reliable, up-to-date information about the security situation in the proposed area of relocation.

c) Respect for Human Rights and Economic Survival

For a proposed IFA/IRA to be reasonable, the applicant must be able to exercise his or her basic human rights in the area of relocation, and the applicant must have possibilities for economic survival in dignified conditions. In this regard, the assessment of the reasonableness of a proposed IFA/IRA must give particular attention to:

(i) access to shelter in the proposed area of relocation;
(ii) the availability of basic infrastructure and access to essential services in the proposed area of relocation, such as potable water and sanitation, health care and education;
(iii) the presence of livelihood opportunities; or in the case of applicants who cannot be expected to provide for their own livelihood (for example elderly applicants), proven and sustainable support to enable access to an adequate standard of living.


Ibid.


In relation to (i) – (iii) above, in the specific context of Somalia the importance of the availability of and access to social and clan networks cannot be overstated. In this regard, the presence of members of the same clan or religious or ethnic background as the applicant in the proposed area of relocation cannot by itself be considered evidence that the applicant would be able to benefit from meaningful support from such communities; rather, such support would generally require specific pre-existing social relations connecting the applicant to individual members of the clan or religious or ethnic community in question. Moreover, even where such pre-existing relations exist, an assessment should be made whether the members of this network are both willing and able to provide genuine support to the applicant in practice, against the background of Somalia’s precarious humanitarian situation, the low developmental indicators, and the wider economic constraints affecting large segments of the population.

Additionally, UNHCR notes the dire situation of IDPs in Somalia in both urban and rural areas, as described in Sections II.E and II.F. IDPs have higher rates of food insecurity and malnutrition, are more vulnerable to climate-related shocks (including the ongoing drought), do not have the same access to livelihoods as host communities, are often forced to rely on temporary and unstable labour opportunities and are often dependent upon humanitarian aid. Most IDPs reside in informal camps where they do not have land tenure and where they are vulnerable to forced eviction. Women and girls who are displaced are at higher risk of GBV. Displaced children are vulnerable to child marriage and child labour. Because IDPs do not have access to clan protection in their place of relocation, even in cases where they would have had such protection in their home areas, they lack access to both formal and informal justice mechanisms. These concerns also apply to returning refugees, who also lack access to basic services, are unable to obtain stable employment, often report insufficient income and remain in poverty. Urban IDP populations are generally in a worse situation than other urban communities that have not experienced displacement.

Given the likelihood that persons who relocate from their home area will end up in displacement camps as IDPs, the situation of displaced persons in the proposed area of relocation must be taken into account for the purposes of assessing the reasonableness criteria. This is particularly true in Somalia, where, as described throughout this document, access to clan and support networks is of the utmost importance.


1099 "One source stated that the broader clan network is often of little meaningful help as they themselves often live difficult lives. Members of the same clan will look favourably on the returnees, but they seldom have the financial capacity to help returned family members resettle into society. The source argued that in many cases it is only the close relatives who will help returnees." Danish Immigration Service, South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees, July 2020, www.justice.gov/eoir/page/file/1390916/download, p. 16.


1101 "One source stated that the broader clan network is often of little meaningful help as they themselves often live difficult lives. Members of the same clan will look favourably on the returnees, but they seldom have the financial capacity to help returned family members resettle into society. The source argued that in many cases it is only the close relatives who will help returnees." Danish Immigration Service, South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees, July 2020, www.justice.gov/eoir/page/file/1390916/download, p. 16.


1103 "One source stated that the broader clan network is often of little meaningful help as they themselves often live difficult lives. Members of the same clan will look favourably on the returnees, but they seldom have the financial capacity to help returned family members resettle into society. The source argued that in many cases it is only the close relatives who will help returnees." Danish Immigration Service, South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees, July 2020, www.justice.gov/eoir/page/file/1390916/download, p. 16.


1105 "One source stated that the broader clan network is often of little meaningful help as they themselves often live difficult lives. Members of the same clan will look favourably on the returnees, but they seldom have the financial capacity to help returned family members resettle into society. The source argued that in many cases it is only the close relatives who will help returnees." Danish Immigration Service, South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees, July 2020, www.justice.gov/eoir/page/file/1390916/download, p. 16.

1106 "One source stated that the broader clan network is often of little meaningful help as they themselves often live difficult lives. Members of the same clan will look favourably on the returnees, but they seldom have the financial capacity to help returned family members resettle into society. The source argued that in many cases it is only the close relatives who will help returnees." Danish Immigration Service, South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees, July 2020, www.justice.gov/eoir/page/file/1390916/download, p. 16.
importance and lack of access to such networks often results in a lack of protection and an inability to access society.

3) Internal Flight or Relocation Alternative in Benadir/Mogadishu

In addition to the general guidance provided in Sections III.C.1 and III.C.2 above, UNHCR offers the following specific guidance relating to the two limbs of an IFA/IRA assessment for Mogadishu.

a) The Relevance of Mogadishu as an IFA/IRA

In any assessment of the relevance of Mogadishu as a proposed IFA/IRA—particularly whether the applicant would face a real risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination—a decision-maker must take into account the overall security situation as it affects Mogadishu, including in the form of attacks by Al-Shabaab. Al-Shabaab “instill[s] fear through assassinations and the use of improvised explosive devices and mortar attacks in key cities and towns such as Mogadishu, Baidoa, Galkayo and Jowhar.” From 1 January 2021 to 1 August 2022, ACLED recorded 904 incidents of battles, explosions/remote violence and violence against civilians in Mogadishu, causing 857 fatalities. From 16 December 2020 to 6 September 2021, the Panel of Experts documented “270 incidents attributed to Al-Shabaab in the 17 districts of Benadir Region [...], including assassinations, hit-and-run attacks on government positions and grenade, improvised explosive device and mortar attacks.”

Al-Shabaab’s illicit taxation network stretches into Mogadishu and targets a variety of professions, persons and businesses. The group is able to operate in all areas of Mogadishu, and occasionally carries out recruitment drives in Mogadishu. People in Mogadishu reportedly perceive the police as corrupt and ineffective and do not trust them to protect them from Al-Shabaab.

UNHCR notes that civilians who partake in day-to-day economic and social activities in Mogadishu are exposed to a risk of falling victim to a violent attack in the city. Such activities include travelling to areas.

UNHCR offers the following specific guidance relating to the two limbs of an IFA/IRA assessment for Mogadishu in Benadir.

As noted above (see Section II.B.2.b), the city of Mogadishu coincides with the administrative region of Benadir.

"Al-Shabaab continued to carry out targeted attacks through suicide bombings in Mogadishu. On 11 November [2021], a suicide vehicle-bome improvised explosive device targeted an AMISOM convoy in the Wadajir district. At least three bystanders were killed in the incident. On 20 November [2021], a person-bome improvised explosive device targeted a private vehicle transporting the Director of Radio Mogadishu and the Director of the Somali National Television. On 25 November [2021], a suicide vehicle-bome improvised explosive device targeted the private company Safelane (a Mine Action Service contractor) while it was travelling in a convoy escorted by the United Nations-contracted security company Duguf. At least eight civilian bystanders died, including minors, and 20 people were injured. Two Duguf escort members suffered minor shrapnel injuries."


Despite Mogadishu’s relatively small size geographically, this made up 22.1 per cent of the incidents of battles, explosions/remote violence and violence against civilians recorded in all of Somalia. ACLED, Data Export Tool, accessed 25 August 2022, https://acleddata.com/data-export-tool/.

The panel recorded 678 attacks which occurred outside Mogadishu, plus 143 attacks on supply routes, so about 25 per cent of the attacks which occurred during this time period occurred in Mogadishu. UN Security Council, Letter Dated 5 October, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, pp. 51-53.

UNHCR notes that civilians who partake in day-to-day economic and social activities in Mogadishu are exposed to a risk of falling victim to a violent attack in the city.
and from a place of work, travelling to hospitals and clinics, or travelling to school; livelihood activities that take place in the city’s streets, such as street vending; as well as going to markets, mosques and other places where people gather.\textsuperscript{1116}

Additionally, harmful traditional practices and discriminatory social and religious norms exist countrywide, including in urban areas such as Mogadishu. For example, FGM is practiced at an “almost universal” rate of 99.5 per cent of women in Mogadishu.\textsuperscript{1117}

Road travel between Mogadishu and Baidoa, Beledweyne and Kismayo is “highly restricted”, with military, clan and Al-Shabaab checkpoints along the way; road travel in South and Central Somalia is generally “not deemed safe.”\textsuperscript{1118}

b) The Reasonableness of Mogadishu as an IFA/IRA

In accordance with the guidance provided in Section III.C.2 above, to assess whether Mogadishu provides a reasonable IFA/IRA, it must be established that the applicant will have access in Mogadishu to:

(i) shelter;
(ii) essential services, such as potable water and sanitation, health care and education;
(iii) livelihood opportunities, or proven and sustainable support to enable access to an adequate standard of living.

Particularly relevant to decision-makers are patterns of displacement to Mogadishu, where most displaced persons end up living in several districts on the outskirts of the city.\textsuperscript{1119} The vast majority of IDPs end up in camps and informal settlements in these districts, their location “beyond the reach of network infrastructure, making service provision particularly difficult.”\textsuperscript{1120} The security on the outskirts of Mogadishu is worse than in the centre.\textsuperscript{1121}

Poverty in Mogadishu is higher than in other urban areas, likely because of the presence of displaced persons.\textsuperscript{1122} Humanitarian conditions in Mogadishu are “severe”, with the most important problems being “intense urbanisation, urban poverty and unemployment, chronic cholera, diarrhoea, lack of education and health services, and malnutrition.”\textsuperscript{1123} IDPs are among the most vulnerable populations

\begin{thebibliography}{99}

\bibitem{1115} Several Civilians and Soldiers Killed in Mogadishu Suicide Attack, 14 September 2021, www.aljazeera.com/news/2021/9/14/several-civilians-and-soldiers-killed-in-mogadishu-suicide-attack. “The security situation in Mogadishu remains volatile as it continues to be a focus of targeted attacks and assassinations by Al-Shabaab, primarily against the authorities and the militaries. The highest risk to civilians is being in the wrong place at the wrong time. Incidents involving vehicle-borne improvised explosive devices (IEDs) and small arms and light weapons are often reported to occur in the city.” UNHCR, Area of Return Information Brochure: Mogadishu, 2020, https://help.unhcr.org/wp-content/uploads/sites/26/2021/06/17061619/UNHCR_AreaReturnBrochure_Mogadishu_2020.pdf, p. 2. “Civilians experience the impact of IEDs as collateral damage, not being the primary or intended target. Urban areas like Banadir and Bay regions have also recorded relatively higher IED incidents, being hubs for their respective governments, and where anti-government elements make regular attempts to attack government installations and security forces.” OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2022935/2022/SomaliaHNO.pdf, p. 104.


\bibitem{1120} Ibid., p. 39

\bibitem{1121} EASO, Somalia: Security Situation, September 2021, https://europa.eu/sites/default/files/publications/2021_09_EASO_COI_Report_Somalia_Security_situation_new_AC.pdf, p. 89. The outskirts of the city are easier for Al-Shabaab to access as they are not as heavily guarded. “As far as security circumstances are concerned, the situation is the worst for camps on the outskirts and outside of the city. There is slightly more security within the city, but not enough.” Finnish Immigration Service, Somalia: Fact-Finding Mission to Mogadishu in March 2020, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 36, see also pp. 5-6, 12.


\end{thebibliography}
Forced evictions of displaced persons are a significant problem in Mogadishu in particular; 85 per cent of the evictions recorded by OCHA between August 2019 and October 2022 occurred in Mogadishu, of which the majority occurred in Kahda and Daynile districts. IPDs in urban areas face “the constant risk of secondary displacement due to forced evictions.” In IDP camps in Mogadishu, gatekeepers regulate access to the site and the receipt of humanitarian aid, “usually taking a cut of between 10 to 30 percent of the aid IPDs receive.” Out of 2.97 million IPDs in Somalia, 904,000 live in Mogadishu, with an additional 19,347 refugee returnees; this is the highest concentration of displaced people in Somalia. The population of Mogadishu is estimated to be 2.68 million people, with 1.88 million persons in need of humanitarian assistance.

During 2021, influxes of newly displaced persons in Mogadishu caused severe shortages of water in IDP camps. Many people cannot afford to send their children to school in Mogadishu, as even public schools charge fees. Additionally, health services are generally insufficient and of a low quality, in addition to being expensive. IDPs and the poor in Mogadishu struggle to access health services in particular due to cost of transport and navigating security checkpoints. Livelihoods in Mogadishu are scarce and expensive. Many people cannot afford to send their children to school in Mogadishu, as even public schools charge fees. Additionally, health services are generally insufficient and of a low quality, in addition to being expensive. IDPs and the poor in Mogadishu struggle to access health services in particular due to cost of transport and navigating security checkpoints.

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wages are often not sufficient to cover the relatively high cost of living.\textsuperscript{1135} Finding livelihood
opportunities in Mogadishu is particularly challenging for IDPs, who also often have insufficient support
networks to cope with financial insecurity.\textsuperscript{1136} Usually the only way for a person to obtain a job is through
personal or clan networks; displaced people have a harder time finding employment as they lack these
networks.\textsuperscript{1137}

\textbf{c) Conclusion}

\begin{boxedminipage}{\textwidth}
UNHCR considers that given the current security, human rights, economic and humanitarian situation
in Mogadishu, an IFA/IRA is generally not available in the city. An IFA/IRA may be available in
exceptional cases, for example, for single healthy and able-bodied men of working age without
identified vulnerabilities (or married couples without children where both spouses are healthy, able-
bodied and of working age without identified vulnerabilities), and who belong to a local majority clan
such as the Abgaal subclan of the Hawiye through which they have access to (i) shelter outside an
IDP settlement and without risk of eviction, (ii) essential services such as potable water and
sanitation, health care and education; and (iii) a livelihood that does not place the person at an
elevated risk of the indiscriminate violence affecting Mogadishu, or proven and sustainable support
to enable access to an adequate standard of living.
\end{boxedminipage}

\textbf{4) Internal Flight or Relocation Alternative in Garowe}

In addition to the general guidance provided in Sections \textbf{III.C.1} and \textbf{III.C.2} above, UNHCR offers the
following specific guidance relating to the two limbs of an IFA/IRA assessment for Garowe.

\begin{itemize}
\item \textbf{a) The relevance of Garowe as an IFA/IRA}
\end{itemize}

As road travel in Central and Southern Somalia is generally not deemed safe (see Section \textbf{III.C.3.a}
above), a proposed IFA/IRA in Garowe would be relevant only for applicants travelling by air to the
airport in Garowe.

In terms of the security situation, Garowe has been relatively free of attacks by Al-Shabaab, although
the group has carried out attacks in other parts of Puntland.\textsuperscript{1138}

\begin{itemize}
\item \textbf{b) The Reasonableness of Garowe as an IFA/IRA}
\end{itemize}

In accordance with the guidance provided in Section \textbf{III.C.2} above, to assess whether Garowe provides
a reasonable IFA/IRA, it must be established that the applicant will have access in Garowe to:

\begin{itemize}
\item (i) shelter;
\item (ii) essential services, such as potable water and sanitation, health care and education;
\item (iii) livelihood opportunities, or proven and sustainable support to enable access to an
adequate standard of living.
\end{itemize}

\textsuperscript{1136} In Mogadishu: “Information on livelihoods and access to jobs indicates the continued inability of IDPs to integrate into local labour markets, and a
continued lack of data to support evidence-based policies and programmes.” Regional Durable Solutions Secretariat (ReDSS), Somalia: Solutions
women and girls continue to be among the most vulnerable in Somalia living in precarious conditions, often facing exclusion and marginalisation
and having limited social support networks, livelihood opportunities and coping mechanisms available.” Intermedia Development Consultants, The
\textsuperscript{1137} “People who have been forced to flee internally have poor possibilities to earn a living. They are not members of local communities, so they have
no networks that could help them find a job.” Additionally: “Generally speaking, friendship and clan networks are extremely important in Mogadishu.”
Particularly relevant in this regard is the fact that the IDP population makes up over one-third of the population of Garowe, with 53,541 IDPs in 26 sites across the city as of May 2022. The relocation of IDPs from improvised camps to dedicated areas on the outskirts of Garowe has "totally dislocated" them from the city. While these sites have improved conditions for IDPs and offer better access to humanitarian aid, their relocation far from the city "exacerbates segregation and poverty." The humanitarian situation of IDPs in Garowe remains precarious. IDPs in Garowe face rising food insecurity alongside a rise in the price of water and the price of the minimum food expenditure basket as of February 2022. In Jowle, a major IDP camp in Garowe, focus group participants reported that water access was difficult and time consuming. Sanitation and hygiene are inadequate in IDP settlements in Garowe, and IDPs lack access to healthcare. IDPs in Garowe generally work in informal employment or day labour. Displaced women in Jowle camp are at risk of GBV, which curtails their ability to work and travel freely. Additionally, land tenure in Garowe and in the IDP camps in Garowe remains an issue; in July 2021, 9,000 IDPs in Jowle camp were given two weeks to vacate their houses by the landowner.


Ibid.


The price of a 200-liter drum of potable water ranged from 10 to 75 percent above the five-year average in most of the main towns in February, with even steeper increases of 110 and 140 percent recorded in Xudur of Bakool Region and Garowe of Nugaal Region, respectively. ... According to household survey responses, food constitutes around 70-85 percent of IDP households’ expenditures, and the cost of the minimum expenditure basket in key reference markets rose 15-50 percent above the five-year average with the highest increases recorded in Garowe (32 percent) and Baidoa (51 percent). FEWS NET, Historic Multi-Season Drought Leads to Emergency (IPC Phase 4), with Risk of Further Deterioration, February 2022, https://fews.net/africa-somalia/somalia-food-security-outlook/february-2022. See also, FAO, Somalia Faces Risk of Famine (IPC Phase 5) as Multi-Season Drought and Soaring Food Prices Lead to Worsening Acute Food Insecurity and Malnutrition, 8 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia-Updated-IPC-and-Famine-Risk-Analysis-Technical-Release-8-Apr-2022.pdf, p. 2.


"The main challenges in Jowle are that the water points are remote, there is no wheebarrow to transport water, and the water availability is inconsistent." KAALO / OXFAM, Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia, April 2021, https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/n-puntland-state-somalia-gender-analysis-290421-en.pdf, p. 32.

97 percent of IDP sites in Garowe have less than 1 latrine per 50 individuals, the minimum sanitary standard. OCHA, 2022 Humanitarian Needs Overview: Somalia, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 110, see also p. 42. "The FGDs with IDP residents in Jowle also mentioned that there are no latrines and they do not have sanitation facilities such as solid waste management systems, only plastic bags." Also: "The Jowle IDP community is noteworthy, as the men in the FGD stated there are no toilets at all, as the landowner from whom the settlement’s land is rented refused them consent to dig toilets and wells." KAALO / OXFAM, Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia, April 2021, https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/n-puntland-state-somalia-gender-analysis-290421-en.pdf, p. 32.

A detailed survey between December 2020 and March 2021 found that 40% of IDP sites had no access to healthcare facilities, and 26% of them lacked access to nutrition services in Garowe district. REACH, Detailed Site Assessment (DSA): Garowe district, Nugaal region, Somalia, 20 June 2021, www.ecoi.net/en/document/2054958.html, p. 2.


"All [focus group participants] noted that men and teenage boys perpetrate the violence, and in Jowle bus drivers were also identified as culprits. Due to rising sexual assault cases in the community and town, the women's IDP FGDs stated that they could not allow their girls to work, even in other houses providing domestic labour or laundry services." KAALO / OXFAM, Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia, April 2021, https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/n-puntland-state-somalia-gender-analysis-290421-en.pdf, p. 58.

Puntland is mostly populated by the Majerteen/Harti sub-clan of the Darood.\(^{1151}\) The most powerful group in Garowe is the Isse Mahmoud sub-clan of the Majerteen, and members of the religious, political or social elite, as well as persons working for the government, come from this sub-clan.\(^{1152}\) However, members of other clans are able to work and find employment in Garowe, although unemployment is high, at 39 per cent as of 2019, with youth unemployment reported to be particularly high.\(^{1153}\) The situation is exacerbated by continued influxes of IDPs from southern Somalia and the fact that livestock workers are compelled to move to urban areas due to difficult climatic conditions that are further worsened by climate change.\(^{1154}\) IDPs who “do not belong to Puntland by patrilineal descent” are reported to struggle in Garowe, with “little humanitarian aid offered to them”.\(^{1155}\) Reportedly, people in Puntland mistrust persons from the Rahanweyn clans as they are “perceived as clan groups with highest support for Al-Shabaab and are, therefore, often particularly targeted by security forces.”\(^{1156}\) Restrictions related to the COVID-19 pandemic had severe economic consequences for Puntland, where the GDP decreased by 18 per cent in the first half of 2020.\(^{1157}\) A government survey published in December 2020 found that over a quarter of households in Garowe had a member who lost income since the start of the pandemic.\(^{1158}\) Forty-five per cent of interviewees in Garowe believed that early marriage had risen since March 2020, and 63 per cent of households reported physical violence in the home.\(^{1159}\)

c) Conclusion

UNHCR considers that given the current economic and humanitarian situation in Garowe, an IFA/IRA would be available only for single, healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), who belong to a clan in Puntland through patrilineal descent through which they have access to (i) shelter outside an IDP settlement and without risk of eviction; (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood or proven and sustainable support to enable access to an adequate standard of living.

UNHCR considers that an IFA is generally not reasonable for members of minority groups, families with children, female-headed households, persons who do not have access to any kind of support network in Garowe, and persons from a majority clan who are otherwise in the minority in Garowe, for example, the Rahanweyn.

5) Internal Flight or Relocation Alternative in Hargeisa

In addition to the general guidance provided in Sections III.C.1 and III.C.2 above, UNHCR offers the following specific guidance relating to the two limbs of an IFA/IRA assessment for Hargeisa.

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\(^{1155}\) Ibid., p. 57.


a) The relevance of Hargeisa as an IFA/IRA

In any assessment of the relevance of Hargeisa as a proposed IFA/IRA, decision-makers must take into account documentation and visa requirements. Somali citizens not originating from Somaliland must have a Somali ID card to enter Somaliland through the land border with Puntland. To enter Somaliland through a Somaliland airport, Somali nationals not originating from Somaliland must be in possession of a Somali passport and require a visa. For long-term stay, all non-Somaliland citizens are required to get a residence permit. Officials with the FGS have been prohibited from entering Somaliland.

IDP profiling in 2015 and 2018 found low numbers of Somalis from South and Central Somalia in IDP camps in Hargeisa. Additionally, Somaliland has deported Somalis not originating from Somaliland to South and Central Somalia; notably, on 2 and 3 October 2021, Somaliland authorities “forcibly evicted, rounded up and transferred over 7,000 men, women and children from Las Anod town and its surrounding areas in the Sool region to locations in Puntland”, after claiming that the people concerned, some of whom had lived in Somaliland for twenty years, were “non-locals”.

b) The Reasonableness of Hargeisa as an IFA/IRA

In accordance with the guidance provided in Section III.C.2 above, to assess whether Hargeisa provides a reasonable IFA/IRA, it must be established that the applicant will have access in Hargeisa to:

(i) shelter;

(ii) essential services, such as potable water and sanitation, health care and education;

(iii) livelihood opportunities, or proven and sustainable support to enable access to an adequate standard of living.

Particularly relevant in this regard is the situation of IDPs in Hargeisa. IDPs in Hargeisa fear eviction and suffer from land insecurity. What jobs are available are low-wage and some IDPs are forced to beg on the street. IDP camps suffer from “crimes, water shortages, poor sanitation, lack of health facilities and absence of schools.” IDP camps lack basic necessities including access to water and...
appropriate sanitation facilities.\textsuperscript{1169} Residents of Istanbul camp, for example, have to travel a long distance to Hargeisa in order to work.\textsuperscript{1170}

Persons from South and Central Somalia are in a more difficult position than IDPs from within Somaliland; they are viewed as non-citizens by the Somaliland government, which "affects their access to services, land ownership as well as documentation and legal papers".\textsuperscript{1171} The difference between IDPs from South and Central Somalia and from Somaliland affects the former group’s "ability to integrate as they lack the social ties other communities originating from Somaliland have, which allows for stronger coping mechanisms and local integration capacity."\textsuperscript{1172} An internal displacement profiling report in 2015 found that IDP communities, as a whole, represented an "urban poor status quo"; however, IDPs from South and Central Somalia "fare slightly worse mostly due to limited social ties, clan protection and slightly worse living standards and perceptions of safety which can impact on their ability to achieve a durable solution."\textsuperscript{1173}

IDPs face constraints in accessing formal and informal justice structures; formal court systems may be unreachable, too expensive or considered too corrupt, whereas informal justice mechanisms are inaccessible to IDPs from South and Central Somalia who lack clan protection.\textsuperscript{1174} In 2015, UNHCR found that IDPs from South and Central Somalia were more likely to report incidents to local authorities, whereas host communities also turned to community elders.\textsuperscript{1175} Considering the weakness of the Somaliland justice system, and the overall prevalence of informal justice mechanisms, this poses an obstacle for Somalis from South and Central Somalia to access justice for human rights violations and abuses.\textsuperscript{1176}

IDPs from South and Central Somalia may also face difficulties accessing State services; in 2015, UNHCR found that nine percent of IDPs from South and Central Somalia reported having difficulties accessing municipal offices in Hargeisa, compared to only one percent of Somaliland IDPs and members of the host communities, with "discrimination being [reported as] the main reason for the difficulties."\textsuperscript{1177}
The Isaaq clan remains the most numerous and powerful clan in Somaliland, and neighborhoods in Hargeisa are organized along subclan lines. Refugee returnees, displaced persons from Somaliland and South and Central Somalia and minority groups tend to live in settlements in Hargeisa. Reportedly, this can make it difficult for a person to purchase property “if one is from the wrong lineage.” Groups that are socially marginalized, including displaced persons, are “highly disadvantaged” by “land management and hybrid judicial processes” in Hargeisa.

The most recent poverty estimates for Somaliland are from 2015, with an estimated urban rate of poverty at 29.7 per cent and an estimated rural rate of poverty at 37 per cent.

**Conclusion**

UNHCR considers that given the current socio-economic and humanitarian situation in Hargeisa, including for IDPs and specifically for IDPs who do not originate from Somaliland, an IFA/IRA would be available only for single, healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), who originate from Somaliland and who have access to a local support network through which they have access to (i) shelter outside an IDP settlement and without risk of eviction, (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood or proven and sustainable support to enable access to an adequate standard of living.

UNHCR considers that an IFA is generally not reasonable for families with children and female-headed households, even if they originate from Somaliland.

**D. Exclusion Considerations**

In light of Somalia’s long history of armed conflict, serious human rights violations and transgressions of international humanitarian law, exclusion considerations under Article 1F of the 1951 Convention may arise in relation to individual asylum claims by Somali asylum-seekers. Exclusion considerations may be triggered in any individual case if there are elements in the applicant’s claim that suggest that he or she may have been associated or involved with criminal acts that fall within the scope of Article 1F of the 1951 Convention.

Exclusion considerations may arise in the cases of Somali asylum-seekers with certain backgrounds and profiles, including persons who have been engaged in the hostilities and armed conflict.

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1179 “Nonetheless, these marginal settlements (through their appeal to marginalised and destitute groups) are also characterised by a potentially higher level of social diversity in that they have become home to both Somali and non-Somali refugees and economic migrants, and in some cases (like Daami neighbourhood) are predominated by particular socially marginalised caste groups who are traditional thought to sit outside of the wider ‘Somali’ clan-linage system.” K. Stuvøy, J. Bakonyi and P. Chonka, *Precarious Spaces and Violent Site Effects: Experiences from Hargeisa’s Urban Margins*, 21(2) Conflict, Security and Development (2021), www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1920230, p. 163.

1180 “Even in Hargeisa, which has been the site of an impressive level of stable peace and security for twenty-five years, neighborhoods are tightly defined along sub-clan lines, making it difficult to purchase property if one is from the wrong lineage.” World Bank, *Somalia: Urbanization Review*, 2020, http://hdl.handle.net/10986/35059, p. 23.

