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Country Guidance: Somalia



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Common analysis and guidance note

June 2022



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Country Guidance: Somalia

Common analysis and guidance note

The country guidance is developed in accordance with Article 11 of the EUAA Foundation Regulation (EU) No. 2021/2303. It represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Somalia at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive).

The analysis and guidance provided within this document are not exhaustive.

JUNE 2022





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Introduction

Why is this country guidance developed?

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Somalia, and to foster convergence in decision practices across Member States.

On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by the European Union Agency for Asylum (EUAA), with the task to carry out a joint assessment and interpretation of the situation in main countries of origin.¹ The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum acquis and taking into account the content of the EUAA training material and practical guides where appropriate. The development of common analysis and guidance notes has been included as a key area in the new mandate of the EUAA and it is currently regulated under Article 11 of the EUAA Regulation².

Is this guidance binding?

The country guidance is not binding. However, in accordance with Article 11 of the EUAA Regulation, Member States have the obligation to take into account the guidance notes and common analysis when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network, whose work was supported by the EUAA and by selected national experts acting as reviewers. The European Commission and UNHCR provided valuable input in this process.

The guidance note, accompanied by the common analysis, were finalised by the Country Guidance Network in May 2022 and endorsed by the EUAA Management Board in June 2022.

¹ Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf>.

² European Commission, Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, 15 December 2021, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R2303>

What is the applicable legal framework?

In terms of applicable legal framework, the common analysis and guidance note are based on the provisions of the [1951 Geneva Convention](#)³ and of the [Qualification Directive \(QD\)](#)⁴; as well as on jurisprudence of the Court of Justice of the European Union (CJEU); where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

What guidance on qualification for international protection is taken into account?

The horizontal guidance framework applied in this analysis is based primarily on the following general guidance:



These and other relevant EUAA practical tools can be found at <https://euaa.europa.eu/practical-tools-and-guides>.

Relevant UNHCR guidelines are also taken into account.⁵

³ United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

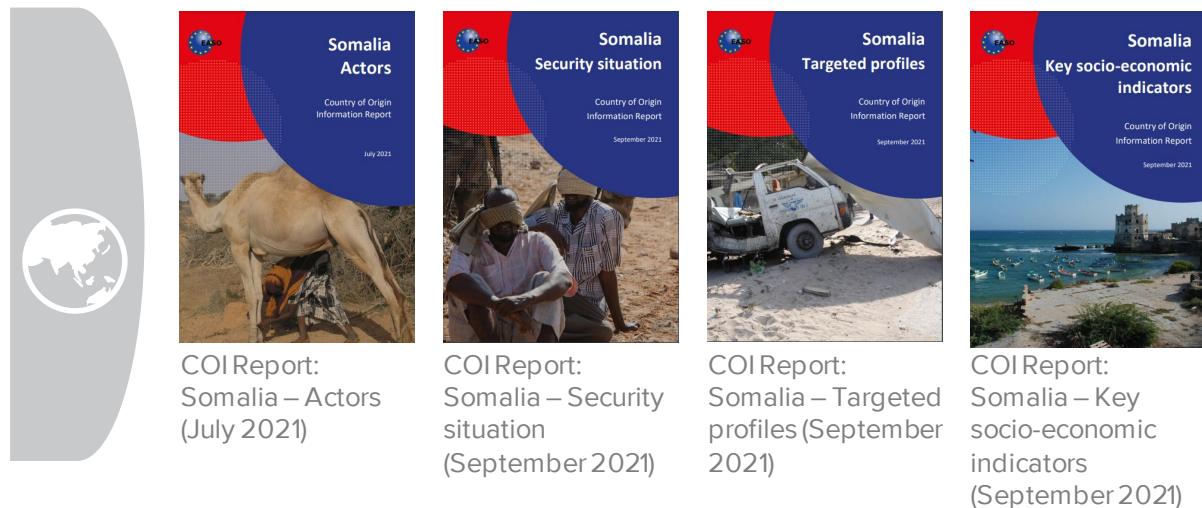
⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

⁵ UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at <https://www.refworld.org/rsd.html>.

What country of origin information has been used?

The EUAA Country Guidance documents should not be considered and should not be used or referenced as sources of COI. The information contained herein is based on EUAA COI reports and, in some instances, on other sources as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.

This development is mainly based on the following recent COI:



[Annex II. Country of origin information references](#) provides further details and links to all COI reports used as a basis for the analysis within this document. References within this document are to the respective sections of these COI reports.

This guidance should be considered valid as long as current events and developments fall within the trends and patterns observed within the reference period of the respective COI reports. New developments that cause substantial changes and result in new trends may impact the assessment provided in the present guidance. All effort is made to update the EUAA COI reports and country guidance documents regularly and to reflect any such significant changes accordingly. Individual applications should always be assessed in light of the most up-to-date available COI.



To access EUAA COI reports, visit <https://euaa.europa.eu/country-reports>.

How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of

origin, along with guidance on relevant individual circumstances which should be taken into account.

How is this document structured?

The country guidance is structured into guidance note and common analysis:



The **GUIDANCE NOTE** is the first part you will find in this document. It summarises the **conclusions** of the common analysis in a light user-friendly format, providing practical guidance for the analysis of the individual case.

The **COMMON ANALYSIS** is the second, more detailed, part. It defines the relevant elements in accordance with **legislation, jurisprudence and horizontal guidance**, summarises the relevant **factual basis** according to the available COI, and **analyses the situation** in the respective country of origin accordingly.



For additional information and to access other available country guidance, see <https://euaa.europa.eu/asylum-knowledge/country-guidance>



Guidance note: Somalia

The guidance note summarises the conclusions of the common analysis and should be read in conjunction with it.



General remarks

The structure of the Somali governance

Last updated: June 2022

Somalia is a Federal State composed of two levels of government: the federal government and the federal member states, which include both state and local governments. Federal Member States (FMS) also dispose their own constitutions and armed forces.

South-Central Somalia includes the following FMS: Jubbaland, South-West, Benadir, Hirshabelle and Galmudug. Mudug region is divided between Galmudug and Puntland, with Galmudug controlling the southern half of the region. Puntland, as a self-proclaimed autonomous state within the Somali Federal State, was established on 1 August 1998.

Somaliland declared its independence in 1991 while the civil war was occurring in the rest of Somalia. Somaliland remains largely internationally unrecognised.

In terms of territorial control and influence, areas of Sool and Sanaag regions and the area of Ayn (Togdheer region) are contested between Somaliland and Puntland.



Read more in the COMMON ANALYSIS

The role of clans in Somalia

Last updated: June 2022

Layered in all aspects of life, the clan is both a tool for identification and a way of life. Clans define the relationship between people and belonging to a strong clan matters in terms of access to resources, political influence, justice, and security.

Somalis are roughly divided in five large family clans: the Dir, the Isaaq, the Darood, the Hawiye and the Rahanweyn. Large segments of the Somali population are considered as minorities, either in local context or in Somalia in general, living amongst larger clans. Somalis are traditionally attached to a territory where their kin are supposed to be more numerous. Until today, most Somalis still rely on support from patrilineal clan relatives.

Clans often compete against each other, as well as against other actors. Clan militias are also important actors of political life across Somalia. Under the *xeer* system, clan elders act as mediators or arbiters, and play a central role in the resolution of local and intra-clan disputes.



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Actors of persecution or serious harm

Last updated: June 2022

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct of an actor ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:

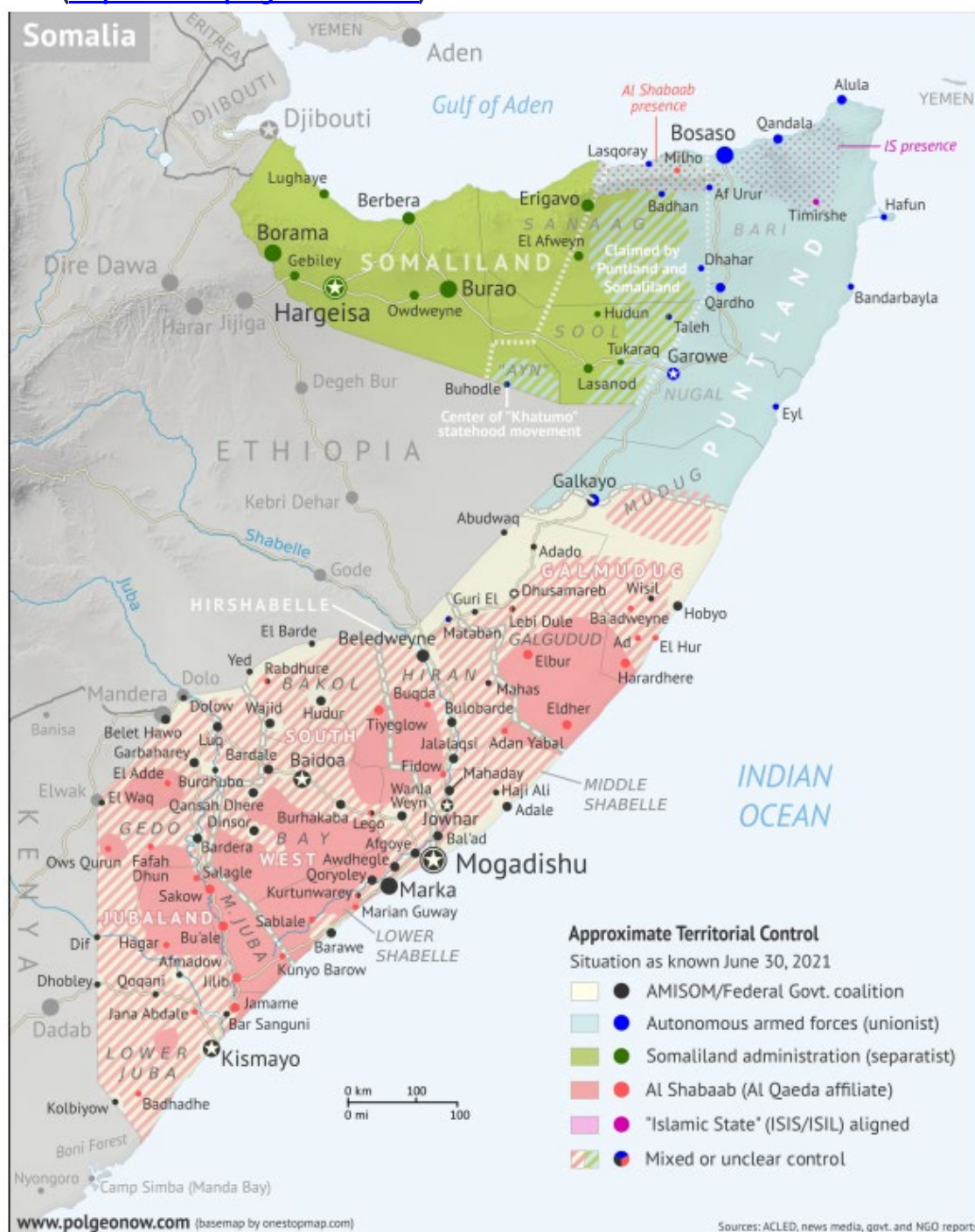
Figure 1. Actors of persecution or serious harm.



This section includes guidance concerning some of the main actors of persecution or serious harm in Somalia. The list is non-exhaustive.

Their reported areas of control, as of 30 June 2021, are presented on the map below:

Figure 2. Somalia - Approximate Territorial Control, 30 June 2021 by Political Geography Now (<https://www.polgeonow.com/>).



Read more in the COMMON ANALYSIS

- Federal government of Somalia (FGS) forces:** FGS has pushed Al-Shabaab out of many urban centres in South-Central Somalia. FGS security forces consist of four entities: Somali National Army (SNA), Special Forces, National Intelligence and Security Agency (NISA) and Somali Police Force (SPF). FGS security forces have committed a wide range of human rights violations, including extrajudicial killings, arbitrary arrests and detentions, (conflict-related) sexual violence and enforced



disappearances. The severe violation of rights of children by FGS forces, such as deprivation of liberty for alleged association with Al-Shabaab or ISS, child recruitment, sexual violence, killing and maiming, has been also reported.

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- **Jubbaland forces:** since 2012, state President Ahmed Madobe, and his militia group, have been in charge of the town and the port of Kismayo, of which they also control the surroundings. A large portion of the regional state is under the de facto control of Al-Shabaab. The United Nations Secretary General (UNSG) has attributed to the Jubbaland security forces several violations, such as assassinations, conflict-related sexual violence, violations of human rights and international humanitarian law, deprivation of liberty of children, child recruitment, killing or maiming of children, rape and sexual violence against children, and denial of humanitarian access.

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- **South-West forces:** in terms of territorial control, the South-West state remains among those most affected by Al-Shabaab's presence and attacks. The group controls large swathes of territory in all three South-West regions. UNSG attributed to South-West forces violations such as conflict-related sexual violence, arbitrary arrests of journalists, child recruitment, deprivation of liberty of children, killing and maiming of children, rape and sexual violence against children, attacks on school and hospitals, and child abduction.

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- **Benadir/Mogadishu forces:** the region of Benadir covers the same area as the capital Mogadishu and it is officially controlled by the FGS security institutions and AMISOM. See section [1.1 Federal Government of Somalia \(FGS\) forces](#).

 Read more in the COMMON ANALYSIS

- **Hirshabelle forces:** a significant portion of the state territory is controlled by Al-Shabaab. Hirshabelle security forces have been reported to commit human rights violations.

 Read more in the COMMON ANALYSIS

- **Galmudug forces:** Galmudug state comprises Galgaduud and approximately half of Mudug administrative regions. Numerous actors compete for power such as Ahlu Sunna Wal-Jama'ah (ASWJ), an armed Sufi group which used to be the most powerful military actor in the state and was later almost completely demobilised and integrated into Galmudug's forces and the national army. It has been reported that Al-Shabaab continued to control part of the Galmudug state.



UNSG attributed to Galmudug security forces violations such as the deprivation of liberty of children, child recruitment, killing and maiming of children, rape and sexual violence against children, attacks on schools and hospitals, child abduction, and denial of humanitarian access.



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- **Puntland forces:** Puntland is reportedly ‘the most stable and most developed state in the union’. Puntland comprises Nugal and Bari regions. Puntland also controls the northern part of the Mudug region and contends with Somaliland over control of areas of Sool and Sanaag regions and of the area of Ayn (Togdheer region). Puntland’s security forces are constituted by the Border Police, the Puntland State Police (PSP), Intelligence forces and Correctional forces. Among them, Puntland Maritime Police Force (PMPF) is funded by the UAE and Puntland Security Force (PSF) was set up by the US as a separate private auxiliary group. UNSG attributed to PSF violations such as the execution of a death sentence, the issuance of death sentences, conflict-related sexual violence, arbitrary arrests of journalists, deprivation of liberty of children, child recruitment, killing and maiming of children, rape and sexual violence against children, and denial of humanitarian access affecting aid delivery to children.



Read more in the COMMON ANALYSIS

- **Somaliland forces:** it has been reported that the government of Somaliland exerts consistent control over most of the territory that it claims. Areas of Sool and Sanaag regions and the area of Ayn (Togdheer region) are contested between Somaliland and Puntland. Security forces of Somaliland are constituted by the National Intelligence Service (NIS), the Somaliland Police, the Somaliland National Armed Forces, and the Somali Coast Guard. Somaliland security forces were deemed responsible for various violations such as the execution of death sentences, torture, beatings and harassment of civilians, and the deprivation of liberty of children.



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- **Al-Shabaab:** Al-Shabaab is an Islamist Sunni Salafi jihadist armed group based in Somalia and seeks to establish an Islamic caliphate in the country. Its main unifying idea is the ‘opposition to the Western-backed government’. While the group controls large swathes of rural territory in central and southern Somalia, its level of penetration and influence has further widely permeated Somali society. It also retained operational military capacity in Puntland and in Somaliland, as well as presence south of Puntland.

It has been reported that the Jabahaat, Al-Shabaab’s military wing, had an estimated 5 000 – 7 000 active fighters in 2020. The Amniyat is the intelligence and counter-intelligence agency of Al-Shabaab used to undermine local governance and enforce Al-Shabaab rules in enemy territory.

In the context of the conflict against anti-Al-Shabaab forces, Al-Shabaab committed the majority of the severe human rights abuses reported during the reference period, including attacks on civilians, targeted killings, disappearances, rapes and conflict-



related sexual violence. The group also blocked humanitarian assistance, recruited child soldiers, and restricted freedom of speech, press, assembly, and movement.

Checkpoints taxation, business extortion, imports taxation at major seaports, and real estate companies are multiple sources of funds for the group. Al-Shabaab also operates its own justice mechanism in areas under its control and also elsewhere via mobile courts, and may impose severe punishments.



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- **Clans and clan militias:** clan militias are important actors of political life across Somalia. A clan militia is generally an armed group based on lineage and the result of the convergence of several individuals' interests. Clashes can occur between and within clan militias. Numerous violations were attributed to clan militias, including killings, torture, sexual violence, child recruitment, attacks on schools and hospitals, abductions, and denial of humanitarian access. Clan members have also been involved in clan revenge, killings and blood feuds.



Read more in the COMMON ANALYSIS

- **Islamic State in Somalia (ISS):** formed in October 2015, the Islamic State in Somalia (ISS or otherwise known as ISIS-Somalia) is a jihadist Islamist group. The group secured a base in Puntland and has expanded its activities to other parts of Somalia. In 2020, the group conducted small-scale IED attacks and killings in Puntland, Mogadishu and Lower Shabelle. The group has regularly clashed with Al-Shabaab, while operationally and ideologically challenging its dominance.

As of mid-2018, it was estimated that the group had 200 fighters throughout the country, almost all in Puntland. In 2020, 30 fighters, including seven foreign fighters, joined the group in Bari region.



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- **AMISOM:** the African Union Mission in Africa (AMISOM) is a multidimensional and multinational peace support operation with nearly 20 000 forces on the ground. AMISOM is tasked to reduce the threat posed by Al-Shabaab and other armed groups, to support the transfer of security responsibilities from AMISOM to Somali Security Forces (SSF) and to assist the FGS, FMS and SSF in providing security for the political process at all levels.

According to UN reports, AMISOM's overall conduct with regard to international humanitarian law and human rights law standards has improved in the last few years. In 2020, AMISOM was listed among the actors conducting extra-judicial killings of civilians and its forces were implicated in rapes and other unspecified grave abuses of human rights while conducting military operations against Al-Shabaab.



Read more in the COMMON ANALYSIS



- **AFRICOM:** the United States Africa Command (AFRICOM)'s East Africa Counterterrorism Operation seeks to 'disrupt, degrade, and deny victory to Al-Shabaab and ISS in Somalia and neighbouring countries'. As of January 2021, the US military troops in Somalia had mostly withdrawn from the country. AFRICOM was particularly engaged in drone and airstrike campaigns, resulting in casualties.



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- In specific situations, **other non-State actors** of persecution or serious harm may include the family or family/clan members (e.g. in the case of FGM, domestic violence, violence against LGBTIQ persons) or criminal groups.



Read more in the COMMON ANALYSIS



Refugee status: guidance on particular profiles

Preliminary remarks

Last updated: June 2022

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



Article 2(d) QD Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

[Article 9 QD](#) outlines how ‘persecution’ should be assessed.

[Article 10 QD](#) provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion, or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant’s actions (whether or not they are perceived negatively and/or whether or not individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.



The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)).



Read more in the COMMON ANALYSIS

Profiles

This section refers to some of the profiles of Somali applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.



When reading the table below, the following should be borne in mind:

An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.

The **risk analysis** paragraphs focus on the level of risk and on some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.

The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and they have to be taken into account in light of all circumstances in the individual case.

Persons who belonged to a certain profile in the past or **family members** of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.

The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to [Article 10 QD](#). The common analysis sections provide further guidance whether a nexus to a reason for persecution is highly likely or may be substantiated depending on the individual circumstances in the case.



For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.1.1 Federal and state officials

Last updated: June 2022

Risk analysis

Higher level federal and state officials in South-Central Somalia and Puntland: well-founded fear of persecution would in general be substantiated.

Lower level officials in South-Central Somalia and Puntland: not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- nature of duties
- visibility of profile
- area of origin and operational capacity of Al-Shabaab
- etc.

Federal and state officials in Somaliland: well-founded fear of persecution could be substantiated in individual cases. Risk-impacting circumstances (e.g. visibility of profile, nature of duties, area of origin and operational capacity of Al-Shabaab) should be given due consideration.

Potential nexus: religion and/or (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.1.2 Members of the federal and state armed forces

Last updated: June 2022

Risk analysis

In South-Central Somalia, well-founded fear of persecution would in general be substantiated.

There is limited information with regards to targeting of this profile specifically **in Puntland**. Risk-impacting circumstances could include:

- nature of duties,
- visibility of profile and proximity to high level federal or state officials or members of the armed forces,
- time of service,
- etc.

The increasing operational capacity of Al-Shabaab in Puntland in relation to the area of origin of the applicant should be carefully taken into consideration.

In Somaliland, well-founded fear of persecution could be substantiated in individual cases. Risk-impacting circumstances (e.g. visibility of



profile, the rank, the time of service, nature of duties, area of origin and operational capacity of Al-Shabaab) should be given due consideration.

Potential nexus: religion and/or (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

2.1.3 Electoral delegates

Last updated: June 2022

Risk analysis: a well-founded fear of persecution would in general be substantiated **in South-Central Somalia and Puntland**.

Potential nexus: religion and/or (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.1.4 Civilians perceived as 'spies' by Al-Shabaab

Last updated: June 2022

Risk analysis

In South-Central Somalia and Puntland, well-founded fear of persecution would in general be substantiated.

In Somaliland, well-founded fear of persecution could be substantiated in individual cases. Risk-impacting circumstances (e.g. visibility of profile, area of origin and presence of Al-Shabaab) should be given due consideration.

Potential nexus: (imputed) political opinion and/or religion.

 Read more in the COMMON ANALYSIS

2.2.1 Persons fearing forced recruitment by Al-Shabaab

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- age (young men are at higher risk)
- visibility of profile
- area of origin and control or influence of Al-Shabaab
- clan affiliation
- socio-economic situation of the family
- etc.

Potential nexus: while the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate



such a nexus, among other reasons, to (imputed) political opinion and/or religion.

 Read more in the COMMON ANALYSIS

2.2.2 Child recruitment by Al-Shabaab

Last updated: June 2022

Risk analysis: not all children would face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. Risk-impacting circumstances could include:

- gender
- age
- area of origin and the control or influence of Al-Shabaab
- clan affiliation and clan positioning towards Al-Shabaab
- socio-economic situation of the family
- family status (e.g. orphans)
- etc.

Potential nexus: the individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, in the case of children who refuse to join Al-Shabaab, persecution may be for reasons of (imputed) political opinion and/or religion.

 Read more in the COMMON ANALYSIS

2.2.3 Deserters from Al-Shabaab

Last updated: June 2022

Risk analysis: a well-founded fear of persecution by Al-Shabaab would in general be substantiated. Further risk of persecution by the state should be assessed on the basis of risk-impacting circumstances, such as rank/role in Al-Shabaab (e.g. being considered 'high-risk' by the state authorities), etc.

Potential nexus: religion and/or (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

2.3 Individuals refusing to pay 'taxes' to Al-Shabaab

Last updated: June 2022

Risk analysis: a well-founded fear of persecution would in general be substantiated where Al-Shabaab imposes taxes in the case of individuals refusing to pay such taxes to the group.

Potential nexus: (imputed) political opinion and/or religion.

 Read more in the COMMON ANALYSIS



2.4 Humanitarian workers and human rights defenders

Last updated: June 2022

Risk analysis

In South-Central Somalia and Puntland, well-founded fear of persecution would in general be substantiated.

In Somaliland, not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- visibility of profile
- nature of activities
- area of origin and operational capacity of Al-Shabaab
- etc.

Potential nexus: religion and/or (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.5 Journalists

Last updated: June 2022

Risk analysis

Journalists seen as critical of an actor particularly active in a specific area or in control of a specific area: well-founded fear of persecution would in general be substantiated in that specific area.

Other journalists: not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (higher risk for women)
- the topic they report on
- visibility of activities and public profile
- reach of the actors they report on
- etc.

Potential nexus: (imputed) political opinion. In case of targeting by Al-Shabaab, persecution of this profile may also be for reasons of religion.

 Read more in the COMMON ANALYSIS

2.6.1 Individuals (perceived as) contravening Islamic laws in Al-Shabaab controlled areas

Last updated: June 2022

Risk analysis: a well-founded fear of persecution would in general be substantiated.

Potential nexus: religion.

 Read more in the COMMON ANALYSIS



2.6.2 Individuals (perceived as) contravening Islamic and customary tenets outside Al-Shabaab controlled areas

Last updated: June 2022

Risk analysis

Individuals (perceived as) apostates, converts proselytisers or blasphemers: a well-founded fear of persecution would in general be substantiated.

Other individuals (perceived as) contravening Islamic and customary tenets in areas outside of the control of Al-Shabaab: not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- nature and visibility of activities of the applicant
- belonging to a religious minority (e.g. Christians being at higher risk)
- area of origin in relation to presence or operational capacity of Al-Shabaab
- etc.

Potential nexus: religion and/or in some cases membership of a particular social group (e.g. individuals seen as transgressing moral norms).

 Read more in the COMMON ANALYSIS

2.7 Individuals involved in blood feuds/clan disputes

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (men have a significantly higher risk)
- being considered a priority target
- clan affiliation
- etc.

Potential nexus: the individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, in the case of lineage/clan members involved in a blood feud, persecution may be for reasons of membership of a particular social group. Furthermore, in case of inter-clan disputes, persecution may be for reasons of race.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS



2.8 Individuals accused of crimes in Somalia

Last updated: June 2022

Risk analysis: the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account individual circumstances, such as:

- the legal framework and the justice system applied
- the nature of the crime for which they may be accused and the envisaged punishment
- etc.

Potential nexus: In the case of individuals accused of ordinary crimes there would in general be no nexus. However, where a well-founded fear of persecution is established in relation to the envisaged punishment under Sharia law, persecution may be for reasons of religion. With regard to treason, espionage or crimes that endanger public safety, persecution may be for reasons of (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

2.9.1 Low status occupational minorities

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender
- their area of origin and the local clan dynamics
- financial situation
- etc.

Potential nexus: race and/or membership of particular social group.

 Read more in the COMMON ANALYSIS

2.9.2 Ethnic minorities

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- the specific minority group that the applicant belongs to
- gender
- area of origin and the local clan dynamics
- etc.

Potential nexus: race.

 Read more in the COMMON ANALYSIS



2.9.3 Groups specialised in religious services

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- their area of origin in relation to the specific minority group they belong to and the local clan dynamics
- gender
- etc.

Potential nexus: race and/or membership of particular social group.

 Read more in the COMMON ANALYSIS

2.9.4 Clans which can be considered minority groups in local contexts

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- their area of origin in relation to the specific minority group they belong to and the local clan dynamics
- their status as 'noble' or 'commoner'
- gender
- etc.

Potential nexus: race and/or membership of particular social group.

 Read more in the COMMON ANALYSIS

2.9.5 Individuals in mixed marriages

Last updated: June 2022

Risk analysis: not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender
- the clan of the partners (in particular whether one of the partners belongs to a minority clan)
- specific minority group that the applicant belongs to
- area of origin
- etc.

Potential nexus: race and/or membership of particular social group.

 Read more in the COMMON ANALYSIS

2.10 LGBTIQ persons

Last updated: June 2022

Risk analysis: a well-founded fear of persecution would in general be substantiated.



Potential nexus: membership of a particular social group.

 Read more in the COMMON ANALYSIS

2.11 Women and girls

2.11.1 Violence against women and girls: overview

Last updated: June 2022

Risk analysis: not all women and girls would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- age
- area of origin and actor in control of the area
- clan affiliation
- being from a displaced or nomadic community
- having a disability
- level of assistance by a support/clan network
- etc.

Potential nexus: different reasons under Article 10 QD, depending on the specific circumstances of the case, for example membership of particular social group.

 Read more in the COMMON ANALYSIS

2.11.2 Violence by Al-Shabaab

Last updated: June 2022

Risk analysis: not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violence by Al-Shabaab. Risk-impacting circumstances could include:

- age
- area of origin and presence/control of Al-Shabaab
- clan affiliation
- family/community perception
- etc.

Potential nexus: race (e.g. in the case of Bantu women), religion, and/or membership of a particular social group (e.g. women who have left Al-Shabaab marriages).

 Read more in the COMMON ANALYSIS

2.11.3 Child marriage and forced marriage

Last updated: June 2022

Risk analysis: not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to



forced marriage or child marriage. Risk-impacting circumstances could include:

- prevalence of the practice in the area of origin
- age
- socio-economic status of the family
- clan and family traditions
- etc.

Potential nexus: religion and/or membership of a particular social group (e.g. in relation to refusal to enter into a marriage).

 Read more in the COMMON ANALYSIS

2.11.4 Female genital mutilation or cutting (FGM/C)

Last updated: June 2022

Risk analysis: girls who have not been subjected to FGM: a well-founded fear of persecution would in general be substantiated.

Women who have not been subjected to FGM: not all such individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances particularly include:

- age
- marital status
- the views of her family on the practice
- etc.

The circumstances under which the applicant had managed to avoid being subjected to FGM should also be given due consideration.

Women and girls who have been subjected to FGM: not all such individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- age
- family status
- type of FGM/C experienced
- family perceptions and traditions towards the practice
- etc.

Potential nexus: membership of a particular social group (e.g. women and girls who have not been subjected to FGM) and/or religion.

 Read more in the COMMON ANALYSIS

2.11.5 Women and girls in clan conflicts

Last updated: June 2022



Risk analysis: not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to clan conflicts. Risk-impacting circumstances could include:

- belonging to a minority clan
- family/clan traditions
- etc.

Potential nexus: race and/or membership of a particular social group (especially in relation to some minority groups).

 Read more in the COMMON ANALYSIS

2.11.6 Single women and female heads of households

Last updated: June 2022

Risk analysis: not all women and girls under this profile would face the level of risk required to establish well-founded fear of persecution.

Risk-impacting circumstances could include:

- being in an IDP situation
- family status (e.g. single mother)
- family/society perceptions
- level of assistance by a support/clan network
- etc.

Women without support/clan network: a well-founded fear of persecution would in general be substantiated.

Potential nexus: membership of a particular social group (e.g. women with children born out of wedlock).

 Read more in the COMMON ANALYSIS

2.12 Children

Last updated: June 2022

Risk analysis: not all children would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- family status
- level of assistance by a support/clan network
- etc.

Children without support/clan network: a well-founded fear of persecution would in general be substantiated.

Potential nexus: the assessment should take into account the individual circumstances of the child. For example, children born out of



wedlock may be subjected to persecution for reasons of membership of particular social group.

 Read more in the COMMON ANALYSIS

2.13 Persons with disabilities or severe medical issues

Last updated: June 2022

Risk analysis: the lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare.

In the case of **persons living with disabilities**, not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- nature and visibility of the mental or physical disability
- negative perception by the family/community
- existence of support network
- etc.

Potential nexus: membership of a particular social group (e.g. persons with noticeable physical disability).

 Read more in the COMMON ANALYSIS



Subsidiary protection



The contents of this chapter include:

[Article 15\(a\) QD](#): death penalty or execution

[Article 15\(b\) QD](#): torture or inhuman or degrading treatment or punishment

[Article 15\(c\) QD](#): serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Article 15(a) QD

Death penalty or execution

Last updated: June 2022

The FGS has not abolished the death penalty, nor has it declared a moratorium on executions. The FGS and other actors within the jurisdiction of Somalia continue to impose and carry out death sentences for crimes other than the intentional killing of a person, including crimes committed while under the age of 18. Death penalty can be imposed for crimes such as treason and espionage, and crimes that endanger public safety.

Death penalty may also be imposed by Islamic courts for the commission of *hadd* crimes e.g. illicit sexual relations (*zina*), including homosexual relationships.

Al-Shabaab courts also implement *Sharia* law in a strict and violent way and may impose severe punishments, such as executions, for the abovementioned *hadd* crimes, including for adopting un-Islamic behaviour and for spying for the government or other foreign powers.

Some profiles of applicants from Somalia may be at risk of death penalty or execution (e.g. [2.6 Individuals \(perceived as\) contravening religious social or religious laws/tenets](#), [2.10 LGBTIQ persons](#), [2.2.3 Deserters from Al-Shabaab](#)) and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Please note that [exclusion](#) considerations could be relevant.



Read more in the COMMON ANALYSIS



Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

Last updated: June 2022

In the cases of applicants for whom torture or inhuman or degrading treatment or punishment may be a real risk, there would often be a nexus to a reason for persecution under the definition of refugee, and such individuals would, therefore, qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground and the applicant would not qualify for refugee status, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Arbitrary arrests, illegal detention and prison conditions:** special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions.

Urban prisons in Somalia, especially following large security incidents, are at times overcrowded, with authorities often not separating pre-trial detainees from convicted prisoners, especially in the southern and central regions. In these areas, including areas under the control of Al-Shabaab, prison conditions are believed to be harsh and at times life-threatening due to poor sanitation and hygiene, inadequate food and water, and lack of medical care. Disease outbreaks and long pre-trial detention period have been reported. Reportedly, Garowe Prison in Puntland and Hargeisa Prison in Somaliland met international standards and were well-managed. Taking into account the above, some cases may qualify under [Article 15\(b\) QD](#).
- **Corporal punishment:** corporal punishments for the so-called *hadd* crimes may be imposed by *Sharia* or Al-Shabaab courts. Where there is no nexus to a reason for persecution, being subjected to such punishments may qualify under [Article 15\(b\) QD](#).
- **Criminal violence:** criminality is pervasive in Somalia. Reported crimes include killings, sexual violence, abductions, banditry, thefts, robberies, money extortion, piracy, (child) trafficking, human and/or arms smuggling. Where there is no nexus to a reason for persecution, being subjected to such criminal acts may qualify under [Article 15\(b\) QD](#).
- **Healthcare unavailability:** it is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In itself, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) is not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct of an actor, for example, the intentional deprivation of the applicant of appropriate health care.⁶

⁶CJEU, *M'Bodj*, paras.35-36, CJEU, *MP v Secretary of State for the Home Department*, case C-353/16, judgment of 24 April 2018, paras.57, 59.



- **Socio-economic conditions:** People in Somalia face continuous socio-economic challenges due to high poverty and highly precarious conditions regarding employment, housing, food and water supplies. Besides violent conflicts, climatic shocks, among which droughts and floods, lead to displacements and contribute to vulnerabilities. Furthermore, (repeated) evictions from government buildings and by private landlords in Somalia represent a constant risk for vulnerable communities, among which IDPs living in collective settlements and other urban poor individuals in densely populated areas.

Additionally, it has been reported that Al-Shabaab continued to hinder commercial activities in the areas it controlled and disrupted the delivery of humanitarian aid.

As stated above, serious harm must take the form of conduct of an actor (Article 6 QD). In themselves, general poor socio-economic conditions are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct of an actor. However, when these socio-economic conditions are the result of an intentional conduct of an actor (e.g. in case of disruptions of humanitarian aid by Al-Shabaab, forced evictions), these conditions may qualify under [Article 15\(b\) QD](#), following an individual assessment.

Other cases for which a real risk of serious harm under Article 15(b) QD may exist are, inter alia, some situations under the profile [2.7 Individuals involved in blood feuds/clan disputes](#), where a nexus to a reason for persecution has not been established.

Please note that [exclusion](#) considerations could be relevant.



Read more in the COMMON ANALYSIS



Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Last updated: June 2022

The necessary elements in order to apply [Article 15\(c\) QD](#) are:

Figure 3. Article 15(c) QD: elements of the assessment.



In order to apply [Article 15\(c\) QD](#), the above elements should be established cumulatively.

[→ Read more in the COMMON ANALYSIS](#)

The following is a summary of the relevant conclusions concerning the situation in Somalia:

a. Armed conflict:

Several conflicts/rivalries take place in the territory of Somalia:

- **Al-Shabaab – anti Al-Shabaab armed conflict:** a non-international armed conflict with Al-Shabaab is taking place in Somalia, while the group controls parts of the country. The FGS, the FMS, some clans, as well as other international actors, such as Ethiopia, Kenya, the US, and AMISOM, are all engaged, in various degrees and forms, in the long-standing conflict against Al-Shabaab.
- **The inter and intra-clan rivalries:** clans often compete against each other, as well as against other actors such as the FGS or the FMS. The existence of clan militias has been reported throughout Somalia, including Puntland and Somaliland. In some cases, clan rivalries have escalated to armed confrontations, therefore taking the form of an armed conflict in the meaning of Article 15(c) QD.



- **Anti-ISS armed conflict:** various armed forces, including AFRICOM, the Federal Security Forces, and the Puntland armed forces are engaged in various degrees in an armed conflict against ISS. While ISS is mainly active in Puntland, it carries out attacks also in Mogadishu and elsewhere. Furthermore, Al-Shabaab and ISS also fight against each other.
- **Puntland versus Somaliland:** Puntland and Somaliland contend over control of areas of the Sool and Sanaag regions as well as the area of Ayn, part of Togdheer region. In this context, clashes were reported in the beginning of 2020.
- **Other rivalries:** other types of confrontations which do not necessarily develop into armed confrontations are taking place in Somalia. These include: the FGS versus the FMS, the intra-FMS control and governance dynamics, the FGS versus Somaliland. In some occasions, armed confrontations have been reported.



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- b. **Civilian:** [Article 15\(c\) QD](#) applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity. The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- Members of the FGS security forces, including the SNA, special forces, NISA and Somali Police Force (SPF)
- Members of the FMS armed forces
- Members of the Somaliland armed forces
- Al-Shabaab members
- Members of clan militias
- ISS members.

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her.



Read more in the COMMON ANALYSIS

- c. **Indiscriminate violence:** indiscriminate violence takes place to a different degree in different parts of the territory of Somalia. The map below summarises and illustrates the assessment of indiscriminate violence per region in Somalia. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference

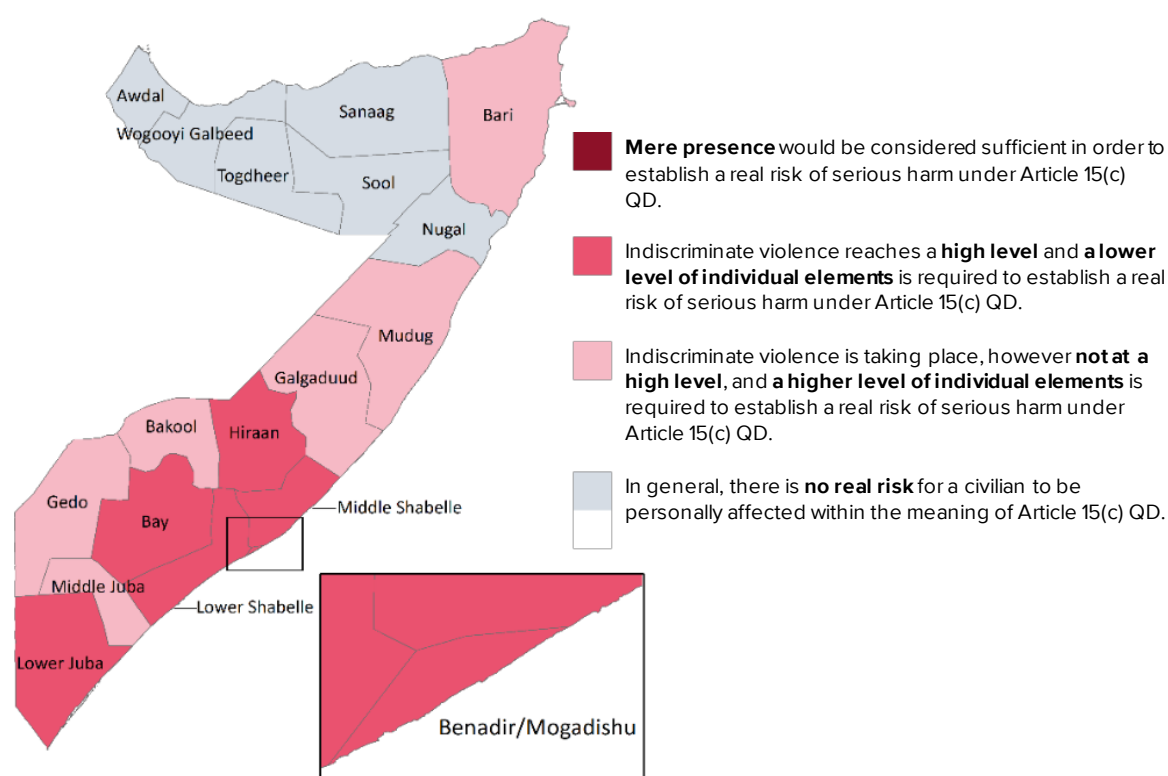


period (primarily, 1 January 2020 - 30 June 2021). Up-to-date country of origin information should always inform the individual assessment.

It should be noted that there are no regions in Somalia where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of their presence on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

For the purposes of the guidance note, the regions of Somalia are categorised as follows:

Figure 4. Level of indiscriminate violence in Somalia (based on information up to 30 June 2021).



Territories where ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#), however, indiscriminate violence reaches a **high level**, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

This includes the regions of *Bay*, *Benadir/Mogadishu*, *Hiraan*, *Middle Shabelle*, *Lower Juba* and *Lower Shabelle*.

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

This includes the regions of *Bakool, Bari, Galgaduud, Gedo, Middle Juba and Mudug*.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of [Article 15\(c\) QD](#).

This includes the regions of *Awdal, Nugal, Sanaag, Sool, Togdheer and Wogoyi Galbeed*.



Read more in the COMMON ANALYSIS

- d. **Serious and individual threat:** in the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation and/or place of residence
- family members or clan/support network



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- e. **Threat to life or person:** the risk of harm as per [Article 15\(c\) QD](#) is formulated as a ‘threat to a civilian’s life or person’ rather than as a (threat of) a specific act of violence. Some of the commonly reported types of harm to civilians’ life or person in Somalia include killings, injuries, abductions, forced displacement, famine caused by food insecurity, etc.



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- f. **Nexus:** the nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person) and includes:
- harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, *and*
 - harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is



a demonstrable link with the indiscriminate violence, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access to humanitarian aid. Armed clashes and/or closure or destruction of roads can also lead to food supply problems that cause famine or to limited or no access to healthcare facilities in certain areas of Somalia.



Read more in the COMMON ANALYSIS



Actors of protection

Last updated: June 2022

[Article 7 QD](#) stipulates that protection can only be provided by:

a. the **State**;

b. **parties or organisations controlling the State or a substantial part of the territory of the State**;

provided they are **willing and able** to offer protection, which must be:

effective and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection, prosecution and punishment** of acts constituting persecution or serious harm,

and when the applicant has **access to such protection**.

Where no actor of protection meeting the requirements of [Article 7 QD](#) can be identified in the home area of the applicant, the assessment may proceed with examination of the availability of internal protection alternative.



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The Somali State

The President is the Head of the State, the symbol of national unity, and the guardian of the Constitution.

On the FGS level, the legislative power is exercised by the Federal Parliament. The executive branch consists of the Council of Ministers. Local parliaments are also based in FMS. Puntland has developed significant institution-building and governance mechanisms. However, it is still affected by a number of issues.

The Judiciary consists of the Constitutional Court, the Federal Government level courts and the FMS level courts. Under the Provisional Constitution, the judiciary power shall be independent of the legislative and executive branches. Puntland has by far the most advanced (formal) judicial system among the FMS. Islam is the State religion and *Sharia* is the basis of both statutory and customary law.

The formal justice system is only a portion of the composite justice system that operates in Somalia that includes also customary justice and *Sharia* courts. Independence and impartiality of the judiciary is not always respected by the government. Furthermore, local courts often



depend on local clans and are affected by clan politics. The right to a fair and public trial is often not enforced at all, with the authorities not respecting most rights relating to trial procedures.

Women, children and minority group members often experience problems with regard to access to justice.

The state security architecture remains deeply fractured, with impacts in all other domains. As a consequence, the FMS' security, political, and administrative powers are often still weak. Several issues have a considerable impact on the effective capacity of the SNA to engage in military operations against Al-Shabaab with the group having also infiltrated NISA. The PSP has been described as the only functioning state police service among the FMS police services. On the other hand, PMPF has supplanted various official policy functions in Bosaso and has become involved in Puntland politics, clan rivalries, and geopolitical conflicts, while being used to combat Al-Shabaab and ISS forces as well. It still works as the praetorian guard of current Puntland's administrations. PMP has also fought the PMPF over access and control of Bosaso. Both PMPF and PSF operate outside of Somalia's constitution and security architecture, with the latter working as a private auxiliary group.



The Somali multi-faceted justice system is still experiencing significant weaknesses and is unable to effectively detect, prosecute and punish acts that constitute persecution or serious harm. Furthermore, law enforcement is continuously challenged by the different conflicts taking place in Somalia, including the conflict with Al-Shabaab.

Therefore, it can be concluded that, in general, the Somali State would not be considered an actor of protection meeting the criteria under [Article 7 QD](#).



Read more in the COMMON ANALYSIS

Authorities of Somaliland

The authorities of Somaliland dispose their own legislative, executive and judiciary branches.

Despite some issues experienced by the Somaliland armed forces, they have managed to deny Al-Shabaab a foothold in the area.

Justice provision in Somaliland operates similarly to that in the rest of Somalia, whereby it combines statutory courts with both *xeer* and *Sharia*. All three systems are recognized by the Constitution of Somaliland.

Somaliland doubled the number of (statutory) judges in less than a decade and has introduced mobile courts to deal with the access to justice for rural areas harder to reach. However, a number of issues still affect (statutory) justice, such as high legal fees and



widespread allegations of corruption. In Somaliland defendants generally enjoyed a presumption of innocence and the right to a fair trial.

Women, children and minority group members often experience problems with regard to access to justice.



It can be concluded that the authorities of Somaliland, in areas under their control, may, depending on the individual circumstances of the case, be considered able and willing to provide protection that meets the requirements of [Article 7 QD](#). In disputed areas between Somaliland and Puntland, the criteria under [Article 7 QD](#) would generally not be met.

When assessing the availability of protection by the authorities of Somaliland, individual circumstances such as home area, age, gender, clan, social and economic situation, actor of persecution and type of human rights violation must be taken into account. Protection by the Somaliland authorities is generally not considered available for members of minority groups, LGBTIQ persons and women, especially in cases of sexual and gender-based violence.



Read more in the COMMON ANALYSIS

Al-Shabaab

There is no functional formal judicial system in Al-Shabaab-controlled areas. Al-Shabaab has established courts in the territory under its control, as well as beyond it, through the introduction of mobile courts, including in Mogadishu. These courts implement the *Sharia* law in its strictest form leading to executions and corporal punishments.

Al-Shabaab carried out arbitrary arrests on the basis of questionable or false accusations. Its courts did not permit legal representation or appeals. The group administered justice without consulting the victims or taking into account the broader circumstances of an offence.



The lack of due process and the nature of the punishments would not qualify the parallel justice mechanism operated by Al-Shabaab as a legitimate form of protection. Further taking into account its record of human rights violations, it can be concluded that Al-Shabaab does not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.



Read more in the COMMON ANALYSIS



Considerations on clan support

Most Somalis rely on support from patrilineal clan relatives. Clans can provide different forms of support for their members.

Under the *xeer* system, clan elders act as mediators or arbiters, and play a central role in the resolution of local and intra-clan disputes.



The support provided by clans in Somalia cannot be considered as meeting the requirements of [Article 7 QD](#)⁷.



Read more in the COMMON ANALYSIS

⁷ CJEU, *OA v Secretary of State for the Home Department*, C-255/19, Second Chamber, judgment of 20 February 2021(OA).

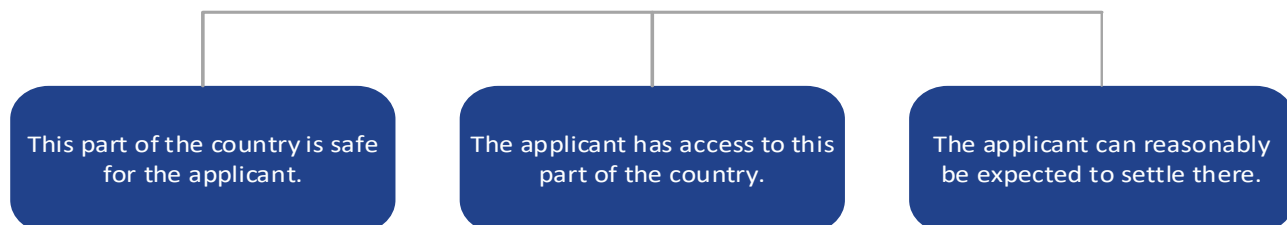


Internal protection alternative

Last updated: June 2022

The required elements in order to apply [Article 8 QD](#) are:

Figure 5. IPA: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Somalia, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.



Read more in the COMMON ANALYSIS

Part of the country

Last updated: June 2022

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case.

The examples of Mogadishu, Garowe and Hargeisa have been selected as the main urban centres in Somalia, including Puntland and Somaliland.



When identifying the relevant part of the country to assess as IPA, the clan affiliation of the applicant would be an important consideration. For example, for applicants from the Darood/Harti clan family, Garowe may be particularly relevant to assess. Similarly, Hargeisa may be particularly relevant to assess for applicants originating from Somaliland and/or belonging to the Isaaq clan family. For applicants from other clans, Mogadishu may be more relevant to assess, due to the presence of multiple clans in the city.



Read more in the COMMON ANALYSIS



Safety

Last updated: June 2022

The criterion of safety would be satisfied where there is no well-founded fear of persecution or real risk of serious harm, or where protection is available.

Figure 6. IPA: Assessment of the safety requirement.



Absence of persecution or serious harm

The assessment should take into account:

► general security situation in relation to indiscriminate violence

The general security situation in the particular part of the country that is being examined as an alternative for internal protection in the individual case should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#).

The conclusions with regard to the three cities of Mogadishu, Garowe and Hargeisa are as follows:

In **Mogadishu**: indiscriminate violence reaches a high level, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD

In **Garowe**: there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD

In **Hargeisa**: there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

► actor of persecution or serious harm and their reach

In case where the person fears persecution or serious harm by State actors (e.g. journalists), there is a presumption that IPA would not be available (Recital 27 QD).

In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area (e.g. FMS authorities, Somaliland authorities), the criterion of safety may be satisfied with regard to other parts of Somalia.



In case of persecution by Al-Shabaab, the criterion of safety, in general, would not be satisfied in South-Central Somalia. With regard to Puntland and Somaliland, IPA may be considered safe, depending on individual circumstances. Among other relevant factors, the capacity of Al-Shabaab to track and target individuals in areas outside of its control, the way the applicant is perceived by Al-Shabaab, and whether a personal enmity is at stake should be given due consideration.

With regard to other actors of persecution or serious harm, such as ISS and clans, their presence is generally geographically more limited. In some cases, the criterion of safety under IPA could be satisfied, depending on individual circumstances.

Where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Somalia and the actor of persecution or serious harm is the Somali society at large (e.g. LGBTIQ persons), IPA would in general not be considered safe.

For certain particularly vulnerable individuals, such as some women and children, if the actor of persecution or serious harm is the (extended) family or clan (e.g. FGM, forced marriage), taking into account the reach of these actors, the lack of State protection and their vulnerability to potential other forms of persecution or serious harm, IPA would in general not meet the requirement of safety.

See the chapter [Actors of persecution or serious harm](#).

► **whether the profile of the applicant is considered a priority target by the actor of persecution or serious harm**

The profile of the applicant could make them a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace them in the potential IPA location.

► **behaviour of the applicant**

It cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation and gender identity, in order to avoid the risk of persecution or serious harm.

► **other risk-enhancing circumstances**

The information under the chapter [Refugee status](#) should be used to assist in this assessment.

Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.





In relation to **Mogadishu**, the requirement of safety may be satisfied **only in exceptional cases**. Individual circumstances are to be taken into consideration.

In relation to **Garowe** and **Hargeisa**, the requirement of safety may be satisfied, depending on the profile and the individual circumstances of the applicant.



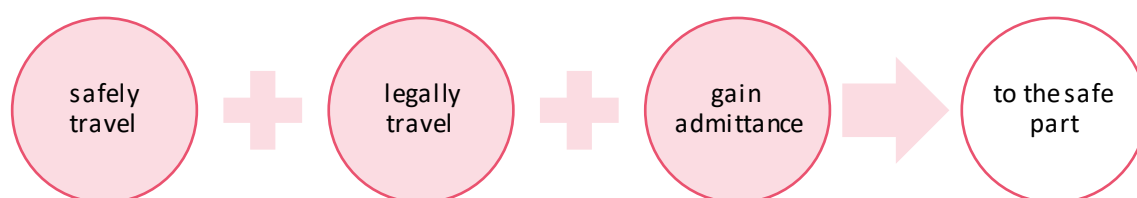
Read more in the COMMON ANALYSIS

Travel and admittance

Last updated: June 2022

In case the criterion of 'safety' is satisfied, as a next step, case officers have to establish whether an applicant can:

Figure 7. Travel and admittance as requirements for IPA.



It should be noted that in the context of Somalia, the three requirements should be read in conjunction.

The individual circumstances of the applicant should also be taken into account when assessing whether he or she can safely and legally travel and gain admittance to a part of the country.



For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA should proceed with an assessment of the requirements of safety and legality of travel and of gaining admittance.

Based on available COI, it is concluded that there are some security concerns with regard to the safety of travel to Mogadishu. With regard to Garowe and Hargeisa, it is concluded that, in general, a person can access these cities without serious risks.

The possession of identification documents may be required to pass through checkpoints to travel to Mogadishu, Garowe and Hargeisa.

Identification documents issued by Somaliland authorities or a travel document such as a visa are required to travel to Hargeisa. The possession of a 30-day visa would not be sufficient to consider that the applicant can settle in the city. The profile and individual circumstances of the applicant should be taken into account.



Clan affiliation does not constitute a legal requirement to travel and gain admittance in Mogadishu, Garowe and Hargeisa, however it would be a crucial factor to take into account when examining the requirements of reasonableness to settle in one of these cities.



Read more in the COMMON ANALYSIS

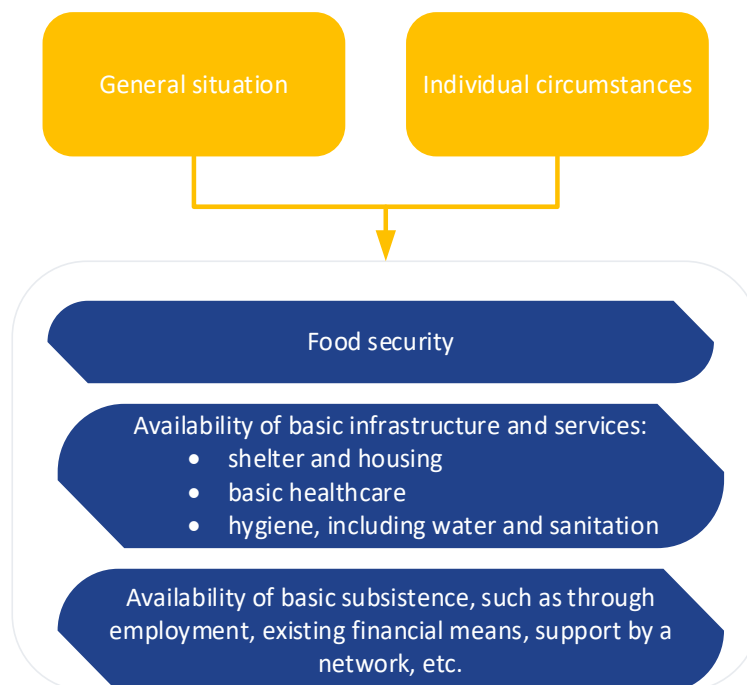
Reasonableness to settle

Last updated: June 2022

According to [Article 8 QD](#), IPA can only apply if the applicant ‘can reasonably be expected to settle’ in the proposed area of internal protection.

In applying the reasonableness test, it should be established that the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure their own and their family’s subsistence and to the availability of basic healthcare. The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

Figure 8. IPA: assessment of the reasonableness requirement.



Read more in the COMMON ANALYSIS



General situation

Last updated: June 2022

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.



The general circumstances prevailing in Mogadishu, Garowe and Hargeisa assessed in relation to the factors above entail significant hardship. However, they do not preclude the reasonableness to settle in the cities as such. A careful examination should take place, particularly when assessing the reasonableness of IPA to Mogadishu.

The person's ability to navigate the above circumstances in the three cities will mostly depend on access to clan support and financial means and in individual cases, the reasonableness requirement may be satisfied. The impact of COVID-19 on the economic situation, as well as on the healthcare system, should also be considered.



Read more in the COMMON ANALYSIS

Individual circumstances

Last updated: June 2022

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- clan affiliation and support network
- age
- gender
- state of health
- religion
- local knowledge
- social, educational and economic background
- civil documentation
- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact when determining to what extent it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.



Read more in the COMMON ANALYSIS



Conclusions on reasonableness

Last updated: June 2022

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in Mogadishu, Garowe and Hargeisa and the individual circumstances of such applicants, as outlined in the sections above.



Mogadishu

Based on the general situation in Mogadishu, and taking into account the applicable individual circumstances, internal protection alternative in Mogadishu **may be reasonable only in exceptional cases**. Such exceptional cases would in particular include some **able-bodied men** and **married couples without children** with no additional vulnerabilities, who belong to locally majority clans and who have educational and professional background facilitating their access to employment, or a support network who is able to assist them in accessing basic subsistence, or those who otherwise have sufficient financial means. In the cases of couples, basic subsistence has to be ensured for both spouses in the IPA location.

Garowe and Hargeisa

In the case of **single able-bodied men and married couples without children**, IPA **could be reasonable** for those who belong to the local majority clan and can rely on its support and have no additional vulnerabilities.

In the case of **families with children and unaccompanied children**, internal protection alternative **would in general not be reasonable**. Individual circumstances and the best interests of the child should be duly assessed.

In the case of applicants from **minority groups**, including clans who can be considered minorities in the local context of the suggested IPA location, internal protection alternative **would in general not be reasonable**.

In the case of **other profiles**, the individual circumstances of the applicant, in particular in relation to clan affiliation, gender, age, the existence of a support/clan network, etc should be given due consideration, when assessing the reasonableness to settle in one of these cities.



Read more in the COMMON ANALYSIS



Exclusion

Last updated: June 2022



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

Grounds for exclusion			
Refugee status	•	a crime against peace, a war crime, or a crime against humanity	Subsidiary protection
	•	a serious non-political crime outside the country of refuge prior to his or her admission as a refugee	
	•	acts contrary to the principles and purposes of the United Nations	
	•	a crime against peace, a war crime, or a crime against humanity	
	•	a serious crime	
	•	acts contrary to the principles and purposes of the United Nations	
	•	constituting a danger to the community or to the security of the Member State in which the applicant is present	
	•	other crime(s) (under certain circumstances)	

It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant, while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to their application.



Read more in the COMMON ANALYSIS

In the context of Somalia, numerous circumstances and different profiles may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to



events which have occurred in the recent and more distant past (e.g. acts committed by the Islamic Courts Union, acts committed during the civil war in 1988-1991).

COI indicates that excludable acts are committed by many actors both in relation to armed conflicts, as well as in the context of general criminality and human rights abuses.



Read more in the **COMMON ANALYSIS**

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Somalia.

Crime against peace, war crime, crime against humanity

The ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Somalia.

Violations of international humanitarian law by different parties in the current and in past conflicts in Somalia could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the deliberate indiscriminate attacks on civilians, etc.

Relevant situations include the civil war (1988-1991) and the non-international armed conflict between the Somali government and Al-Shabaab. Furthermore, fighting between the ISS and Al-Shabaab amounts to a non-international armed conflict.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population.

Some acts in the current and past conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both war crimes and crimes against humanity.

Especially (former) members of the SNA, the SPF, the NISA, as well as FMS security forces and anti-government armed groups, in particular Al-Shabaab and ISS, can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

Crimes committed also in the context of clan militias clashes, in particular in the civil war in the past, could also give rise to considerations under [Article 12\(2\)\(a\) QD/Article 17\(1\)\(a\) QD](#).

Serious (non-political) crime

In the context of Somalia, criminality and breakdown in law and order in some parts of the country make the ground of ‘serious (non-political) crime’ particularly relevant. In addition to violence and murder related to family and clan disputes, some examples of particularly relevant serious crimes may include human trafficking, extortion/illegal taxation, piracy, etc.

Violence against women and children (for example, in relation to domestic violence or in the context of forced and child marriage) could potentially amount to a serious (non-political) crime.



Performing FGM is a serious (non-political) crime. A careful examination of Performing FGM is a serious (non-political) crime. A careful examination of all relevant circumstances of the case, including those related to the individual responsibility should take place.

In some cases, the crimes in question could be linked to an armed conflict or could be committed as a part of a systematic or widespread attack against a civilian population (e.g. kidnapping of recruits, taxation to finance the activities of non-state armed groups), in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

Acts contrary to the purposes and principles of the United Nations

(Former) membership in armed groups such as Al-Shabaab and ISS could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#).

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground under [Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.



Read more in the COMMON ANALYSIS





Common analysis: Somalia

The common analysis represents the joint assessment of EU Member States of the situation in the country. It is based on common country of origin information, published by EUAA, which is analysed in accordance with the 1951 Geneva Convention and the Qualification Directive (recast), further taking into account the jurisprudence of the CJEU and ECtHR and general EUAA guidance.



General remarks

Last updated: June 2022

The structure of the Somali governance

Somalia is a Federal State composed of two levels of government: the federal government and the FMS, which include both state and local governments. FMS also dispose their own constitutions and armed forces.

As of August 2021, the country was to complete a long-delayed parliamentary and presidential election between July and October 2021. Ever since, the country has been experiencing a strongly polarised electoral and political impasse. The incumbent president of the Federal Government of Somalia (FGS) Mohamed Abdullahi Mohamed, also known as Farmaajo, term's extension was met with political unrest, international criticism, and street protests, which also broke out in armed fighting in downtown Mogadishu. [[Security 2021](#), 1.1; [Actors](#), 2]

Somalia is de-facto ruled by a gentlemen agreement among the major clan-families that dominate the country. Based on this agreement, also known as the 4.5 power-sharing formula, key positions in the State apparatus, including parliamentary seats, are (more or less) proportionally distributed among the four main clan families as well as the 0.5 quota representing minorities. [[Actors](#), 2.1]

South-Central Somalia includes the following FMS: Jubbaland, South-West, Benadir, Hirshabelle and Galmudug. Mudug region is divided between Galmudug and Puntland, with Galmudug controlling the southern half of the region [[Security 2021](#), 2.5.2.1].

Puntland, as a self-proclaimed autonomous state within the Somali Federal State, was established on 1 August 1998 as an entity representing clans belonging to the Harti clan collective. Puntland has developed significant institution-building and governance mechanisms. However, it continues to be affected by security, humanitarian, political, and socio-economic challenges. [[Actors](#), 7.6]

Somaliland declared its independence in 1991 while the civil war was occurring in the rest of Somalia. The backbone of Somaliland's administration was drawn from the Somali National Movement (SNM), comprising several Isaaq clans [[Actors](#), 3.4.2]. Ever since, Somaliland has embarked on an institution-building and democratisation process, combining, in a hybrid entity, traditional and modern forms of governance that make it stand out compared to other parts of Somalia [[Actors](#), 7.7]. Somaliland remains largely internationally unrecognised, despite a recent increase in the number of states with which it holds diplomatic relations [[Actors](#), 7.7.1; [Socio-economic 2021](#), 3].

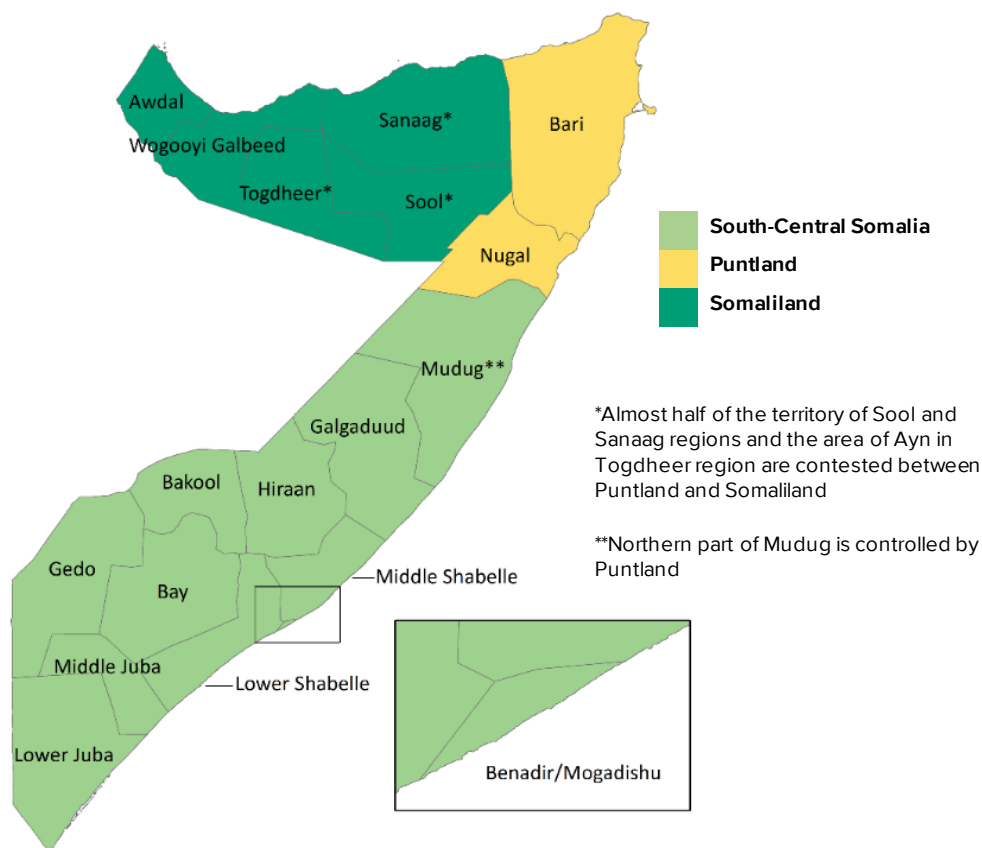
In terms of territorial control and influence, areas of Sool and Sanaag regions and the area of Ayn (Togdheer region) are contested between Somaliland and Puntland [[Security 2021](#), 2.6.3, 2.6.4].

The following map indicates **roughly** the macro-zones of Somalia (South-Central Somalia, Somaliland, Puntland), as described above. This illustration intends to provide to the user of the present guidance a general depiction of these areas on the map. Please note that for



specific and more clear information regarding the territorial control of different actors in Somalia and/or the contested territories, see chapter [Actors of persecution or serious harm](#) and the map (Figure 10), included in that section.

Figure 9. Macro-zones of Somalia.



This country guidance is based on an assessment of the general situation in the country of origin. Where not specified otherwise, the analysis and guidance refer to Somalia in general, including Puntland and Somaliland. In some sections, the COI summary and respective analysis specify the particular area(s) they refer to.

The individual assessment of international protection needs should take into account the presence and activity of different actors in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area.

The role of clans in Somalia

Last updated: June 2022

Layered in all aspects of life, the clan is both a tool for identification and a way of life. Clans define the relationship between people and all actors in Somalia, including Al-Shabaab, must deal with the clan variable [[Actors](#), 3, 3.1]. Belonging to a strong clan matters in terms of access to resources, political influence, justice, and security [[Targeting](#), 4].



Somalis are roughly divided in five large family clans: the Dir are mainly present in the western part of Somaliland and in the southern part of Somalia; the Isaaq are mainly present in the middle part of Somaliland; the Darood are mainly settled in Puntland, in the eastern part of Somaliland and in the southernmost part of Somalia; the Hawiye are mainly present in central Somalia; the Rahanweyn, sometimes called the Digil-Mirifle group, are mainly present between the Jubba and the Shabelle rivers [[Actors](#), Clan maps, 3.1.1]. Even though this clan-territory association remains relevant, sometimes it must be relativised, notably in urban contexts (e.g. Mogadishu, Garowe) [[Actors](#), 3.1.1; [Socio-economic 2021](#), 1.1.1, 2.1.1].

Dominant clans have so far maintained an ‘artificial’ balance in terms of political power in the Federal State of Somalia, with the presidency and premiership alternating between the Hawiye and the Darood, the speakership of the parliament assigned to the Rahanweyn, and the supreme court to the Dir. The FMS’ administrations function, in general, with clearer clan affiliation, with all main power functions gathered in the hands of the locally dominant clans. [[Actors](#), 1, 2.1]

Large segments of the Somali population are considered as minorities, either in local context or in Somalia in general, living amongst larger clans. For more information on some minorities and their treatment, see profile [2.9 Minorities](#).

Somalis are traditionally attached to a territory where their kin are supposed to be more numerous [[Actors](#), 3.2.1]. Until today, most Somalis still rely on support from patrilineal clan relatives [[Targeting](#), 4].

The most important level of solidarity in Somali society, the *jilib*, does not refer to a particular number of individuals or a level in the genealogical tree but rather to the group below which the community assumes the payment of ‘the blood price’ (*diya*). In theory, inside the *jilib*, the community must help individuals in case of smaller or larger problems, reaching as far as the mutilation or the murder of someone from another clan (blood price). [[Actors](#), 3.2.1]

Arrangements can also be made between clans for protection outside the clan. These agreements are often for a precise duration and specify the kind of protection, the means of resolution of conflicts, marriage rules, etc. There are also binds of protection and solidarity without duration or a specific agreement. In the Somali perception, there are several levels of clan protection corresponding to different scales of social closeness, each of these levels coming with a given intensity of protection. Military alliances can also be made between clans. A *gaashaanbuur* (military alliance) integrates one or several clans or parts of these to wage war. [[Actors](#), 3.2.2]

Clans often compete against each other, as well as against other actors, such the FGS or the FMS, for political, resource and territorial control, while resorting to a system of instrumental alliances [[Actors](#), 1]. Clan militias are also important actors of political life across Somalia (for more information, see section [1.4 Clans and clan militias](#) under chapter [Actors of persecution or serious harm](#) [[Actors](#), 3.4].

Under the *xeer* system, clan elders act as mediators or arbiters, and play a central role in the resolution of local and intra-clan disputes [[Actors](#), 2.3.2]. For more information on the different justice systems in Somalia, see chapter [Actors of protection](#).

1. Actors of persecution or serious harm

This chapter looks into the topic of ‘actors of persecution or serious harm’. It focuses on the main actors in Somalia, their areas of presence and control, the violations they have reportedly committed, and, where applicable, their structure and organisation.



The contents of this chapter include:

[Preliminary remarks](#)

[1.1 Federal Government of Somalia \(FGS\) forces](#)

[1.2 Federal Member States \(FMS\) forces and Somaliland forces](#)

[1.2.1 Jubbaland forces](#)

[1.2.2 South-West forces](#)

[1.2.3 Benadir/Mogadishu forces](#)

[1.2.4 Hirshabelle forces](#)

[1.2.5 Galmudug forces](#)

[1.2.6 Puntland forces](#)

[1.2.7 Somaliland forces](#)

[1.3 Al-Shabaab](#)

[1.4 Clans and clan militias](#)

[1.5 Islamic State in Somalia \(ISS\)](#)

[1.6 AMISOM](#)

[1.7 AFRICOM](#)

[1.8 Other actors](#)

Preliminary remarks

Last updated: June 2022

[Article 6 QD](#) defines ‘actors of persecution or serious harm’ as follows.



Article 6(d) QD **Actors of persecution or serious harm**

Actors of persecution or serious harm include:

- a) the State;
- b) parties or organisations controlling the State or a substantial part of the territory of the state;
- c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct of an



actor ([Article 6 QD](#)). For example, it cannot simply be the result of general shortcomings in the health system of the country of origin...⁸

The notion of ‘**State**’ within the meaning of [Article 6\(a\) QD](#) should be broadly interpreted. It encompasses any organ exercising legislative, executive, judicial or any other function(s) and acting at any level, be it central, federal, regional, provincial or local. It could, for example, include the civil service, armed forces, security and police forces, etc. In some cases, private entities may also be given State powers and therefore be considered a State actor of persecution or serious harm.

Parties or organisations controlling the State or a substantial part of the territory of the State can refer to two possible scenarios:

- Parties or organisations amounting to de facto State actors because they exercise elements of governmental authority; or
- Parties or organisations controlling a substantial part of the State’s territory in the context of an armed conflict.

Non-State actors against whom protection is not effectively provided are also recognised as actors of persecution or serious harm in the meaning of [Article 6 QD](#). Non-State actors could, for example, include individuals and groups, such as militant groups, extremist religious groups, ethnic groups, criminals, political parties, and family members, including members of the extended family, etc.

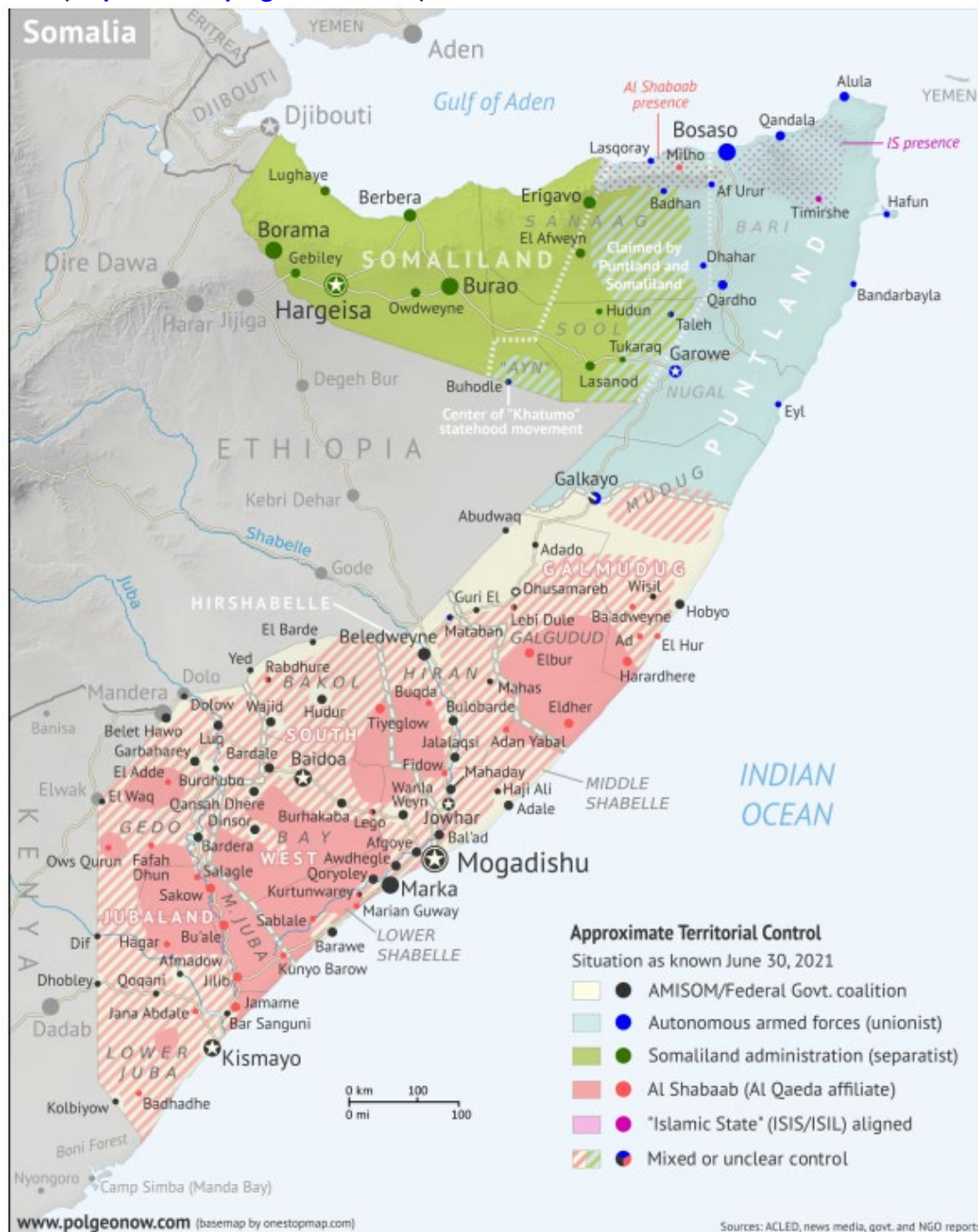
A wide range of different groups and individuals can be considered as actors of persecution or serious harm in Somalia. Specific relevant examples include Al-Shabaab, security forces at the federal or at the states level, clans and their militias, families, etc.

A crucial aspect of the Somali context is that ‘the boundaries of membership’ for all of the groups dealt with in this chapter constantly shift, and that most individuals playing a role in the security situation are simultaneously members, to varying degrees, of multiple categories. In that way, the coalition of clans and business interests supporting the federal president largely determines the interest of the FGS. The militias and other ad hoc forces supporting the federal president find their action gaining legitimacy in acting as being part of the Somali National Army (SNA). And, generally speaking, a given member of the armed forces has three entities theoretically competing for his loyalty – the clan, the FMS, and the SNA/FGS. [[Security 2021](#), 1.2]

The following subsections highlight the main actors of persecution or serious harm in Somalia in a non-exhaustive manner. The approximate areas of control are outlined in the map below. However, this cannot be seen as a guarantee that the map or its features are either spatially or temporally accurate. Furthermore, the depictions on this map do not imply any opinion whatsoever on the part of EUAA concerning legal status or effective control over any country, territory, city, or area.

⁸ CJEU, *Mohamed M'Bodj v État belge*, C-542/13, Judgment of 18 December 2014, C-542/13, paras. 35-36.

Figure 10. Somalia - Approximate Territorial Control, 30 June 2021 by Political Geography Now (<https://www.polgeonow.com/>).



For more information on territorial control and/or presence of the actors of persecution or serious harm listed below, please refer to [Assessment by region](#) under [Article 15\(c\) QD](#).

1.1 Federal Government of Somalia (FGS) forces

Last updated: June 2022

In terms of territorial control, the **FGS** has made significant progress since 2010, when it controlled only a small district in Mogadishu. Since then, it has, with the essential support of

the African Union Mission in Somalia (AMISOM), pushed Al-Shabaab out of many urban centres in South-Central Somalia. However, Al-Shabaab's territorial control is described as 'fluid' and the organisation is still capable of carrying out 'massive attacks'. The FGS and its federal security forces, the FMS forces, as well as other regional actors (state level *darwish* militias, clan militias, paramilitary groups, special police forces) all operate and at times are not aligned and may compete at regional level. [[Actors](#), 2.2]

FGS security forces consist of four entities:

- The **Somali National Army (SNA)**'s strength is evaluated above and around 20 000 soldiers. However, official numbers differ from de facto military capacity (estimated at 9 000 soldiers with fighting capability). [[Actors](#), 2.4.1]
- The **Special Forces** are constituted by the Danab Infantry Brigade, an advanced infantry battalion trained, equipped and mentored by the US, which is reportedly the only multiclan and meritocratic SNA unit that is able to conduct offensive operations, and the Gorgor Brigades, the Somali commando force trained by Turkish military assistance, reportedly used for political manoeuvring by the incumbent president and administration. [[Actors](#), 2.4.2]
- The **National Intelligence and Security Agency (NISA)** officially counts 3 200 agents. The security section carries out most of NISA's operations against Al-Shabaab, resorting to its special units. NISA is present in Mogadishu, Benadir Region, South-West State, Hirshabelle, and Galmudug. [[Actors](#), 2.4.3]
- The **Somali Police Force (SPF)** has the responsibility for law enforcement and internal order. According to initial plans, the SPF was intended to number 32 000 staff, divided into federal police and (regional) state police. However, in 2020, the existing size of the SPF, including state-affiliated *darwish* (a paramilitary unit), was estimated at 8 000 staff. *Darwish* units of the Federal Police Force are tasked with border policing, protecting government infrastructures and personnel, providing assistance and relief in case of disasters, as well as to fight terrorism and armed insurgency within FMS. SPF provides policing services in Mogadishu, Benadir Region, while its presence remains relatively low in Hirshabelle, Galmudug, South-West State, and Jubbaland. [[Actors](#), 2.4.4]

FGS security forces have committed a wide range of human rights violations, including extrajudicial killings, arbitrary arrests and detentions, (conflict-related) sexual violence and enforced disappearances. The severe violation of rights of children by FGS forces, such as deprivation of liberty for alleged association with Al-Shabaab or ISS, child recruitment, sexual violence, killing and maiming, has been also reported. ([Actors](#), 2.4)



For further information on human rights violations committed by FGS forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).



1.2 Federal Member States (FMS) forces and Somaliland forces

1.2.1 Jubbaland forces

Last updated: June 2022

[[Actors](#), 7.1]

Since 2012, state President Ahmed Madobe, and his militia group, predominantly drawn from the Ogaadeen clan, have been in charge of the town and the port of Kismayo, of which they also control the surroundings, while they hardly control the rest of Jubbaland. A large portion of the regional state is under the de facto control of Al-Shabaab. The group controls almost all of Middle Juba region, where they have their de facto capital (Jilib), and the majority of Lower Jubba.

The northern Gedo region is, as of April 2021, under the control of a distinct regional administration which is loyal to incumbent president Farmaajo, who has his Marehan clan base there. The FGS deployed federal forces, backed by local militias, to Beled Hawo, a border town near Kenya, 'and dislodged the local administration that was loyal to Jubbaland'. In March 2021, Hassan Janaan, the former security minister of the Jubbaland state, who had for months militarily challenged the FGS in the area, defected together with his 400 troops. Jubbaland state forces number about 5 000 individuals. Licit and illicit taxation in and around Kismayo has been used as a source of its funding.

On the one hand, the Jubbaland Security Forces protect Kismayo from Al-Shabaab, on the other hand, they 'function as Madobe's praetorian guard and private enforcement entity against rival politicians, clan leaders, business leaders and other independent voices'. UNSG has attributed to the Jubbaland security forces several violations, such as assassinations, conflict-related sexual violence, violations of human rights and international humanitarian law, deprivation of liberty of children (some of those children having been accused of association with Al-Shabaab), child recruitment, killing or maiming of children, rape and sexual violence against children, and denial of humanitarian access.



For further information on human rights violations committed by Jubbaland forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.2.2 South-West forces

Last updated: June 2022

[[Actors](#), 7.2]

In terms of territorial control, the South-West state remains among those most affected by Al-Shabaab's presence and attacks. The group controls large swathes of territory in all three South-West regions.

The South-West *darwish* forces were established in 2014 with the aim to retake territory from Al-Shabaab as well as to strengthen the newly established state administration vis-à-vis the FGS. The South-West State Police is an official entity formally recognized under Somalia's



security architecture. International human rights training and international payments of salaries tied to human rights performance led to a decrease of human rights violations by the South-West State Police. However, on the occasion of the arrest of Mukhtar Robow, and in the context of the ensuing protests, human rights violations increased significantly when the international community froze the payment of salaries and officers increased extortion to generate income.

UNSG attributed to South-West forces violations such as conflict-related sexual violence, arbitrary arrests of journalists, child recruitment, deprivation of liberty of children for alleged association with Al-Shabaab or pro-ISS elements, killing and maiming of children, rape and sexual violence against children, attacks on school and hospitals, and child abduction.



For further information on human rights violations committed by South-West forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.2.3 Benadir/Mogadishu forces

Last updated: June 2022

[[Actors](#), 7.3]

The region of **Benadir** covers the same area as the capital **Mogadishu** and it is officially controlled by the FGS security institutions and AMISOM. At the same time, Al-Shabaab has heavily infiltrated the state apparatus and exerts its activities in the city. For an overview on the human rights conduct of the FGS security institutions, which are based in Mogadishu, see section [1.1. Federal Government of Somalia \(FGS\) forces](#).

1.2.4 Hirshabelle forces

Last updated: June 2022

[[Actors](#), 7.4]

Hirshabelle, the youngest member state in the Somali federal system, was established in 2016. A significant portion of the state territory is controlled by Al-Shabaab, notably the entire northern section of the Middle Shabelle region, as well as 'key districts' in Hiiraan region. The group has also managed to disrupt major supply routes. The Hiraan Salvation Council questions the authority of the current Hirshabelle president Ali Gudlawe, and indirectly the authority of the FGS, and is for its part demanding the Hiraan region to be separated from Hirshabelle.

Hirshabelle security forces are constituted by the *darwish* and the state Police. Hirshabelle security forces have been reported to commit human rights violations. Journalists and media workers have faced ill-treatment, such as arbitrary arrests, prolonged detention, and suspension of media organisations. Moreover, businessmen were arrested by the authorities after being accused of paying 'taxes' to Al-Shabaab.



For further information on human rights violations committed by Hirshabelle forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).



1.2.5 Galmudug forces

Last updated: June 2022

[[Actors](#), 7.5]

Galmudug state, which was established in 2015, comprises Galgaduud and approximately half of Mudug administrative regions. The Mudug region is de facto split into two entities, with Puntland controlling the northern half, including half of the city of Galkacyo, along the Tomaselli line (clan-based demarcation).

Galmudug stands out among federal states, as it is the home state of the current federal president Farmaajo and ‘many Somalia’s well-known politicians and prominent business people’. Galmudug nevertheless is ‘the most dysfunctional state in the federation’. Numerous actors with considerable sway over the various parts of the state compete for power such as ASWJ, an armed Sufi group which used to be the most powerful military actor in the state and was later almost completely demobilised and integrated into Galmudug’s forces and the national army.

As of January 2021, it was reported that Al-Shabaab continued to control almost the entire eastern shore and parts of the centre of the Galmudug state. The area, which used to be of operation for ASWJ, is one of the few areas in Somalia, apart from Puntland and Somaliland, where unfettered travel on roads was reportedly possible for 200–300 kilometres.

Galmudug security forces include the *darwish* and the State Police. UNSG attributed to Galmudug security forces violations such as the deprivation of liberty of children (some of them for alleged association with Al-Shabaab or pro-ISS elements), child recruitment, killing and maiming of children, rape and sexual violence against children, attacks on schools and hospitals, child abduction, and denial of humanitarian access.



For further information on human rights violations committed by Galmudug forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.2.6 Puntland forces

Last updated: June 2022

[[Actors](#), 7.6]

Puntland is reportedly ‘the most stable and most developed state in the union’. Puntland comprises Nugal and Bari regions. Puntland also controls the northern part of the Mudug region, including north Galkacyo and contends with Somaliland over control of areas of Sool and Sanaag regions and the area of Ayn (Togdheer region). ISS and Al-Shabaab control marginal portions of the Bari regions, the Golis Mountains and the areas south of the port town of Qandala for ISS. Their operational freedom is quite substantial in the region.

Puntland’s security forces are constituted by the Border Police, the Puntland State Police (PSP), Intelligence forces and Correctional forces. Among them, the Puntland Maritime Police Force (PMPF) is funded by the UAE and Puntland Security Force (PSF) was set up by the US as a separate private auxiliary group. Both operate outside of Somalia’s constitution and security architecture.



UNSG attributed to PSF violations such as the execution of a death sentence, the issuance of death sentences, conflict-related sexual violence, arbitrary arrests of journalists, deprivation of liberty of children, child recruitment, killing and maiming of children, rape and sexual violence against children, and denial of humanitarian access affecting aid delivery to children.



For further information on human rights violations committed by Puntland forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.2.7 Somaliland forces

Last updated: June 2022

[\[Actors, 7.7\]](#)

It has been reported that the government of Somaliland exerts consistent control over most of the territory that it claims. Areas of Sool and Sanaag regions and the area of Ayn (Togdheer region) are contested between Somaliland and Puntland.

Security forces of Somaliland are constituted by: the National Intelligence Service (NIS), which relies on formal and informal intelligence networks and which includes army and police intelligence officers; the Somaliland Police, a force of under 6 000 men and women receiving training and aid from the UK and made of the Special Police Unit (SPU) and the Rapid Responses Units (RRU); the Somaliland National Armed Forces, comprising the army and the navy, with a total estimated force of between 8 000 and 15 000 soldiers, receiving some military training and aid from the UK and the EU; and the Somali Coast Guard, also supported by the EU and the UK.

Somaliland security forces were deemed responsible for various violations such as the execution of death sentences and the deprivation of liberty of children for alleged association with Al-Shabaab or pro-ISS elements in Somalia. Furthermore, Somaliland authorities have harassed journalists through arbitrary detention and have detained Somaliland residents employed by the federal government in Mogadishu. It has been reported that police officers continued to torture, beat, threaten, harass and arbitrarily arrest civilians, especially journalists, human rights defenders and persons allegedly suspected of terrorism.



For further information on human rights violations committed by Somaliland forces and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.3 Al-Shabaab

Last updated: June 2022

Al-Shabaab is an Islamist Sunni Salafi jihadist armed group based in Somalia. It was formed in the early 2000s and seeks to establish an Islamic caliphate in the country [\[Actors, 4\]](#). Its main unifying idea is the 'opposition to the Western-backed government' [\[Security 2021, 1\]](#). Al-Shabaab previously held sway over Mogadishu but was pushed back out of major urban centres by military campaigns. Al-Shabaab de-facto controls territory and vast areas along the



Juba and the Shabelle valleys (Middle Juba, the sole Somali region that falls entirely and exclusively under Al-Shabaab's full control; Lower Juba; Bay; Lower Shabelle; Middle Shabelle), large coastal and swathes around Harardhere, El Dher, and El Buur in Central Somalia (Galgaduud), and vast portions of territory in other regions (Hiraan; Bakool; Gedo; Mudug) [[Actors](#), 4.1, [Security 2021](#), 2.1.2.2].

While the group controls large swathes of rural territory in central and southern Somalia, its level of penetration and influence has further widely permeated Somali society by means of threats and violence against individual and communities, infiltration and control of information sources, and the manipulation of formal institutions such as the financial sector [[Security 2021](#), 1].

In terms of military outreach, Al-Shabaab reportedly remained undeterred in attacking SNA and AMISOM forces in the (contested) regions in South-Central Somalia. Al-Shabaab also retained operational military capacity in Puntland, where it has steadily become stronger, and in Somaliland, as well as presence in south of Puntland. Moreover, it regularly conducted bomb attacks and assassinations in Mogadishu (Benadir), causing dozens of civilian casualties. [[Actors](#), 4.1, [Socio-economic 2021](#), 1.1.2.2.]

It has been reported that the **Jabahaat**, Al-Shabaab's military wing, increased in terms of numbers of active fighters, from an estimated 2 000 – 3 000 in 2017 to 5 000 – 7 000 in 2020 [[Targeting](#), 1; [Actors](#), 4.2.1]. It comprises six main Jaysh ('army'), two special ones, a reinforcement department, and a special battalion. Mine specialists, infantry small units with strong firepower, rapid reinforcement for emergency situations, medical units, communications, registrations, transportation, media and officers in charge of raising the morale of fighters constitute the forces of Al-Shabaab [[Actors](#), 4.2.1]

The **Amniyat** is the intelligence and counter-intelligence agency of Al-Shabaab used to undermine local governance and enforce Al-Shabaab rules in enemy territory. It is also used, in combination with the Jabahaat, in the group's wider strategy of defeating the allied forces. The Amniyat is also a special paramilitary force carrying out killings and assassinations against alleged collaborators of the government, a 'justice provider' punishing alleged 'spies' and committing summary executions without trial in court, and an ideological guide maintaining unity within the movement and disciplining its fighters [[Actors](#), 4.2.2].

Improvised explosive devices (IEDs) continued to be Al-Shabaab's most used type of attack/weapon. The group also conducted raids or hit-and-run attacks, large-scale complex attacks, mortar attacks, assassinations, and hand grenades attacks. Al-Shabaab maintains sieges on population centres that fall to the allied forces by manning checkpoints, laying ambushes, and conducting harassment raids on allied bases. The group's main targets continued to be the SNA and AMISOM. Somali police force and civil servants working for the FGS and the FMS were also specifically targeted. [[Actors](#), 4.2.3; [Targeting](#), 6.1, 6.2]

In the context of the conflict against anti-Al Shabaab forces, Al-Shabaab committed the majority of the severe human rights abuses reported during the reference period, including attacks on civilians and targeted killings as well as disappearances. Moreover, Al-Shabaab was responsible for inhuman and degrading punishments, rapes and conflict-related sexual violence, attacks on employees of non-governmental organizations and of the UN. The group also blocked humanitarian assistance, recruited child soldiers, and restricted freedom of speech, press, assembly, and movement. For the period 1 August 2016 – 30 September 2019, the UNSG attributed to Al-Shabaab 10 000 violations against children, including child

recruitment, killing, maiming and execution of children, rape and sexual violence, attacks on schools and hospitals, abductions, and denial of humanitarian access. [\[Actors, 4.5\]](#)

The relations between Al-Shabaab and clans are ambiguous. Though the Hawiye clan members dominate the different levels of the organisational structure of the group, all major lineages are represented in the organization, with Digil/Mirifle and Bantu constituting the main source of foot soldiers [\[Targeting, 1.1\]](#). While, traditionally, the xeer and the clan logic rule Somali life, Al-Shabaab asserts that religion is what binds all clans together. At the same time, the group often appears to take advantage of clan loyalty as an effective attraction tool, using the frustration of minor clans with major clans for its own interest. [\[Actors, 3.5, 4.3.1\]](#)

Al-Shabaab has a dual education system including, on the one hand, the Islamic Institutes system, which is mandatory and is used to create a pool of new recruits for the group, and, on the other hand, the regular school system, which is optional and teaches an Al-Shabaab-designed syllabus. The group also has a ‘bush university’ that produces jurists and Islamic clerics who spread and reaffirm Al-Shabaab’s ideology. [\[Actors, 4.3.1\]](#)

Checkpoints taxation, business extortion, imports taxation at major seaports, and real estate companies are multiple sources of funds for the group. Al-Shabaab also taxes livestock, agricultural produce, and irrigation, collects the *zakat* (the annual religious obligation to pay a specific percentage of a person’s wealth to the poor), raises emergency funds when the local Al-Shabaab government is short in cash, and taxes government officials who leave part of their salaries to the group so as not to be targeted by it. This taxation system is underpinned by intimidation, fears over business continuity and personal safety, and violence in the case of non-compliance. [\[Actors, 4.3.2\]](#)

Al-Shabaab also operates its own justice mechanism in areas under its control and also elsewhere via mobile courts, and may impose severe punishments, such as executions and amputations [\[Actors, 4.4\]](#). See also relevant profile of [2.6.1 Individuals \(perceived as\) contravening Islamic laws in Al-Shabaab controlled areas](#). For more information on Al-Shabaab’s justice mechanism, see [Al-Shabaab](#) under [Actors of protection](#).

Women’s rights and freedom of movement are limited by Al-Shabaab. For more information on the treatment of women by Al-Shabaab, see [Violence by Al-Shabaab](#) under profile [2.11 Women and girls](#).



For further information on human rights violations committed by Al-Shabaab and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.4 Clans and clan militias

Last updated: June 2022

Clan militias are important actors of political life across Somalia. Their actions can be violent, uncontrollable and, sometimes, random. A clan militia is generally an armed group based on lineage and the result of the convergence of several individuals’ interests. [\[Actors, 3.4.1\]](#)



The chaotic situation since the 1990s enabled the emergence of numerous armed groups of variable sizes and was sponsored by local people and diaspora, but also by several foreign actors. [\[Actors, 3.4.2\]](#)

Clashes can occur between and within clan militias. They are reported all over Somalia and constitute a relevant part of the security incidents. These clashes are mainly driven by land and resource disputes and by vendetta. Numerous human rights violations were attributed to clan militias, including killings and sexual violence. Violations against children were also documented, including child recruitment, deprivation of liberty, killing and maiming of children, rape and sexual violence, attacks on schools and hospitals, abductions, and denial of humanitarian access. Clan militias have also been responsible for cases of torture and other degrading treatment on the population.

Clan members have also been involved in clan revenge, killings and blood feuds [\[Actors, 3.2.1\]](#). For more information, see [The role of clans in Somalia](#) and profile [2.7 Individuals involved in blood feuds/clan disputes](#).

For more information on the relationship between clans, their militias and Al-Shabaab, see [1.3 Al-Shabaab](#) under chapter [Actors of persecution or serious harm](#).



For further information on human rights violations committed by clan militias and/or clan members and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.5 Islamic State in Somalia (ISS)

Last updated: June 2022

Formed in October 2015, the Islamic State in Somalia (ISS or otherwise known as ISIS-Somalia) is a jihadist Islamist group. Since December 2017, it is affiliated to the Islamic State in Iraq and Syria/Levant (ISIS/ISIL/Daesh). [\[Actors, 6; Security 2021, 1.1\]](#)

The group secured a base in Puntland and has expanded its activities to other parts of Somalia, including Mogadishu mostly in the period 2017 - 2018. However, ever since, the activities of the group in Mogadishu have been very limited. Bari region in Puntland is the cradle of many ISS fighters, and reportedly the group has support networks within the governing structures. In Somaliland, ISS has established links with human traffickers and considers the region as a collection and transit hub for new recruits. [\[Actors, 6.1\]](#)

In 2020, the group conducted small-scale IED attacks and killings in Puntland, Mogadishu and Lower Shabelle and used violence against business leaders who did not meet their extortion demands and carried out assassinations against security or government figures. [\[Actors, 6, 6.3\]](#)

The group has regularly clashed with Al-Shabaab, while operationally and ideologically challenging its dominance. While the group conducted few attacks compared to Al-Shabaab, it continued to engage with propaganda and other media activities. [\[Actors, 6.1\]](#)



In terms of clan composition of the group, Mumin, ISS leader, a clan elder from the Ali Saleban/Majeerteen/Darood, gave prevalence to the Ali Saleban/Darood clan and progressively tried to include individuals from the Hawiye clan. As of mid-2018, it was estimated that the group had 200 fighters throughout the country, almost all in Puntland. In 2020, 30 fighters, including seven foreign fighters, joined the group in Bari region. [\[Actors, 6.2\]](#)



For further information on human rights violations committed by ISS and their relevance as potential exclusion grounds, see chapter [Exclusion](#).

1.6 AMISOM

Last updated: June 2022

The African Union Mission in Africa (AMISOM) is a multidimensional and multinational peace support operation with nearly 20 000 forces on the ground, including 1 040 police staff, about 18 500 military staff and 70 civilian staff. AMISOM relies on contingents from troops-contributing countries. Since 2007, AMISOM is tasked to reduce the threat posed by Al-Shabaab and other armed groups, to support the transfer of security responsibilities from AMISOM to Somali Security Forces (SSF) and to assist the FGS, FMS and SSF in providing security for the political process at all levels. [\[Actors, 5.1.1\]](#)

Within each sector, AMISOM clusters its activities around Forward Operating Bases, which are strategically important for organising and launching military operations. They are often located in urban centres and along supply routes, while others are in more remote areas. Since its inception in 2007, AMISOM has achieved several objectives, such as reducing the areas under Al-Shabaab's direct control, including Mogadishu, and other several dozen urban centres or settlements in South-Central Somalia, such as Kismayo, Baidoa and more recently Janale. [\[Actors, 5.1.2\]](#)

According to UN reports, AMISOM's overall conduct with regard to international humanitarian law and human rights law standards has improved in the last few years. Harm to civilians, including through indirect fire, allegations of sexual abuse, and cases of corruption and misconduct were more frequently reported in the period 2013-2015. For the period 1 August 2016 to 30 September 2019, the UNSG attributed to AMISOM 64 violations against children, such as deprivation of liberty during military operations, an attack on a school, and 42 children casualties. In 2020, AMISOM was listed among the actors conducting extra-judicial killings of civilians and its forces were implicated in rapes and other unspecified grave abuses of human rights while conducting military operations against Al-Shabaab. [\[Actors, 5.1.3\]](#)



For further information on human rights violations committed by AMISOM and their relevance as potential exclusion grounds, see chapter [Exclusion](#).



1.7 AFRICOM

Last updated: June 2022

The United States Africa Command (AFRICOM)'s East Africa Counterterrorism Operation seeks to 'disrupt, degrade, and deny victory to Al-Shabaab and ISS in Somalia and neighbouring countries'. As of January 2021, the US military troops in Somalia had mostly withdrawn from the country. [[Actors](#), 1, 5.2.1]

AFRICOM was particularly engaged in drone and airstrike campaigns, in supporting the training of the Somali special forces, in supporting the development of the Somali National Security Architecture and of the revised Somali Transition Plan, and in providing operational, technical and material support to Somali military operations. [[Actors](#), 5.2.2]

The airstrikes conducted by AFRICOM in 2020 to March 2021 resulted in militants' fatalities (between 193 and 221) and reported civilian casualties, including fatalities. Many of these victims were 'labelled' as terrorists by AFRICOM although no evidence could be found about their being members of Al-Shabaab or otherwise directly participating in hostilities. [[Actors](#), 5.2.3]

1.8 Other non-State actors

Last updated: June 2022

Besides the actors mentioned above, the family or family/clan members can be actors of persecution or serious harm, such as in the case of domestic violence, violence against LGBTIQ persons, forced and child marriage, female genital mutilation or cutting (FGM/C), etc. FGM/C practitioners, including traditional circumcisers and health care professionals, are another potential example of non-State actors of persecution or serious harm. See, for example, the profiles [2.10 LGBTIQ persons](#), [2.11 Women and girls](#), etc.

Human rights violations, which could amount to persecution or serious harm, are also committed by other non-State actors, such as criminal groups.



For further information on human rights violations committed by certain non-State actors and their relevance as potential exclusion grounds, see chapter [Exclusion](#).



2. Refugee status

This chapter provides a brief outline and general considerations with regard to the assessment of applications for international protection in relation to the elements of the refugee definition ([Article 2\(d\) QD](#)) and proceeds with the analysis of information concerning 13 particular profiles of applicants for international protection in relation to qualification for refugee status. For each profile, and in some cases for the relevant sub-profiles, it provides: COI summary, risk analysis (including findings whether the treatment that an individual under this profile risks would amount to persecution and an assessment of the level of risk) and conclusions with regard to the potential nexus to a reason for persecution.



The contents of this chapter include:

[Preliminary remarks](#)

[Analysis of particular profiles with regard to qualification for refugee status](#)

[2.1 Persons associated with the government of Somalia and/or international actors](#)

[Overview](#)

[2.1.1 Federal and state officials](#)

[2.1.2 Members of the federal and state armed forces](#)

[2.1.3 Electoral delegates](#)

[2.1.4 Civilians perceived as 'spies' by Al-Shabaab](#)

[2.2 Individuals fearing recruitment by Al-Shabaab and deserters from Al-Shabaab](#)

[2.2.1 Persons fearing forced recruitment by Al-Shabaab](#)

[2.2.2 Child recruitment by Al-Shabaab](#)

[2.2.3 Deserters from Al-Shabaab](#)

[2.3 Individuals refusing to pay 'taxes' to Al-Shabaab](#)

[2.4 Humanitarian workers and human rights defenders](#)

[2.5 Journalists](#)

[2.6 Individuals \(perceived as\) contravening social or religious laws/tenets](#)

[2.6.1 Individuals \(perceived as\) contravening Islamic laws in Al-Shabaab controlled areas](#)

[2.6.2 Individuals \(perceived as\) contravening Islamic and customary tenets outside Al-Shabaab controlled areas](#)

[2.7 Individuals involved in blood feuds/clan disputes](#)

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[2.9 Minorities](#)

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[2.9.1 Low status occupational minorities](#)

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[2.10 LGBTIQ persons](#)

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- [2.11.6 Single women and female heads of households](#)
- [2.12 Children](#)
- [2.13 Persons with disabilities or severe medical issues, including mental health issues](#)

Preliminary remarks

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



Article 2(d) QD Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

According to [Article 9\(1\) QD](#):



Article 9(1) QD Acts of persecution

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

- a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

In order for a person to qualify as a refugee, there must be a connection (nexus) between one or more of the specific reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group), on the one hand, and the acts of persecution under [Article 9\(1\) QD](#) or the absence of protection against such acts ([Article 9\(3\) QD](#)), on the other. The applicability of the respective reason(s) should be assessed in relation to [Article 10 QD](#). Common analysis on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.



An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information.

Factors to take into account in this assessment may include, for example:

- home area⁹ of the applicant and presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant's actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution), noting however that the applicant does not need to be individually identified by the actor of persecution, as long as his/her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)). On the other hand, it should be noted that, in order to establish well-founded fear of persecution, there is no requirement of past persecution or threats. The risk assessment should be forward-looking.

A well-founded fear of being persecuted may also be based on events which have taken place and/or on activities which the applicant has engaged in, since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin ([Article 5 QD](#)).

When well-founded fear of persecution is established in relation to the home area of the applicant, the legal analysis should proceed with the examination of the existence of a nexus to a reason of persecution. In cases where the requirement of the nexus is not satisfied, the application should be examined under subsidiary protection (see the chapter [Subsidiary protection](#)).

Once well-founded fear of persecution as well as nexus have been established, the availability of protection in accordance with [Article 7 QD](#) should be explored (see the chapter [Actors of protection](#)). Where such protection is not available, the examination may continue with consideration of the applicability of internal protection alternative under [Article 8 QD](#), if applicable according to national legislation and practice (see the chapter [Internal protection alternative](#)).

⁹ Protection needs are firstly assessed with regard to the applicant's home area in the country of origin. The 'home area' in the country of origin is identified on the basis of the strength of the applicant's connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.

In some cases, where the applicant would otherwise qualify for refugee status, exclusion grounds would be applicable (see the chapter [Exclusion](#)). The sections below make specific references to the relevance of exclusion considerations for certain profiles.



For further general guidance on qualification as a refugee, see [EUAA Practical Guide: Qualification for international protection](#).



Analysis of particular profiles with regard to qualification for refugee status



This chapter refers to some of the profiles of Somali applicants, encountered in the caseload of EU Member States. **It represents a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs.** Furthermore, the order of the listed profiles does not reflect any assessment of the level of risk of persecution.

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be **examined individually**. The non-exhaustive examples with regard to sub-profiles at a differentiated risk and of circumstances which would normally increase or decrease the risk are to be taken into account in light of all circumstances in the individual case.

In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their **past belonging to such a profile**.

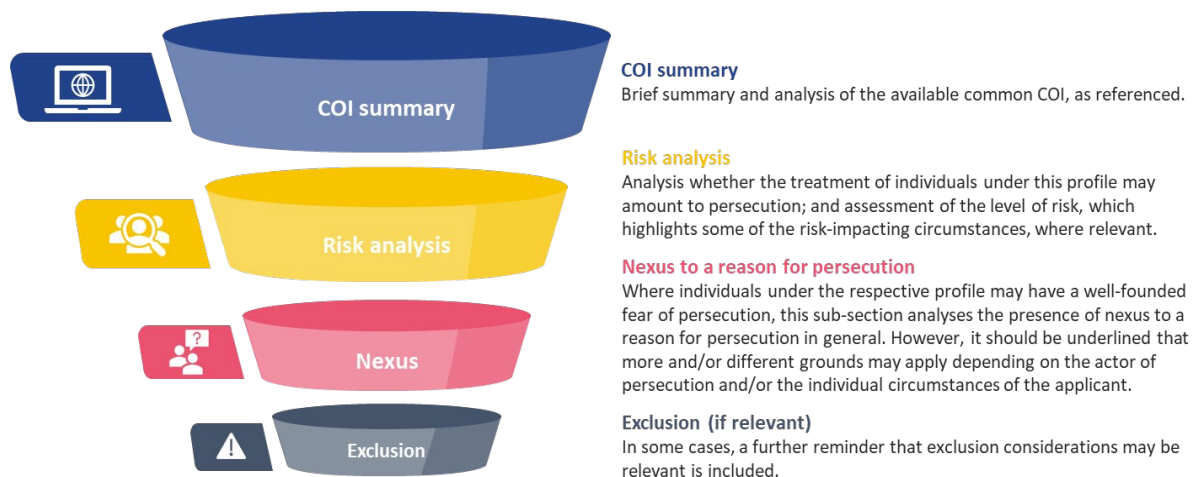
Family members, merely due to their relation to the refugee, may be at risk of persecution in such a manner that could constitute the basis for refugee status. It should also be noted that individuals belonging to the family, including children, of a person qualifying for international protection could have their own protection needs.

It should be highlighted that an individual applicant could fall under **more than one profile** included in this common analysis. The protection needs associated with all such circumstances should be fully examined.

The considerations under each profile should, furthermore, be viewed without prejudice to the credibility assessment of the applicant's claims. This common analysis deals solely with issues of risk analysis and qualification.

For each profile, the sections below provide:





2.1 Persons associated with the government of Somalia and/or international actors

This profile refers to individuals associated with the government of Somalia and/or international actors targeted by Al-Shabaab.



The contents of this chapter include:

[Overview](#)

[2.1.1 Federal and state officials](#)

[2.1.2 Members of the federal and state armed forces](#)

[2.1.3 Electoral delegates](#)

[2.1.4 Civilians perceived as 'spies' by Al-Shabaab](#)

Overview

Last updated: June 2022

COI summary

[[Targeting](#), 6]

Al-Shabaab targets and carries out attacks and assassinations on members of Somali government or SNA and other individuals perceived to have links with the government and/or international actors.

Following the religious doctrine of Al-Shabaab, the Somali government is considered as illegitimate and as acting outside the boundaries of Islamic laws. When referring to Somali federal or local government officials and those allied with the state, Al-Shabaab uses the terms non-Muslims, apostates (*murtad*) or infidels (*kafir*). Individuals associated with the Somali government or the military can be targeted, punished, killed or humiliated, no matter where they live. Although low-ranking government officials may not generally be a priority



target for Al-Shabaab, there have been reported attacks and killings of people serving food to a civil servant or washing a soldier's uniform, etc.

Al-Shabaab has carried out targeted attacks on forces and buildings linked to the government and other facilities in areas controlled by the government, often using IEDs, including IEDs attached to vehicles of civil servants, police and lone army officers, or assassinating such persons with targeted shooting.

Al-Shabaab has carried out attacks targeting civilian infrastructure, including restaurants and hotels. Some hotels, serving as homes or workplaces of senior government officials are, as such, considered by the group as government buildings.

These attacks have occurred in a variety of settings and locations, though most attacks have been reported in urban areas of South-Central Somalia and Puntland, with those targeted having a variety of profiles in terms of rank, function, profession and age.

The sub-profiles below should be read in conjunction with this Overview.

2.1.1 Federal and state officials

Last updated: June 2022

Both Al-Shabaab and ISS have targeted federal and state officials, however, this sub-profile focuses on individuals targeted by Al-Shabaab.

This sub-profile should be read in conjunction with the [Overview](#).

COI summary [\[Targeting, 6.1\]](#)

Al-Shabaab has increased its operational tempo since August 2020, and the beginning of 2021 has seen a new peak in the number of attacks targeting government officials.

Al-Shabaab has targeted individuals such as high-ranking FGS and FMS government and administration officials, police officers, government intelligence officials, tax collectors and any individual suspected to be a government or an administration employee. It has also targeted government officials with different or non-specified profiles, both in targeted assassinations and in attacks on venues frequented by government and security officials. Lawmakers have also faced attacks, assassinations and executions.

During the reference period, examples of attacks against federal and state officials include: the attempted assassination of the acting Minister for Education, the killing of the Governor of Mudug region in Galkayo and of Nugal region in Garowe, the assassination of two state ministers in Jowhar, the assassinations of NISA officials in Mogadishu and in Galgaduud region and of intelligence officials in Puntland, the killing of a former village chief who allegedly worked as an official of the Jubbaland administration, the killing of three local government department heads in Gedo region, the killing of a regional lawmaker in Middle Shabelle region, the suicide bombing in a restaurant in Baidoa targeting the Governor of Bay region, the suicide bombing on a restaurant near the police academy in Mogadishu, the suicide car bombing targeting a tax collection centre in Mogadishu.

Attacks against such officials have taken place in Puntland, where Al-Shabaab has steadily become stronger, and in South-Central Somalia. Al-Shabaab has limited capacity to carry out attacks in Somaliland because it has only a small presence there.

Risk analysis

Federal and state officials could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. assassination).

In South-Central Somalia and Puntland, well-founded fear of persecution would in general be substantiated in the case of higher level federal and state officials. With regard to lower level officials, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature of duties, visibility of profile, area of origin and operational capacity of Al-Shabaab, etc.

In Somaliland, where the group has limited operational capacity, well-founded fear of persecution in the case of federal and state officials could be substantiated in individual cases. Risk-impacting circumstances (e.g. visibility of profile, nature of duties, area of origin and operational capacity of Al-Shabaab) should be given due consideration.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or (imputed) political opinion.

2.1.2 Members of the federal and state armed forces

Last updated: June 2022

Both Al-Shabaab and ISS have targeted members of the federal and state armed forces, however, this sub-profile focuses on individuals targeted by Al-Shabaab.

This sub-profile should be read in conjunction with the [Overview](#).

COI summary

SNA members have been a primary target for Al-Shabaab. Army officers, including high-ranking army officials, military officers of lower or unspecified rank, and regular soldiers, have been targeted by Al-Shabaab. Examples of attacks against members of the armed forces include: the attacks against the Chief of the Somali Armed Forces in March and July 2020, the killing of an SNA colonel in Middle Shabelle region and the executions of two alleged SNA soldiers in Lower Shabelle. [[Targeting](#), 6.2].

Attacks against such individuals have taken place in Puntland, where Al-Shabaab has steadily become stronger, and in South-Central Somalia. Al-Shabaab has limited capacity to carry out attacks in Somaliland because it only has a small presence there. [[Targeting](#), 6.1]

Risk analysis

For members of armed forces, certain risks are inherent to their duties and the activities they take part in, and those would not amount to persecution or serious harm. However, risks outside the performance of their duties, could be of such severe nature that they would amount to persecution (e.g. targeted killing outside of fighting).

In South-Central Somalia, well-founded fear of persecution would in general be substantiated in the case of members of the federal and state armed forces.

There is limited information with regards to targeting members of the federal and state armed forces specifically in Puntland. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature of duties, visibility of profile and proximity to high level federal or state officials or members of the armed forces, time of service, etc. The increasing operational capacity of Al-Shabaab in Puntland in relation to the area of origin of the applicant should be carefully taken into consideration.

In Somaliland, where the group has limited operational capacity, well-founded fear of persecution in the case of members of the federal and state armed forces could be substantiated in individual cases. Risk-impacting circumstances (e.g. visibility of profile, the rank, the time of service, nature of duties, area of origin and operational capacity of Al-Shabaab) should be given due consideration.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see chapter [Exclusion](#)).

2.1.3 Electoral delegates

Last updated: June 2022

This profile focuses on electoral delegates in South-Central Somalia and Puntland.

This sub-profile should be read in conjunction with the [Overview](#).

COI summary

[Main COI reference: [Targeting](#), 6.4]

Electoral delegates, mostly elders, are the persons responsible to select members of the federal and state legislatures on behalf of their communities in indirect elections. They and their family members face targeting by Al-Shabaab who views the participation in any election as a crime against Islam. Al-Shabaab has for instance issued 'private warnings' and threatened to attack electoral delegates and to disrupt the presidential and parliamentary elections scheduled for 2021 [[Security 2021](#), 1.1]. The group also killed electoral delegates



involved with the Federal Parliament of Somalia, as well as the Hirshabelle, South-West state and Jubbaland legislatures.

Risk analysis

Electoral delegates could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. killing).

In South-Central Somalia and Puntland, well-founded fear of persecution would in general be substantiated in the case of electoral delegates.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or (imputed) political opinion.

2.1.4 Civilians perceived as ‘spies’ by Al-Shabaab

Last updated: June 2022

This profile refers to civilians accused by Al-Shabaab of spying for the government, for AMISOM or other international actors, and for FMS forces or administrations.

This sub-profile should be read in conjunction with the [Overview](#).

COI summary

[Targeting](#), 6.3]

Al-Shabaab considers ‘spying’ for the government, for AMISOM or Western countries or FMS administrations and forces, as a crime punishable by death.

Religiously and politically motivated killings affecting civilians (men and women) affiliated with the government, AMISOM or other international actors (US Intelligence agencies CIA and FBI and the UK’s MI6), and FMS administrations have been reported throughout 2020 and the first six months of 2021. Examples of such incidents include: the execution by a firing squad of five persons accused of spying in Middle Juba region in March 2021, the execution of a man accused of spying on behalf of Hirshabelle regional intelligence in September 2020 and the execution of two men in Lower Jubba region who had been convicted by an Al-Shabaab court of collaborating with foreign forces in January 2020.

Al-Shabaab has referred to espionage as the main reason for its executions. The level of proof required to proceed to an execution is ‘quite low’ and the accused are never allowed access to a lawyer. Executions are public in order to send a clear message of what would happen to anyone not complying with Al-Shabaab rules. Local residents are compelled to attend and watch the execution being carried out. When individuals are arrested for rebellion or alleged spying, intercessions by clan elders have had no impact, while they can be successful in other instances. Al-Shabaab has also executed some of its own members for alleged espionage.

Risk analysis

Civilians perceived as ‘spying’ for the FGS, the AMISOM or other international actors and the FMS could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. execution).

In South-Central Somalia and Puntland, well-founded fear of persecution would in general be substantiated in the case of civilians perceived as ‘spies’.

In Somaliland, where the group has limited operational capacity, well-founded fear of persecution in the case of civilians perceived as ‘spies’ could be substantiated in individual cases. Risk-impacting circumstances (e.g. visibility of profile, area of origin and presence of Al-Shabaab) should be given due consideration.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion.

2.2 Individuals fearing recruitment by Al-Shabaab and deserters from Al-Shabaab

This profile refers to persons fearing recruitment by Al-Shabaab by force and against their will, child recruitment by Al-Shabaab and deserters from Al-Shabaab.

2.2.1 Persons fearing forced recruitment by Al-Shabaab

Last updated: June 2022

This sub-profile refers to persons fearing recruitment by Al-Shabaab by force and against their will.

In the case of Al-Shabaab, recruitment is for a wide range of purposes, such as fighting, providing administrative support, collecting taxes, propelling outreach, intelligence gathering, etc.

This sub-profile also contains information on individuals refusing to provide recruits to Al-Shabaab.

COI summary

[Main COI reference: [Targeting](#), 1]

Recruitment by Al-Shabaab originally took place in urban centres. Since Al-Shabaab lost territory in the urban centres in 2012 and 2015, recruitment has begun in rural areas. It has been reported that Al-Shabaab increased their strength of active fighters, from an estimated 2 000 – 3 000 in 2017 to 5 000 – 7 000 in 2020. Although Al-Shabaab predominantly recruits from territories under its control, there have also been reports of recruitment from government-controlled areas, especially Mogadishu. Recruitment outside Al-Shabaab’s own territory frequently involves aspects of coercion. Forced recruitment has also been reported in areas controlled by the group.

Al-Shabaab tends to recruit in multi-clan locations, building their recruitment strategy on clan conflicts. Up to 40% of rank-and-file members are recruited from Bay and Bakool regions. In Gedo region, high unemployment and poverty facilitate Al-Shabaab's ability to recruit young men as fighters, heavily recruiting from the Marehan clan, capitalising on the grievances of Marehan sub-clans marginalised by stronger sub-clans [Security 2021, 2.1]. In Hirshabelle, Al-Shabaab exploits grievances against perceived Hawadle dominance by recruiting successfully from the Gaaljeel, Jajele and Baadi Adde clans [Security 2021, 2.4.1.2.]. The Mirifle clan group constitutes the main source of foot soldiers for Al-Shabaab while in Middle Shabelle region, the majority of Al-Shabaab's foot soldiers were recruited from low-status groups such as the Bantu/Jareer.

Recruitment includes both men and women and takes place among all age groups. The purpose of recruitment is influenced by age, gender, educational background, and prior professions. Al-Shabaab not only recruits fighters but also administrative staff, financiers, logistics personnel, judges, teachers, and health workers. It also relies on supporters and sympathisers. Informants are recruited in areas not under the control of Al-Shabaab. The organisation can rely on a very strong intelligence network in Mogadishu, where informants can be ordinary students, people in office, in the security forces, etc. Some recruits are working part-time for the group, keeping up on their everyday duties like farm or business work.

Multiple sources corroborated that recruitment should be regarded as a continuum of voluntary, induced, and forced process, where recruiters seek out recruits, but potential recruits also look for recruiters. Indoctrination, financial incentive and conscription by force are the recruitment strategies of Al-Shabaab. Forced recruitment is used mainly in situations where the group needs to refill its ranks, for example after suffering major losses in battle or in places where it is in need of a continuous supply of new recruits.

Recruits may join Al-Shabaab for reasons such as personal gain, better economic prospects and grievances against clan discrimination or abuses and corruption of local authorities. The idea of taking revenge for acts of humiliation or crimes has been reported to be a key motive for joining the organisation. Many young men share a religious reason to be recruited as they believe that Al-Shabaab defends Islam against 'infidels' and want to support the jihadist goals of the organisation.

Others, such as young unemployed men living in poverty and lacking in prospects, with a limited understanding of Islam, are prone to join Al-Shabaab in exchange for a financial reward. It has also been reported that Al-Shabaab provides a sort of 'insurance' to their combatants, promising them to take care of their relatives in the case of the combatant's death.

People who refused requests of recruitment, including local community members who refused to provide younger members of their families to the organisation, have been threatened and labelled as infidels who reject Islam and the *Sharia* law and some have been killed to set a warning to others in the community. In other instances, Al-Shabaab relies on elders who, facing the threat of retaliation, attacks, arrests and forced displacement in case of refusal, cannot refuse to deliver dozens or even hundreds of young people from their clan to the organisation.

Women are commonly recruited through marriage, including forced and child marriage. Women are often left without choice due to family and clan pressure. However, some of these



women do express strong support for the movement. Al-Shabaab has also used women to propel its recruitment, indoctrination and community outreach efforts. Furthermore, it has also used them for intelligence gathering, taking advantage of the lax security that is applied to them. Some have also been used as suicide bombers. For more information on violence by Al-Shabaab against women and girls, including forced marriage, see sub-profile [2.11.2 Violence by Al-Shabaab](#) under profile [2.11 Women and girls](#).

Risk analysis

Forced recruitment amounts to persecution. The consequences of refusal of forced recruitment, including for elders or families refusing to provide recruits, could also amount to persecution (e.g. killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age (young men are at higher risk), visibility of profile, area of origin and the control or influence of Al-Shabaab, clan affiliation, socio-economic situation of the family, etc.

Nexus to a reason for persecution

While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal could, depending on individual circumstances, substantiate such a nexus to, among other reasons, (imputed) political opinion and/or religion.

2.2.2 Child recruitment by Al-Shabaab

Last updated: June 2022

This profile refers to children fearing recruitment by Al-Shabaab. For an overview of other actors recruiting children, see [2.12 Children](#).

For information on the treatment of families refusing to provide younger family members, including children, as recruits to Al-Shabaab, see sub-profile [2.2.1 Persons fearing forced recruitment by Al-Shabaab](#).

COI summary

[\[Targeting, 1\]](#)

Children form most of the new recruits of Al-Shabaab, as the group targets predominantly boys and young men between 12 and 24 years old. Between January and June 2020, Al-Shabaab was responsible for 75% of child recruitment cases in Somalia, with the largest numbers of such incidents documented in Middle Jubba, Lower Shabelle and Bay. Children recruited by Al-Shabaab have been used in combat, including as human shields and suicide bombers, or to plant explosive devices, as well as in auxiliary roles, such as carrying ammunition, water, and food, removing injured and dead militants, gathering intelligence, and serving as guards.

According to reports, the group started recruiting local children following the decrease of the numbers of non-Somali recruits and their loss of territory. Reports further suggest that Al-



Shabaab's child recruitment campaigns were targeting communities perceived to be aligned with the government. Children were abducted and forced to join their ranks. Families who were unable to pay (religious) taxes to Al-Shabaab were often coerced into giving up their children to the group. Al-Shabaab's recruitment efforts have also targeted orphaned children and children in IDP camps.

Children are further indoctrinated in schools set up by the organisation. The use of Islamic institutes and education of children in Al-Shabaab schools with the aim of creating young recruits with a 'Jihadi worldview' has been reported.

Risk analysis

Child recruitment is of such severe nature that it amounts to persecution, including when recruitment is not induced by coercion.

Not all children would face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender, age, area of origin and the control or influence of Al-Shabaab, clan affiliation and clan positioning towards Al-Shabaab, socio-economic situation of the family, family status (e.g. orphans), etc.

Nexus to a reason for persecution

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, in the case of children who refuse to join Al-Shabaab, persecution may be for reasons of (imputed) political opinion and/or religion.

2.2.3 Deserters from Al-Shabaab

Last updated: June 2022

This profile refers to individuals having deserted from Al-Shabaab. This profile is particularly relevant in South-Central Somalia and Puntland, given the group's presence and influence in these areas.

In the context of leaving Al-Shabaab, no clear distinction is made between the terms 'deserter' and 'defector'. Reports often use the two terms interchangeably, irrespective of whether the person who left Al-Shabaab has joined another armed actor or not.

COI summary

[\[Targeting, 1\]](#)

Treatment of deserters by Al-Shabaab

Leaving Al-Shabaab is generally not accepted and desertion is seen as an infringement of the jihadist ideology. Al-Shabaab would seek to punish those defectors it can reach in order to provide a shocking example for others who might be contemplating defection. Deserters risk being imprisoned and/or executed by Al-Shabaab. This punishment applies not only to combatants but to anyone who leaves the group without permission. However, it is not



unusual for injured Al-Shabaab fighters to be allowed to return to their families to be treated or cared for. Once they are fine again, some of these fighters return to their units. Moreover, some recruits are working part-time for the organisation, keeping up on their everyday duties like farm or business work.

It has been reported that in several cases, people who attempted to leave Al-Shabaab have been killed, or the Amniyat has targeted their families. The threats made against former Al-Shabaab members have been described as so serious that ‘there were 80 guards for 84 defectors’ at a rehabilitation centre in Mogadishu.

Deserters rehabilitated by the government authorities generally benefit from a certain level of protection in rehabilitation centres but lack any protection when leaving them, making it difficult for them to reunite with their families without risking their own and their family’s lives, or to set up a business.

Many low-ranking members reluctant to fight and fearing aerial attacks have deserted and fled to their clans or homes. A low-profile person, i.e. a person who did not occupy a middle or higher position within the organisation, who has deserted from the ranks of Al-Shabaab is unlikely to be pursued over large distances. However, there can always be situations where an individual’s identity is checked. In such a situation, it can happen that Al-Shabaab actors, through extensive networks of people, become aware that this is the person who previously acted in an undesirable way, which might lead to reprisals by the group. A person who occupied a middle or higher position in the group rarely defects because they would reportedly be killed in government-controlled areas since the government is unable to protect its own officials, let alone Al-Shabaab defectors. Furthermore, whether Al-Shabaab will chase defectors from the countryside who fled to Mogadishu depends on how much clan support the defecting person has, with individuals belonging to clans with strong representation in Al-Shabaab being at higher risk. Persons who defected from Al-Shabaab were frightened that they will be tracked down by the Amniyat.

Women deserters are not only seen as deserting the group but also as breaking up a marriage. For more information on the treatment of women who have left Al-Shabaab see sub-profile [2.11.2 Violence by Al-Shabaab](#) under profile [2.11 Women and girls](#).

Treatment of deserters by government authorities

It has been noted that the government is actively encouraging defection from Al-Shabaab. The way deserters are treated by the authorities is further influenced by their clan affiliation. The majority of defectors are categorised as low-risk by the NISA, including defectors who have killed for Al-Shabaab. Those considered as ‘low-risk’ by the NISA can be rehabilitated in dedicated centres. At times, FGS authorities granted amnesty for ‘low-risk’ Al-Shabaab defectors. Deserters from Al-Shabaab considered to be of a ‘higher risk’ by the NISA face potential prosecution by the Justice Ministry. If not sentenced to death, such ‘high-risk’ deserters risk being imprisoned indefinitely by the FGS due to the limited capacity for rehabilitation. Children can receive education and vocational training in NGO-run approved centres.

Risk analysis

Criminal prosecution in itself does not amount to persecution. However, deserters from Al-Shabaab could be exposed to acts which are of such severe nature that they would amount

to persecution (e.g. death penalty or indefinite imprisonment imposed by state forces, detention or execution by Al-Shabaab).

In the case of deserters from Al-Shabaab, well-founded fear of persecution by the group would in general be substantiated.

Further risk of persecution by the state should be assessed on the basis of risk-impacting circumstances, such as rank/role in Al-Shabaab (e.g. being considered ‘high-risk’ by the state authorities), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see chapter [Exclusion](#)).

2.3 Individuals refusing to pay ‘taxes’ to Al-Shabaab

Last updated: June 2022

This profile is particularly relevant to individuals refusing to pay ‘taxes’ to Al-Shabaab in South-Central Somalia and Puntland, given the group’s presence and influence in these areas. The term ‘taxes’ in this context includes protection money, extortion and religious ‘taxes’.

COI summary

The Al-Shabaab taxation system applies in areas under the group’s control, but it has also been spreading into Mogadishu and other government-controlled areas, such as Bosasso and Jowhar and, to a lesser extent, Baidoa and Kismayo [[Actors](#), 4.3.2]. For further information on the taxation system imposed by Al-Shabaab, see [1.3 Al-Shabaab](#) under chapter [Actors of persecution or serious harm](#).

Among other taxes, Al-Shabaab extorted *zakat* (an Islamic annual compulsory giving of a set amount, typically 2.5% of one’s wealth, to benefit the poor) and *sadaqa* (a normally voluntary charitable contribution paid by Muslims) from residents [[Targeting](#), 6.4].

Individuals who do not comply with those demands face threats or violence and allegedly torture for offences including failure to pay taxes. It has been reported that Al-Shabaab carried out killings when the taxpayers refused to meet the group’s demands. [[Targeting](#), 6.4]

Risk analysis

Individuals refusing to pay ‘taxes’ to Al-Shabaab could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. assassination).

Where Al-Shabaab imposes ‘taxes’, well-founded fear of persecution would in general be substantiated in the case of individuals refusing to pay such ‘taxes’ to the group.



Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion and/or religion.

2.4 Humanitarian workers and human rights defenders

Last updated: June 2022

COI summary

[Main COI reference: [Targeting](#), 6.4]

Somalia is one of the most insecure countries in the world to operate in for humanitarian workers, who face execution, arrest, detention and abduction [[Security 2021](#), 1.4.2.]. During 2020, the UN recorded 56 incidents involving violence against humanitarian workers, assets and facilities. More specifically, 24 humanitarian workers were abducted, all of them Somali nationals, and most of these abductions were attributed to Al-Shabaab.

Al-Shabaab continues to threaten and directly target humanitarian workers when their community support activities are not acceptable to the group. It has carried out attacks on employees of humanitarian NGOs and UN agencies and their families. Humanitarian workers are perceived by Al-Shabaab as associated with international actors through funding. The group is prompt to suspect international agencies and their local partners to conduct intelligence (see also sub-profile [2.1.4 Civilians perceived as 'spies' by Al-Shabaab](#)). Al-Shabaab also threatened the lives of the personnel of secular and faith-based humanitarian aid organizations accusing them of seeking to convert individuals to Christianity. Besides attacks, Al-Shabaab reportedly carried out abductions of humanitarian workers in order to exert its control over outreach programmes and extort money from humanitarian organizations.

A female advocate in support of women's rights has also been targeted. And in several cases, providers of services for gender-based violence survivors were directly threatened by authorities when such abuses had been perpetrated by men in uniform [[Targeting](#), 2.2].

Risk analysis

Humanitarian workers and human rights defenders could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. assassination, abduction).

In South-Central Somalia and Puntland, well-founded fear of persecution would in general be substantiated in the case of humanitarian workers and human rights defenders, in particular in view of Al-Shabaab's pervasive presence in these areas.

In Somaliland, not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as visibility of profile, nature of activities, area of origin and operational capacity of Al-Shabaab, etc.

Nexus to a reason for persecution



Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or (imputed) political opinion.

2.5 Journalists

Last updated: June 2022

This profile refers to journalists and their situation in relation to potential targeting by different actors throughout Somalia.

COI summary

[Main COI reference: [Targeting](#), 7]

Somalia has been described as one of the most dangerous countries to practice journalism. State and federal government authorities as well as Al-Shabaab militants and private individuals are potential perpetrators of verbal or physical violence. Incidents of violence against journalists have been reported in South-Central Somalia, Puntland and Somaliland. Female journalists are exposed to additional risks such as gender-based violence and face social and cultural restrictions.

The types of violence reportedly carried out against journalists range from harassment, intimidation, arbitrary arrest and detention to physical attacks, abductions and killings. Shut down of media houses and dismissals of journalists or other restrictions have been imposed for various reasons, e.g. publicly voicing criticism against the government.

Incidents of arbitrary arrests and harassment of journalists by SPF and other Somali state and federal authorities have been reported in 2020 and 2021 [[Actors](#), 2.4.6, 7.3.5, 7.4.5]. Furthermore, throughout 2020, the government of Somaliland used arbitrary detention in order to suppress certain reporting by journalists, especially concerning topics related to unification with Somalia or disputed territories with Puntland. In May 2021, it was reported that the government of Somaliland has increasingly adopted a tough stance towards the media. In March 2021, an increasing 'crackdown' on media freedom ahead of the presidential and parliamentary elections scheduled for 2021 was reported in Puntland.

Al-Shabaab has also threatened with death or even killed journalists reporting critically on the group and its activities.

Furthermore, journalists frequently faced charges under the Somali Penal Code, applicable across Somalia. Amendments to the existing legal framework of media activities have been adopted in South-Central Somalia and Puntland. However, they have been criticised as lacking in the protection of journalists and their work. In South-Central Somalia, the law still prohibits the reporting on issues conflicting with 'national interest', 'false information', 'incitement to violence and clannism' and 'dissemination of propaganda' and contains penalties that can be widely interpreted. Amendments to the law regulating the media in Somaliland, expected to decriminalise many media-related offenses, were being prepared, however, as of July 2021, the modifications remain in draft.

Assaults against journalists are challenging to report to the police, as it is often the security forces themselves that exert violence against and pressure on journalists.



Despite the competence of civilian courts, journalists are often subjected to military tribunals. The judiciary in Somalia, including in Puntland and Somaliland, has reportedly played a key role in violations of rights of journalists, convicting journalists in the majority of cases based on bogus charges, delivering hasty judgements based on unsubstantiated grounds, authorising the detention of journalists following complaints made by people in power. In Somaliland, prison terms ranging from a few days to several months as well as fines, have been handed down in cases involving investigations into corruption or other topics deemed sensitive by the authorities.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, arbitrary arrest, arbitrary detention, abduction, physical violence).

In the case of journalists seen as critical of an actor particularly active in a specific area or in control of a specific area, well-founded fear of persecution would in general be substantiated in that specific area.

In the case of other journalists, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (higher risk for women), the topic they report on, visibility of activities and public profile, reach of the actors they report on, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In case of targeting by Al-Shabaab, persecution of this profile may also be for reasons of religion.

2.6 Individuals (perceived as) contravening social or religious laws/tenets

2.6.1 Individuals (perceived as) contravening Islamic laws in Al-Shabaab controlled areas

Last updated: June 2022

This sub-profile refers to individuals (perceived as) contravening Islamic laws, including apostates, converts, blasphemers and individuals (perceived) as having committed *hadd* crimes, in Al-Shabaab controlled areas. For an overview of Al-Shabaab controlled areas see [1.3 Al-Shabaab](#) under section [Actors of persecution or serious harm](#).

COI summary

[[Actors](#), 4.1, 4.4; [Targeting](#), 3.1]

Al-Shabaab's governance is *Sharia*-based, having established their own courts and imposing a strict version of *Sharia* including banning television, cinemas, music, the use of the internet

and watching and playing sports, having illicit content on cell phones, smoking, the sale of khat, the shaving of beards and other behaviour it considers '**un-Islamic**'. Women are required to be fully veiled and specific ways of praying and reciting the Quran are imposed. Returnees from abroad who have acquired types of behaviour that may be viewed as 'western', going back to an Al-Shabaab-controlled area (because this is where their family or clan happens to live) must act cautiously and need to 'change their ways of life fundamentally' in order to adapt to the rules imposed by Al-Shabaab.

Not all bans are imposed uniformly in all areas under the control of Al-Shabaab. Reportedly, Al-Shabaab has imposed harsh punishments including detention under inhuman conditions for these relatively minor offenses.

Executions, amputations or other corporal punishments have been imposed for the so called ***hadd crimes*** (e.g. violations of God's limits). *Hadd* (*hudud* in plural) crimes can include cases of espionage, adultery, unlawful sexual intercourse, theft, banditry, drug dealing, alcohol consumption and drug abuse, etc. Al-Shabaab reportedly carried out arbitrary arrests on the basis of unverified or false accusations. The group's courts did not permit legal representation or appeals, victims were not consulted, the broader circumstances of an offence were not taken into account, and circumstantial evidence was widely used in *hadd* cases. The degree of implementation of such punishments varies depending on the Al-Shabaab members in charge and the local situation. It was reported that the group showed greater tolerance in areas where its control was undisputed or with regard to its own members, while in newly conquered towns or villages several such punishments were meted out publicly demonstrating 'exemplary violence' in order to instil fear and assert control over the population.

Warnings and threats were reportedly made even to low-profile individuals who may have acted in opposition to Al-Shabaab, for example by presenting views in a mosque that run counter to Al-Shabaab's ideology before striking with force, injuring or abducting people or even wiping out entire nuclear families. Because of the limited capacity of Al-Shabaab to carry out those acts systematically, when carried out, those acts are done in an exemplary manner.

Al-Shabaab has also targeted followers of less conservative strands of Islam as '**apostates**', including those who practice Sufism. Sufi practitioners cannot freely practice their religion in Al-Shabaab controlled areas and they have been reportedly subjected to discrimination, attacks, punishments and killings.

Suspected Christian **converts** were threatened with executions. Killings of suspected converts had also been reported in past years, however, no such reports could be found from 2020 or the first half of 2021. Al-Shabaab has also reportedly continued to harass secular and faith-based humanitarian aid organisations, threatening the lives of their personnel and accusing them of seeking to convert individuals to Christianity.

Statements perceived as **blasphemous** are reportedly extremely dangerous and could lead to execution by Al-Shabaab, among other punishments. Public executions of persons accused of '**sorcery**' by Al-Shabaab have also been reported.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. execution, killing, amputation, other forms of corporal punishment).

Individuals perceived by Al-Shabaab as contravening Islamic laws would in general have a well-founded fear of persecution in areas under its control.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely for reasons of religion.

2.6.2 Individuals (perceived as) contravening Islamic and customary tenets outside Al-Shabaab controlled areas

Last updated: June 2022

This sub-profile focuses on individuals (perceived as) contravening Islamic and customary tenets, including apostates, converts, blasphemers, individuals belonging to religious minorities or (perceived) having committed *hadd* crimes and other individuals perceived as contravening moral norms, in areas outside the control of Al-Shabaab.

COI summary

[[Targeting](#) 3.2]

The Provisional Constitution of the Federal Republic of Somalia and the constitutions of the FMS, including Somaliland, stipulate that Islam is the State religion, the promotion of other religions is prohibited and the law must be in accordance with *Sharia*.

Freedom of religion is stipulated in the Provisional Constitution of the Federal Republic of Somalia and the Constitution of Somaliland while laws with provisions on religious freedom do not exist in Galmudug, Hirshabelle and South-West state.

With regard to religious matters, it is reported that each community individually regulates and enforces these matters often in ways that are inconsistent. Al-Shabaab seeks to impose its strict interpretation of Islam even outside the territories under its control, using threats and intimidation.

Sharia, applicable in the whole country, has been interpreted as forbidding **apostasy**, including **conversion**. Legal provisions explicitly prohibiting conversion from Islam exist in Somaliland and Puntland. Somalia's authorities and population generally show no tolerance towards converts from Islam. Arrests of individuals accused of apostasy under *Sharia* law have been reported. Families and clans have applied vigilante justice in cases of apostasy. Persons believed to be converts, as well as their families, have reportedly been harassed and physically attacked in their local communities.

Being accused of **proselytising** Muslims is something that is 'extremely dangerous' in all parts of Somalia. Arrests have been reported following allegations of propagating Christianity and missionary activity.

Blasphemy is punishable under the Penal Code with imprisonment up to two years and a fine. Making blasphemous statements is 'extremely dangerous' in all parts of Somalia. In 2021, Al-Shabaab has reportedly killed and called on people to execute individuals they considered to have committed blasphemy, even in areas outside of its control. In 2019 a university professor was arrested and sentenced to two and a half years of imprisonment on charges of blasphemy and while he later received a presidential pardon, he continued to receive death threats in 2020.

Christians and other **religious minorities** have reported that they were unable to practise their faith in an open manner. An incident of severe beating of a seven-year-old Christian boy was reported in October 2020 in Lower Jubba. Al-Shabaab attacks targeting Sufi rituals that are practised publicly have been reported even in areas outside of its control. Non-militant Salafists and Sufis were reportedly able to co-exist peacefully, in some areas.

No reports dating from 2020 or the first half of 2021 have been found on the sanctioning of **hadd crimes** (e.g. adultery or *zina*) in areas of Somalia that are not directly controlled by Al-Shabaab.

Although there were no official restrictions on attending cultural events, playing music, or going to the cinema outside the territories controlled by Al-Shabaab, returnees to Somalia often come back with habits which are unfamiliar to Somali society and are viewed as **transgressing the norms of Islamic or Somali culture**. Individuals who behave in 'odd' ways, for example because they are drunk or have been taking drugs, 'run a high risk' of losing the support of their families and may be subjected to lasting societal pressure and stigma, although it rarely happens that a returnee will be ousted altogether. Cases of returnees ending up in mental hospitals or confined in religious rehabilitation centres, where persons are subjected to physical and psychological abuse as part of the treatment, have been also reported. However, during the reference period, reports of specific incidents targeting returnees for westernised behaviour were scarce.

Risk analysis

Acts to which individuals under this profile could be exposed would amount to persecution (e.g. killings by Al-Shabaab, some forms of physical violence by family members/conservative elements in local community and Al-Shabaab). Prosecution for acts which are not considered criminal according to international standards (e.g. adultery) would also amount to persecution. When the acts in question are (solely) of discriminatory nature (e.g. restrictions to freedom of religion), the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

When considering such applications, the case officer should take into account that it cannot reasonably be expected that an applicant will abstain from his or her religious practices in order to avoid persecution¹⁰. It should be noted that the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs ([Article 10\(1\)\(b\) QD](#)).

In the case of (those perceived as) apostates, converts, proselytisers or blasphemers, in general, well-founded fear of persecution would be substantiated.

¹⁰ CJEU, Y and Z, para 80.

In the case of other individuals (perceived as) contravening Islamic and customary tenets in areas outside of the control of Al-Shabaab, not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature and visibility of activities of the applicant, belonging to a religious minority (e.g. Christians being at higher risk), area of origin in relation to presence or operational capacity of Al-Shabaab, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion. In some cases, persecution may be for reasons of membership of a particular social group. For example, individuals seen as transgressing moral norms may have a well-founded fear of persecution based on their common background which cannot be changed (perceived past behaviour) or a shared characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them). They may also be considered to have a distinct identity in Somalia, as they may be viewed as being different from the surrounding society (e.g. stigmatisation).



A thorough individual assessment should take place to whether the particular characteristic or belief is fundamental to the identity or conscience of the applicant.

2.7 Individuals involved in blood feuds/clan disputes

Last updated: June 2022

COI summary

[[Targeting](#), 5]

In Somalia, two strategies of processing conflict are dominant among pastoralist and nomadic groups: violent self-help and blood revenge, which frequently escalate in long-standing feuds; and discussions, negotiations and payment of compensation. Among agro-pastoralists or other sedentary groups, however, blood revenge is less prevalent.

Conflicts between individuals quickly lead to conflicts between their immediate kin; if the adversaries belong to different larger groups, the latter confront each other. In general, most of those directly involved in clan (or lineage, or family) conflicts are men between around 15 - 40. Men between 15 - 25, roughly, would typically be mobilised by elders to form lineage or clan militias, engage in attacks or put-up defence positions.

The reasons for triggering conflicts are frequently connected to access to resources or land, access to jobs and markets, access to or protection of women, insults, accidents, or political interests. Perceived acts of humiliation can also result in revenge killings.



Somali clans and sub-clans have formed *diya* groups, meaning that members are bound to pay or receive damage compensation collectively as a form of social insurance. For example, in case compensation is not paid, a murder victim's kin can exact blood revenge on the murderer, but also on members of the murderer's lineage. Revenge killings are normally carefully planned, however there have been incidents of spontaneous revenge attacks. Men of the immediate patrilineal kin of a person who killed another person are prime targets; but depending on the social standing of the killed person, also others from the patrilineal kin-group of the killer, who hold a similarly high social status can become prime targets.

Individuals considered sacrosanct (e.g. women, children, elderly, religious and traditional authorities, peace delegates, guests, those living under the protection of a group, etc.) are rarely directly targeted, however they can be hurt by indiscriminate violence. See also sub-profile [2.11.5 Women and girls in clan conflicts](#) under profile [2.11 Women and girls](#).

Revenge killings can go on for a long while, even after a break of some years or even despite earlier settlement.

Weak and powerless clans such as minority clans, who do not have the capacity to exact revenge, often do not receive protection through enforced customary law and have to seek protection through a more powerful clan.

Clan conflicts have been reported across Somalia. For more details see [Assessment by region](#) under section [Article 15\(c\) QD](#).

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (men have a significantly higher risk), being considered a priority target, clan affiliation, etc.

Nexus to a reason for persecution

The individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, lineage/clan members involved in a blood feud may have a well-founded fear of persecution for reasons of membership of a particular social group, based on their innate characteristic (i.e. being a member of the lineage/clan) and due to the fact that lineages/clans are known and may have a distinct identity in the surrounding society. Furthermore, in case of inter-clan disputes, persecution of individuals may be for reasons of race.



Exclusion considerations could be relevant to this profile (see chapter [Exclusion](#)).



2.8 Individuals accused of crimes in Somalia

Last updated: June 2022

This profile refers to people who are accused of ordinary crimes (e.g. crimes against property, life, physical integrity). This profile does not intend to cover acts which are not criminalised according to international standards (see for example profile [2.10 LGBTIQ persons](#)). It also refers to people who are accused of treason or espionage by the Somali authorities, as well as of crimes that endanger public safety.

COI summary

[Main COI reference: [Actors](#), 2.3.1, 2.3.3, 2.3.4, 4.4]

Administration of justice in Somalia relies on customary law (*xeer*), *Sharia* law and the Penal Code. State law is more likely to be implemented in urban settings, while in rural areas it has virtually no relevance, with cases adjudicated solely on the basis of customary law or *Sharia*. However, these legal traditions are important even in large cities, with many issues dealt with on the basis of these alternative forms of law, rather than state law [[Targeting](#), 3.2].

The official justice system handles in principle all cases, civil and criminal. For example, rape is punishable with 5 to 15 years imprisonment under the Penal Code.

Under *xeer*, a collective payment of blood compensation (*diya*) is applied for cases of death, physical harm, theft, rape and defamation.

Based on *Sharia*, in cases of murder or bodily harm, retaliation (*qisas*) may only be demanded if the offence was proved to be intentional. But, even in these cases, general rules of evidence are stricter than otherwise. Moreover, after the Islamic judge's assessment, victims are given the opportunity to choose between retaliation (*qisas*) and compensation (*diya*). Reportedly, Somalis seem to prefer compensation over retaliation in cases of bodily harm, and retaliation instead in cases of intentional homicide.

Sharia courts, or Islamic scholars or judges, for the so-called *hadd* crimes, including theft and highway robbery, may impose corporal punishments. However, traditionally the application of *hadd* has been severely limited by the strict requirements for evidence. For the definition and examples of *hadd* crimes, see profile [2.6 Individuals \(perceived as\) contravening social or religious laws/tenets](#).

Al-Shabaab courts, applying *Sharia* law in its strictest form in the territory controlled by the militant group, as well as beyond it, through mobile courts, complement this picture.

In all territories controlled by Al Shabaab, *Sharia* is not only implemented strictly, but also violently and punishments can include corporal punishments in case of theft (hand amputation), banditry and drug abuse (punished with lashing), as well as drug dealing (punished with lashing).

The government of Somalia and other Somali state actors continue to impose and carry out death sentences for political crimes, such as treason and espionage, as well as crimes that endanger public safety.

For more information on death penalty or execution in Somalia, see section [Article 15\(a\) QD](#).



Risk analysis

In general, prosecution through the official justice system, would not amount to persecution. Capital and corporal punishments, irrespective of the nature of the crime, are considered to amount to persecution. Violations of the due process of law and/or disproportionate or discriminatory punishments could amount to such severe violations of basic human rights.

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account individual circumstances, such as the legal framework and the justice system applied, the nature of the crime for which they may be accused and the envisaged punishment, etc.

Nexus to a reason for persecution

In the case of individuals accused of ordinary crimes, there would in general be no nexus to a Convention ground. However, where a well-founded fear of persecution is established in relation to the envisaged punishment under *Sharia* law, persecution may be for reasons of religion. In individual cases, the prosecution may (also) be motivated by another Convention ground or initiated or conducted on a discriminatory basis related to another Convention ground.

With regard to treason, espionage or crimes that endanger public safety, persecution may be for reasons of (imputed) political opinion.

Where no nexus is substantiated, see sections [Article 15\(a\) QD](#) or [Article 15\(b\) QD](#), respectively.



Exclusion considerations could be relevant to this profile (see chapter [Exclusion](#)).

2.9 Minorities

This section refers to minority groups in Somalia as well as to individuals in mixed marriages.



The contents of this section include:

[Overview](#)

[2.9.1 Low status occupational minorities](#)

[2.9.2 Ethnic minorities](#)

[2.9.3 Groups specialised in religious services](#)

[2.9.4 Clans which can be considered minority groups in local contexts](#)

[2.9.5 Individuals in mixed marriages](#)



Overview

Last updated: June 2022

COI summary

[Main COI reference: [Targeting](#), 4; [Actors](#), 3]

Somali society comprises both majority groups and minority groups. Minority groups include occupational minorities, ethnic minorities, groups specialised in religious services and clans that can be considered minority groups in local contexts. Many members of minority groups speak their own language (e.g. Af-Maay which is spoken, among others, by most Somali Bantu and Rahanweyn) or (local) dialect/languages, different from 'standard' Somali, which is known as Af-Maxaa. Groups that belong to majority clans can be in a local minority situation where they face specific vulnerabilities.

Most Somalis still rely on support from patrilineal clan relatives for protection, gaining access to resources, jobs or justice, hence group (clan) belonging remains important in Somalia (for more information, see [The role of clans in Somalia](#)). In this context, minority groups remain underprivileged.

Minority groups in Somalia used to be systematically targeted, especially in the early 1990's. During the past years, minority groups were not as such directly and systematically targeted. However, often lacking (strong) armed militias of their own, they continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities.

Furthermore, members of minority groups continue to experience marginalisation in many regards, such as access to education and justice. Many minority communities still face deep poverty and poverty has led IDP and non-IDP individuals to residing in informal IDP settlements [[Socio-economic 2021](#), 1.3.2.3]. IDPs from minority clans and ethnic groups face also stronger discrimination and a higher risk of evictions [[Socio-economic 2021](#), 1.2.3]. Further, they hardly have any representation in the security forces and they may participate in the political scene of Somalia but they are not represented as a group.

In addition, minority group members lack protection by state or non-state authorities [[Targeting](#), 4.1]. Women belonging to minority groups are particularly extremely vulnerable.

Resentment over abuses made minority clans more vulnerable to recruitment by Al-Shabaab. For more information see profile [2.2 Individuals fearing recruitment by Al-Shabaab and deserters from Al-Shabaab](#).

2.9.1 Low status occupational minorities

Last updated: June 2022

This sub-profile refers to persons who belong to low status occupational minorities. These minorities include the Gabooye (Madhibaan and Muse Diriye sub-groups), the Yibir, the Tumul, the Galgale, the Gahayle, the Yahar, the Ugaadhyahan/Ugaaryahan, the Eyle, the Hawle and the Hawrasame.

COI summary

[[Targeting](#), 4.1]

Gabooye

The Gabooye (Madhibaan together with Muse Diriye) are the most numerous occupational minority in Somaliland. They also live, in smaller numbers, in Ethiopia, Puntland and southern Somalia. Traditionally, Madhibaan and Muse Diriye were hunters, shoemakers, tanners, well diggers and water carriers for their hosts. Muse Diriye also traditionally worked as basket makers.

Members of the Gabooye enjoy limited protection throughout Somalia. They are considered 'unclean' by dominant clans and experience discrimination as a consequence. State institutions, which are dominated by majority group members, do not offer protection to Gabooye for injustices and violations they experienced (including sexual violence, looting or physical assaults), especially in Somaliland and southern Somalia. Only in Puntland, occupational minorities such as the Gabooye, enjoy more rights and are in a slightly better position vis-a-vis majority group members. Furthermore, the Gabooye lack access to formal education (except Islamic learning), to economic resources and are largely politically excluded. Intermarriages between them and members of majority groups are shunned.

Yibir

The Yibir or Anaas reside mainly in Somaliland and in the Somali region of Ethiopia. A few are also living in central and southern Somalia. They mainly worked as wandering sorcerers and leather workers. A significant number have become full-time beggars. They also have a reputation as fortune tellers.

They were among the most socially excluded groups in Somalia. While some Yibir succeeded in finding manual work in urban centers, a significant minority have become full-time beggars. Throughout Somalia, the Yibir have limited to no access to social services, including education and health care. In rural areas, Yibir often are exposed to abuse, exploitation and suffer from extreme poverty. Like other minority group members, they lack protection by state or non-state authorities.

Tumal

The Tumal were traditionally blacksmiths and carpenters and they live throughout Somalia, from north to south. They face discrimination along the same lines as Madhibaan and Muse Diriye. Only in Puntland, Tumal are in a somewhat stronger position, but still they are not considered as equal to the locally dominant members of the Majeerteen clan.

Other low status occupational groups

The smaller groups of the **Ugaadhyahan/Ugaaryahan**, the **Eyle**, the **Hawle** and the **Hawrasame** are also marginalised and harassed (e.g., insulted or side-lined when competing for jobs; bullied out of their properties) by majority group members and lack protection. For the **Galgale**, the **Gahayle** and the **Yahar** there was no available information on their treatment in the reference period.



Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. physical and sexual violence). When the acts in question are (solely) of discriminatory nature, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender, their area of origin and the local clan dynamics, financial situation, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race and/or membership of particular social group, based on an innate characteristic or common background which cannot be changed (the family they are born into/inherited occupational status) and distinct identity in Somalia, as they are perceived as different in the Somali society.



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD \(Article 9\(3\) QD\)](#).

2.9.2 Ethnic minorities

Last updated: June 2022

COI summary

[\[Targeting, 4.2, 4.5\]](#)

Somali Bantu

Somali Bantu people reside mainly in towns and villages along the Jubba and Shebelle rivers. Locally, in the regions where they live, the Bantu are often majorities in terms of numbers, but they are marginalised in terms of power and education.

Somali Bantu are among the most segregated and discriminated minorities in Somalia. During the civil war, Bantu were among the main victims of violence in southern Somalia, falling victims to looting, rape, enslavement and killing on a very high scale. Physically, the Somali Bantu exhibit features that differentiate them from other Somalis. This is the reason for several derogatory terms used against them by other Somalis.

As in the case with other ethnic minorities, Bantu are considered inferior, which results in systematic exclusion, stigma, social segregation, denial of rights, and low social, economic and political status. They have no access to influential positions and are generally disproportionately vulnerable to conflict-driven displacement. They also cannot expect redress when their rights are violated. Majority clan members refuse to intermarry with Somali



Bantu and thus, the members of this group remain isolated. Jobs which they are allowed to do by majority group members are crop farming, construction work, mechanics and other difficult manual labour.

In Lower Jubba, in and around Kismayo, Somali Bantu are facing repression by the majority clan militias working as Jubbaland security forces. In the Al-Shabaab controlled areas not far from Kismayo they face extortion by the extremist militia. Bantu women also enter in marriages with Al-Shabaab fighters that are described as sexual and domestic slavery. The Al-Shabaab fighters further ignore their children with the Bantu girls and women, whom they despise as racially distinct minority with low social status. Cases of abductions, torture and killings by uniformed Somali police or armed groups that the Somali government was unwilling or unable to control, have been also reported, in 2018.

Bantu groups started to organise and arm themselves and, in some locations, have gained strength and are able to fend for themselves.

Bajuni

The Bajuni live mainly in small communities along the coast south of Kismayo, Nchoni, Kamboni and on Bajuni islands. Their principal language is Ki-Bajuni and in general, Bajuni do not have a good knowledge of the Somali language.

Even though there are instances of marriages between Somali men and Bajuni women on the islands, it has been claimed that the local Bajuni population is being exploited by Somali businessmen.

As is the case with other minority groups, Bajuni are considered inferior, which results in systematic exclusion, stigma, social segregation, denial of rights, and low social, economic and political status. They have no access to influential positions and have little chance to get access to justice in case of conflict over land or property and they are generally disproportionately vulnerable to conflict-driven displacement.

Benadiri, including Reer Hamar

Benadiri is an umbrella term for several mostly urban minorities residing along the Benadir coast of southern Somalia extending actually also into Kenya. The Benadiri are generally not seen as a homogenous ethnic minority group. Most Benadiri live in Mogadishu, Merka and Barawa. After fleeing abroad in the early 1990s, the remaining Benadiri population is estimated to be very small, with those in Mogadishu estimated to be around 10 000.

The situation of Benadiri remained difficult also after the Somali civil war. In 2012, it was reported that they were forced to pay bribes and were subjected to extortion by majority clan members. During more recent years, direct security threats against the Benadiri have not been reported. However, in June 2021, the Benadiri community in Mogadishu held a press conference to complain about manipulation of their political rights, as the current Minister of Petroleum tried to encroach on their reserved seats in parliament.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killings, abductions, sexual violence). When the



acts in question are (solely) of discriminatory nature, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the specific minority group that the applicant belongs to, gender, area of origin and the local clan dynamics, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race.



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD \(Article 9\(3\) QD\)](#).

2.9.3 Groups specialised in religious services

Last updated: June 2022

COI summary [\[Targeting, 4.3\]](#)

Ashraf/Asharaf

The Ashraf are divided into the lines of Hussein and Hassan. Ashraf mainly inhabit the southern Somali coast from Mogadishu to Kismayo and they speak various local dialects. They are considered to be religious people. Women from Ashraf minority could be married by members of majority groups, due to the highly appreciated religious prestige attached to Ashraf in the eyes of other Somalis.

The current situation of Ashraf is characterized by their structural marginalisation as a minority group in southern Somalia. Ashraf are vulnerable to abuse and they do not have any militia defending them. Members of majority clans take advantage of them and rarely face serious consequences. Ashraf living in and around Baidoa have a slightly more protected position compared to other areas.

Sheikhal/Sheekhaal

Sheikhal are not one but several groups, with different cultures and dialects. The word 'Sheikhal' is simply the local plural of 'sheikh' and signifies a lineage who has an inherited religious status. The Sheikhal are scattered in different districts and regions of the country, e.g. Mogadishu, Belet Weyne, Jowhar, Middle and Lower Juba and Gedo. The main Sheikhal branches are the Jasira, the Gendershe, the Loboge, and the Aw Qutub. In the Somali parliament, three seats are reserved for Sheikhal clan, through the Hawiye clan family.



While some Sheikhal groups are politically strong, others are marginalised. The Gendershe and Jasira groups have the position of marginalised minority groups, whose members predominantly reside in Mogadishu and south of the city, and who have been marginalised and oppressed by majority group militias after the outbreak of the civil war 1991. In contrast, the sub-clans Loboge and Aw Qutub have a more ambiguous position. Older reports indicated that the Loboge had been allies of some Hawiye, had their own militia in the early 1990s and they had engaged in fighting. The Aw Qutub had suffered some discrimination or harassment in Somaliland from the dominant Isaaq clan, being suspected of disloyalty to the Somaliland state after 1991.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. some forms of abuse). When the acts in question are (solely) of discriminatory nature, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: their area of origin in relation to the specific minority group they belong to and the local clan dynamics, gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race. Furthermore, persecution of groups specialised in religious services may also be for reasons of membership of particular social group, based on an innate characteristic or common background which cannot be changed (the family they are born into/inherited religious status) and distinct identity in Somalia, as they are perceived as different in the Somali society.



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD \(Article 9\(3\) QD\)](#).

2.9.4 Clans which can be considered minority groups in local contexts

Last updated: June 2022

This sub-profile refers to persons who belong to groups that are seen as majority under one aspect and as minority under another aspect. These groups include the Rahanweyn (Digil and Mirifle sub-clans), the Tunni, the Begeedi and the Geledi.

It should be noted that specific information on the recent treatment of some of those groups was not available in the COI reports used for the purposes of this guidance.



COI summary

[[Targeting](#), 4.4]

Rahanweyn/Digil-Mirifle (Saab)

The Rahanweyn mainly reside in the regions Bay, Bakool and Gedo, in between the rivers Shabelle and Jubba and they are mostly agro-pastoralists, living from farming and animal herding. They are divided into two major clans, the Digil and the Mirifle. All Rahanweyn speak Af-Maay.

Although partly being considered as a low status group by members of other major clans, Rahanweyn are counted among the majority groups. They are a populous clan family and members of the Hawiye or Darood clan families in the south could intermarry with Rahanweyn. Through establishing their own militia and their own regional administration, they gained respect among other majority groups. Since the early 2000s, Rahanweyn also hold influential positions in the Somali government.

The frequent adoptions (act of claiming other people's ancestors as one's own) create some hierarchy within Rahanweyn. Within the group, *bilis* (nobles) who claim a purer patrilineal descent distinguish themselves from *boon* (commoners), who have an adopted descent. Although friendship can exist between them, *boon* are subject to prejudice, social exclusion and some exploitation as cheap labour force by *bilis*, within the clan family.

The Rahanweyn are often subject to discrimination and exploitation by more powerful groups when they have been displaced into other clan-based areas. In 2017, roughly half of the around 369 000 IDPs in Mogadishu were Rahanweyn or Bantu. Members of various Rahanweyn lineages are part of Al-Shabaab with their fighters being motivated mostly by economic incentives.

Tunni, Begedi and Geledi: 'in-between' groups

The Tunni, the Begedi, and the Geledi are often subsumed under the Rahanweyn clan Digil. Parts of these groups are described as having a weak position, partly due to ambiguous reception of their belonging or due to local circumstances. Tunni are often commercially oriented or craftsmen. The Begedi and Geledi, often associated to the Benadiri minority groups, are usually active as farmers and traders.

There was no available information on the treatment of these groups in the reference period.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. some forms of exploitation). When the acts in question are (solely) of discriminatory nature, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-



impacting circumstances, such as: their area of origin in relation to the specific minority group they belong to and the local clan dynamics, their status as ‘noble’ or ‘commoner’, gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race. Persecution of minority groups in local contexts may also be for reasons of membership of particular social group, based on an innate characteristic or common background which cannot be changed (the family they are born into) and distinct identity, as they may be perceived as different in the local context.



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD \(Article 9\(3\) QD\)](#).

2.9.5 Individuals in mixed marriages

Last updated: June 2022

COI summary

[[Targeting](#), 4.5]

Intermarriage between majority clans and Madhibaan, Muse Diriyee, Tumul, Yibir, Yahar, Eyle, and particularly Bantu are taboo; if they happen, they often provoke violent conflict. Intermarriage between majority groups and Ashraf or Sheikhal is possible and does not normally produce resistance among majority group members. Rahanweyn and members of other majority groups do intermarry. Benadiri also enjoy some prestige and occasionally, majority group members in Mogadishu and surroundings marry especially women from Benadiri groups.

It is most problematic if a man belonging to a minority group marries a woman from a majority group. According to the patrilineal logic of belonging, the children from this marriage would then belong to the minority group, which the relatives of the mother would see as a ‘downgrade’.

In the biggest cities of Somalia, Mogadishu and Kismayo, which are most cosmopolitan, compared to other Somali towns, intermarriages between majority clans and members of occupational minority groups are seen as less problematic. This does not apply with regard to intermarriage with Bantu. A marriage between a man of a majority group and a Bantu woman, or the other way around, could lead to the murder of one or both partners or of the relatives involved.

Especially in the north, in Somaliland, where the ‘purity’ of patrilineal descent is an important social value, marriages between occupational minorities and majority groups are happening rarely, especially if the man is from a minority group. In Somaliland, if a man from a minority clan marries a girl from a majority group, the couple normally has to ‘run away’. Normally, the woman is then disowned by her family. The family of the husband would also discourage such a relationship, because they would fear revenge by the relatives of the woman. Majeerteen and Gabooye (especially Madhibaan) do not normally intermarry in Puntland.



Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, physical violence). When the acts in question are (solely) of discriminatory nature, the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender, the clan of the partners (in particular whether one of the partners belongs to a minority clan), specific minority group that the applicant belongs to, area of origin, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race. Persecution of individuals in mixed marriages may also be for reasons of membership of particular social group, based on a common background which cannot be changed (entering in a mixed marriage) and distinct identity in Somalia, as they are perceived as different in the Somali society.

2.10 LGBTIQ persons

Last updated: June 2022

This profile refers to persons who are perceived as not conforming to social norms because of their actual or perceived sexual orientation and/or gender identity, including the treatment of lesbian, gay, bi-sexual or trans-gender, intersex and queer individuals. However, it should be noted that reporting on the situation of LGBTIQ persons was scarce due to the subject being taboo in Somalia and the reporting was mostly based on a few individual cases being picked up by the media [[Targeting](#), 8]. Furthermore, specific information on some of the LGBTIQ communities was not available in the COI reports used for the purpose of this guidance.

COI summary

[[Targeting](#), 8]

There is not one overall legal framework impacting on the situation of LGBTIQ individuals, as Somalia is characterized by legal pluralism. The Somali Penal Code states that homosexuality is illegal, however, there is no information with regard to the actual application of the law. Discrimination based on sexual orientation or gender identity is not prohibited and there are no hate crime laws which protect LGBTIQ individuals from violence, intimidation and/or discrimination. Under *Sharia*, the term referring to unlawful sexual intercourse is called *zina*. Islamic law regards only heterosexual relations sanctioned through marriage as lawful. Therefore, homosexual relations are considered illegal by default. *Sharia* explicitly refers to *liwat* (usually considered the equivalent of 'sodomy') and *sihaq* (sometimes translated as 'lesbianism'). Islamic courts, present throughout Somalia, can impose sentences for same-sex

relationships which go from flogging to the death penalty. Al-Shabaab courts have also issued death sentences for homosexuals in the recent past (2017 and 2018).

LGBTIQ individuals often resort to hiding their sexual orientation or gender identity out of fear of being disowned or excluded from their family. Furthermore, there were no known LGBTIQ organisations and associations in Somalia, as the pervasive social stigma against same-sex relationships remains.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. death penalty by *Sharia*-implementing courts, imprisonment, violence).

For individuals under this profile, well-founded fear of persecution would in general be substantiated.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution.¹¹

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group, based on a shared characteristic that is so fundamental to the identity of the applicant, that he or she should not be forced to renounce it; and based on their distinct identity in Somalia, because they are perceived as being different by the surrounding society.¹²

2.11 Women and girls



The contents of this section include:

[2.11.1 Violence against women and girls: overview](#)

[2.11.2 Violence by Al-Shabaab](#)

[2.11.3 Child marriage and forced marriage](#)

[2.11.4 Female genital mutilation or cutting \(FGM/C\)](#)

[2.11.5 Women and girls in clan conflicts](#)

[2.11.6 Single women and female-headed households](#)

¹¹ CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C-201/12, Judgment of 7 November 2013 (X, Y and Z), paras. 70-76.

¹² X, Y and Z, paras. 45-49.





It should be noted that the different forms of violence against women and girls in Somalia are often significantly interlinked. Therefore, the following subsections should be read in conjunction with each other.

2.11.1 Violence against women and girls: overview

Last updated: June 2022

COI summary

Discrimination against women and girls

[Main COI reference: [Targeting](#), 2.1]

Somalia has been described as one of the most gender unequal countries in the world. Women face under-representation and barriers to employment. Women from poor urban households may be forced to take on jobs or to engage in entrepreneurial activities that bear a high risk of exploitation and even violence. The limits of participation of women in better paid socio-economic activities and, in case of divorce or death of male partners, makes women more prone to poverty and precarity [[Socio-economic 2021](#), 1.4.2]. Under-representation of women also exists in the judiciary in positions such as lawyers, judges and prosecutors. Women's participation in the political system is also limited by discrimination and hostility in practice. Furthermore, discrimination limited girls' access to schooling, due to the conflict situation and practices such as early marriage and FGM, with girls in farming, rural, remote, displaced, and nomadic communities being particularly affected.

Although certain laws grant women some rights, in practice women are often disadvantaged because of the application of the customary law or of *Sharia* law. Furthermore, women can only have access to traditional justice through a male tutelar personality, husband, brother, father or uncle. Stigma is associated to women directly seeking justice and presenting their case to a male dominated justice system and in the context of a patriarchal society, since they are not considered by the society as responsible. [[Actors](#), 2.3.2]

Sexual and gender-based violence

[Main COI reference: [Targeting](#), 2.1]

Girls and women face numerous challenges such as child marriage, FGM/C, domestic violence, sexual and gender-based violence (SGBV) and human trafficking [[Actors](#), 2.1]. Sexual violence against women and girls is described as pervasive, especially in South-Central Somalia and Puntland, with the problem exacerbated by the Covid-19 pandemic. The risk of SGBV is increased in Al-Shabaab controlled areas. Rape and sexual violence against women and girls are underreported due to a climate of impunity as well as victim's fear and stigma. Stigmatization is common and rape victims face harsh treatment from the community and their families. Victims of SGBV are often forced to marry their perpetrators as part of the remedial practices. Abortion after rape is no option. A lack of trust in the justice system, gender-biased officers, lack of knowledge of one's own rights, limited financial means, fear for humiliation and security concerns further act as barriers to prosecution.



Sexual violence continued to be employed by Al-Shabaab as a strategy of social control in the communities under their influence (See more sub-profile [2.11.2 Violence by Al-Shabaab](#)). Incidents of rape and gang rape have been also committed by state agents, clan militias and unidentified armed men. In several cases, survivors and providers of services for gender-based violence survivors were directly threatened by authorities when such abuses were perpetrated by men in uniform. Women from displaced communities and/or from weak clans were more likely to experience SGBV. Girls and women with disabilities also faced a heightened risk of SGBV.

Domestic violence is also described as rampant and generally tolerated in Somalia [[Actors](#), 2.3.2]. Furthermore, Somali women continue to experience widespread sexual harassment at workplaces.

Rape is punishable with 5 to 15 years imprisonment under the Somali Penal Code. There are no federal laws against spousal violence, including rape. In 2018, a Sexual Offences Bill was initiated, aiming to provide a legal framework to address sexual and gender-based violence in Somalia. However, the federal government, by June 2021, had not yet passed the bill. In 2020, the 'Sexual intercourse related crimes' bill was developed which has been characterised as a major setback for victims of SGBV in Somalia, however it has not been approved yet. In 2016, Puntland authorities launched the first-ever Sexual Offences Law criminalizing all sexual offences in the region. However, the bill is not applied in practice. Somaliland passed a sexual offences bill in 2018 but it has not been implemented.

SGBV service provision remains low as compared to the need and geographical landscape in Somalia. Covid-19 contributed to the closure of some of the already limited services, while open shelters were hesitant to take new admissions for SGBV victims due to fear of the virus. SGBV survivors from remote locations experienced further challenges with regard to access to quality services.

Risk analysis

Women and girls could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. rape, certain forms of physical violence including of domestic violence, sexual violence). When the acts in question are (solely) of discriminatory nature (e.g. obstacles to employment, education and access to justice), the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, area of origin and actor in control of the area, clan affiliation, being from a displaced or nomadic community, having a disability, level of assistance by a support/clan network, etc.

In the case of women without support network, see sub-profile [2.11.6 Single women and female-headed households](#).

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for different reasons under [Article 10 QD](#), depending on the specific circumstances of the case. For example, women and girls who have been sexually abused may be subjected to persecution for reasons of membership of particular social group, based on their common background which cannot be changed (past experience of sexual abuse) and distinct identity in Somalia (in relation to stigmatisation by society).

2.11.2 Violence by Al-Shabaab

Last updated: June 2022

COI summary

[Main COI reference: [Targeting](#), 2.2, 2.3, 3.1]

Women are commonly recruited by Al-Shabaab through marriage, including forced and child marriage. Women are often left without choice due to family and clan pressure. Al-Shabaab has abducted and forced girls aged 14 to 20 to marry fighters, while threatening their families with violence. Furthermore, wife inheritance remains common, and widows of Al-Shabaab husbands can be married-off to any Al-Shabaab member. Especially in the case of Bantu/Jareer girls and women, marriage to Al-Shabaab fighters has been described as sexual and domestic slavery. However, ‘some women members do express strong support for the movement and its goals and regard themselves as full-fledged members’. Additionally, some women who have grown up in environments beset with insecurity and gender-based violence may see marriage into Al-Shabaab, and the protection that comes with it, as a better alternative to being raped by a militiaman. For more information on the recruitment and use of women and girls by Al-Shabaab, see sub-profile [2.2.1 Persons fearing forced recruitment by Al-Shabaab](#).

Many women and girls who managed to escape from these marriages were subjected to threats and, in some cases, sexual exploitation in displacement settings where they had found refuge. Militants’ former wives also faced stigma. Some female deserters also face danger to be recaptured by Al-Shabaab after leaving the group.

Al-Shabaab further limits women’s rights and movement in public in a severe manner. Women are forced to adhere to a specific dress code and be accompanied by a male guardian. The group also enforces a strict gender division in public transportation and in public interactions [[Actors](#), 4.4]. See also profile [2.6 Individuals \(perceived as\) contravening social or religious laws/tenets](#).

Risk analysis

Forced and child marriage by Al-Shabaab amount to persecution. Furthermore, women and girls could be exposed to acts by Al-Shabaab which are of such severe nature that they would amount to persecution (e.g. killing, abduction, sexual violence, domestic slavery). Additionally, women and girls who have escaped from Al-Shabaab marriages could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. sexual exploitation). When the acts in question are (solely) of discriminatory nature (e.g. restrictions of women’s freedom of movement, dress code), the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violence by Al-Shabaab. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, area of origin and presence of Al-Shabaab, clan affiliation, family/community perception, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race (e.g. in the case of Bantu women) and/or religion (see also profile [2.6 Individuals \(perceived as\) contravening social or religious laws/tenets](#)). Additionally, persecution of women who have left Al-Shabaab marriages may also be for reasons of membership of particular social group based on their common background which cannot be changed (past marriage to Al-Shabaab) and distinct identity in Somalia (in relation to stigmatisation).

2.11.3 Child marriage and forced marriage

Last updated: June 2022

COI summary

[Main COI reference: [Targeting](#), 2.3]

In Somali society, one's date of birth is not viewed as a decisive criterion for when a person is considered an adult, with puberty being the marker of adulthood. The newly initiated 2020 'Sexual Intercourse Related Crimes Bill' would allow parents to marry off their children once they reach puberty, which could be as young as 10 years old.

Due to deeply rooted gender-inequality, child marriage rates are higher for girls compared to boys. The practice of early marriage continues to be pervasive in Somalia, with nomadic and rural girls being particularly affected. Girls are usually married at early age because of the need for families to ensure social and economic security and in order to avoid giving birth to children out of wedlock. Early marriage is perceived to be both a cultural and a religious requirement, while women are traditionally valued according to their ability to procreate. According to a 2020 survey, 16% of Somali girls are married by the age of 15 and 34% percent are married by the age of 18, while another source indicated that 8.4% of girls married before the age of 15 and 45.3% of girls married before the age of 18. During the Covid-19 pandemic cases of child marriage increased in Somalia.

The distinction between forced and arranged marriage can be subtle. Brides may also be exchanged between neighbouring clans to build alliances, seal peace agreements and gain access to grazing zones. *Xeer* practices of *dumal* (forced marriage of a widow to a male relative of her deceased husband), *higsian* (the forced marriage of the sister of a deceased wife to the widower), and *godob reeb* (the forced marriage of a girl into an aggrieved clan as part of a *diya* payment) have been reported [[Actors](#), 2.3.2]. Moreover, victims of rape were forced to marry their perpetrators as part of the remedial practices of the traditional justice system. Forced marriage is also prevalent among persons with disabilities.

If a woman refuses the marriage, she may face consequences such as being banished from the nomadic community or being denied child custody or property. Girls and women who



have been forcefully married rarely come forward to get help due to fear of social stigma and punishment.

Risk analysis

Forced and child marriage amount to persecution. When the acts in question are (solely) of discriminatory nature (e.g. social stigma, ostracism, denial of child custody or property), the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to forced marriage or child marriage. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: prevalence of the practice in the area of origin, age, socio-economic status of the family, clan and family traditions, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of religion and/or membership of a particular social group. For example, refusal to enter into a marriage may result in persecution for reasons of membership of a particular social group in relation to a common background which cannot be changed (refusal to marry) and/or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry) and their distinct identity in Somalia (e.g. stigmatisation, ostracism).

2.11.4 Female genital mutilation or cutting (FGM/C)

Last updated: June 2022

COI summary

[\[Targeting, 2.4\]](#)

In Somalia, FGM is almost universally practiced throughout the country. This practice has remained pervasive and constitutes a strong social norm because it is considered as a requirement for marriage for girls. FGM is seen as a way for families to gain social acceptance and to ensure their daughters can get married off before getting pregnant, while many families believe that the practice has a religious basis. FGM/C is commonly performed by traditional circumcisers.

Nearly all women in Somalia have undergone FGM. A survey of 2020 indicated that 99% of Somali women aged 15-49 have undergone FGM. The majority of girls (71%) are circumcised between ages 5-9. The most common form of FGM practiced in Somalia is the Pharaonic also known as infibulation (Type III in WHO classification), with 64% of women surveyed experiencing it. Women of lower socio-economic status reportedly had higher levels of Pharaonic FGM. Women who have been infibulated, must undergo a practice called deinfibulation in order to have sexual intercourse and give birth. Deinfibulation is sometimes practiced in order to improve women's health condition. Some women may undergo reinfibulation after they give birth. Most Somalis do not perceive Sunna (Type I in WHO classification) as FGM/C and do not perceive it as physical or psychologically harmful. During



2020, an increase in FGM cases has been reported due to Covid-19 imposed closure of schools.

Even though Somalia's Provisional 2012 Constitution stipulates that 'circumcision of girls is a cruel and degrading customary practice, and is tantamount to torture [and that] the circumcision of girls is prohibited', there is no existing law specifically against FGM in Somalia that criminalises or punishes it. In 2015, a bill to end FGM within the entire country was initiated but it was not finalised. In Puntland, as of 2018, FGM specific legislation was awaiting approval by the parliament and a *fatwa* against FGM/C had been signed. However, there were no cases against FGM identified nor were there any cases of malpractice brought against medical professionals for performing FGM. In Somaliland, even though a *fatwa* (religious edict) was published aiming at punishing those who perform FGM, there is currently no legislation that expressly criminalises and punishes the practice of FGM. In cases where girls have bled to death after they underwent FGM/C, the issue seems to have been dealt with privately, between the family and the circumciser. Protection or support measures by NGOs or clan authorities for people that fear FGM/C have not been identified.

Risk analysis

FGM/C amounts to persecution.

In the case of girls who have not been subjected to FGM, well-founded fear of persecution would in general be substantiated.

In the case of women who have not been subjected to FGM, not all such individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to be subjected to FGM/C should take into account risk-impacting circumstances, particularly the age of the applicant, her marital status, and the views of her family on the practice. The circumstances under which the applicant had managed to avoid being subjected to FGM should also be given due consideration.

In the case of women and girls who have been subjected to FGM, not all such individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to be subjected to FGM/C again should take into account risk-impacting circumstances, such as: age, family status, type of FGM/C experienced, family perceptions and traditions towards the practice, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, women and girls who have not been subjected to FGM/C, may be subjected to persecution for reasons of this innate characteristic and/or common background which cannot be changed (not being subjected to FGM/C) and their distinct identity in Somalia. Persecution of this profile may also be for reasons of religion.

2.11.5 Women and girls in clan conflicts

Last updated: June 2022



COI summary

[[Targeting](#), 1.1, 5.2]

In clan conflicts that revolve around access to water, grazing or land, women are still often considered sacrosanct and they are not directly targeted. If, however, majority groups clash with minority groups, it is more likely that women are harmed by majority clan militias, as a display of superiority by the majority group. Furthermore, younger militiamen often do not respect traditional rules of conflict and target women, children and elders or use violence indiscriminately.

Additionally, women can play a very specific role in peace-making between lineages of clans. In order to stabilise a peace agreement between groups, sometimes one or several unmarried girls from the family of the killer(s) are given by the elders for marriage to the injured group, on top of the compensation in livestock or the equivalent in money. This tradition is called *godob reeb*, which translates as ‘extinguishing hatred/resentment’.

Risk analysis

Women and girls in clan conflicts could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. certain forms of physical harm). In relation to the tradition of *gobod reeb*, forced and child marriage would amount to persecution. See also sub-profile [2.11.3 Child marriage and forced marriage](#).

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to clan conflicts. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: belonging to a minority clan, family/clan traditions, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race and/or membership of a particular social group (especially in relation to some minority groups, see more information under profile [2.9 Minorities](#)).

2.11.6 Single women and female heads of households

Last updated: June 2022

This sub-profile refers to single women (e.g. divorced women, widows) and female-heads of households. Girls can also fall in this sub-profile.

COI summary

[[Targeting](#), 2.5]

Protection for Somali women is linked to their father, husband, family network, extended family network and clan. In Somali society, it is seen as being against the culture and the religion for a woman to live alone. The security situation is particularly dire for single women without a clan network. Women who have broken social norms may be ostracized.

Furthermore, it remains difficult for a single woman to rent, sell or buy a residence by herself, as she could be viewed as a prostitute. An unaccompanied woman living without a husband



might also be exposed to sexual violence. Families headed by an unaccompanied woman are more exposed to malnutrition.

Women residing in camps face higher risks of SGBV. Among IDPs, single, divorced, and widowed women are especially vulnerable. For single mothers in IDP situations, a profound lack of resources and rising food prices due to Covid-19 means that many simply cannot access what is needed to sustain their own health and that of their children.

Sources indicate that **divorce** is not uncommon in the country and in general, divorce is more accepted now than it was in the past. However, a woman still needs to obtain her own clan's consent for a divorce as well as cite specific reasons. Children most often remain in the custody of the mother in a divorce. Although there is no immediate stigma around getting divorced, the attitudes of local communities towards divorced women may differ. Remarriage after divorce is common.

In general, pre-marital pregnancies are hidden and denied to the extent that the woman sometimes risks reproductive health problems. Discovery of an unmarried woman becoming pregnant would be regarded by the family and society as a betrayal of family honour and the woman would be stigmatised and possibly even attacked physically. Furthermore, the extended family might abandon the mother and child and the clan might no longer provide them with protection. It has also been reported that **women with children born out of wedlock** might be pushed to live in the area of local sex workers.

Risk analysis

Women and girls under this profile could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. physical violence, sexual violence). When the acts in question are (solely) of discriminatory nature (e.g. ostracism), the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Moreover, being a single woman or female head of household enhances the risk for such women to be exposed to acts, which, due to their severity, repetitiveness or accumulation could amount to persecution.

Not all women and girls under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: being in an IDP situation, family status (e.g. single mother), family/society perceptions, level of assistance by a support/clan network etc.

In the case of women without support/clan network, well-founded fear of persecution would in general be substantiated.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, women with children born out of wedlock may be subjected to persecution for reasons of membership of particular social group, based on their common background which cannot be changed (having a child out of



wedlock) and distinct identity in Somalia (in relation to stigmatisation by society and seen as betraying the family honour).

2.12 Children

Last updated: June 2022

Some of the particular risks Somali children may face include the following.

- **Violence against children (general):** with regard to violence specifically against girls, see sub-profile [2.11.1 Violence against women and girls: overview](#). Boys also can experience violence, including sexual violence, killing and maiming and deprivation of liberty by Somali state, federal and international forces as well as Al-Shabaab and clan militias [[Targeting](#), 5.2; [Actors](#), 2.4.6, 3.6, 4.5, 7.1.5]. Cases of child trafficking and of child labour have also been reported [[Security 2021](#), 2.6.2.3; [Socio-economic 2021](#), 1.3.5.6].
- **Child recruitment:** children have been recruited by multiple actors in Somalia. During the period 1 August 2016 - 30 September 2019, 391 cases of child recruitment were attributed to SNA, 172 cases to SPF and 169 cases to clan militias [[Actors](#), 2.4.6, 3.6]. FMS forces have also been accused of child recruitment [[Actors](#), 7.1.5, 7.2.5, 7.5.3, 7.5.5, 7.6.5]. During the same period 4 910 cases were attributed to Al-Shabaab [[Actors](#), 4.5]. On child recruitment by Al-Shabaab, see sub-profile [2.2.2 Child recruitment by Al-Shabaab](#).
- **FGM/C:** in Somalia, FGM is almost universally practiced throughout the country. The majority of girls are circumcised between ages 5-9 [[Targeting](#), 2.4]. See more under sub-profile [2.11.4 Female genital mutilation or cutting \(FGM/C\)](#).
- **Child marriage:** boys can also be subjected to child marriage [[Targeting](#), 2.3]. Child marriage rates are higher for girls compared to boys, see sub-profile [2.11.3 Child marriage and forced marriage](#).
- **Children born out of wedlock:** a child born out of wedlock would face discrimination and stigma and some would end up on the streets as orphans after getting abandoned by their mothers. Furthermore, children born out of wedlock and their mothers may be abandoned by the rest of the extended family [[Targeting](#), 2.5].

Risk analysis

Children could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. sexual violence, trafficking, certain forms of child labour, child recruitment, FGM). When the acts in question are (solely) of discriminatory nature, the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. Being a child is to be taken into account in the assessment on whether an act reaches the threshold of persecution.

Not all children would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for a child to face persecution should take into account risk-impacting circumstances, such as: area of origin, family status, level of assistance by a support/clan network, etc.





In the case of children without support/clan network, well-founded fear of persecution would in general be substantiated.

Nexus to a reason for persecution

With regard to the nexus to a reason for persecution, the assessment should take into account the individual circumstances of the child. For example, children born out of wedlock may be subjected to persecution for reasons of membership of particular social group, based on their common background which cannot be changed (born out of wedlock) and distinct identity in Somalia (in relation to stigmatisation by society).

2.13 Persons with disabilities or severe medical issues

Last updated: June 2022

This profile refers to people with disabilities, including mental disabilities, as well as those who have severe medical issues, including mental health issues.

COI summary

[Main COI reference: [Socio-economic 2021](#), 1.3.4, 1.4.2.2, 2.3.4, 3.3.4]

Health services in Somalia, including in Puntland and Somaliland, have been described as insufficient, with most health facilities located in larger cities, including Mogadishu, Hargeisa and Garowe.

Medical services available in Mogadishu are of poor quality both in the public and in the private sectors. Although basic drugs are available, their proper storage is difficult and people lose their lives from normally easily treatable diseases. As for the treatment prospects for persons with mental disorders, it has been noted that there is a particularly acute shortage of mental health specialists throughout Somalia, including in Somaliland.

While healthcare in Somalia is generally not free of charge, services in public hospitals are mostly cheaper than in the private healthcare sector.

It has been reported that persons with disabilities are often excluded from humanitarian assistance either due to exploitation, pre-existing discrimination and stigma or due to a lack of adequate consideration. For people living with disabilities almost no provisions exist regarding housing. Therefore, they are generally entirely reliant on family members for support.

Furthermore, girls and women with disabilities face a heightened risk of SGBV [[Targeting](#), 2.2].

The Covid-19 pandemic, with its impact on an already fragile healthcare system and socio-economic welfare mechanisms has further exacerbated the pre-existing dire situation of vulnerable groups, including of persons living with disabilities.

Risk analysis

The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of [Article 6 QD](#)





regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare.¹³

In the case of persons living with disabilities, the individual assessment whether the discrimination and mistreatment by society and/or by the family could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature and visibility of the mental or physical disability, negative perception by the family/community, existence of support network, etc.

Nexus to a reason for persecution

According to available information, if well-founded fear of persecution could be substantiated in the individual case, such persecution may be for reasons of membership of a particular social group (e.g. persons with noticeable physical disability, due to this innate characteristic and distinct identity linked to their stigmatisation by the surrounding society).

¹³ CJEU, *M'Bodj*, paras. 35-36. See also CJEU, *MP v Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018 (*MP*), paras. 57, 59.



3. Subsidiary protection

This chapter addresses the EU-regulated status of subsidiary protection and the situations in which, where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with [Article 15 QD](#) (see also [Article 10\(2\) APD](#)).



The contents of this chapter include:

- Under the section [Article 15\(a\) QD](#), the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the ‘death penalty or execution’ in Somalia.
- The section on [Article 15\(b\) QD](#) looks into the risk of ‘torture or inhuman or degrading treatment or punishment’ in relation to particular circumstances in Somalia.
- Under the section [Article 15\(c\) QD](#), the analysis expands further and covers the different elements of the provision, looking into: ‘armed conflict’, ‘qualification of a person as a ‘civilian’, ‘indiscriminate violence’, ‘serious and individual threat’ (where further individualisation elements are discussed), ‘qualification of the harm as ‘threat to life or person’, and the interpretation of the nexus ‘by reasons of’. The sub-section on ‘indiscriminate violence’ includes an [assessment of the situation in each region](#) in Somalia.



3.1 Article 15(a) QD

Last updated: June 2022

As noted in the chapter [Refugee status](#), some profiles of applicants from Somalia may be at risk of death penalty or execution (e.g. [2.6 Individuals \(perceived as\) contravening social or religious laws/tenets](#), [2.10 LGBTIQ persons](#), [2.2.3 Deserters from Al-Shabaab](#), and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground, (e.g. some cases of [2.8 Individuals accused of crimes in Somalia](#)) the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.



Under [Article 15\(a\) QD](#), serious harm consists of the death penalty or execution.

- The **death penalty** is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD. The sentence does not need to have already been imposed. A real risk that on return a death penalty may be imposed on an applicant could be considered sufficient to substantiate the need of subsidiary protection.
- As the addition of the term '**execution**' suggests, Article 15(a) QD also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, but an element of intentional and formalised punishment needs to be present.

The FGS has not abolished the death penalty, nor has it declared a moratorium on executions. The FGS and other actors within the jurisdiction of Somalia, continue to impose and carry out death sentences for crimes other than the intentional killing of a person, including crimes committed while under the age of 18. Death penalty can be imposed for crimes such as treason and espionage, and crimes that endanger public safety. Within this context, military courts often pronounce death sentences to civilians and carry out executions at a higher rate than civilian courts.

Death penalty may also be imposed by Islamic courts for the commission of *hadd* crimes as mandated by *Sharia* in relation to crimes that are 'against the rights of God': for example, illicit sexual relations (*zina*), including homosexual relationships. However, traditionally the application of *hadd* by Islamic courts has been severely limited by the strict requirements for evidence. For more information, see profile [2.6 Individuals \(perceived as\) contravening social or religious laws/tenets](#).

Al-Shabaab courts also implement *Sharia* law in a strict and violent way and may impose severe punishments for the abovementioned *hadd* crimes, including for adopting un-Islamic behaviour and for 'spying' for the government or other foreign powers. These punishments refer to instances of executions, including public executions by stoning, lashing and shooting. For more information, see sub-profile [2.6.1 Individuals \(perceived as\) contravening Islamic laws in Al-Shabaab controlled areas](#).

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under [Article 15\(a\) QD](#) shall be granted, unless the applicant is to be excluded in accordance with Article 17 QD.





In some cases the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds ([Article 17 QD](#)). Therefore, although the criteria of [Article 15\(a\) QD](#) would be met, exclusion considerations should be examined (see the chapter [Exclusion](#)).

3.2 Article 15(b) QD

Last updated: June 2022

As noted in the chapter on [Refugee status](#), some profiles of applicants from Somalia may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a Convention ground, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.



Under [Article 15\(b\) QD](#), serious harm consists of **torture or inhuman or degrading treatment or punishment of an applicant in the country of origin**.

[Article 15\(b\) QD](#) corresponds in general to [Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify under [Article 15\(b\) QD](#).

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- ▶ According to relevant international instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), **torture** is understood as:
 - ✓ an intentional act
 - ✓ that inflicts severe pain or suffering, whether physical or mental
 - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- ▶ **‘Inhuman’**: refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).
- ▶ **‘Degrading’**: refers to treatment or punishment which arouses in the victims feelings of fear, anguish and inferiority capable of humiliating or debasing them.



The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Arbitrary arrests, illegal detention and prison conditions:** special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. It can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under [Article 15\(b\) QD](#) can occur. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Urban prisons in Somalia, especially following large security incidents, are at times overcrowded, with authorities often not separating pre-trial detainees from convicted prisoners, especially in the southern and central regions. In these areas, including areas under the control of Al-Shabaab, prison conditions are believed to be harsh and at times life-threatening due to poor sanitation and hygiene, inadequate food and water, and lack of medical care. Disease outbreaks and long pre-trial detention period have been reported. Reportedly, Garowe Prison in Puntland and Hargeisa Prison in Somaliland met international standards and were well-managed. [\[Actors, 2.4.5, 4.4\]](#).

Taking into account the above, some cases may qualify under [Article 15\(b\) QD](#).

- **Corporal punishment:** corporal punishments for the so called *hadd* crimes in case of theft, banditry, unlawful sexual intercourse, alcohol consumption and drug abuse (punished with lashing), as well as drug dealing (punished with lashing) and espionage (punished with shooting) may be imposed by *Sharia* or Al-Shabaab courts [\[Actors, 2.3.3, 4.4\]](#).

Where there is no nexus to a reason for persecution, being subjected to such punishments may qualify under [Article 15\(b\) QD](#).

- **Criminal violence:** criminality is pervasive in Somalia [\[Security 2021, 1.2\]](#). Reported crimes include killings, sexual violence, abductions, banditry, thefts, robberies, money extortion, piracy, (child) trafficking, human and/or arms smuggling [\[Security 2021, 2.6.2.2, 7.6.2, 7.7.2\]](#).

Where there is no nexus to a reason for persecution, being subjected to such criminal acts may qualify under [Article 15\(b\) QD](#).

- **Healthcare unavailability:** It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In itself, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) is not considered to fall within the scope of inhuman or

degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct of an actor, for example, the intentional deprivation of the applicant of appropriate health care.¹⁴

- **Socio-economic conditions:** people in Somalia face continuous socio-economic challenges due to high poverty and highly precarious conditions regarding employment, housing, food and water supplies. Besides violent conflicts, climatic shocks, among which droughts and floods, lead to displacements and contribute to vulnerabilities [[Socio-economic 2021](#), 1.2]. Furthermore, (repeated) evictions from government buildings and by private landlords in Somalia represent a constant risk for vulnerable communities, among which IDPs living in collective settlements and other urban poor individuals in densely populated areas [[Security 2021](#), 1.4.3]. Forced evictions by private actors were mostly executed in order to have clear land that they can develop. At times also political and military elites conducted land grabs and issued forced evictions. [[Socio-economic 2021](#), 1.3.2.4]

Additionally, it has been reported that Al-Shabaab continued to hinder commercial activities in the areas it controlled and disrupted the delivery of humanitarian aid, thus affecting health, nutrition, water, sanitation, and hygiene programming [[Security 2021](#), 2.1.1.3].

As stated above, serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, general poor socio-economic conditions are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct of an actor. However, when these socio-economic conditions are the result of an intentional conduct of an actor (e.g. in case of disruptions of humanitarian aid by Al-Shabaab, forced evictions), these conditions may qualify under [Article 15\(b\) QD](#), following an individual assessment.

Other cases for which a real risk of serious harm under [Article 15\(b\) QD](#) may exist are, inter alia, some situations under the profile [2.7 Individuals involved in blood feuds/clan disputes](#), where a nexus to a reason for persecution has not been established.



In some cases, those at risk of torture or inhuman or degrading treatment or punishment (for example, because of prisons conditions) may also have committed or contributed to excludable acts as defined in [Article 17 QD](#).

Therefore, although the criteria of [Article 15\(b\) QD](#) would be met, exclusion considerations should be examined (see the chapter on [Exclusion](#)).

¹⁴CJEU, *M'Bodj*, paras.35-36, CJEU, *MP v Secretary of State for the Home Department*, case C-353/16, judgment of 24 April 2018, paras.57, 59.

3.3 Article 15(c) QD

This section focuses on the application of the provision of [Article 15\(c\) QD](#). Under [Article 2\(f\) QD](#) in conjunction with [Article 15\(c\) QD](#), subsidiary protection is granted where substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm defined as **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

Each element of the provision is addressed in a separate subsection.



The contents of this chapter include:

[Preliminary remarks](#)

[3.3.1 Armed conflict \(international or internal\)](#)

[3.3.2 Qualification of a person as a 'civilian'](#)

[3.3.3 Indiscriminate violence](#)

[Jubbaland](#)

[Gedo](#)

[Middle Juba](#)

[Lower Juba](#)

[South-West](#)

[Bakool](#)

[Bay](#)

[Lower Shabelle](#)

[Benadir/Mogadishu](#)

[Hirshabelle](#)

[Hiraan](#)

[Middle Shabelle](#)

[Galmudug](#)

[Galgaduud](#)

[Mudug](#)

[Puntland](#)

[Nugal](#)

[Bari](#)

[Regions contested between Somaliland and Puntland](#)

[Sool](#)

[Sanaag](#)

[Somaliland](#)

[Awdal](#)

[Wogoyi Galbeed](#)

[Togdheer](#)

[3.3.4 Serious and individual threat](#)

[3.3.5 Qualification of the harm as a 'threat to \(a civilian's\) life or person'](#)

[3.3.6 Nexus/'by reason of'](#)



Preliminary remarks

Last updated: June 2022

Reference period

The following assessment is based on the EUAA COI report on the security situation in Somalia (September 2021) [[Security 2021](#)]. The general reference period for this chapter is **1 January 2020 – 30 June 2021**.



This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation of a given territory should always be assessed in light of the most up-to-date available COI.

Legal framework

[Article 15\(c\) QD](#) defines the third type of harm that constitutes a ground for qualification for subsidiary protection. It covers a more general risk of harm and the protection needs which may arise from armed conflict situations.



Under Article 15(c) QD, serious harm consists of **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.



In addition to the applicable EU legal instruments, this analysis builds on the most relevant European case law. Three judgments of the CJEU¹⁵ and one judgment of the ECtHR have been taken into account in particular:

The judgment is of particular importance for the interpretation of relevant concepts, and in particular of 'internal armed conflict'.

CJEU, *Diakité* judgment¹⁶ The judgment is of particular importance for the interpretation of relevant concepts, and in particular of 'internal armed conflict'.

¹⁵ It can be noted that a relevant case is currently pending at the CJEU: [Case C-579/20](#) (Request for a preliminary ruling from Staatssecretaris van Justitie en Veiligheid, the Netherlands) concerns the application of Article 15(c) QD when the level of 'mere presence' is not reached and the application of a 'sliding scale'.

¹⁶ CJEU, *Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014 (*Diakité*).



CJEU, *Elgafaji* judgment¹⁷

The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the ‘sliding scale’. In this judgment, the CJEU further discusses the ‘serious harm’ under the provision of [Article 15\(c\) QD](#) in comparison to the other grounds for granting subsidiary protection and considers the relation between [Article 15\(c\) QD](#) and the ECHR, in particular [Article 3 ECHR](#).

CJEU, *CF and DN* judgment¹⁸

The judgment is of particular importance for the interpretation of the concept of ‘serious and individual threat to a civilian’s life or person’ in the context of an international or internal armed conflict under [Article 15\(c\) QD](#). The CJEU found that ‘Article 15(c) of Directive 2011/95 must be interpreted as meaning that, in order to determine whether there is a ‘serious and individual threat’, within the meaning of that provision, a comprehensive appraisal of all the circumstances of the individual case, in particular those which characterise the situation of the applicant’s country of origin, is required.’

Furthermore, that ‘the elements to be taken into account in assessing whether there is a real risk of serious harm, within the meaning of Article 15(c) of Directive 2011/95 may also include the intensity of the armed confrontations, the level of organisation of the armed forces involved, and the duration of the conflict [...], as well as other elements such as the geographical scope of the situation of indiscriminate violence, the actual destination of the applicant in the event that he or she is returned to the relevant country or region and potentially intentional attacks against civilians carried out by the parties to the conflict.’

ECtHR, *Sufi and Elmi* judgment¹⁹

It should be noted that ECtHR jurisprudence on [Article 3 ECHR](#) is not of direct applicability when discussing the scope and elements of [Article 15\(c\) QD](#). However, the elements outlined in *Sufi an Elmi* with regard to the assessment of the security situation in a country, and the degree of generalised violence, were consulted in order to design the [indicators of indiscriminate violence](#) for the purposes of this common analysis.

The elements to examine under [Article 15\(c\) QD](#) are the following.

¹⁷ CJEU, *Elgafaji v Staatssecretaris van Justitie*, C-465/07, Grand Chamber, judgment of 17 February 2009 (*Elgafaji*).

¹⁸ CJEU, *CF and DN v Bundesrepublik Deutschland*, C-901/19, Third Chamber, judgment of 10 June 2021 (*CF and DN*).

¹⁹ ECtHR, *Sufi and Elmi v United Kingdom*, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (*Sufi and Elmi*).

Figure 11. Elements of the legal provision of Article 15(c) QD.

All of these elements have to be fulfilled in order to grant subsidiary protection under [Article 15\(c\) QD](#).

Common analysis of the factual preconditions and guidance on the possible application of [Article 15\(c\) QD](#) with regard to the situation in Somalia is provided below.

3.3.1 Armed conflict (international or internal)

Last updated: June 2022

A definition of an international or an internal armed conflict within the meaning of [Article 15\(c\) QD](#) is not provided by the Qualification Directive itself. In *Diakité*, the CJEU interprets the concept of 'internal armed conflict' under [Article 15\(c\) QD](#) and concludes that it must be given an interpretation, which is autonomous from international humanitarian law.



[...] internal armed conflict exists, for the purposes of applying that provision, if a State's armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as 'armed conflict not of an international character' under international humanitarian law;

CJEU, *Diakité*, para.35

The CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,



[...] nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict

CJEU, *Diakité*, para.35

Furthermore, in the context of [Article 15\(c\) QD](#), differentiation between ‘international’ or ‘internal’ armed conflict is not necessary, as the provision is equally applicable in situations of international and internal armed conflict. It should also be noted that an armed conflict can be taking place only in parts of the territory.

Several conflicts/rivalries take place in the territory of Somalia:

- **Al-Shabaab – anti Al-Shabaab armed conflict:** according to RULAC, a non-international armed conflict with Al-Shabaab is taking place in Somalia, while the group controls parts of rural central, southern, and western Somalia, and permeates the Somali society beyond it. The FGS, the FMS, some clans, as well as other international actors, such as Ethiopia, Kenya, the US, and AMISOM, are all engaged, although in various degrees and forms, in the long-standing conflict against Al-Shabaab.
- **The inter and intra-clan rivalries:** clan rivalries and competitions over political power, territorial control and scarce resources have resulted in clashes. Within this context, clans often compete against each other, as well as against other actors such as the FGS or the FMS. The existence of clan militias has been reported throughout Somalia, including Puntland and Somaliland. In some cases, clan rivalries have escalated to armed confrontations, therefore taking the form of an armed conflict in the meaning of [Article 15\(c\) QD](#).
- **Anti-ISS armed conflict:** various armed forces, including AFRICOM, the Federal Security Forces, and the Puntland armed forces are engaged in various degrees in an armed conflict against ISS. While ISS is mainly active in Puntland, it carries out attacks also in Mogadishu and elsewhere. Furthermore, Al-Shabaab and ISS also fight against each other, causing rival clashes and assassinations between the groups.
- **Puntland versus Somaliland:** Puntland and Somaliland contend over control of areas of the Sool and Sanaag regions - that border the two state administrations - as well as the area of Ayn, part of Togdheer region. In this context, clashes were reported in the beginning of 2020.
- **Other rivalries:** other types of confrontations which do not necessarily develop into armed confrontations are taking place in Somalia. These include: the FGS versus the FMS, the intra-FMS control and governance dynamics, the FGS versus Somaliland. In some occasions, armed confrontations have been reported e.g. forces loyal to Jubbaland President Ahmed Madobe have clashed with SNA forces inserted into Gedo region by FGS President Mohamed Abdullahi Farmaajo.

[[Security 2021](#), 1.3]

Further assessment with regard to the possible real risk for a civilian to be personally affected by reason of indiscriminate violence in situations of international or internal armed conflict within the meaning of [Article 15\(c\) QD](#) is provided at region level within the section [Assessment by region](#).

3.3.2 Qualification of a person as a ‘civilian’

Last updated: June 2022

Being a civilian is a prerequisite in order to being able to benefit from protection under [Article 15\(c\) QD](#). The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of [Article 15\(c\) QD](#) to former combatants who have genuinely and permanently renounced armed activity.

The Qualification Directive itself does not provide a definition of the term ‘civilian’. In light of the interpretative guidance given by CJEU in *Diakité*, the term should be read by reference to its usual meaning in everyday language, whilst taking into account the context in which it occurs and the purposes of the rules of which it is a part. Therefore, the term ‘civilian’ could be considered to refer to a person who is not a member of any of the parties in the conflict and is not taking part in the hostilities, including those who are no longer taking part in hostilities.

In the context of Somalia, applications by persons falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found to not qualify as civilians under [Article 15\(c\) QD](#). For example:

- Members of the FGS security forces, including the SNA, special forces, NISA and SPF
- Members of the FMS armed forces
- Members of the Somaliland armed forces
- Al-Shabaab members
- Members of clan militias
- ISS members

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her. For example, the assessment should take into account whether the person had voluntarily taken part in the armed conflict; those who willingly joined the armed groups are unlikely to be considered civilians.

In case of doubt regarding the civilian status of a person, a protection-oriented approach should be taken, which is also in line with international humanitarian law, and the person should be considered a civilian.



Exclusion considerations may also apply (see chapter [Exclusion](#)).



3.3.3 Indiscriminate violence

Last updated: June 2022

‘Indiscriminate violence’ refers to the source of the specific type of serious harm defined in [Article 15\(c\) QD](#). The CJEU in *Elgafaji* notes that the term ‘indiscriminate’ implies that the violence



[...] may extend to people irrespective of their personal circumstances.

CJEU, *Elgafaji*, para.34

Some acts of violence may be indiscriminate by their nature, for example: (suicide) bombings, attacks and armed confrontations in areas that are inhabited or frequented by civilians (e.g. restaurants, hotels, public roads, healthcare facilities).



In armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according to the refugee definition.

Therefore, refugee status may be granted as noted in the section above, (for more see Chapter [Refugee Status](#)). Such targeted violence, furthermore, would not be considered ‘indiscriminate’.

Based on *Elgafaji*, in situations where indiscriminate violence is taking place, the following differentiation can be made with regard to its level.

Figure 12. Levels of indiscriminate violence on the basis of CJEU, *Elgafaji*, para. 43.

I. Territories where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

In this category, ‘mere presence’ would exceptionally be considered sufficient and no further individual elements would need to be substantiated.

II. Territories where indiscriminate violence takes place, however it does not reach such a high level, and with regard to which **additional individual elements would have to be substantiated**.

Within this category, the level of indiscriminate violence may vary from territories where it is of such a low level that in general there would be no real risk for a civilian to be personally affected, to territories where the degree of indiscriminate violence is high and a lower level of individual elements would be required to establish a real risk of serious harm under Article 15(c) QD.



With regard to the second category (text box on the right), *Elgafaji* provides guidance on how the serious and individual threat has to be assessed, an approach commonly referred to as the ‘sliding scale’.



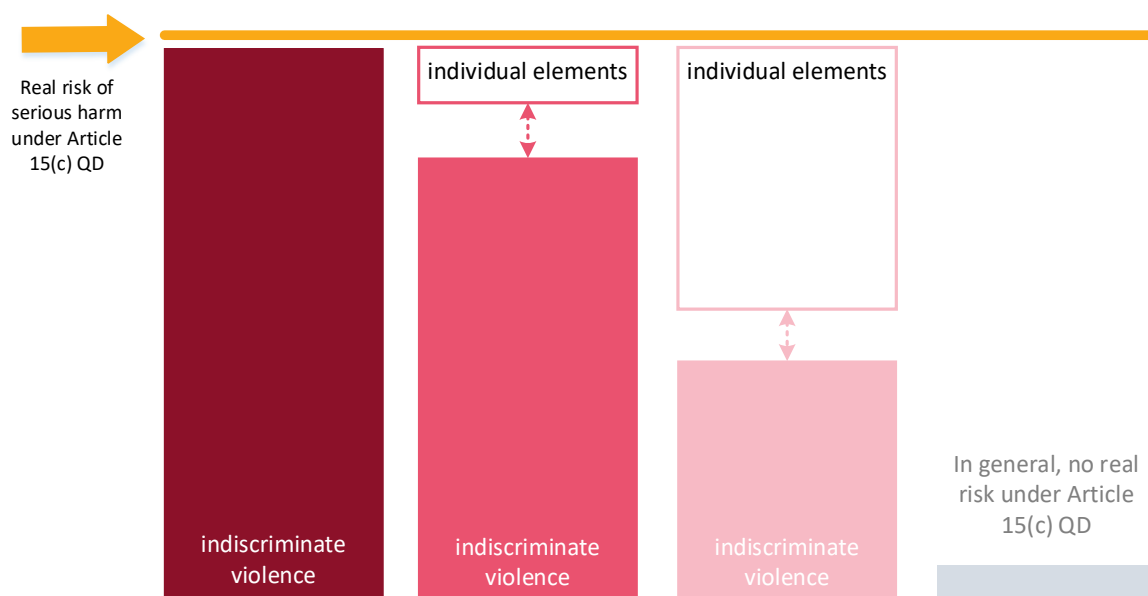
[...] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

CJEU, *Elgafaji*, para.39

Risk-impacting elements related to the personal circumstances of the applicant should, therefore, be taken into account. See the subsection on [Serious and individual threat](#).

The graph below illustrates the further differentiated standard scale applied with regard to the different levels of indiscriminate violence and the respective degree of individual elements required in order to find that a real risk of serious harm under [Article 15\(c\) QD](#) is substantiated for the applicant:

Figure 13. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.



Depending on the level of indiscriminate violence taking place, the territories in a country can be categorised as follows.

I. Territories where ‘mere presence’ would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

II. Territories where real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to his or her personal circumstances following a ‘sliding scale’ approach.

Territories where ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, however, indiscriminate violence reaches a **high level**, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

Lastly, there are territories with regard to which [Article 15\(c\) QD](#) would in general not be applicable, either because the criteria for an armed conflict within the meaning of this provision are not met or because no indiscriminate violence is taking place or because the level of indiscriminate violence is so low, that in general there would be no real risk for a civilian to be affected by it.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of [Article 15\(c\) QD](#).

Indicators of indiscriminate violence

Last updated: June 2022

The common analysis regarding the degree of indiscriminate violence taking place in the different regions of Somalia combines quantitative and qualitative elements in a holistic and inclusive assessment.

The indicators applied are formulated in reference to the ECtHR judgment in *Sufi and Elmi*:



[...] first, whether the parties to the conflict were either employing methods and tactics of warfare which increased the risk of civilian casualties or directly targeting civilians; secondly, whether the use of such methods and/or tactics was widespread among the parties to the conflict; thirdly, whether the fighting was localised or widespread; and finally, the number of civilians killed, injured and displaced as a result of the fighting.

ECtHR, *Sufi and Elmi*, para.241

These indicators are further developed and adapted in order to be applied as a general approach to assessing the element of ‘indiscriminate violence’, irrespective of the country of origin in question.

The security situation in the respective states is assessed by taking into account the following elements.

○ Presence of actors in the conflict

This indicator looks into the presence of actors in the conflict in a region, including the presence of state and non-state armed groups. Furthermore, information regarding the territorial control of the region, to the degree possible, is included in the respective COI summaries.

○ Nature of methods and tactics

The methods and tactics used in the armed conflicts ongoing in Somalia differ according to the actors involved. All actors are reported to engage in activities which may (indiscriminately) affect civilians. However, some acts are by their nature more indiscriminate than others and create a more substantial risk for civilians.

The actions by the Somali security forces tend to be of a more targeted nature; however, they may also (indiscriminately) affect civilians, such as in the case of battles.

Al-Shabaab is particularly known to use methods which are of indiscriminate nature, such as improvised explosive devices (IED, S/VBIED), which continues to be its most used type of attack/weapon. Person-borne improvised explosive devices or suicide vests remain a concern. Target locations include public places, such as public roads, hotels and restaurants. It has also engaged in armed clashes or hit-and-run attacks with federal and state forces as well as with international actors and armed clan militias. Large-scale complex attacks, mortar attacks and targeted assassinations have also been reported. [[Actors](#), 4.2.3]

ISS has also adopted methods which are of indiscriminate nature, like IED attacks [[Actors](#), 6.3].

Clan militias have been mostly involved in clashes. Security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia. [[Actors](#), 3.4.2; [Security 2021](#), 2.1.1.3, 2.1.3.3]

AFRICOM has also conducted airstrikes in Somalia causing both militant and civilian fatalities [[Security 2021](#), 1.4.1].

For more information on the nature of methods and tactics used by the actors involved in armed conflicts, see also [Actors of persecution or serious harm](#).

○ Frequency of incidents

The frequency of incidents is a useful indicator to assist in the assessment of the risk of indiscriminate violence. Based on available COI, derived from the Armed Conflict Location and Event Data Project (ACLED) database, this indicator looks in particular at incidents reported as 'battles', 'violence against civilians', and 'explosions/remote violence', which are found to be of relevance in terms of their potential to indiscriminately affect civilians.

ACLED codes security incidents as follows:

- **Battles:** violent clashes between at least two armed groups. Battles can occur between armed and organised state, non-state, and external groups, and in any combination therein. Sub-events of battles are armed clashes, government regains territory and non-state actor overtakes territory.



- **Violence against civilians:** violent events where an organised armed group deliberately inflicts violence upon unarmed non-combatants. It includes violent attacks on unarmed civilians such as sexual violence, attacks, abduction/forced disappearance.
- **Explosions/remote violence:** events where an explosion, bomb or other explosive device was used to engage in conflict.

ACLED recorded 3 663 such incidents in Somalia, and provided for the following breakdown: 2 212 battles, 812 explosions/remote violence and 639 instances of violence against civilians [Security 2021, 1.4.1]. However, it should be highlighted that ACLED data with regard to incidents should be regarded as merely estimates and indications of trends in violence, due to limitations in the reporting of incidents. See clarifications in [Security 2021](#), Methodology.

In order to provide an indication of the relative intensity of incidents, the number of security incidents is furthermore presented as a weekly average for the reference period (1 January 2020– 30 June 2021).

○ Geographical scope

This element looks into how widespread the violence within each region is, highlighting the areas (districts) which are particularly affected by indiscriminate violence and/or the areas (districts) which are relatively less affected, where relevant information is available.

Where the conflict severity varies within an area, the place of origin of the applicant would constitute an important element to consider in the assessment. The higher the level of indiscriminate violence in the respective place, the less additional individual elements would be required in order to apply [Article 15\(c\) QD](#).

The individual assessment should also take into account the accessibility of a certain territory.

○ Civilian casualties

The number of civilian casualties is considered a key indicator when assessing the level of indiscriminate violence and the associated risk for civilians in the context of [Article 15\(c\) QD](#).²⁰

As no comprehensive data with regard to civilian deaths and injuries at the level of the regions in Somalia has been identified, this analysis refers to ACLED records regarding the overall number of fatalities. The data used for this indicator reflects the number of fatalities in relation to reported ‘battles’, ‘violence against civilians’ and ‘explosions/remote violence’, as defined above with reference to the ACLED Codebook. Importantly, it does not differentiate between civilians and combatants and does not additionally capture the number of those injured in relation to such incidents. While this does not directly meet the information needs under the indicator ‘civilian casualties’, it can nevertheless be seen as a relevant indication of the level of confrontations and degree of violence taking place.

It should further be mentioned that ACLED data are regarded as merely estimates, due to limitations in the reporting of incidents, and especially with regard to the number of fatalities. For incidents which, according to the original source, had led to an unknown number of

²⁰ See also CJEU, *CF and DN v Bundesrepublik Deutschland*, paras. 31-33.



fatalities, ACLED codes the number of fatalities as 10 in 'a significant attack in an active warzone' or 'a significant attack outside of a warzone', and as 3 in 'an attack of more limited scope, in an active warzone' or 'an attack outside of a warzone'. See clarifications in [Security 2021](#), Methodology.

ACLED recorded 4 820 estimated fatalities in Somalia in the reference period [[Security 2021](#), 1.4.1]. The data on fatalities per region is provided for the period 1 January 2020 – 30 June 2021. The reported number of fatalities is further weighted by the population of the state, as estimated in 2014, and presented as 'number of fatalities per 100 000 inhabitants', rounded to the nearest whole number. In cases where the number of fatalities per 100 000 inhabitants is less than one, this is specifically indicated.

○ Displacement

This element refers to conflict-induced (internal) displacement from the region in question.

For the number of newly internally displaced persons (IDPs), the COI summaries reflect data from UNHCR - Protection and Return Monitoring Network (PRMN), covering the period between January 2020 – May 2021.

As of 1 January 2021, the number of IDPs in Somalia was estimated at more than 2.9 million. Based on PRMN, between January 2020 and May 2021, there were in Somalia a total of 1 786 000 newly displaced persons: 1 336 000 in 2020, and 450 000 in 2021. About 32% of these, or 572 000 people, were displaced due to conflict/insecurity reasons. [[Security 2021](#), 1.4.3]

It should further be highlighted that, in the Somali context, someone is considered an IDP when he or she settles on land particularly designated for displaced people. Therefore, people who join relatives or live in rented accommodations are not represented in the IDP numbers. [[Socio-economic 2021](#), 1.2.3]

In addition to the indicators above, where available, some examples of further impact of the armed conflicts on the life of civilians (e.g. existence of checkpoints, infrastructure damage, obstacles to humanitarian aid and other disruptions to civilian life) are mentioned and taken into account in the assessment.



None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach has been applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. Concerns with regard to underreporting, especially pertinent to the quantitative indicators above, should be taken into account.

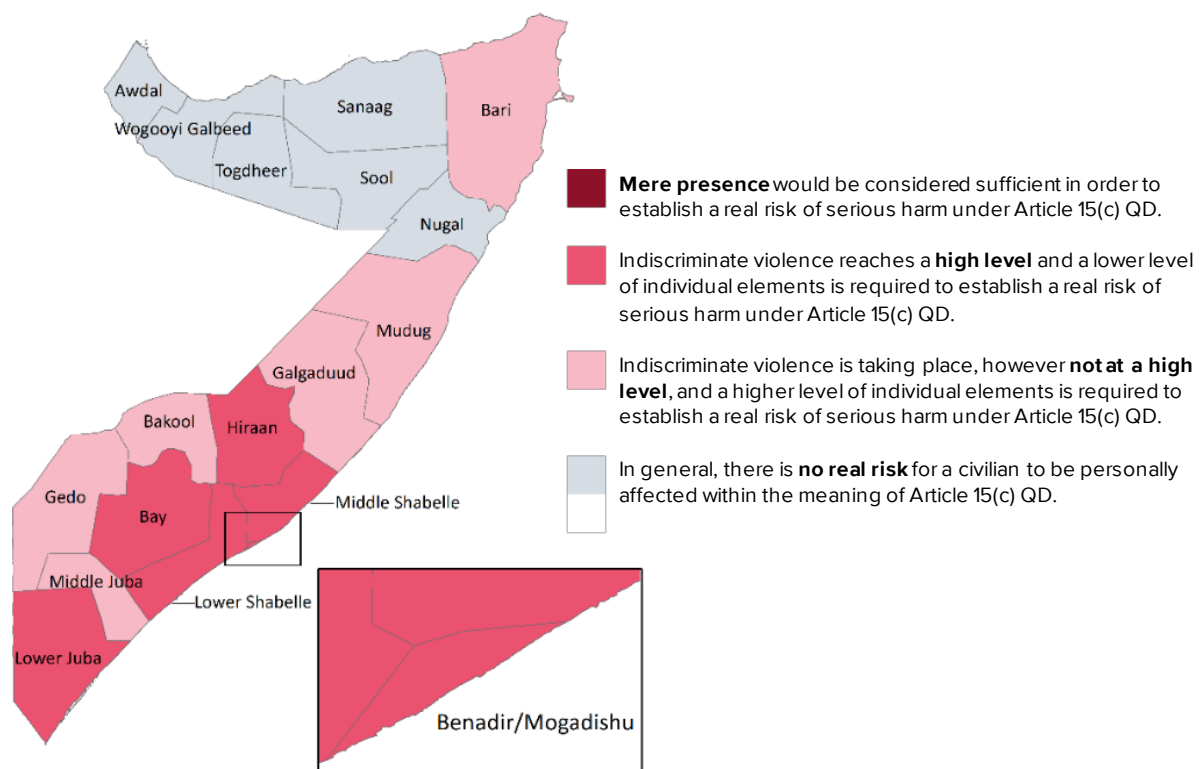


Assessment by region

Last updated: June 2022

The next sections provide detailed information and assessment with regard to the criterion of indiscriminate violence in a situation of armed conflict and the risk it represents for civilians in Somalia. The map below summarises and illustrates the assessment of indiscriminate violence per region.

Figure 14. Assessment of indiscriminate violence in Somalia (based on information up to 30 June 2021).



Jubbaland

Gedo

Last updated: June 2022

[Main COI reference: [Security 2021](#), 2.1.1, [Actors](#), 7.1]

The situation in Gedo should be seen in light of the situation in the neighbouring regions of Bakool, Bay, Middle Juba and Lower Juba.

General information about the region and possible points of strategic interest

Gedo is located in the south-west corner of the country. It is the second-largest region by territorial size in Somalia and it consists of six districts. The region's capital is Garbahaarey.

The clan composition of Gedo is diverse. The largest and most politically and militarily powerful clan is the Marehan (Darood), who constitute about half or more of the total population. The Rahanweyn (or Digil-Mirifle) clan also predominates in some areas. Hawiye clans are also present in the area.

In 2014, UNFPA and Somali authorities estimated the population of Gedo region at 508 405 inhabitants.

Background and actors involved in the conflict

The underdevelopment of the Gedo region contributes to endemic communal conflicts over resources and to clan clashes over control of valued trade towns.

The Marehan exercise hegemonic control over Gedo region and this fuels endemic clashes between the Garre and Marehan, as well as chronic tensions between the Marehan and Rahanweyn clans. Also, Marehan sub-clans (indigenous versus relocated Marehan) frequently clash among them over power, eldership, and resources. The Marehan are also divided by allegiance to or opposition to Al-Shabaab, which has a strong presence in Gedo and which recruits heavily from the Marehan.

The main actors in the area can be grouped as follows: (1) the FGS troops, (2) militia forces associated with Jubbaland regional state, and finally (3) Al-Shabaab armed forces. Clan and subclan militias frequently move between these forces, forging tactical and temporary alliances. AMISOM as well as Kenyan and Ethiopian troops, although present, are less active except for periodic (usually retaliatory) attacks on Al-Shabaab bases.

Al-Shabaab controls most of the rural areas in Gedo, while major towns are like islands under the control of the state and/or other forces (federal, foreign, AMISOM). Al-Shabaab also maintains an active network of informants and operatives in Gedo region towns. Gedo represents for Al-Shabaab a somewhat strategic area being at the border with foreign countries, Kenya and Ethiopia. Al-Shabaab was responsible for 58% of the reported security incidents between January 2020 and June 2021.

The rivalry between the FGS and Jubbaland state has been played out in Gedo region, where forces loyal to Jubbaland President Ahmed Madobe have clashed with SNA forces inserted into Gedo region by FGS President Mohamed Abdullahi Farmaajo.

Nature of violence

Armed clashes accounted for the majority of security incidents attributed to Al-Shabaab, followed by the use of remote-controlled explosives, landmines or IEDs and attacks against civilians. For example, in August 2020 Al-Shabaab reportedly conducted an IED attack on a teashop in Beled Xaawo where SNA members and civilians were present, killing eight people. Al-Shabaab has also reportedly conducted executions of three district officials following the relocation of SNA forces in one incident as well as individuals accused of spying or sorcery in another.

Airstrikes targeting Al-Shabaab fighters were also reported. Two of them were conducted by the US armed forces with no fatalities and one or more were conducted by unidentified forces. 10 or 11 Al-Shabaab members were killed in an unidentified airstrike.



Clashes were also reported between the SNA and Jubbaland forces. As a result, combatants and civilians were killed and displacement was significantly increased. Indicatively, in late January 2021 fighting in Beled Xaawo left 21 people dead, most of them children, and resulted in further displacement.

Several protests were also reported against the presence of (non-AMISOM) Kenyan forces, over accusations that they attacked locals and abducted three individuals, killing one of them.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 151 security incidents (an average of 1.9 security incidents per week) in Gedo region between 1 January 2020 and June 2021. Out of those incidents, 76 were coded as battles, 45 as explosions/remote and 30 as violence against civilians.

Geographical scope

During the reference period, security incidents occurred in all districts of Gedo with the largest overall number being recorded in Beled Xaawo and Bardheere (33 incidents each), followed by Garbaharrey (31 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 146 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents 29 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 105 000 new displacements from Gedo. Most displacements occurred within Gedo, with a minority of around 3 000 people displaced to neighbouring Middle Juba. In this period, 44 000 cases of displacement were caused by conflict and insecurity.

Further impact of the armed conflict on the life of civilians

Commercial activities were hindered by Al-Shabaab and other actors in the areas they controlled, and the delivery of humanitarian aid was similarly disrupted. Restrictions of movement were imposed by Al-Shabaab in autumn 2020 for civilians and humanitarian workers in the towns of Beled Xaawo and Garbaharrey, hindering humanitarian aid. Gedo ranked second of all Somalia regions in incidents hindering humanitarian aid, with 28 incidents in 2020.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the region of **Gedo**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Middle Juba

Last updated: June 2022

[Main COI reference: [Security 2021](#), 2.1.2; [Actors](#), 7.1]



The situation in Middle Juba should be seen in light of the situation in, among others, Gedo and Lower Juba regions.

General information about the region and possible points of strategic interest

Middle Juba region is located in the southern part of Somalia. It has three districts and it is one of the poorest areas of Somalia. The region's capital is Bu'aale.

It has a very diverse population in terms of clan representation. The most populous ethnic group in the region is the Somali Bantu. The two politically and militarily strongest clans in Middle Jubba are the Aulihan (Darood) and the Mohamed Zubier/Ogaden (Darood) clans, both residing on the west bank. The east bank of the region is the most ethnically diverse and complex. Other clans and sub-clans in the region include the Digil-Mirifle or Rahanweyn, and several Hawiye sub clans.

In 2014, UNFPA and Somali authorities estimated the population of Middle Juba region at 362 921 inhabitants.

Background and actors involved in the conflict

Middle Juba is the sole Somali region that falls entirely and exclusively under Al-Shabaab's full control. Reportedly, there is no other activity or actors significantly relevant in the region. Inter-clan conflict has been effectively suppressed by Al-Shabaab. Al-Shabaab reportedly congregates the most powerful Al-Shabaab men in the regional town of Jilib, which works as a sort of capital. Al-Shabaab was reported to be accounting for approximately 27% of the total number of security incidents.

Nature of violence

The main source of security incidents in Middle Juba is counter-insurgency targeting Al-Shabaab.

Nearly all the incidents attributed to Al-Shabaab affected civilians with only one incident involving exclusively Al-Shabaab members. Executions by Al-Shabaab were reported following accusations of spying or assisting US forces in air strikes targeting Al-Shabaab militants and officials. For example, in early March 2021, the group reportedly executed five people accused of working for US intelligence in Jilib town and five other alleged spies (who were also accused of murder) in Bu'aale town.

The majority of the recorded security incidents were airstrikes or drone strikes operated by the US armed forces, with peaks in incident numbers reported in February (7 strikes) and May 2020 (5 to 12 strikes, according to different sources). The deadliest strike occurred in September 2020 in Jilib district, resulting in 17 deaths, followed by a strike in the same district in December 2020, resulting in 8 deaths. These strikes have reportedly also resulted in civilian casualties. For example, on 7 April 2020, two civilians were killed and one injured when an US airstrike targeted Al-Shabaab fighters in Jilib. Also, an AFRICOM airstrike on a house in Jilib, on 2 February 2020, killed a young woman and injured three of her family members.

Abductions of businessmen by Al-Shabaab for unknown reasons are also reported.



Incidents data

ACLED recorded 48 security incidents (an average of 0.6 security incidents per week) in Middle Juba between 1 January 2020 and June 2021. Out of those incidents, 7 were coded as battles, 29 as explosions/remote violence, and 12 as violence against civilians.

Geographical scope

During the reference period, security incidents occurred in all three districts, with the largest overall number being recorded in Jilib (29 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 145 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents 40 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 16 000 new displacements from Middle Juba. Most people displaced relocated within the same region, with only around 3 000 displaced to neighbouring regions like Lower Jubba and Gedo. Over 3 000 persons were displaced by conflict and insecurity, in this period. Meanwhile, PRMN recorded 35 000 arrivals of displaced persons in Middle Juba, more than half of whom were from neighbouring regions, especially Bay and Gedo.

Further impact of the armed conflict on the life of civilians

Conflict and insecurity continue to disrupt economic activities of rural populations in Middle Juba. Humanitarian organisations face impediments preventing them from reaching populations in need in Middle Juba, including concerns about the safety of humanitarian workers.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the region of **Middle Juba**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Lower Juba

Last updated: June 2022

[Main COI reference: [Security 2021](#), 2.1.3; [Actors](#), 7.1]

The situation in Lower Juba should be seen in light of the situation in the neighbouring regions of Gedo and Middle Juba.

General information about the region and possible points of strategic interest

Lower Jubba region is the southern-most region of Somalia and has four districts. The region's capital is Kismayo.

Demographically, the population of Lower Juba is divided into five sections. In the first section, the Somali Bantu (also known as Jareer) are the main population; the second zone is occupied by the Tunni (Digil-Mirifle); in the third zone there are different Darood clans; the

fourth section is inhabited by the Somali Bajuni; and the fifth zone is the Kismayo town where the population makeup is complex with Ogaden clan (Darood) dominating politically, economically, and militarily the city.

In 2014, UNFPA and Somali authorities estimated the population of Lower Juba region at 489 307 inhabitants.

Background and actors involved in the conflict

Lower Juba is one of the best endowed regions of Somalia in comparison to other regions. The region's resources have generated competition and conflict.

The most important actors in the Lower Jubba are the Jubbaland state government, Al-Shabaab, and clan leaders and militias. Jubbaland state has had strong control over Kismayo town and its immediate vicinity, including the international airport. Several other towns in Lower Jubba, such as Afmadow and Doble, are also under Jubbaland state control. However, the effectiveness of Jubbaland security forces is limited and dependent on the support of the Kenyan-staffed AMISOM forces based in and around Kismayo, as well as on the support from US counter-insurgency personnel.

Most clans in the Lower Jubba maintain an ability to muster a clan militia. The Mohamed Zubeir clan (Ogaden) has the advantage of being the principal clan populating all Jubbaland state security actors. These security actors are considered to be Jubbaland President Madobe's (private) militia.

The main conflict dynamics affecting this region are the confrontations between Al-Shabaab and anti-Al-Shabaab. Al-Shabaab either controls or influences over most of the hinterland in Lower Jubba. It launches periodic attacks on the Kismayo periphery, and occasionally succeeds in IED or bombing attacks inside Kismayo while its attacks are more effective in the countryside. Al-Shabaab was reportedly the actor of the majority of the security incidents in the region, accounting for 65% of them.

(Intra) Clan rivalries also exist in the region.

Nature of violence

The majority of incidents attributed to Al-Shabaab were armed clashes, followed by the use of remote-control explosives as well as by abductions, forced disappearances or attacks against civilians.

Indicatively, in December 2020, eight or nine civilians were killed, and two others injured when an Al-Shabaab IED exploded in Afmadow district. Earlier, on 11 September 2020, an Al-Shabaab suicide bomber killed between two and six civilians and injured several others in Kismayo district.

Twelve airstrikes by the US military have also been reported in the region resulting in 38 fatalities. Four of the airstrikes have reportedly resulted in civilian casualties. For example, in January 2020, an airstrike by suspected US or Kenyan forces killed three to four locals at a wedding in Afmadow.

In relation to clan conflicts, the Majerteen (Harti/Darood) and Awramale (Harti/Darood), clashed intermittently at the beginning of 2020 causing more than 50 fatalities. However, since April 2020 there has been a ceasefire agreement.



Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 401 security incidents (an average of 5.1 security incidents per week) in Lower Juba region between January 2020 to June 2021, with the region ranking third in terms of the number of security incidents. Out of those incidents, 281 were coded as battles, 80 as explosions/remote violence and 40 as violence against civilians.

Geographical scope

During the reference period, security incidents occurred in all 4 districts of Lower Juba, with the largest overall number being recorded in Kismayo (179 incidents) followed by Afmadow (120 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 498 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents 102 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 42 000 new displacements from Lower Juba, nearly all within the region. Conflict and insecurity were the reasons for displacement in 10 000 cases. Meanwhile, PRMN recorded 2 460 displacements newly arrived in Lower Juba, mainly from Middle Juba.

Further impact of the armed conflict on the life of civilians

Based on research conducted in North East Kismayo, decades of conflict have resulted in prolonged distress for households especially with regard to livelihoods and food security. Lower Juba is reportedly on emergency levels of severity of need. The estimate of children in need for Lower Juba had increased by 14.7% in 2020 compared to the previous year.

Humanitarian actors face difficulties in providing assistance due to the volatile security situation and aid workers have reportedly been harassed and abducted. For Lower Juba, 13 incidents of humanitarian workers being unable to access sites were reported in 2020.

Women in the region have reportedly been the most negatively affected by the dire situation created by years of conflict in the country.

Looking at the indicators, it can be concluded that ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the region of **Lower Juba**. However, indiscriminate violence reaches a **high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

South-West

Bakool

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.2.1; [Actors](#), 7.2]

The situation in Bakool should be seen in light of the situation in the neighbouring region of Bay.

General information about the region

Bakool region is located in the south-west of Somalia and consists of five districts. The region's capital is Hudur (also Xudur).

The region is largely inhabited by various Rahanweyn groups (Mirifle and Digil). The Jajele (Hawiye) and the Aulihan (Ogaden/Darood) clans also inhabit some areas of the region.

In 2014, UNFPA and Somali authorities estimated the population of Bakool region at 367 226 inhabitants.

Background and actors involved in armed confrontations

Al-Shabaab was actively engaged in the Bakool region where it predominantly controls the rural areas and was involved in 80% of the incidents in Bakool between 1 January 2020 and 30 June 2021.

The State and federal state forces are in control of the main towns, including the capital Hudur, which are like islands encircled by al-Shabaab's or contested territory. Hudur is also an AMISOM ENDF base.

In terms of clan rivalries, Hawiye and Rahanweyn/Mirifle clashed over pasture and wells. Mukhtar Robow's militia, which was still active in the Hudur district, is predominantly drawn from the Rahanweyn clan and its Laysan sub-clan (Robow's power base).

The main source of conflict in Bakool is the on-going armed confrontation between Al-Shabaab and anti-Al-Shabaab forces amongst which federal and states forces are politically and militarily aligned. SNA units, acting independently from Mogadishu, and other local armed units, have jointly fought against Al-Shabaab while engaging in a form of counterinsurgency and tactical warfare. This military resistance, which was terminated in the course of 2020, had been sparked by Al-Shabaab's attempt to control and prevent food supplies to reach the main towns of Bakool, such as the capital Hudur.

Nature of violence

The incidents related to Al-Shabaab involved either Somali military or police forces, Ethiopian forces or AMISOM and mostly were coded as battles or armed clashes. Al-Shabaab also carried out (attempted) assassinations and (suicide) attacks.

During the same reporting period, three aerial strikes by the US were recorded, killing three Al-Shabaab members.



South-West region, Bakool included, constitutes one of the three FMS (along with Benadir and Hirshabelle) where IEDs are regularly encountered [[Security 2021](#), 2.2.4].

Illustrative security incidents include, for example, an IED attack in June 2021 on the district commissioner of Hudur town that killed one of his bodyguards and injured several other people. On 5 March 2021, Al-Shabaab carried out a suicide attack near a police station in Waajid town, reportedly injuring four people.

In June 2020, clashes between Al-Shabaab and South-West state forces near Hudur town reportedly left at least 15 members of the regional troops dead, according to a pro-Al-Shabaab media outlet.

There have also been reports of unclaimed attacks on civilians. In late November 2020, unidentified gunmen killed a family of seven in a remote village in Waajid district. Earlier, in September 2020, a landmine explosion in Hudur district reportedly left six religious scholars dead and another two injured.

In June and July 2020, at least three clashes occurred in Hudur, Baidoa and Berdaale when a local clan militia attacked Al-Shabaab fighters, killing dozens of them, in response of Al-Shabaab's threat of evicting and expelling people in case of refusal by the community leaders and elders to provide children to the group. As a response, Al-Shabaab abducted 60 local community members and held them until a truce was negotiated a few days later. Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 118 security incidents (an average of 1.5 security incidents per week) in Bakool region between 1 January 2020 and 30 June 2021. Out of those incidents, 76 were coded as battles, 22 as explosions/remote violence and 20 as violence against civilians.

Geographical scope

Security incidents occurred in all 5 districts of Bakool with the largest overall number being recorded in Hudur (74 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 95 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 26 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 31 000 new displacements from Bakool. Most people displaced from their homes in Bakool relocated to other places within the same region, with only around 5 000 displaced to neighbouring Gedo, Bay and Hiraan. Conflict and insecurity were one of the main reasons for displacement in Bakool across both years, along with drought.

Further impact of the armed conflict(s) on the life of civilians

The insecurity, intimidation and blockades imposed by Al-Shabaab have worsened the humanitarian situation in Bakool, a region that has been affected by food insecurity for a long time. Insecurity has also restricted humanitarian access to populations in need. It has also



been reported that Al-Shabaab has de facto imposed a complete embargo on the main towns in Bakool.

In Hudur, a town militarily encircled by Al-Shabaab, most inhabitants could not afford more than one meal per day and only around 5% of the population had sufficient quantities of food to eat, with 'acute malnutrition' observed among children.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the region of **Bakool**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Bay

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.2.2; [Actors](#), 7.2]

The situation in Bay should be seen in light of the situation in the neighbouring region of Bakool.

General information about the region

Bay region is located at the south-west of Somalia and consists of four districts. The region's capital is Baidoa which also serves as the de facto capital of South-West state, though officially the capital is Baraawe in Lower Shabelle region. Baidoa is the largest city in the region.

Bay region is one of the few zones in Somalia where rainfall is adequate to sustain rainfed agriculture, and the region's economy is mainly based on subsistence farming and agro-pastoralism. The region has considerable strategic and commercial importance. The paved road from Mogadishu through Baidoa to Gedo region and the Kenya border is one of the most important commercial arteries in the country.

The region is mainly inhabited by Rahanweyn clans (Mirifle and Digil). Small pockets of Hawiye groups are also found in the region. Baidoa town is mainly inhabited by the Rahanweyn, of which the Mirifle are the main inhabitants. The city is informally divided into neighbourhood by sub-clans.

In 2014, UNFPA and Somali authorities estimated the population of Bay region at 792 182 inhabitants.

Background and actors involved in armed confrontations

Baidoa hosts a major AMISOM garrison and houses a large AMISOM contingent in the protected airport zone.

Al-Shabaab predominantly controls the rural areas. South-West state and federal state forces are in control of the main towns instead, such as Baidoa, Burhakaba, Dinsor, which are like islands encircled by Al-Shabaab's or contested territory. Reportedly Al-Shabaab also controls access to water, electricity, and education services in Baidoa, besides offering access to justice via mobile courts.



The main source of conflict in Bay is the on-going armed confrontation between Al-Shabaab and anti-Al-Shabaab forces, among which notably federal and state forces which are politically and militarily aligned.

Inter-clan tensions over land, crimes, and other matters periodically flare up in the region, but in recent years have been managed and contained, producing a pattern of frequent security incidents but relatively low casualty levels. In terms of clan rivalries, during the reference period no major disputes (or long-running clan conflicts) were reported or were relevant in the Bay region.

Al-Shabaab, was involved in 58% of the incidents in Bay between 1 January 2020 and 30 June 2021.

Nature of violence

The incidents related to Al-Shabaab involved either Somali military or police forces, or AMISOM and mostly were coded as armed clashes. Al-Shabaab was also responsible for violence targeting civilians, including attacks and cases of abduction/forced disappearance.

Eight aerial strikes by the US were recorded killing at least 22 Al-Shabaab members. A US drone strike against an Al-Shabaab stronghold was also recorded.

South-West state, Bay region included, constitutes one of the three FMS (along with Benadir and Hirshabelle) where IEDs are regularly encountered [Security 2021, 2.2.4]. A significant increase in IED activities was reported in 2020 in comparison with 2019. These incidents mainly occurred along one main supply route that leads through Bay region and into Gedo region and accounted for 11% of all IED incidents documented in Somalia in 2020.

Illustrative security incidents include, for example, a suicide attack carried out by Al-Shabaab in a restaurant in Baidoa, targeting the Governor of Bay region on 10 April 2021, with five people reportedly losing their lives and another eleven injured. On 27 January 2021, an explosion in a restaurant in Dinsoor killed a soldier and wounded at least five other people. Earlier, on 4 July 2020, four people were killed by a landmine planted in a restaurant in the outskirts of Baidoa.

Al-Shabaab also conducted a complex attack on the SNA base in Gofgadud Burey, maintaining control over the base for three days.

On 23 and 24 May 2020, Al-Shabaab carried out two attacks in Baidoa and Dinsoor, targeting civilians during Eid celebrations. These attacks reportedly left seven people dead and more than 40 injured.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 309 security incidents (an average of 4 security incidents per week) in Bay region between 1 January 2020 and 30 June 2021. Out of those incidents, 172 were coded as battles, 85 as explosions/remote violence and 52 as violence against civilians.



Geographical scope

Security incidents occurred in all districts of Bay with the largest overall number being recorded in Baidoa (193 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 493 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 62 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 132 000 new displacements from Bay. Most people displaced from their homes in Bay relocated to other places within the same region, with around 19 000 displaced to other regions, especially neighbouring Gedo and Middle Jubba. Conflict and insecurity were the main reason for displacement in Bay across both years, followed by drought.

Further impact of the armed conflict(s) on the life of civilians

In Bay, goods are free to reach Baidoa from Mogadishu for instance, once taxed by Al-Shabaab. However, Al-Shabaab enhanced its existing economic blockade on the government-controlled town of Dinsoor, conducting a series of attacks targeting the transport of commercial goods to the town.

Furthermore, in Bay, 31 incidents that hindered humanitarian organisations from accessing populations in need, were recorded, the highest figure among Somalia's regions.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the region of **Bay**. However, indiscriminate violence reaches a **high level**, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Lower Shabelle

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.2.3; [Actors](#), 7.2]

The situation in Lower Shabelle should be seen in light of the situation in the neighbouring regions of Benadir/Mogadishu and Middle Shabelle.

General information about the region

Lower Shabelle region is located along the coast in south Somalia and consists of seven districts. The region's capital is Marka.

The Lower Shabelle region is one of the most high-value and strategic zones of the country and the country's most productive irrigated agricultural zone. Two of the most important roads, linking Mogadishu to Baidoa and to Kismayo, pass through the region. The airport at Bale Dogle has served for years as a base housing Somali special forces, US military advisors and trainers, and AMISOM peacekeepers.

The population of the region is very diverse and complex. It is comprised of three groupings: the long-term indigenous populations (55-60% of Digil, 30% of Hawiye, 10% of Bioyamaal clans inhabiting the region in pre-colonial era), historic migrants (Somali of all clans that gravitated into the region in the colonial era and during the few decades of independence for work or investment in farms) and civil war era armed settlers in the form of strong clan militias and their families. The Bioyamaal, although belonging to the Dir clan family, can be considered a minority clan in the region.

In 2014, UNFPA and Somali authorities estimated the population of Lower Shabelle region at 1 202 219 inhabitants. Apart from Mogadishu, Lower Shabelle has the highest population density in Somalia.

Background and actors involved in armed confrontations

The Lower Shabelle region is among the most affected regions by Al-Shabaab. The group has maintained an active network throughout the region and despite offensives to push it out of main towns, continues to launch attacks, control roadblocks, and tax local populations.

The region has therefore a strong security sector presence. AMISOM units were active against Al-Shabaab, and US advisors and special forces were present at Bali Doogle. The SNA, sometimes acting as a clan militia, has a strong presence as well.

In the overall fight against Al-Shabaab, Operation Badbaado 1 was one of the main military operations in the reference period. Originally launched in April 2019 this operation involved AMISOM, international, and Somali forces to recover bridge towns on the Shabelle river from Al-Shabaab. In this area, which is believed to be the site of Al-Shabaab's explosive-making factories, as of mid-2020 the SNA and AMISOM have successfully recaptured four main towns (Jannaale, Sabiid, Bariirre and Awdhiigle). Al-Shabaab, was involved in 81% of the incidents in Lower Shabelle between 1 January 2020 and 30 June 2021.

Other actors also fight Al-Shabaab in the region, such as the Macawiisleey, a Hawiye-led clan militia organised on a voluntary basis and sustained by the local communities, mainly due to resentment over taxes imposed by Al-Shabaab.

A second and deeper source of conflict in Lower Shabelle revolves around clan clashes over land and water resources or business competition. There is an on-going rivalry between Hawiye and non-Hawiye clans in the area, both the Biyomaal and Digil, with the former controlling most of the rich farmland, and the latter claiming that they control and occupy it illegitimately.

Since late 2017, ISS has also been active around Afgoye [[Actors](#), 6.1].

Nature of violence

While the incidents related to Al-Shabaab involved Somali Armed forces or Somali Police Force, AMISOM forces and civilians, the group mostly perpetrated hit-and-run attacks targeting Somali Security Forces and AMISOM.

Several (13 to 21) US airstrikes killing Al-Shabaab members and civilians were documented. South-West state, Lower Shabelle included, constitutes one of the three FMS (along with Benadir and Hirshabelle) where IEDs are regularly encountered [[Security 2021](#), 2.2.4]. In 2020, Lower Shabelle was among the most affected regions regarding IED activities, which mostly took place on main supply routes. Lower Shabelle recorded the highest number of



stand-off weapons incidents in 2020 countrywide. Mortar attacks targeting mainly AMISOM and local security forces were also reported in 2020 and beginning 2021. Al-Shabaab also used grenades and IEDs to target high-level federal and state officials, among them the Governor of Lower Shabelle.

The destruction of Al-Shabaab al-Furqaan Radio in the course of US air strikes on Kunya-Baro beginning of January 2021, reportedly, killed three journalists. Somali and US military forces engaged in an airstrike in the vicinity of Tortorow, killing five to eight civilians on 21 September 2020. US forces denied their involvement in this incident.

Furthermore, children were injured and killed by the explosion of an ordnance.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 920 security incidents (an average of 11.8 security incidents per week) in Lower Shabelle region between 1 January 2020 and 30 June 2021 ranking the region first in terms of the highest number of security incidents. Out of those incidents, 707 were coded as battles, 159 as explosions/remote violence and 54 as violence against civilians.

Geographical scope

Security incidents occurred in all 7 districts of Lower Shabelle with the largest overall number being recorded in Afgoye (448 events), followed by Lower Shabelle's capital Marka (277 events).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 1 168 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 97 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 410 000 new displacements from Lower Shabelle. In 2021, conflict or insecurity were the main driver behind the displacements. In 2020, floods were the main reason for relocating, mostly within the region. In 2021, of the 29 000 people displaced from Lower Shabelle, 14 000 departed to Benadir.

Further impact of the armed conflict(s) on the life of civilians

Although major towns in the region fall under the control of the government, the region is a kind of 'lawless land' where no state actor is fully in control of the rule of law.

Clan violence affected people's lives and livelihoods and caused displacements. Clan conflicts were the reason that humanitarian programmes were suspended. In the first quarter of 2021, clashes between Al-Shabaab and clan militias in Wanla Weyne district resulted in the confiscation of livestock from pastoralists as well as the torching of their settlements and assets.

UNOCHA reported that conflict impacted trade flows and livelihoods, e.g. by disrupting cropping activities.



Looking at the indicators, it can be concluded that ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the region of **Lower Shabelle**. However, indiscriminate violence reaches a **high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Benadir/Mogadishu

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.3; [Actors](#), 7.3]

The situation in Benadir/Mogadishu should be seen in light of the situation in the neighbouring regions of Lower Shabelle and Middle Shabelle.

General information about the region

Benadir region is located in the south-east of Somalia and covers mostly the same area as the city of Mogadishu, Somalia’s capital. Benadir comprises the 17 administrative districts of the capital Mogadishu, which make it, by far, the most populated administrative region in Somalia.

The dominant clan family is the Hawiye, with several sub-clans. Other Somali clans also reside in the city, although with the ‘status of guests and limited rights’, and several mixed neighbourhoods exist. The Darood clan family – which dominates over some neighbourhoods - and minorities such as Dir, Digil-Mirifle, Yibr (Sab) and Sheikhal, for example, are present. The significant number of IDPs has contributed to the heterogenic ethnic make-up of the city.

In 2014, UNFPA and Somali authorities estimated the population of Benadir region at 1 650 227 inhabitants. According to the CIA Factbook, Mogadishu’s population was estimated to be 2 388 000 in 2021, including between 500 000 and 800 000 IDPs.

Background and actors involved in armed confrontations

Mogadishu is officially controlled by the FGS security institutions and AMISOM. At the same time, Al-Shabaab has heavily infiltrated the state apparatus and exerts its activities in the city, including tax collection and terrorist attacks. The presence and dominance of clan militia is also an important factor influencing the security situation in the city.

It is reported that the various federal, regional and district security forces present in Mogadishu often clash with one another. They generally answer to clan authorities rather than to a governmental chain of command. Private military and security companies are also operating in Mogadishu, primarily providing security to internationals and tasked with risk management services, armed security, and convoy protection, while playing the role of ‘gatekeepers’ between the green zone - a zone surrounding Mogadishu’s highly secured airport zone and where internationals and governmental officials reside, and the city.

Two major conflicts characterise the security situation in Mogadishu. The first one opposes Al-Shabaab and anti-Al-Shabaab actors. According to experts, Al-Shabaab does not directly control any locations in the city but rather acts as a network, hiding among the population. It is reported that it is located in the periphery of the city while its influence is pervasive. To address the security threat posed by Al-Shabaab, in the course of 2019 the FGS, AMISOM,

UNSOM, as well as other international bodies and donors, launched the Mogadishu Security Plan, which included, among others, the construction of six checkpoints in the Somali capital, and the establishment of an assets management system under the responsibility of the Somali Police Force. Al-Shabaab was involved in 62% of the incidents in Benadir between 1 January 2020 and 30 June 2021.

The second main conflict in Mogadishu consisted of confrontations between incumbent's government allied support and forces, and opposition groups, especially from the dominant Hawiye clan family. This more political confrontation, which is tied to the electoral process, has at times escalated into military clashes, and has the potential to mobilise armed groups and (clan) militias.

A number of clan and personal militias are present and easily mobilised in Mogadishu. Their mobilisation has occurred on more than one occasion during the first months of 2021 in the context of ongoing political and electoral impasse whereby the incumbent government and opposition forces clashed against each other. Clan militias and protection forces are the main source of protection for residents and a primary reason for clans to cluster together in neighbourhoods. With few exceptions, only the Hawiye clans have these clan militias in the city.

Besides those main actors, the ISS branch, which maintains a presence in Puntland, was also reported to have committed 'sporadic attacks' in the city [[Targeting](#), 6]. While they shifted their focus towards Mogadishu in 2017, it was indicated that in the period May 2020 - February 2021, the group's activities in Mogadishu have been very limited [[Actors](#), 6.1].

Nature of violence

It was reported that the Mogadishu Security Plan implemented in May 2019 significantly increased the city's security profile and contributed to a decrease in IED activities. Nevertheless, Benadir recorded a distinctly high number of explosions compared to other regions in the reporting period. Illustrative security incidents include, for example, a June 2021 Al-Shabaab suicide bomb attack outside a military base where a crowd of recruits was gathered for enrolment. ACLED reported that at least 40 people were killed and 35 others injured. Targeting by person-borne improvised explosive devices (PBIED) and car bombs was also reported in other public places, such as restaurants, hotels, and an ice-cream parlour.

The assassinations of officials carried out by Al-Shabaab were also reported to result in (other) civilian casualties. On 31 January 2021, for example, Al-Shabaab conducted a complex attack on the Afrik Hotel in Waberi district, where up to 10 people were reportedly killed, including retired army general and former Minister of Defence Mohamed Nur Galal.

Al-Shabaab also launched mortar attacks, many of these targeting the Aden Adde International Airport complex in Mogadishu [[Actors](#), 4.2.3]. Violent incidents at checkpoints were also reported, including clashes between different units of security forces and terrorist attacks by armed groups - the majority of which perpetrated by Al-Shabaab, as well as shootings at three-wheel mopeds and other vehicles for not obeying security forces' orders to stop [[Socio-economic 2021](#), 1.2.2].

Four attacks on health care personnel or infrastructure were reported in 2020 in Benadir. In one of these incidents in October 2020 two people were killed by explosives, in another attack in April 2020, one person was killed in gunfire.



Assassinations of businessmen and destruction of property were also reported as a means of enforcing extortions.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 741 security incidents (an average of 9.5 security incidents per week) in Benadir region between 1 January 2020 and 30 June 2021 ranking the region second in terms of the highest number of security incidents after Lower Shabelle. Out of those incidents, 380 were coded as battles, 193 as explosions/remote violence and 168 as violence against civilians.

Geographical scope

Security incidents occurred in all 17 districts of Mogadishu with the largest overall number being recorded in Hodan (110 incidents), followed by Daynile (106 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 701 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 42 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 214 000 new displacements from Benadir, with 185 000 displacements in April 2021 alone. Between January and May 2021, 193 000 new displacements were registered from Benadir, the of which were within the region. In 2021, 185 000 of the displacements were caused by conflict and insecurity. During the same period, 16 300 additional displaced persons newly arrived in Benadir, mostly from Lower Shabelle, as well as from Middle Shabelle and Hiraan.

Further impact of the armed conflict(s) on the life of civilians

The volatile security situation in Mogadishu impacts people's mobility as generally, 'moving about in the city causes fear and anxiety among city residents'. In addition, a payment of a fee is required to go through the hundreds of checkpoints manned by security forces. Most checkpoints were in the city centre and all main roads leading to the city had checkpoints. For members of marginalised groups, passage was not always possible even though they had the required identity certificates. People also reported fear going through checkpoints because of corrupt police officers or the risk of terrorist bomb attacks [[Socio-economic 2021](#), 1.2.2].

The extortion of businesses and of development projects in Mogadishu by Islamist militants were also reported.

In February 2021, UNOCHA reported that with 'emergency levels of severity of need', Benadir was among the worst affected areas for cumulative severity of child protection in 2020, in a context of increased estimated numbers of children in need.

According to UNHCR, the Somali 'public structures' were unable to provide 'protection against crime'. It was also reported that people generally distrusted the police, preferring instead to rely on clan-based militias for their protection.



Looking at the indicators, it can be concluded that ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the region of **Benadir/Mogadishu**. However, indiscriminate violence reaches a **high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Hirshabelle

Hiraan

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.4.1; [Actors](#), 7.4]

The situation in Hiraan should be seen in conjunction with, among others, the situation in Middle Shabelle.

General information about the region

Hiraan region is located in the south-west of Somalia and consists of three districts. The region’s capital is Belet Weyne.

Hiraan is mainly inhabited by Hawiye clans (e.g. Hawadle, Jajele). The minority group Makane (Bantu/Jareer) also lives in part of the region.

In 2014, UNFPA and Somali authorities estimated the population of Hiraan region at 520 685 inhabitants.

Background and actors involved in armed confrontations

Hiraan is among the regions most affected by clan conflicts. A first source of conflict is the demand, which is put forward in particular by the Hawadle clan, that Hiraan should constitute a regional state per-se, and it should not be part of Hirshabelle. This conflict led to military confrontations between the Hawadle and the Abgal clans.

Other potential sources of conflicts/confrontations in the region are the perceived domination of the Abgaal and Hawadle at the expense of other (minority) clans, and the tensions between pastoral clans (Hawadle/Galjeel/Jajele/Baadi Adde) and Bantu agriculturalist groups (such as Makane in Hiraan).

The other major source of conflict in the region is the on-going military confrontation between Al-Shabaab and anti-Al-Shabaab forces, be they state forces, federal forces, AMISOM or other local militias. Al-Shabaab controls the rural areas while state and federal forces, with the help of AMISOM’s Djibouti contingent control the major towns of the region. Al-Shabaab, was involved in 56% of the incidents in Hiraan between 1 January 2020 and 30 June 2021.

Since late 2017, ISS has also been active in Belet Weyne [[Actors](#), 6.1].

Nature of violence

The road connecting Mogadishu, Jowhar and then Buulo Barde up towards Belet Weyne is on par with the road from Afgooye down to Marka and Baraawe in Lower Shabelle, making it one of the worst stretch of road in the country after Lower Shabelle. This road is considered as one of the most contested areas along with Lower Shabelle, making it also a prominent spot for IEDs and insecurity in general. [Security 2021, 2.4.3]

A decrease in IED-related incidents in Hiraan in 2020 has been reported. This was attributed to the IED clearance operations carried out by security forces between population centres in 2019. Security incidents related to Al-Shabaab involved either Somali military, police forces or AMISOM, and clan militias and were mostly coded as armed clashes. Al-Shabaab's violence targeting civilians included attacks and cases of abduction or forced disappearance. Armed clashes between clan militias were also recorded.

In June 2020, the conflict between the Hawadle (Hawiye) and the Reer Aw Hassan (Ashraf) over access to land resulted in the killing of 16 persons.

Illustrative security incidents include clashes between members of the Hawadle-Agoon and Habar Gidir-Ayr (both subclans of Hawiye) near Belet Weyne district's Matabaan town on 24 November 2020 (5 people killed and 10 others injured), and fighting over land between members of the Reer Hassan (a group associating themselves with the Ashraf) and the Hawadle near Belet Weyne town on 16 June 2020, resulting in 9 deaths.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Besides clans related security incidents, on 18 August 2020, an unclaimed explosive attack in front of a stadium in Belet Weyne reportedly killed four people, including two police officers. On 13 February 2020, in Beletweyne, Ethiopian troops accidentally clashed with (anti-Al-Shabaab) Macawiisleey militia, reportedly killing at least 10 of their members and wounding 8 others. Meanwhile, a local radio source reported that at least 20 militiamen were killed.

Incidents data

ACLED recorded 261 security incidents (an average of 3.3 security incidents per week) in Hiraan region between 1 January 2020 and 30 June 2021. Out of those incidents, 157 were coded as battles, 33 as explosions/remote violence and 71 as violence against civilians.

Geographical scope

Security incidents occurred in all 3 districts of Hiraan with the largest overall number being recorded in Belet Weyne (145 events).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 274 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 53 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported an estimated 319 000 new displacements from Hiraan, virtually all within the same region. Conflict and insecurity were reported to be the second most prevalent reason for displacement during the first five months



of 2021, resulting in an estimated 6 000 displacements, almost all reported in Belet Weyne district.

Further impact of the armed conflict(s) on the life of civilians

Insecurity has disrupted trade flows in parts of Hiraan (Bulo Burto and Jalalaqsi), and clan violence has cost livelihoods and resulted in the displacement of families. In 2020, UNOCHA recorded 21 incidents in Hiraan that hindered humanitarian organisations from accessing populations in need.

In terms of road security, it has been reported Al-Shabaab attacked trucks using the main supply routes in Hiraan which represents an ongoing and long-lasting situation because of Al-Shabaab's economic blockades. The situation on the road from Balcad to Jowhar (Middle Shabelle) and the rest of the road to Belet Weyne has deteriorated with an effect on aid programs. [[Security 2021](#), 2.4.3]

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the region of **Hiraan**. However, indiscriminate violence reaches a **high level**, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Middle Shabelle

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.4.2; [Actors](#), 7.4]

The situation in Middle Shabelle should be seen in light of the situation in the neighbouring regions of Benadir/Mogadishu, Lower Shabelle, and Hiraan.

General information about the region

Middle Shabelle region is located in the south-east of Somalia and consists of four districts. The region's capital is Jowhar.

Middle Shabelle is mainly inhabited by Hawiye sub-clans, the dominant clan being the Abgaal. Other clans/groups present in the area are the Gaaljeel, the Bantu Shiidle, and other minority clans.

In 2014, UNFPA and Somali authorities estimated the population of Middle Shabelle region at 516 036 inhabitants.

Background and actors involved in armed confrontations

Besides the clans and Al-Shabaab, another important actor in the region is the SNA. Like in many other regions in Somalia, Al-Shabaab controls the rural areas whereas the major towns are controlled by state and federal forces, with the help of AMISOM. Al-Shabaab, was involved in 69% of the incidents in Middle Shabelle between 1 January 2020 and 30 June 2021.

The proximity to Mogadishu makes Middle Shabelle a satellite of Mogadishu's local administration and of the Hawiye dominant position there. In particular, the Abgaal clan group,

which is dominant in Middle Shabelle, and is also dominant in Mogadishu, makes no distinction between the two administrations. A number of intra-clan conflicts have been reported.

The other major source of conflict in the region was the presence and the activities carried out by Al-Shabaab.

Nature of violence

The majority of the incidents involving Al-Shabaab also involved Somali Armed Forces or Somali Police Force, AMISOM forces and civilians. The main type of Al-Shabaab-related incidents were armed clashes along with the use of remote-controlled explosives and attacks against civilians. The group mostly carried out hit-and-run attacks targeting Somali Security Forces and AMISOM.

In July 2021, Al-Shabaab fighters set residential areas on fire in War-Dhagah, Gallef locality and abducted people with suspected links with government security forces.

Other illustrative security incidents include the clashes between SNA forces and Al-Shabaab on 29 May 2021 in Xaararay village near Jowhar town killing 37 militants and injuring 40 others.

On 27 May 2020, seven Somali health workers were kidnapped in Middle Shabelle region and killed. The kidnapping of an eighth health worker on the same day was also reported.

On 14 April 2021, a minibus travelling from Mogadishu to Jowhar struck an IED near Balcad town. Up to 17 people were reportedly killed.

Violent incidents against civilians related to clan conflicts over land included the killing of five teachers by Al-Shabaab at a Quranic school in Cadale district in September 2020.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 285 security incidents (an average of 3.7 security incidents per week) in Middle Shabelle region between 1 January 2020 and 30 June 2021. Out of those incidents, 146 were coded as battles, 88 as explosions/remote violence and 51 as violence against civilians.

Geographical scope

Security incidents occurred in all 4 districts of Middle Shabelle with the largest overall number being recorded in Jowhar district (148 events), followed by Balcad District (108 events) for the period between January 2020 and end of June 2021.

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 575 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 111 fatalities per 100 000 inhabitants.



Displacement

Between January 2020 and May 2021, PRMN reported an estimated 297 000 new displacements from Middle Shabelle, the vast majority of them within the region. In 2020, flooding and drought were the reasons behind the vast majority of displacements. In 2021, conflict and insecurity were the reason for displacement for 8 000 persons.

Further impact of the armed conflict(s) on the life of civilians

Clan violence affected people's lives and livelihoods as well as caused displacements in Middle Shabelle. Clan conflicts were also the reason that humanitarian programmes were suspended. Al-Shabaab has also disrupted major supply routes in areas not directly under its control. For instance, FGS and Hirshabelle officials can no longer travel by road between Mogadishu and Jowar, having to fly instead.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the region of **Middle Shabelle**. However, indiscriminate violence reaches a **high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Galmudug

Galgaduud

Last updated: June 2022

[Main COI reference: [Security 2021](#), 2.5.1; [Actors](#), 7.5]

The situation in Galgaduud should be seen in light of the situation in the neighbouring regions of Mudug and Hiraan.

General information about the region and possible points of strategic interest

Galgaduud region is located in central Somalia and consists of five districts. The region's capital is Dhusamareb.

It is mainly inhabited by the Saad, the Suleiman (also Suliman or Saleban) and Ayr (also Cayr) - these two from the Hawiye-Habr Gidir clan group, Duduble and Murasade (Hawiye), Marehan (Darood), and the Dir clan groups.

In 2014, UNFPA and Somali authorities estimated the population of Galgaduud region at 569 434 inhabitants.

Background and actors involved in the conflict

In Galgaduud there is an on-going confrontation between Al-Shabaab and anti-Al-Shabaab forces.

The five major clans in Galgaduud control the west or the north-western part of the region, which is completely free from Al-Shabaab. Most major clans have their own militias, with soldiers at times serving as government forces and at times fighting for the clan militia of

belonging. Habar Gidir clan militias or sub-clan militias were reportedly the actors accounting for around 28% of the security incidents. However, even in towns under state control, Al-Shabaab's presence is visible as the group taxes and extorts money.

Al-Shabaab is fully in control of the south-eastern part of Galgaduud, up to the coast. They are also taking over most of the rural areas of the region and making attempts at penetrating further into uncontested areas. However, even in these towns, Al-Shabaab's presence is visible as the group taxes and extorts money. The area fully controlled or highly contested by Al-Shabaab is mainly inhabited by Hawiye clans who reportedly perceive the group as a convenient partner. Al-Shabaab was reportedly the actor accounting for around the 25% of the security incidents.

Clan rivalries in the region also make Galgaduud one of the main theatres of clan confrontation in Somalia. Especially in the north-western regions, clan rivalries are more vivid and free to surface as violently as they can be, also in reason of the fact that there is no Al-Shabaab presence.

ASWJ used to be the most powerful military actor in the state and was later to a large extent demobilised and integrated into Galmudug's forces and the SNA.

Nature of violence

The majority of incidents attributed to Habar Gidir clan militias or sub-clan militias were armed clashes followed by attacks against civilians. Indicatively, 4 people were reportedly killed and 26 wounded in an inter-clan conflict between the Wagardhac of Marehan and the Saleeban of Habar Gidir in Balli-Cad village in Caadado district on April 6, 2020.

Armed clashes and the use of remote-controlled explosives were the main type of incidents attributed to Al-Shabaab, followed by abductions and forced disappearances or attacks against civilians. For example, on 1 February 2021, Al-Shabaab launched a mortar attack on Dhusamareb while federal and state leaders were meeting, reportedly injuring between zero and four people. Furthermore, nine Al-Shabaab attacks between January and November 2020 in Dhusamareb, left two soldiers and three civilians dead.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 130 security incidents (an average of 1.7 security incidents per week) in Galgaduud region between 1 January 2020 and 30 June 2021. Out of those incidents, 71 were coded as battles, 18 as explosions/remote violence and 41 as violence against civilians.

Geographical scope

During the reference period, security incidents occurred in all districts of the region, with the largest overall number being recorded in Dhusamareb (78 incidents) followed by Caabudwaaq (24 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 189 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents 33 fatalities per 100 000 inhabitants.



Displacement

Between January 2020 and May 2021, PRMN reported an estimated 58 000 new displacements from Galgaduud. Conflict and insecurity were reportedly the main reasons of nearly all displacements. Meanwhile, PRMN recorded 2 000 arrivals of displaced persons from Mudug.

Further impact of the armed conflict on the life of civilians

Humanitarian actors reported difficulties in providing assistance due to the volatile security situation. Twenty incidents of humanitarian workers being unable to access sites were reported in 2020.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the region of **Galgaduud**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Mudug

Last updated: June 2022

[Main COI reference: [Security 2021](#), 2.5.2; [Actors](#), 7.5]

The situation in Mudug should be seen in light of the situation in the neighbouring region of Galgaduud, and Nugal (in Puntland).

General information about the region and possible points of strategic interest

Mudug region is divided between Galmudug and Puntland; the latter controls the northern half of Mudug. The town of Galkacyo, located in the western part of Mudug is also split up between Galmudug (south section) and Puntland (north section).

Mudug consists of five districts and Gaalkacyo is the regional capital.

In the south, Mudug is mainly inhabited by the Saad, a Habr Gedir (Hawiye) sub-clan, which is also the dominant clan in the area. The north Mudug is mainly inhabited by the Omar Mohamoud, a Majerteen (Darood) sub-clan, which is the dominant clan in the area.

In 2014, UNFPA and Somali authorities estimated the population of Mudug region at 717 863 inhabitants.

Background and actors involved in the conflict

Southern Mudug

In southern Mudug which is controlled by the Galmudug administration, the main actors are Al-Shabaab and the Saad clan, along with Galmudug and the FGS security forces. It is to a large extent contested by Al-Shabaab, when not fully controlled by the group. The various clans inhabiting the area (Saad is the main one) are resisting Al-Shabaab's expansion. However, Al-Shabaab has recently been reaching for the first time the Saad area as well as expanding its control/influence in the area around and beyond Baadweyne, Hoby, etc.

The local administration of Galkacyo is very loose, however, the two sides of the town administration (Galmudug's and Puntland's) have not experienced any major clash since 2016. This cooperation has also led to the dismantling of the various Al-Shabaab cells in town. Still, in recent years, assassinations allegedly backed or orchestrated by Al-Shabaab have been reported in the city.

Clan disputes have also been reported in the region.

Northern Mudug

In northern Mudug which is controlled by the Puntland administration, Al-Shabaab presence and related activities are increasing along and across the border with southern Mudug. Within this context, Mudug's regional governor was killed in May 2020, along with a few other targeted assassinations.

Mudug's northern part is affected by the long-standing clan contentions. These competitions from the rural areas often spill over to Galkacyo.

Nature of violence

Al-Shabaab was the actor accounting for around 24% of the reported security incidents, with the majority of these involving the Military Forces of Somalia, followed by incidents involving civilians and then different clan militias as well as police forces. The main types of Al-Shabaab related incidents were armed clashes followed by remote-controlled explosives. Indicatively, in June 2021, Al-Shabaab militants attacked a military base in the town of Wisil killing 17 soldiers and 13 civilians. Other incidents attributed to Al-Shabaab included IED explosions near a stadium, at an army base and at a local militia's military base. Civilians were also among the casualties.

Around 23% of the reported security incidents were related to unidentified armed groups. The majority of these incidents involved civilians followed by incidents involving the military forces of Somalia. The main type of these incidents involving unidentified armed groups were attacks on civilians and remote-controlled explosives.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 105 security incidents (an average of 1.3 security incidents per week) in Mudug region between 1 January 2020 and 30 June 2021. Out of those incidents, 43 were coded as battles, 21 as explosions/remote violence and 41 as violence against civilians.

Geographical scope

During the reference period, security incidents occurred in all five districts, with the largest overall number being recorded in Galkacyo (78 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 230 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents 32 fatalities per 100 000 inhabitants.



Displacement

Between January 2020 and May 2021, PRMN reported an estimated 38 000 new displacements from Mudug. For 2020 and 2021, conflict and insecurity were the reason for 10 000 cases.

Further impact of the armed conflict on the life of civilians

Infrastructure such as roads, waste management and water supply were described as poor and their state exacerbated by years of conflict.

The work of humanitarian aid organisations was burdened by access incidents and violent acts against staff members.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the region of **Mudug**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Puntland

For Mudug region, that is divided between Galmudug and Puntland see [Mudug](#).

For the contested areas, Sool and Sanaag, between Somaliland and Puntland, see [Regions contested between Somaliland and Puntland](#).

Nugal

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.6.1; [Actors](#), 7.6]

The situation in Nugal should be seen in light of the situation in the (neighbouring) regions of Mudug and Bari.

General information about the region

Nugal is located in Puntland in the north-east of Somalia and it consists of three administrative districts. The region's capital is Garowe. Garowe is also the capital of Puntland, where the executive, parliamentary and judiciary branches of the state are based [[Socio-economic 2021](#), 2.1]. As of July 2021, international and domestic flights appeared to be landing in Garowe airport [[Socio-economic 2021](#), 2.2.1].

Most of Puntland's population comes from the Darood/Harti descent group. From a clan perspective, Nugal is rather homogenous, with the Issa Mahmud almost completely dominating the region and with Omar Mahmud clan, still from the Darood/Harti group, dominant in the southern part of Nugal and in north Mudug. Another smaller clan, the Awrtable, inhabits the area close to the Eyl port town.

In 2014, UNFPA and Somali authorities estimated the population of Nugal region at 392 698 inhabitants.



Background and actors involved in armed confrontations

Puntland's state administration and security apparatus are reportedly fully in control of the Nugal region.

In the course of 2020, tensions between Puntland state President and Somalia's federal President led to political tensions between Puntland and FGS over various issues.

Al-Shabaab presence and activities in the region have also been reported during the reference period.

There are no major ongoing clan conflicts. At times, small-scale clan frictions take place in the area close to Garowe; however, these tensions are usually solved through customary law and they do not turn into full-fledged or large-scale conflicts.

Nature of violence

About one third of incidents recorded by ACLED in the reporting period were clan confrontations and clashes between different tribal militia or tribal militia and security forces, in many cases related to disputes over land.

Al-Shabaab was reportedly involved in two security-related incidents, the shooting of a civilian in Garowe in February 2020 and a suicide bombing in March 2020 targeting the governor of Nugal and leading to two deaths.

Incidents of shootings against state officials and a grenade explosion have also been reported.

Incidents data

ACLED recorded 26 security incidents (an average of 0.3 security incidents per week) in Nugal region between 1 January 2020 and 30 June 2021. Out of those incidents, 9 were coded as battles, 2 as explosions/remote violence and 15 as violence against civilians.

Geographical scope

The large majority of security incidents in Nugal were recorded in Garowe district (24 out of 26), while the remaining two were recorded in Burtinle district. No incidents were recorded in Eyl district.

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 16 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 4 fatalities per 100 000 inhabitants.

Displacement

In 2021, the total number of IDPs in Puntland estimated by UNHCR was 388 500 [[Socio-economic 2021](#), 2.1.1.1]. Between January 2020 and May 2021, PRMN reported an estimated 13 000 new displacements from Nugal. Only about 100 individuals indicated conflict/insecurity as the reason for their displacement, in this period.



Further impact of the armed conflict(s) on the life of civilians

The existence of checkpoints manned by security forces, district officials or police officers from the local municipality who collect fees as well as bribes has been reported [[Socio-economic 2021](#), 2.2.2.2].

Looking at the indicators, it can be concluded that in the region of **Nugal** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Bari

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.6.2; [Actors](#), 7.6]

The situation in Bari should be seen in light of the situation in the neighbouring region of Nugal.

General information about the region

Bari region, the largest in Somalia, consists of six districts. The region's capital is Bosasso, the largest city in Puntland and an important port [[Socio-economic 2021](#), 2.1].

The dominant clan in the Bari region is the Osman Mahmud, still of the Majeerteen macro clan, of the Darood-Harti clan group. The Ali Suleman clan is also politically extremely relevant in the region. A number of smaller sub-clans, such as Ali Jibrail, Dashishe, Kaptanle, and others, inhabit the area south and south-east of Bosasso.

In 2014, UNFPA and Somali authorities estimated the population of Bari region at 719 512 inhabitants.

Background and actors involved in armed confrontations

The main actors in the area are Majeerteen sub-clans, Al-Shabaab, ISS and Puntland's security forces.

Puntland security forces claim to control the majority of Bari region. However, it has been reported that anything north-west of Bosasso, along that strip of land that borders the Gulf of Aden, is under the control or contested by Al-Shabaab. It further holds a military base west of Bosasso, in the Golis mountains where they have reportedly stored a large amount of heavy ammunition taken from AMISOM and SNA bases in 2017. Small clans located in the region tend to side or sympathise with Al-Shabaab.

As of September 2020, although degraded in its operational capabilities, ISS has retained a steady but small presence in northern Somalia and Bari region is the cradle of many ISS fighters. Reportedly the group's operational basis remains in the Golis Mountains and south of the port town of Qandala. Allegedly, ISS also has support networks within the Puntland governing structures, especially in Galkacyo and Bosasso. In the course of 2020, ISS attempted to enlist new fighters. A more recent source indicated that most of the threats posed by ISS have been addressed by the current Puntland government.

With regard to the relationship between Al-Shabaab and ISS, an expert noted that at times they fight against each other, while at times the two groups are allies against the Puntland forces.

Furthermore, several clan conflicts typically driven by the competition over resources and land are also reported in the Bari region.

Nature of violence

Incidents of armed clashes, shelling/artillery/missile attacks and the use of remote-controlled explosives have been attributed to Al-Shabaab. For example, in June 2021, Al-Shabaab claimed responsibility for a roadside blast that targeted a convoy of the security minister of Puntland near Bosasso city, killing one soldier and wounding three others. Furthermore, in March 2021, the central prison of Bosasso was attacked by Al-Shabaab and more than 300 prisoners were freed, while several security officers were killed in the attack.

Armed clashes, assassinations and explosions have also been attributed to ISS. In July 2020, fighting broke out between Puntland Defence Forces and ISS fighters in the remote mountainous region of Bari which according to Puntland military led to eight ISS casualties.

The military forces of Puntland have been mainly involved in battles. In April 2021, clashes between Puntland forces and Al-Shabaab as well as clashes with ISS elements were reported, leading to several casualties.

U.S. forces have also conducted an airstrike in July 2020 targeting ISS in Iskushuban district, with no civilian casualties.

Furthermore, PMPF has carried out raids into people's homes that have at times lead to the death of civilians.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 90 security incidents (an average of 1.2 security incidents per week) in Bari region between 1 January 2020 and 30 June 2021. Out of those incidents, 41 were coded as battles, 33 as explosions/remote violence and 16 as violence against civilians.

Geographical scope

Security incidents occurred in 5 out of 6 districts of Bari region with the largest overall number being recorded in Bosasso district (66 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 176 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 24 fatalities per 100 000 inhabitants.

Displacement

In 2021, the estimated total number of IDPs in Puntland by UNHCR is 388 500 [[Socio-economic 2021](#), 2.1.1.1]. Between January 2020 and May 2021, PRMN reported an estimated 45 000 new displacements from Bari. In this period, only over 100 individuals named conflict/insecurity as the reason for displacement. In 2020, additional 800 new conflict or



insecurity related displacements to Bari were registered from Benadir, Hiraan, Bay, Lower Shabelle and other regions. Bosasso attracts large numbers of internally displaced people.

Further impact of the armed conflict(s) on the life of civilians

The existence of checkpoints manned by security forces, district officials or police officers from the local municipality who collect fees as well as bribes has been reported [[Socio-economic 2021](#), 2.2.2.2].

Criminality, including arms smuggling and human trafficking have been reported in the region.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the region of **Bari**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Regions contested between Somaliland and Puntland

The contested areas between Somaliland and Puntland approximately cut in two the territory of the administrative regions of Sool and Sanaag.

Sool

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.6.3; [Actors](#), 1, 7.6]

The situation in Sool should be seen in light of the situation in the neighbouring regions of Sanaag and Bari.

General information about the region

Sool region consists of four districts and its capital is Laas Anood.

Sool is inhabited primarily by Dhulbahante, a Darod sub-clan, which is part of the Harti confederation together with the Majerteen clans of Puntland. Isaaq clan has also presence in some parts of Sool region.

In 2014, UNFPA and Somali authorities estimated the population of Sool region at 327 428 inhabitants.

Background and actors involved in armed confrontations

Puntland and Somaliland dispute over political and military control of areas of the Sool and Sanaag regions as well as the area of Ayn, part of Togdheer region. Sool and Sanaag fall within Somaliland's boundaries, as per the old Anglo-Italian border and protocol and as put forward by the Somaliland government. However, the two dominant clans in the area (Warsangeli and Dhulbahante) belong to the same Darood/Harti clan family for which Puntland constitutes the core and institutional 'home'.



Sool local authorities have repeatedly switched sides between Puntland and Somaliland in the past, with the latest sources indicating that the Dhulbahante majority is now siding with the Somaliland administration. Somaliland has not managed to expand its areas of control all the way to the boundary between Sool and Nugal regions, which would correspond basically to the ex-British Somaliland border.

The presence of both Somaliland and Puntland armed forces has been reported. Tukaraq, in Sool region, among others, has been the centre of major fighting between the two states in the past few years (2018-2020).

In the context of the Somaliland-Puntland confrontation, fighters were captured and detained by both parties.

Tensions between Puntland and Somaliland in disputed areas reportedly heightened as a result of elections.

In terms of clan rivalries, Sool region is a highly disputed area presenting numerous conflict dynamics. Several inter and intra-clan disputes, involving clan militias, over water wells have been frequently reported. A source has indicated that the real issue is actually linked to clan growth and expansion dynamics. Inter-clan disputes (Isaaq-Darood clan families) have a higher tendency to escalate.

Nature of violence

Inter and intra-clan disputes have led to armed clashes, revenge killings, casualties and displacement. For example, in April 2021 a clash between sub-clan militias resulted in several clan members fatalities. Clan militias have been also responsible for an attack in Las Anood prison leading to clashes with police and two civilian fatalities.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

An attack on a polling station resulting in at least three fatalities and an IED explosion killing three civilians have also been reported.

Furthermore, clashes between Somaliland and Puntland forces were reported in February 2020, with no fatalities recorded.

Incidents data

ACLED recorded 25 security incidents (an average of 0.3 security incidents per week) in Sool region between 1 January 2020 and 30 June 2021. Out of those incidents, 14 were coded as battles, 2 as explosions/remote violence and 9 as violence against civilians.

Geographical scope

Security incidents occurred in 3 out of 4 districts of Sool region with the largest overall number being recorded in Las Anood district (23 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 27 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 8 fatalities per 100 000 inhabitants.



Displacement

Between January 2020 and May 2021, PRMN reported 19 000 new displacements from Sool. Conflict and insecurity led to the displacement of 3 000 cases in 2020 and of 1 000 in 2021. In 2020 and 2021, 1 000 additional displacements to Sool were registered from Togdheer and Sanaag.

Further impact of the armed conflict(s) on the life of civilians

Conflicts between Somaliland and Puntland forces and clan clashes have affected the lives and livelihoods of civilians, as well as access to humanitarian aid. For Sool region, seven incidents of humanitarian workers being unable to access sites were reported in 2020.

In terms of internal mobility and security, Somalis can in general freely move around Puntland without too many security concerns. Exceptions are the contested area in Sool and Sanaag or areas where Al-Shabaab has presence such as around the Galgala Hills.

Harassment against journalists when they reported on government shortcomings or union with Somalia was reported, particularly in the Sool and Sanaag regions.

The number of rape cases increased in Somaliland in 2020, mostly in Sool as well as in two other regions. The surge in violence against women and girls typically manifested itself in two forms: domestic violence against women who have become family breadwinners, and sexual violence against women and girls relocated to camps close to overcrowded urban hubs. Conditions in IDP camps, in Ainabo district, were reportedly disastrous for women's safety.

Looking at the indicators, it can be concluded that in the region of **Sool** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Sanaag

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.6.4; [Actors](#), 1, 7.6, 7.7.1]

The situation in Sanaag should be seen in light of the situation in the neighbouring regions, among others Sool and Bari.

General information about the region

Sanaag region consists of three districts and its capital is Erigabo (also Ceerigabo).

Eastern Sanaag is inhabited primarily by Warsangeli, a Darood sub-clan, which is part of the Harti confederation together with the Majerteen clans of Puntland. There are also Dhulbahante (Harti) present in parts of southern Sanaag. The western part of Sanaag is inhabited by the Isaaq Habar Yunis.

In 2014, UNFPA and Somali authorities estimated the population of Sanaag region at 544 123 inhabitants.

Background and actors involved in armed confrontations

Puntland and Somaliland dispute over political and military control of areas of the Sool and Sanaag regions as well as the area of Ayn, part of Togdheer region. Sool and Sanaag fall within Somaliland's boundaries, as per the old Anglo-Italian border and protocol and as put forward by the Somaliland government. However, the two dominant clans in the area (Warsangeli and Dhulbahante) belong to the same Darood/Harti clan family for which Puntland constitutes the core and institutional 'home'.

According to an expert, the majority of Warsangeli is now siding with either FGS or Puntland and, in June 2021, there were no clashes between the two state administrations over the contested areas.

Warsengeli clan elders tend to defuse potential conflict spirals and to resort to conflict management over the disputed areas.

The presence of both Somaliland and Puntland armed forces has been reported. Tensions between Puntland and Somaliland in disputed areas reportedly heightened as a result of elections.

Inter and intra-clan disputes, involving clan militias, over land and water have been frequently reported.

In November 2019, Al-Shabaab made a first attempt at penetrating the Sanaag region. However, within hours, Somaliland managed to repel this attempt. In October and December 2020, Al-Shabaab takeovers of villages in Lasqoray district were reported. Puntland security forces reportedly tried to regain control of the captured areas.

Nature of violence

Inter and intra-clan disputes have led to armed clashes, revenge killings, casualties and displacement. For example, in March 2021, a clash between sub-clan militias resulted in 16 casualties. Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Furthermore, clashes between Somaliland and Puntland forces were reported in February 2020 [[Security 2021](#), 2.6.3].

Al-Shabaab has also been involved in battles against Puntland security forces.

Furthermore, one armed clash between the Somaliland police and sub-clan militia has been reported.

Violent acts against staff members of humanitarian aid organisations have also been recorded.

Incidents data

ACLED recorded 24 security incidents (an average of 0.3 security incidents per week) in Sanaag region between 1 January 2020 and 30 June 2021. Out of those incidents, 17 were coded as battles and 7 as violence against civilians.

Geographical scope

Security incidents occurred in all districts of Sanaag region with the largest overall number being recorded in Erigabo district (14 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 28 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 5 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported 22 000 new displacements from Sanaag. Conflict and insecurity led to the displacement of 3 200 cases.. In 2020, additional 40 displacements to Sanaag were registered from Bari.

Further impact of the armed conflict(s) on the life of civilians

In Sanaag administrative region, conflicts between Somaliland and Puntland forces affected, among others, the distribution of medical supplies. The work of humanitarian aid organisations was burdened by access incidents. For Sanaag region, twelve incidents of humanitarian workers being unable to access sites were reported in 2020 and 2021.

In terms of internal mobility and security, Somalis in general freely move around Puntland without too many security concerns. Exceptions are the contested area in Sool and Sanaag or areas where Al-Shabaab has presence such as around the Galgala Hills.

Harassment against journalists when they reported on government shortcomings or union with Somalia was reported, particularly in the Sool and Sanaag regions.

Looking at the indicators, it can be concluded that in the region of **Sanaag** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Somaliland

For the contested areas, Sool and Sanaag, between Somaliland and Puntland, see [Regions contested between Somaliland and Puntland](#).

Awdal

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.7.1; [Actors](#), 7.7]

The situation in Awdal should be seen in light of the situation in the (neighbouring) regions of Wogoyi Galbeed and Togdheer.

General information about the region

Awdal region consists of four districts and its capital is Borama.

Awdal is inhabited by the Dir clans, Gadabursi and Issa, with the regional capital Borama at the centre of the Gadabursi territory.





In 2014, UNFPA and Somali authorities estimated the population of Sanaag region at 673 263 inhabitants.

Background and actors involved in armed confrontations

Somaliland forces control most of Somaliland territory (middle and western part).

Al-Shabaab maintains a quiet network in Somaliland, mainly for purposes of finances and recruitment.

A combination of informal and formal intelligence gathering capabilities and networks by the Somaliland authorities, have been described as keys to their success against Al-Shabaab, so far.

Furthermore, the presence of clan militias in Awdal region has been reported.

Nature of violence

Clashes between clan militias and Somaliland forces have been reported, mainly in the context of disputed land ownership.

On September 2020, a Somali news website reported a bomb attack at the Somaliland Ministry of Finance compound in Boroma that injured one employee. This incident could not be corroborated by other sources.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

Incidents data

ACLED recorded 4 security incidents (an average of 0.1 security incidents per week) in Awdal region between 1 January 2020 and 30 June 2021, ranking the region the lowest in terms of security incidents. All 4 of the recorded incidents were coded as battles.

Geographical scope

All recorded security incidents occurred in Borama district.

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 1 fatality in the region. Compared to the figures for the population in the region as from 2014, this represents less than 1 fatality per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported 11 000 new displacements from Awdal, with almost all being within the region. In this period, conflict and insecurity led to the displacement of 10 cases. In 2020, additional 14 displacements to Awdal were registered from Sanaag and Nugal.

Further impact of the armed conflict(s) on the life of civilians

In 2020, Somaliland authorities issued directives imposing conditions on humanitarian aid organizations, thereby potentially hampering humanitarian operations. For Awdal region, three incidents of humanitarian workers being unable to access sites were reported in 2020.



The presence of entry and exit checkpoints at each district within Somaliland has been reported [[Socio-economic 2021](#), 3.2.2.1].

Gang rape and other forms of gender-based violence were reported to remain a problem in urban areas of Somaliland, often occurring in impoverished neighbourhoods and among immigrants, returnees and IDPs.

Looking at the indicators, it can be concluded that in the region of **Awdal** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Wogoyi Galbeed

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.7.2; [Actors](#), 7.7]

The situation in Wogoyi Galbeed should be seen in light of the situation in the neighbouring regions of Awdal and Togdheer.

General information about the region

Wogoyi Galbeed region consists of three districts and its capital is Hargeisa. Hargeisa is also the capital of Somaliland.

Hargeisa has become the biggest urban setting in Somaliland, has been almost entirely rebuilt, and has expanded rapidly in both size and density [[Socio-economic 2021](#), 3.1].

Wogoyi Galbeed is predominantly inhabited by the Habar Awal clan. The other two main clans in the region are Habar Yunis and Idagalle. As to the state capital, Hargeisa, its neighbourhoods are strongly clan related, with the town territory partitioned among the various clans and sub-clans present in town: mainly Habar Awal, Habar Yonis, Habar Jeelo, Idagalle, but also minority groups.

In 2014, UNFPA and Somali authorities estimated the population of Wogoyi Galbeed region at 1 242 003 inhabitants.

Background and actors involved in armed confrontations

Somaliland forces control most of Somaliland territory (middle and western part).

Al-Shabaab maintains a quiet network in Somaliland, mainly for purposes of finances and recruitment.

A combination of informal and formal intelligence gathering capabilities and networks by the Somaliland authorities, have been described as keys to their success against Al-Shabaab, so far.

Furthermore, the presence of clan militias in Wogoyi Galbeed region has been reported.

Nature of violence

Armed clashes between clan militias have been reported. For example, in July 2020, an armed clash between two sub-clans caused two fatalities and six injuries, in connection with a land dispute and ongoing clan revenge.

Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

On December 2020, two boys were killed after an unexploded ordnance detonated on the outskirts of Berbera town.

Incidents data

ACLED recorded 5 security incidents (an average of 0.1 security incidents per week) in Wogoyi Galbeed region between 1 January 2020 and 30 June 2021. Out of those incidents, 1 was coded as battle, 1 as explosion/remote violence and 3 as violence against civilians.

Geographical scope

Security incidents occurred in 2 out of 3 districts of Wogoyi Galbeed region with the largest overall number being recorded in Hargeisa district (3 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 9 fatalities in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 1 fatality per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported 2 700 new displacements from Wogoyi Galbeed, mostly to Mudug. In this period, conflict and insecurity led to the displacement of 4 cases. In 2020 and until May 2021, additional 2 230 displacements to Woqooyi Galbeed were registered from other Somaliland or neighbouring regions.

Further impact of the armed conflict(s) on the life of civilians

The presence of entry and exit checkpoints at each district within Somaliland has been reported. There are also checkpoints on all the roads leading in and out of the Hargeisa city, even though not affecting the accessibility or mobility of residents [[Socio-economic 2021](#), 3.2.2.1].

Hargeisa city attracts a large number of refugees, returnees and IDPs [[Socio-economic 2021](#), 3.1].

In 2020, Somaliland authorities issued directives imposing conditions on humanitarian aid organizations, thereby potentially hampering humanitarian operations. For the Woqooyi Galbeed region, 14 incidents of humanitarian workers being unable to access sites were reported in 2020.

Gang rape and other forms of gender-based violence were reported to remain a problem in urban areas of Somaliland, often occurring in impoverished neighbourhoods and among immigrants, returnees and IDPs.



Looking at the indicators, it can be concluded that in the region of **Wogoyi Galbeed** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Togdheer

Last updated: June 2022

[Main COI references: [Security 2021](#), 2.7.3; [Actors](#), 7.7]

The situation in Togdheer should be seen in light of the situation in the regions of Awdal and neighbouring Wogoyi Galbeed.

General information about the region

Togdheer region consists of four districts and its capital is Burco.

Togdheer region is predominantly inhabited by Habar Yunis and Habar Jeelo clans. The area west of Burao is inhabited by Idagalle, along with other minority sub-clans that are considered part of the Habar Yunis major clan.

In 2014, UNFPA and Somali authorities estimated the population of Togdheer region at 721 363 inhabitants.

Background and actors involved in armed confrontations

Somaliland forces control most of Somaliland territory (middle and western part).

Al Shabaab maintains a quiet network in Somaliland, mainly for purposes of finances and recruitment.

A combination of informal and formal intelligence gathering capabilities and networks by the Somaliland authorities, have been described as keys to their success against Al-Shabaab, so far.

Inter and intra-clan disputes, involving clan militias, over land and water have been reported. A source has indicated that the real issue is actually linked to clan growth and expansion dynamics.

Buhodle district, which falls within Somaliland's administrative power, refuses to be part of Somaliland, and at times it allies with the FGS and at times with the Puntland administration.

In September 2020, it was reported that Somaliland security forces arrested several terror suspects and seized weapons and explosive devices in Burao town.

Nature of violence

Togdheer is the site of disputes and clan confrontations and feuds. For example, sub-clan militias engaged in military confrontations on clan revenge grounds in and around Buhodle in January-February of 2021, resulting in various casualties and fatalities. Among others, security incidents related to clan conflicts do not always receive local media attention and hence might go under-reported in Somalia.

In March and April 2021, two operations of the Puntland security forces against respectively Al-Shabaab and ISS affiliated groups were reported in Odweine district, killing a number of militants.

On November 2020, an IED by an unknown group exploded when a school bus was passing by in Burco district, causing three to seven casualties.

Incidents data

ACLED recorded 20 security incidents (an average of 0.3 security incidents per week) in Togdheer region between 1 January 2020 and 30 June 2021. Out of those incidents, 10 were coded as battles, 1 as explosion/remote violence and 9 as violence against civilians.

Geographical scope

Security incidents occurred in 3 out of 4 districts of Togdheer region with the largest overall number being recorded in Buhodle district (16 incidents).

Fatalities among civilians and non-civilians

In the reference period, ACLED recorded a total of 49 fatality in the region. Compared to the figures for the population in the region as from 2014, this represents approximately 7 fatalities per 100 000 inhabitants.

Displacement

Between January 2020 and May 2021, PRMN reported 11 000 new displacements from Togdheer, with the majority being within the region. In this period, conflict and insecurity led to the displacement of 1 010 cases. In 2020 and until May 2021, additional 870 displacements to Togdheer were registered from Sool.

Further impact of the armed conflict(s) on the life of civilians

In 2020, Somaliland authorities issued directives imposing conditions on humanitarian aid organizations, thereby potentially hampering humanitarian operations. For the Togdheer region, seven incidents of humanitarian workers being unable to access sites were reported in 2020.

The presence of entry and exit checkpoints at each district within Somaliland has been reported [[Socio-economic 2021](#), 3.2.2.1].

Gang rape and other forms of gender-based violence were reported to remain a problem in urban areas of Somaliland, often occurring in impoverished neighbourhoods and among immigrants, returnees and IDPs.

Looking at the indicators, it can be concluded that in the region of **Togdheer** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

3.3.4 Serious and individual threat

Last updated: June 2022

In situations where the level of indiscriminate violence does not exceptionally reach what is referred to as the ‘mere presence’ threshold, the assessment should continue with an analysis of the individual circumstances of the applicant.



[...] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

CJEU, *Elgafaji*, para.39

Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences.

≠ **refugee status**

It is important to differentiate these individual elements from the individual elements which would result in the deliberate targeting of the applicant, whether as an individual or as a part of a group defined by one of the grounds under the refugee definition.

≠ **IPA**

The assessment should also be distinguished from that under internal protection alternative, with regard to the reasonableness for the applicant to settle in a different location than their home area.

In the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. It is not feasible to provide exhaustive guidance about what the relevant personal circumstances could be and how those should be assessed.

The text below provides some indications concerning the relevant considerations and the nature of the assessment.

Indiscriminate violence, examples of relevant personal circumstances

- **Age:** when assessing the risk of indiscriminate violence, this personal circumstance would be of particular importance in relation to the ability of the person to assess the risks. Security incidents in public places, such as roads, security checkpoints, hotels, restaurants and schools, have been reported in many parts of Somalia [[Security 2021](#), 2.3.3; [Actors](#), 2.4.6, 3.6, 4.5, 7.5.5; [Targeting](#), 6]. Children may not be in a position to quickly assess a changing situation and avoid the risks it entails. In some cases, elderly age may also impact the person’s ability to assess and avoid risks associated with an armed conflict.
- **Health condition and disabilities, including mental health issues:** serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. The latter may have different implications related to the assessment of the risk under [Article 15\(c\) QD](#). Taking into account road security, this may increase the risk of indiscriminate violence as the person would be required to travel. Attacks in healthcare facilities have also been recorded [[Actors](#), 2.4.6, 3.6, 4.5, 7.5.5]. Furthermore, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a



higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the healthcare they need.

- **Economic situation:** applicants in a particularly dire economic situation may also be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** when assessing the risk of indiscriminate violence under [Article 15\(c\) QD](#), the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by explosive remnants of war, etc. Different elements may affect negatively a person's knowledge of the area. For example, being born or having lived for many years outside the country can impact the applicant's ability to assess the risks in the area.
- **Occupation and/or place of residence:** the occupation and/or place of residence the person is likely to have when they return to their home area may also be relevant to assess the risk under [Article 15\(c\) QD](#). It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to work in or live near locations known to be particularly targeted in the conflict, e.g. checkpoints, restaurants, hotels.
- **Family members or clan/support network:** the lack of family members or clan/support network could affect the applicant's economic situation and place of residence/occupation and may also prevent them from being informed on risks relevant to the indiscriminate violence in a situation of an armed conflict.

Individual elements related to the above can exist in combination. Other factors may also be relevant.

It is not feasible to provide general guidance on which individual circumstances would be sufficient to substantiate a real risk under [Article 15\(c\) QD](#) in areas with high level of violence compared to areas where the violence is considered to not be at a high level. Each case should be assessed individually.

3.3.5 Qualification of the harm as a 'threat to (a civilian's) life or person'

Last updated: June 2022

Neither the Qualification Directive, nor the CJEU in its jurisprudence, have defined the terms 'threat to (a civilian's) life or person'.

The CJEU has held that [Article 15\(c\) QD](#) has an additional scope to that of [Article 3 ECHR](#) and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR.²¹

²¹ *Elgafaji*, para.28.

By comparing the provisions of [Article 15\(a\) and \(b\) QD](#), which indicate a particular type of harm, with the provision of [Article 15\(c\) QD](#), the CJEU further concludes that the latter:



[...] covers a more general risk of harm. Reference is made, more generally, to a ‘threat... to a civilian’s life or person’ rather than to specific acts of violence.

Furthermore, that threat is inherent in a general situation of ‘international or internal armed conflict’.

CJEU, *Elgafaji*, paras. 33-34

Some of the commonly reported types of harm to civilians’ life or person in Somalia include killings, injuries, abductions, forced displacement, famine caused by food insecurity, etc.

3.3.6 Nexus/‘by reason of’

Last updated: June 2022

Subsidiary protection under [Article 15\(c\) QD](#) is granted to any person in respect of whom substantial grounds have been shown for believing that he or she, if returned, would face a real risk of a serious and individual threat to his or her life or person **by reason of** indiscriminate violence.

The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person).

The interpretation of the causation ‘by reason of’ may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of a complete breakdown of law and order, destruction of the necessary means to survive, destruction of infrastructure, denial or limited access to humanitarian aid. Armed clashes and/or closure or destruction of roads can also lead to food supply problems that cause famine or to limited or no access to healthcare facilities in certain areas of Somalia.



4. Actors of protection

[Article 7 QD](#) stipulates the requirements for actors of protection:



Article 7(1) and (2) QD Actors of protection

1. Protection against persecution or serious harm can only be provided by:

- a) The State; or
- b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.



The contents of this chapter include:

- [The State](#): outlining and analysing the capacity of the Somali State to provide protection in accordance with [Article 7 QD](#);
- [Parties or organisations, including international organisations](#): analysing whether other parties or organisations could qualify as actors of protection under [Article 7 QD](#).
- [Considerations on clan support](#): analysing whether clans could qualify as actors of protection under [Article 7 QD](#).

4.1 The State

Last updated: June 2022

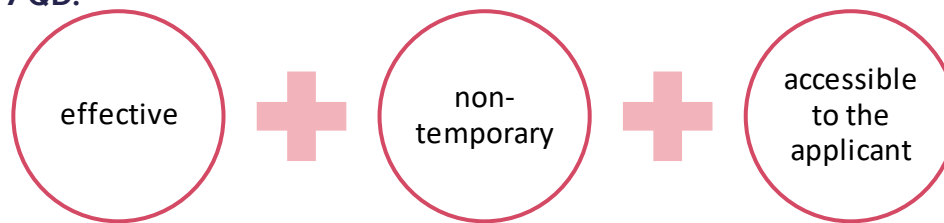
The term 'State' ([Article 7\(1\)\(a\) QD](#)) encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it federal, state or local. Sometimes, private entities may also be given State powers and may be made responsible for providing protection under the control of the State.

In order to qualify as an actor of protection, the State has to be **able and willing** to protect persons under its jurisdiction.

The protection in the country of origin has to meet three cumulative conditions. It has to be:



Figure 15. Requirements to the protection in the country of origin in accordance with Article 7 QD.



It should also be kept in mind that effective protection is presumed not to be available where the State or agents of the State are the actors of persecution or serious harm ([Recital 27 QD](#)).

The Somali State

Last updated: June 2022

Somalia is a Federal State which is composed of two levels of government: the federal government and the federal member states, which include both state and local governments ([Actors](#), 2.1).

The President is the Head of the State, the symbol of national unity, and the guardian of the Constitution ([Actors](#), 2.1).

On the FGS level, the legislative power is exercised by the Federal Parliament, consisting of the House of People and the Upper House. The executive branch consists of the Council of Ministers. Local parliaments are also based in FMS. ([Actors](#), 2.1)

Puntland has developed significant institution-building and governance mechanisms. However, it is still affected by a number of issues, including security, humanitarian, political, and socio-economic challenges, such as tensions with FGS, clashes with Somaliland and Galmudug, clan rivalries and presence and activities of Al-Shabaab and ISS. ([Actors](#), 7.6.1)

The Judiciary consists of the Constitutional Court, the Federal Government level courts and the FMS level courts. Under the Provisional Constitution, the judiciary power shall be independent of the legislative and executive branches. Puntland has by far the most advanced (formal) judicial system among the FMS. Islam is the State religion and *Sharia* is the basis of both statutory and customary law. ([Actors](#), 2.1, 2.3.1, 7.6.4)

The formal justice system is only a portion of the composite justice system that operates in Somalia. Mediation or arbitration through customary law elders, as well as adjudication through *Sharia* courts coexist, complement or replace official justice venues. Very broadly, their subject specialisation can be described as follows:

- Official justice system: in principle all cases, civil and criminal;
- Customary (xeer) justice: main source of justice for the settlement of clan disputes, conflict resolutions, land disputes and (group) collective responsibilities;
- *Sharia* courts: primarily for family matters, business and commercial disputes ([Actors](#), 2.3).

For the justice mechanism operated in Al-Shabaab controlled areas, see [Al-Shabaab](#) under [4.2 Parties or organisations, including international organisations](#).

Since 2014, *xeer* has been adopted as a supplementary approach to justice by the Ministry of Justice (MoJ) of the FGS. Officially renamed to Alternative Dispute Resolution (ADR), ADR centres have been established in all FMS, however not in all administrative regions. More than 80% of all civil and criminal cases in Somalia are settled through a customary (*xeer*) system, which is perceived by many Somali citizens as effective, fast and compliant with *Sharia* law but most importantly provides enforceable judgments. [\[Actors, 2.3.2\]](#)

Several issues affect the statutory administration of justice in Somalia, including limited staff and budget, limited preparation and training, lack of enforcement of both civil and criminal decisions and widespread corruption. Access to justice is also hindered by costs. Against this backdrop, statutory justice is not the preferred means to seek and access justice among the Somalis. [\[Actors, 2.3.1\]](#)

Independence and impartiality of the judiciary is not always respected by the government. Furthermore, local courts often depend on local clans and are affected by clan politics. The right to a fair and public trial is often not enforced at all, with the authorities not respecting most rights relating to trial procedures. [\[Actors, 2.3.4\]](#)

Meanwhile, military courts have tried a broad range of offenses and defendants, including children, in trials that violate basic fair trial standards [\[Actors, 2.3.4\]](#).

Women and children can only have access to customary (*xeer*) justice through a male representative, since they are not considered by the society as responsible. Stigma is associated to women directly seeking justice and presenting their case to a male-dominated justice system and in the context of a patriarchal society [\[Actors, 2.3.2\]](#). In comparison with most customary justice providers, *Sharia* courts are more accessible to and amenable towards women and women's rights [\[Actors, 7.7.4\]](#).

Minority group members often lack protection by state authorities and continue to experience issues with regard to access to justice. Access to statutory justice is also hindered by costs, which is a variable that interacts with clannism, as minority clans tend to be poorer and less well-connected [\[Actors, 2.3.1\]](#). Women from minority groups find themselves with little protection either from customary clan-based justice systems or formal legal procedures [\[Targeting, 4.1\]](#).

Al-Shabaab controls a significant part of South-Central Somalia and has expanded its influence beyond that.

The state security architecture remains deeply fractured, with impacts in all other domains. As a consequence, the FMS' security, political, and administrative powers are often still weak and overlap or outrightly replace that of the federal government, which is often unable to enforce its presence and central power. [\[Actors, 2.2\]](#)

Capacity issues, such as untrained and unqualified units and lack of equipment, have a considerable impact on the effective capacity of the SNA to engage in military operations against Al-Shabaab. NISA is also experiencing a number of issues, including infiltration by Al-Shabaab and political instrumentalization, affecting its effectiveness. The PSP has been described as the only functioning state police service among the FMS police services. On the other hand, PMPF has supplanted various official policy functions in Bosasso and has become involved in Puntland politics, clan rivalries, and geopolitical conflicts, while being used to combat Al-Shabaab and ISS forces as well. It still works as the praetorian guard of current

Puntland's administrations, with the UAE trying however to discourage its use as presidents' personal militia. PMP has also fought the PMPF over access and control of Bosasso. Both PMPF (funded by UAE) and PSF (funded by US) operate outside of Somalia's constitution and security architecture, with the latter working as a private auxiliary group [[Actors](#), 2.4, 7.6.2]. For more details on the structure and activities of the FGS and FMS armed forces, see [Actors of persecution or serious harm](#).

AMISOM's effectiveness is also impacted by a number of issues, such as mandate, resources and capabilities, regional dynamics and other international actors. Furthermore, an AMISOM expert has stated that 'an under-resourced force that is unable to protect itself is hardly in position to proactively protect civilians' [[Actors](#), 5.1]. For more information on the structure and activities of AMISOM, see [AMISOM](#) under [Actors of persecution or serious harm](#).

As from January 2021, the US military troops in Somalia have largely been withdrawn [[Actors](#), 5.2]. For more information on the structure and activities of AFRICOM, see [AFRICOM](#) under chapter [Actors of persecution or serious harm](#).



The Somali multi-faceted justice system is still experiencing significant weaknesses and is unable to effectively detect, prosecute and punish acts that constitute persecution or serious harm. Furthermore, law enforcement is continuously challenged by the different conflicts taking place in Somalia, including the conflict with Al-Shabaab.

Therefore, it can be concluded that, in general, the Somali State would not be considered an actor of protection meeting the criteria under [Article 7 QD](#).

Authorities of Somaliland

Last updated: June 2022

[[Actors](#), 7.6.1, 7.7]

The authorities of Somaliland dispose their own legislative, executive and judiciary branches. Despite some issues experienced by the Somaliland armed forces, such as limited resources and accessibility to more remote areas, they have managed to deny Al-Shabaab a foothold in the area.

Justice provision in Somaliland operates similarly to that in the rest of Somalia, whereby it combines statutory courts with both *xeer* and *Sharia*. All three systems are recognized by the Constitution of Somaliland.

Somaliland doubled the number of (statutory) judges in less than a decade and has introduced mobile courts to deal with the access to justice for rural areas harder to reach. However, a number of issues still affect (statutory) justice in Somaliland, such as lengthy legal procedures, high legal fees, shortage of trained judges and lawyers, limited presence in rural areas and nomadic communities of judiciary institutions, low implementation of court decisions and widespread allegations of corruption.

Nevertheless, in Somaliland defendants generally enjoyed a presumption of innocence and the right to a fair trial.



Approximately 30% of all cases arbitrated in Somaliland are resolved through *Sharia* courts and Islamic scholars.

Restrictions to access to customary justice for children and women apply also in Somaliland. See more information under [The Somali State](#) and sub-profile [2.11.1 Violence against women and girls: overview](#).

Minority group members often lack protection by the authorities [[Targeting](#), 4.1].



It can be concluded that the authorities of Somaliland, in areas under their control, may, depending on the individual circumstances of the case, be considered able and willing to provide protection that meets the requirements of [Article 7 QD](#). In disputed areas between Somaliland and Puntland, the criteria under [Article 7 QD](#) would generally not be met.

When assessing the availability of protection by the authorities of Somaliland, individual circumstances such as home area, age, gender, clan, social and economic situation, actor of persecution and type of human rights violation must be taken into account. Protection by the Somaliland authorities is generally not considered available for members of minority groups, LGBTIQ persons and women, especially in cases of sexual and gender-based violence.

4.2 Parties or organisations, including international organisations

Last updated: June 2022

In the context of [Article 7 QD](#), it is necessary that those parties or organisations control the State or a substantial part of the territory of the State. In order to consider that parties or organisations control a region or a larger area within the territory of the State, it should be established that they exercise governmental functions. Furthermore, those parties or organisations have to be willing and able to provide protection against persecution or serious harm as defined in [Article 7\(2\) QD](#).

Al-Shabaab

[[Actors](#), 4.3, 4.4; [Targeting](#) 3.1]

At the peak of its territorial control, Al-Shabaab established functional ministries and administrations. As of 2014, Al-Shabaab maintained several ministries such as the interior ministry, the information ministry, the justice ministry with judges in each region.

There is no functional formal judicial system in Al-Shabaab-controlled areas. Al-Shabaab has established courts in the territory under its control, as well as beyond it, through the introduction of mobile courts, including in Mogadishu. These courts implement the *Sharia* law in its strictest form leading to executions and corporal punishments.

Many people in Somalia who live in government or state-controlled territory seek justice by going to *Sharia* law courts run by Al-Shabaab due to its ability to enforce its decisions. The



majority of cases dealt by Al-Shabaab courts are civil and, among these, mostly related to land or business disputes.

Al-Shabaab carried out arbitrary arrests on the basis of questionable or false accusations. Its courts did not permit legal representation or appeals and the group administered justice without consulting the victims or taking into account the broader circumstances of an offence.



The lack of due process and the nature of the punishments would not qualify the parallel justice mechanism operated by Al-Shabaab as a legitimate form of protection. Further taking into account its record of human rights violations, it can be concluded that Al-Shabaab does not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

4.3 Considerations on clan support

Last updated: June 2022



The following judgment is of particular importance for the assessment on the support provided by clans in Somalia in relation to Article 7 QD:

[CJEU, OA judgment](#)²²

The CJEU found that: *'In accordance with the requirements described in paragraphs 38 and 43 to 46 of the present judgment, any such protection in terms of security cannot, in any event, be taken into account in order to ascertain whether State protection meets the requirements that arise, in particular, from Article 7(2) of that directive.'*

[...]

Article 11(1)(e) of Directive 2004/83, read together with Article 7(2) of that directive, must be interpreted as meaning that any social and financial support provided by private actors, such as the family or the clan of a third country national concerned, falls short of what is required under those provisions to constitute protection and is, therefore, of no relevance either to the assessment of the effectiveness or availability of the protection provided by the State within the meaning of Article 7(1)(a) of that directive, or to the determination, under Article 11(1)(e) of that directive, read together with Article 2(c) thereof, of whether there continues to be a well-founded fear of persecution.'

²² CJEU, *OA v Secretary of State for the Home Department*, C-255/19, Second Chamber, judgment of 20 February 2021 (OA).



Most Somalis rely on support from patrilineal clan relatives [[Targeting](#), 4]. Clans can provide different forms of support for their members. Inside the *jilib*, community must help individuals in case of smaller or larger problems, reaching as far as the mutilation or the murder of someone from another clan (blood price) [[Actors](#), 3.2.1]. Arrangements can also be made between clans for protection outside the clan [[Actors](#), 3.2.2].

Under the *xeer* system, clan elders act as mediators or arbiters, and play a central role in the resolution of local and intra-clan disputes [[Actors](#), 2.3.2].

For information with regard to support provided by clans, see [The role of clans in Somalia](#). For more information on the *xeer* system, see profile [2.8 Individuals accused of crimes in Somalia](#) and [The Somali State](#) under chapter [Actors of protection](#).



The support provided by clans in Somalia cannot be considered as meeting the requirements of [Article 7 QD](#).

5. Internal protection alternative

This chapter looks into the topic of internal protection alternative (IPA).



The contents of this chapter include:

[Preliminary remarks](#)

[5.1 Part of the country](#)

[5.2 Safety](#)

[5.3 Travel and admittance](#)

[5.4. Reasonableness to settle](#)

Preliminary remarks

Last updated: June 2022

This chapter analyses the situation in Somalia in relation to the requirements of [Article 8 QD](#).



Article 8 QD **Internal protection**

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

- a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
- b) has access to protection against persecution or serious harm as defined in Article 7;

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, 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 in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

It should be noted that the provision of [Article 8 QD](#) is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of [Article 8 QD](#) and/or the concept of internal protection alternative (IPA) in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as ‘internal flight alternative’, ‘internal relocation’, etc.

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in his or her home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.

The analysis of IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

In order to determine that internal protection is available in a particular part of the applicant’s country of origin, three cumulative criteria have to be met: ‘safety’, ‘travel and admittance’ and ‘reasonableness to settle’.

Figure 16. Internal protection alternative: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Somalia, as well as the individual circumstances of the applicant.



For more general guidance on the application of IPA, see the [‘EUAA Practical guidance on the application of the internal protection alternative’](#).

5.1 Part of the country

Last updated: June 2022

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of Article 8 QD would be examined in the individual case.



The examples of Mogadishu, Garowe and Hargeisa have been selected as the main urban centres in Somalia, including Puntland and Somaliland.

The selection of the three cities for this common analysis and guidance note does not prevent case officers from considering the application of IPA for other parts of Somalia, provided that all criteria described hereunder are met.



When identifying the relevant part of the country to assess as IPA, the clan affiliation of the applicant would be an important consideration. For example, for applicants from the Darood/Harti clan family, Garowe may be particularly relevant to assess. Similarly, Hargeisa may be particularly relevant to assess for applicants originating from Somaliland and/or belonging to the Isaaq clan family. For applicants from other clans, Mogadishu may be more relevant to assess, due to the presence of multiple clans in the city.

5.2 Safety

Last updated: June 2022

The criterion of safety would be satisfied where the following two aspects have been established:

Figure 13. IPA: Assessment of the safety requirement.



5.2.1 Absence of persecution or serious harm

When examining the element ‘absence of persecution or serious harm’, the decision-maker should refer to chapters 1 to 4 of this document.

The following elements should be taken into account:

► general security situation

The general security situation in the particular part of the country that is being examined as an alternative for internal protection in the individual case should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#).



The conclusions with regard to the three cities of Mogadishu, Garowe and Hargeisa are as follows:

In **Mogadishu**: indiscriminate violence reaches a **high level**, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

In **Garowe**: there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

In **Hargeisa**: there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

► **actor of persecution or serious harm and their reach**

In case where the person fears persecution or serious harm by State actors (e.g. journalists), there is a presumption that IPA would not be available (Recital 27 QD).

In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area (e.g. FMS authorities, Somaliland authorities), the criterion of safety may be satisfied with regard to other parts of Somalia.

The presence and/or control of Al-Shabaab and its operational capacity has generally expanded in all South-Central Somalia, while activities and presence have also been reported in Puntland but to a lesser degree [[Actors](#), 4.1]. Moreover, Al-Shabaab has infiltrated both the government and the security forces, thus expanding its areas of influence beyond the areas where it holds military presence or even territorial control [[Actors](#), 4.3.3]. Al-Shabaab has limited capacity to carry out attacks in Somaliland because it only has a small presence [[Targeting](#), 6.1]. In case of persecution by Al-Shabaab, the criterion of safety, in general, would not be satisfied in South-Central Somalia. With regard to Puntland and Somaliland, IPA may be considered safe, depending on individual circumstances. Among other relevant factors, the capacity of Al-Shabaab to track and target individuals in areas outside of its control, the way the applicant is perceived by Al-Shabaab and whether a personal enmity is at stake should be given due consideration.

With regard to other actors of persecution or serious harm, such as ISS and clans, their presence is generally geographically more limited. In some cases, the criterion of safety under IPA could be satisfied, depending on individual circumstances.

For more information on the territorial aspect of the activities of different actors, see chapter [Actors of persecution or serious harm](#) and [Assessment by region](#).

Where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Somalia and the actor of persecution or serious harm is the Somali society at large (e.g. LGBTIQ persons), IPA would in general not be considered safe.

For certain particularly vulnerable individuals, such as some women and children, if the actor of persecution or serious harm is the (extended) family or clan (e.g. FGM, forced



marriage), taking into account the reach of these actors, the lack of State protection and their vulnerability to potential other forms of persecution or serious harm, IPA would in general not meet the requirement of safety.

See the chapter [Actors of persecution or serious harm](#).

► **Whether the profile of the applicant is considered as a priority target by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location (e.g. high-level federal and state officials and members of the armed forces targeted by Al-Shabaab and/or ISS, etc.)

► **Behaviour of the applicant**

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation and gender identity, in order to avoid the risk of persecution or serious harm.²³

► **Other risk-enhancing circumstances**

The information under the section [Analysis of particular profiles with regard to qualification for refugee status](#) should be used to assist in this assessment.

5.2.2 Availability of protection against persecution or serious harm

Last updated: June 2022

Alternatively, case officers may determine that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm as defined in [Article 7 QD](#) in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.

See the chapter on [Actors of protection](#) above.



In relation to **Mogadishu**, the requirement of safety may be satisfied only in **exceptional cases**. Individual circumstances are to be taken into consideration.

In relation to **Garowe** and **Hargeisa**, the requirement of safety may be satisfied, depending on the profile and the individual circumstances of the applicant.

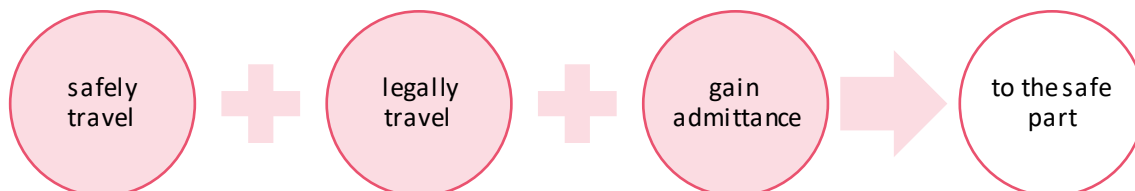
²³ CJEU, *X, Y and Z*, paras.70-76; CJEU, *Y and Z*, para. 80.

5.3 Travel and admittance

Last updated: June 2022

In case the criterion of ‘safety’ is satisfied, as a next step, case officers have to establish whether an applicant can:

Figure 18. Travel and admittance as requirements for IPA.



It should be noted that, in the context of Somalia, the three requirements should be read in conjunction.

The respective elements with regard to Mogadishu, Garowe and Hargeisa are explained below, along with conclusions based on available information:

❑ **Safely travel:** there should be a safe route, through which the applicant can practically travel without undue difficulty, so that he or she can access the area of IPA without serious risks. In this regard, the assessment of the travel route from the airport to the city is part of the ‘safe travel’ criterion and has to be assessed carefully based on relevant COI.²⁴

- **Mogadishu:** Mogadishu has an international airport, Aden Adde International Airport, from which both international and domestic flights are taking place. The airport is located about 1.6 kilometres west of the town. Mortar attacks launched by Al-Shabaab against the airport complex have been recorded. [[Actors](#), 4.2.3]

Several hundred checkpoints in Mogadishu manned by security forces were meant to ensure safety in the city. People reported fear going through checkpoints because of corrupt police officers or the risk of terrorist bomb attacks. Violent incidents at checkpoints causing deaths and harassments by NISA or other security agents have also been reported. [[Socio-economic 2021](#), 1.2.2]

- **Garowe:** Garowe International Airport is the third largest airport in Somalia, located about 12 kilometres from Garowe’s city centre. It is operated by the Puntland Ministry for Civil Aviation and Airport and it serves both international and domestic destinations. [[Socio-economic 2021](#), 2.2.1]

In terms of internal mobility and security, Somalis can in general freely move around Puntland without too many security concerns. Exceptions are the contested areas in Sool and Sanaag or areas where Al-Shabaab has presence such as around the Galgala Hills. [[Security 2021](#), 2.6.5]

²⁴ECtHR, *Sufi and Elmi*, paras.268, 269, 271.

- **Hargeisa:** Hargeisa's airport is located 6 km from the city centre and it serves both international and domestic flights [[Socio-economic 2021](#), 3.2.1].

❑ **Legally travel:** there should be no legal obstacles that prevent the applicant from travelling to the safe area.

- **Mogadishu:** in principle, people can move freely within the capital city regardless of their clan background, and there are no clan-based restrictions on movement. The main checkpoints in the city were controlled by FGS forces. In January 2019, a source indicated that security checkpoints in Mogadishu were commonly located every one to two kilometres, and that one should make sure to provide an ID card. However, in July 2021, another source stated that the majority of people in Mogadishu do not possess IDs or other identity documents. Official fees are not levied at checkpoints, but bribes may be requested and especially so if identity documents are missing. People without IDs are more likely to be body-checked. For members of marginalised groups, passage was not always possible even though they had the required identity certificates. [[Socio-economic 2021](#), 1.2.2]
- **Garowe:** the existence of checkpoints manned by security forces, district officials or police officers from the local municipality who collect fees as well as bribes has been reported. Controls of people are regular, however, security forces do not necessarily check IDs but ask questions to determine the place of origin. [[Socio-economic 2021](#), 2.2.2.2]
- **Hargeisa:** Somaliland authorities require anyone entering the territory through the airport to have a proper travel document and may require a fee. For individuals who are not in possession of identification documents issued by the Somaliland authorities, the Department of Somaliland Immigration (SIBC) lists travellers who, based on their type of passport or nationality, can apply for an 'on arrival' visa directly, while other applicants must apply for visas in advance. 'On arrival' visas are awarded for stays of up to 30 days. As a rule, an invitation is required as proof of the purpose of stay, without which entry can be refused. Visa fees apply. [[Socio-economic 2021](#), 3.2.1]

The presence of entry and exit checkpoints at each district within Somaliland has been reported. There are also checkpoints on all the roads leading in and out of Hargeisa city. However, they do not significantly affect the accessibility or mobility of residents. Checkpoint authorities consistently verify travel documents, driver's licenses, destination and origin of the trip, record plate numbers of vehicles and contact numbers of travellers. [[Socio-economic 2021](#), 3.2.2.1]

❑ **Gain admittance to:** the applicant should be allowed to access the safe area by the actor(s) who control it.

- **Mogadishu:** even though there are no clan-based restrictions on movement and settlement, still, the clan background determines where people feel it is safest for an individual to live. The clan can also provide a safety net in case of hardship. [[Socio-economic 2021](#), 1.2.3]
- **Garowe:** although people can settle in all parts of Garowe city, they tend to settle according to clan affiliation [[Socio-economic 2021](#), 2.2.3.3].



- **Hargeisa:** Hargeisa's population has a history of settling in the city according to a clan-based segregation. Newcomers settled where members of their clan lived, because they knew this network would facilitate their access to a range of institutions and services which the state failed to provide. However, this did not signify that people cannot reside in a neighbourhood populated by a clan different than theirs. [[Socio-economic 2021](#), 3.2.3]

The individual circumstances of the applicant should also be taken into account when assessing whether he or she can safely and legally travel and gain admittance to a part of the country.



For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA should proceed with an assessment of the requirements of safety and legality of travel and of gaining admittance.

Based on available COI, it is concluded that there are some security concerns with regard to the safety of travel to Mogadishu. With regard to Garowe and Hargeisa, it is concluded that, in general, a person can access these cities without serious risks.

The possession of identification documents may be required to pass through checkpoints to travel to Mogadishu, Garowe and Hargeisa.

Identification documents issued by Somaliland authorities or a travel document such as a visa are required to travel to Hargeisa. The possession of a 30-day visa would not be sufficient to consider that the applicant can settle in the city. The profile and individual circumstances of the applicant should be taken into account.

Clan affiliation does not constitute a legal requirement to travel and gain admittance in Mogadishu, Garowe and Hargeisa, however it would be a crucial factor to take into account when examining the requirements of reasonableness to settle in one of these cities.

5.4 Reasonableness to settle

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According to [Article 8\(1\) QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

This common analysis follows a rights-based approach in light of jurisprudence of the ECtHR identified as relevant.

While acknowledging that the ECtHR jurisprudence is in the context of a different legal regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under [Article 8 QD](#).





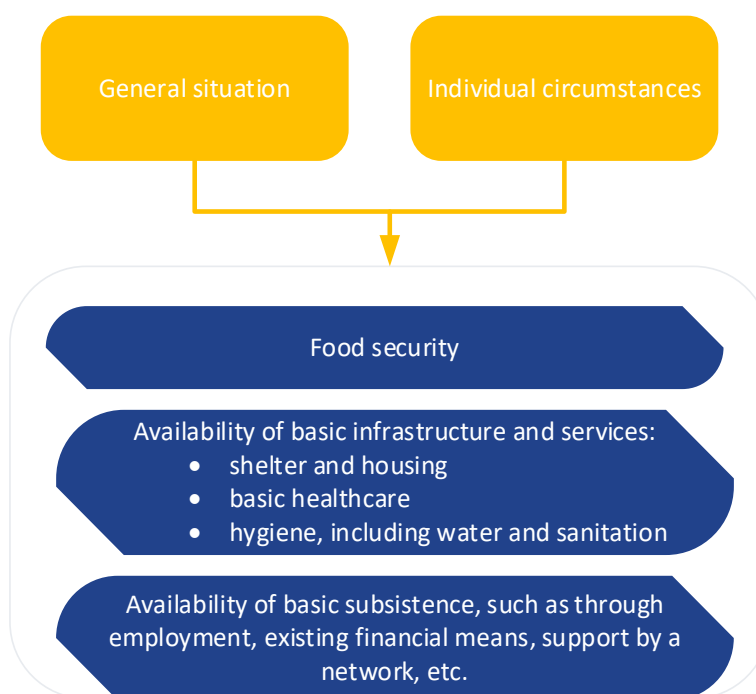
The assessment should take into account the applicant's ability to cater for their most basic needs, such as food, hygiene and shelter, their vulnerability to ill-treatment and the prospect of their situation improving within a reasonable timeframe.²⁵

Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by [Article 3 ECHR](#).²⁶

In applying the reasonableness test, it should be established that the basic needs of the applicant, such as food, shelter and hygiene, would be satisfied. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence, and to the availability of basic health care.

The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

Figure 19. IPA: assessment of the reasonableness requirement.



The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

²⁵ ECtHR, *Sufi and Elmi*, para. 283.

²⁶ ECtHR, *A.A.M. v Sweden*, para. 73.



These criteria are assessed below in relation to the general situation in the three cities of Mogadishu, Garowe and Hargeisa. This general situation is, furthermore, taken into account in the conclusions regarding the applicability of IPA to certain profiles of applicants ([5.4.3 Conclusions on reasonableness](#)).

5.4.1 General situation

Based on available COI, the general situation regarding the elements mentioned above is assessed as follows:



The contents of this section cover the topics of food security, housing and shelter, hygiene, basic healthcare, and means of basic subsistence for the cities:

[Mogadishu](#)

[Garowe](#)

[Hargeisa](#)

Mogadishu

Last updated: June 2022

Food security

[[Socio-economic 2021](#), 1.1.2, 1.3.1]

The majority of the population in Mogadishu is affected by food insecurity with highest malnutrition rates among IDPs. In December 2020, it was reported that a persistently critical level of acute malnutrition prevailed among IDPs in Mogadishu since 2019 due to high morbidity and effects on household incomes. In March 2021, it was reported that 125 000 people, per month, receive food assistance since July 2018. However, an all-time high with regard to food security complaints and information requests was reported in April 2021. This relates to the elevated number of new displacements and coincides with increases of IDP numbers.

Insufficient food production in the country leads to high food prices. Moreover, the city's supply from local producers is vulnerable to climate change, from which food security suffers in time of droughts. In 2020, the largest locust swarms in 25 years hit Somalia's agriculture and drove Somalia into severe food insecurity.

Housing and shelter

[[Socio-economic 2021](#), 1.1.2, 1.3.2]

Mogadishu is located in an area affected by recurrent flash floods. Reportedly housing conditions in Mogadishu were challenging. Informal housing is widespread. The federal government is unable to meet the shelter needs of the most vulnerable residents.



Due to scarcity of land, access to land and housing was constrained in urban areas. The growing influx of IDPs as well as of returnees from neighbouring countries has further constrained access to land in Mogadishu.

Prices for housing varied significantly between safe and unsafe areas. Reportedly people coming from outside of Mogadishu were charged a higher rent than locals.

Tenants need a local male person to vouch for them before a new rental arrangement is made. Single women encounter difficulties when renting their own apartment. Living alone is not customary and might be criticised as westernised. Moreover, single young men are particularly disadvantaged in accessing shelter due to stereotypical views of them as drug-takers, potential Al-Shabaab members, or people likely to cause trouble. For people living with disabilities, provisions were almost non-existent across all the housing categories. Therefore, they are generally entirely reliant on family members for support. Ethnic minorities outside of the clan system, such as Bantu, experience significant discrimination and tensions surrounding security of tenure or evictions.

IDP sites in Mogadishu are estimated between 500 and 1 500. Displaced people were mainly living in self-established camps at the fringes of Mogadishu. Housing consisted predominantly of corrugated metal sheet shacks or temporary shelters made of sticks, plastic and fabric inhabited by IDPs. Many dwellings of IDPs lack adequate protection from rain. In IDP camps, the 'camp leader' or 'gatekeeper' decides who is allowed to settle in the camp, register newcomers and identify the spots where they can set-up huts.

In Mogadishu the majority of residents at IDP sites do not belong to one of the dominant clans in the city. Poverty drove also non-IDP residents into informal settlements in Mogadishu. Spiking land and real estate prices in Mogadishu result in large-scale evictions. For more information on evictions, see section [Article 15\(b\) QD](#).

Hygiene

[\[Socio-economic 2021, 1.3.3\]](#)

Reportedly 67% of households in Mogadishu had access to improved sanitation. Only 2% of households lacked access to water and even 96% of households had access to piped water at home. However, it was reported that access to water, sanitation and the level of hygiene was not adequate in IDP settlements and that for IDPs and residents of informal settlements it was difficult and expensive to access water. Sanitary or latrine facilities are often lacking in informal settlements.

As access to safe water is challenging, water-borne diseases are common across the city. Floods compromised sanitation and increased the number of cholera cases. In times of droughts less water for hygiene and sanitation was available and water contamination increased.

Basic healthcare

[\[Socio-economic 2021, 1.3.4\]](#)

While most of Somalia's health facilities are located in larger cities including Mogadishu, experts have described the healthcare situation in the capital as 'worrisome' or even absolutely insufficient. There are no more than 1 000 to 1 200 beds for the city's population



estimated between 1.7 and 2.6 million. Many Mogadishu residents are therefore unable to access medical care.

Medical services available in Mogadishu are reportedly of 'poor quality' both in the public and the private sectors. Although basic drugs are available, their proper storage is difficult and fatalities have been reported from normally easily treatable diseases such as measles, malaria or cholera.

The private health care system is the dominant health care system in Mogadishu. Public hospitals quite often have to send their patients to private facilities because they lack the necessary equipment and expertise. While private healthcare facilities provide specialised and, at times, advanced treatment, several sources have emphasised that the health sector is highly unregulated and that the types of services and their quality are unknown.

While healthcare in Somalia is generally not free of charge, services in public hospitals are mostly cheaper than in the private healthcare sector. If drugs are available, they are distributed free of charge. The cost of private healthcare was unaffordable for a large part of the population.

The majority of funding comes from international donors and does not necessarily match the needs of the Somali health authorities.

IDP's access to healthcare is reportedly limited, contributing to high morbidity and death rates among some IDP populations in Mogadishu. Mobile health services serve some outskirt camps on weekly or bi-weekly basis, but neither these services nor diagnosis or medication are regular.

It has also been reported that there is 'particularly acute' shortage of mental health specialists.

No clan-based discrimination with regard to access to healthcare has been reported.

Healthcare services have been scaled down by nearly half as a result of night-time curfews and other restrictions linked to the COVID-19 pandemic.

Regarding COVID-19, Mogadishu was one of only a few places where a COVID-19 response was rolled out. A lack of hospitals treating COVID-19 patients was reported with only one facility dedicated to the treatment of COVID-19 cases. A lack of medical equipment also reportedly prevails, with only three private hospitals having oxygen plants.

Means of basic subsistence

[\[Socio-economic 2021, 1.3.6\]](#)

Urban wage labour is less dependent on climate or seasonal conditions. In Mogadishu, 64% of households were engaged in wage labour. Employment opportunities in Mogadishu were limited.

There were no precise statistics on unemployment, but the figure was estimated to be high.

Most poor households in urban centres like Mogadishu (these include IDP households, the non-IDP urban poor and/or migrants from rural areas) have to rely on casual labour to secure

an income. Many in Mogadishu lived from small-scale sales at markets or worked at restaurants and tea shops. Women selling fruit at markets usually earn a maximum of 1-2 USD per day while the average income of a Bajaj driver was reportedly approximately 15-20 USD per day.

The steady influx of displaced people from the countryside has resulted in increased competition for urban livelihoods. Vulnerable and uneducated persons are particularly affected by severe lack of access to the labour market in urban settings.

Public health measures to contain the spread of COVID-19 have severely impacted people's income and livelihoods. The level to which people were affected economically, depended on the type of livelihood or other daily activity such as education or household responsibilities. Woman-owned businesses have been especially hard-hit. Furthermore, remittances from family members and relatives (though not accessible for most IDPs) playing a significant role as a coping mechanism in Somalia, decreased during the pandemic.

Garowe

Last updated: June 2022

Food security

[\[Socio-economic 2021\]](#), 2.1.2, 2.3.1]

The livelihoods of agro-pastoral and riverine households are largely dependent on climatic conditions. Puntland has been affected by climatic shocks in recent years, alternating drought and floods, as well as the Gati cyclone in Bari in November 2020. Puntland is among the parts of Somalia facing critical water shortages.

In addition, the depreciation of the Puntland Somali Shilling had an impact on food prices. IDPs in Garowe and in Bosasso were affected by acute malnutrition at a 'critical' level.

Housing and shelter

[\[Socio-economic 2021\]](#), 2.3.2]

Most people in Garowe live in stone/brick houses on a land of 20 metres by 10 metres or 30 metres by 30 metres. In IDPs sites in Garowe district, the types of shelters were either traditional huts (88%), out of mud and stick walls with roofs out of corrugated iron sheets (64%), or shelters constructed using shelter kits (60%).

In Garowe city specifically, land tenure has become highly insecure. Illegal land expropriations were widespread in Puntland's major cities and land grabbers present themselves as legitimate landowners to IDPs from whom they demand rent, using coercive force.

Hygiene

[\[Socio-economic 2021\]](#), 2.3.3]

Poor and over-priced domestic water quality has been reported in Puntland. The piped water system (public private partnership) covers around 90% of the urban area however, residents also rely on hand dug shallow wells and berkads (reservoirs). However, the water is generally saline and does not meet World Health Organisation's standards.



In April 2021 UNOCHA reported that most water points across Puntland had dried due to persistent dry conditions, Garowe counting among the worst affected districts. Water shortages had led to population displacements in Puntland at the beginning of 2021.

The lack of an adequate sewage system in Garowe city as well as the insufficient collection of waste and the mislocation of dumping sites further threaten[ed] water resources, health and hygiene within the population.

Women and girls in Puntland, especially for the IDP communities, could face risks when trying to access WASH facilities, for example because of the distance of toilets from camp inhabitants and poor lighting. Unavailability of proper menstrual and other hygiene supplies has also been reported.

Basic healthcare

[\[Socio-economic 2021, 2.3.4\]](#)

UN-Habitat mentioned in 2019 that the condition of health services in Garowe city was insufficient and found that ‘the WHO minimum standard for health care services (20 physicians per 100 000 people) is not met, and numerous clinics are forced to close.’ The growing margins of the city were even more underserved regarding health care.

Garowe General Hospital (GGH) is the central and public facility regarding healthcare in Garowe. Private hospitals, small private clinics and pharmacies are reportedly also available.

Healthcare is not free in Garowe. However, the costs in the public hospital in Garowe are lower than other private or public hospitals.

Means of basic subsistence

[\[Socio-economic 2021, 2.3.6\]](#)

Around 25 - 35% of the urban population of Garowe are poor. There is little humanitarian aid offered to IDPs who do not belong to Puntland by patrilineal descent.

Many people work in employment, business and irregular casual labour and petty trades. Employment for many is instable. Due to the oversupply of labour, wage levels are depressed. Additionally, IDPs from southern Somalia who live in Garowe or nearby, as well as natural factors like droughts, burden the local economy. On the other hand, the existence of government offices, NGOs and UN agencies as well as universities and higher learning facilities in town have a positive effect on the local employment situation. In addition, there is much new construction going on, which creates jobs at least temporarily. Like in most other Somali towns, the service sector is offering considerable employment opportunities.

Generally, the informal sector remains the major driver of Garowe’s economy, with a share of over 69% of the district’s residents. Youth unemployment is very high. Young people often find only temporary or low-level jobs as cleaners or waiters.

Hargeisa

Last updated: June 2022

Food security

[\[Socio-economic 2021, 3.3.1\]](#)



Water and food insecurity are reported to pose the most significant challenge for Hargeisa with 53.2% of the total households below the food insecurity line. Crop losses in 2020 and livestock prices were high across the country. The measures taken to limit the spread of COVID-19 such as restricting access to markets were particularly detrimental to poor households' ability to cover daily food needs.

Housing and shelter

[\[Socio-economic 2021, 3.3.2\]](#)

Hargeisa experienced a rapid urbanisation in the past decades and saw land prices increase as well as the competition for access to land and housing. This urban reconstruction has had violent consequences including illegal land grabbing, and mass-scale evictions of the urban poor and displaced people.

Returnees and IDPs settled on large patches of uninhabited private or public land since the late 1990s. Their so-called camps or settlements are located at the outskirts of the city but also within the city centre. They attracted large numbers of people over the years, not only forcibly displaced people but also residents of Hargeisa who could not afford rising rents.

In the State House settlement in Hargeisa, less than 15% live in brick/masonry houses.

Hygiene

[\[Socio-economic 2021, 3.3.3\]](#)

Limited water and lack of sewage in Hargeisa lead to high costs of access to such utilities. Fewer than 1 in 100 households in Hargeisa has access to running water, with access dropping off sharply as one moves out from the city centre. 70% of the city's population rely largely on water from tanker trucks and hand carts, paying at least four times the price of piped water per unit, creating an excessive cost burden that falls most heavily on the poorest.

Difficulties to stock trucked water and menstrual hygiene management items have been reported in Hargeisa.

Basic healthcare

[\[Socio-economic 2021, 3.3.4\]](#)

In Hargeisa, around 200 medical doctors are offering services for a population of roughly one million people or more which amounts to an estimated ratio of one medical doctor per 5 000 inhabitants or more. The desirable doctor-population ratio, according to the World Health Organization (WHO), is 1:1 000. It was reported that the healthcare system has never developed beyond providing the most basic functions, which leave it ill-equipped to deal with any significant challenges.

Among the central problems of the health system in Somaliland are: the low preparedness for emergency, the lack of personal protective equipment and life-saving equipment, the lack of proper training and experience of health workers and the lack of standard operation procedures and guidelines.

Health care in Hargeisa is essentially private. The Hargeisa Group Hospital (HGH), which is the national referral hospital in Somaliland, is called 'public' or 'state' hospital due to partly



public funding. However, patients have to pay there for services. Regarding private hospitals, the admission fees and bed-costs are around 30% higher than in HGH. Payments for healthcare have to be managed privately while hardly anyone in Somaliland has health insurance.

The field of mental health care is underdeveloped in Somaliland, however, in Hargeisa there are some services. The main problem is the lack of qualified staff with only around five trained psychiatrists in Somaliland, two of whom are practicing in Hargeisa.

Means of basic subsistence

[[Socio-economic 2021](#), 3.3.6, 3.4.2]

Hargeisa's unemployment rate was 22.3% in total, with the youth unemployment rate being 37.6%. The informal economy continued to be a key source of livelihoods in Somaliland. Local employment decreased by more than 50% in Somaliland due to the COVID-19 impact.

Clan identity plays a crucial role in the social and economic life of residents in Hargeisa. Employment opportunities are to a significant degree influenced by kinship. Many IDPs are from the region (Somaliland). Their survival is guaranteed by relatives who pay for food etc. or through donations from international or local NGOs. IDPs who are from South-Central Somalia are dependent on humanitarian aid.

Women engaging in businesses might enter unsafe spaces and encounter structural barriers. They are more often confined to the informal sector than men. It is also reported that they enjoy relative freedom in Somaliland, including Hargeisa, to trade in the market, open small or also bigger businesses and travel.



The general circumstances prevailing in Mogadishu, Garowe and Hargeisa assessed in relation to the factors above entail significant hardship. However, they do not preclude the reasonableness to settle in the cities as such. A careful examination should take place, particularly when assessing the reasonableness of IPA to Mogadishu.

The person's ability to navigate the above circumstances in the three cities will mostly depend on access to clan support and financial means and in individual cases, the reasonableness requirement may be satisfied. The impact of COVID-19 on the economic situation, as well as on the healthcare system, should also be considered.

5.4.2 Individual circumstances

Last updated: June 2022

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable to settle in that part of the country should take into account the individual circumstances of the applicant.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact in determining to what extent it would be reasonable for the applicant to settle in a particular area.



Please note that this is a non-exhaustive list:

- **Clan affiliation and support network:** clan affiliation has a prominent role in the Somali society (for more information see [The role of clans in Somalia](#)) and support network is strongly embodied by clan affiliation. Therefore, the applicant's clan and sub-clan(s) should be taken into account. The majority of Mogadishu's districts are heterogenous in terms of clan distribution, but the dominant clans of these districts de-facto govern and control these areas and their support would be needed for business activities. In Hargeisa and Garowe, some neighbourhoods are dominated by one clan/sub-clan and others are mixed. [[Socio-economic 2021](#), 1.4, 2.4, 3.4]

A support network can be the family network, not restricted to the core family, but also including the extended family, and/or a social network, in particular: friends, employers, classmates, members of the same clan, etc., taking into account their willingness and ability to assist the person in accessing basic subsistence. IDPs, minority groups and returnees who have been absent for several years may lack clan support and large numbers of returnees who lack financial means end up in IDP camps where the living conditions are no different than for those internally displaced, thus with limited access to basic services [[Socio-economic 2021](#), 1.4].

- **Age:** young age as well as elderly age could significantly limit the applicant's access to means of subsistence such as through employment, making him or her dependent on other providers. Therefore, this element should be seen in conjunction with the available support by family or a broader support network. In the case of children, the best interests of the child shall be a primary consideration, for example, with regard to access to basic education. The out-of-school population in Somalia is one of the world's most significant. Populations' movements (60% of the population pursues pastoralist activities) and displacements due to violent conflicts or climatic shocks are the main impediments to children's access to formal education. Many low-income families could not afford education for their children. Access to education of children from minority clans is also difficult. Educational facilities are present in the three cities. [[Socio-economic 2021](#), 1.3.5, 3.3.5, 3.4.2]
- **Gender:** women and girls in Somalia may be subjected to discriminatory restrictions and may need the support of a male family member or chaperone in order to access different services and to exercise certain rights. Further difficulties have been reported for single women without a clan network and internally displaced women [[Socio-economic 2021](#), 1.4.2]. Therefore, the gender of the applicant should be taken into account when considering reasonableness in conjunction with their family status and available support.
- **State of health:** access to healthcare is strained in the three cities, making the health status of the applicant an important consideration when assessing the reasonableness of IPA for those who require medical treatment, also taking into account that their state of health may affect their ability to work and travel. For those with disabilities, access to basic subsistence such as through employment, would be further limited.
- **Religion:** given the predominance of Islam in Somalia, the religion of the applicant should be taken into account.



- **Local knowledge:** local knowledge, including linguistic knowledge, and the existence of certain social ties and connections, either through relatives or through school education or professional experience, would be a relevant consideration, as such ties and knowledge would assist an applicant in settling in the area and in particular in accessing basic means of subsistence and basic services.
- **Social, educational and economic background:** the background of the applicant, their level of education and available financial means should be taken into account when assessing the reasonableness of IPA, and in particular the access of the applicant to means of basic subsistence. Uneducated persons are particularly affected by severe lack of access to the labour market in urban settings. [[Socio-economic 2021](#), 1.3.6]
- **Civil documentation:** identity documents may be required in order to get passage through security checkpoints (see also [5.3 Travel and admittance](#)).

It should be noted that these factors would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA. In some cases, one or more elements of vulnerability would confirm a conclusion that IPA is not reasonable for the particular applicant (e.g. unaccompanied child, or person with disabilities without support network), while in other cases, personal circumstances would balance each other (e.g. non-educated male with strong clan/support network).

5.4.3 Conclusions on reasonableness

Last updated: June 2022



Mogadishu

Based on the general situation in Mogadishu, and taking into account the applicable individual circumstances, internal protection alternative in Mogadishu **may be reasonable only in exceptional cases**. Such exceptional cases would in particular include some able-bodied men and married couples without children with no additional vulnerabilities, who belong to locally majority clans and who have educational and professional background facilitating their access to employment, or a support network who is able to assist them in accessing basic subsistence, or those who otherwise have sufficient financial means. In the cases of couples, basic subsistence has to be ensured for both spouses in the IPA location.

Garowe and Hargeisa

In the case of **single able-bodied men and married couples without children**, IPA **could be reasonable** for those who belong to the local majority clan and can rely on its support and have no additional vulnerabilities.

In the case of **families with children and unaccompanied children**, internal protection alternative **would in general not be reasonable**. Individual circumstances and the best interests of the child should be duly assessed.

In the case of applicants from **minority groups**, including clans who can be considered minorities in the local context of the suggested IPA location, internal protection alternative **would in general not be reasonable**.





In the case of **other profiles**, the individual circumstances of the applicant, in particular in relation to clan affiliation, gender, age, the existence of a support/clan network, etc. should be given due consideration, when assessing the reasonableness to settle in these cities.



6. Exclusion

This chapter looks into the potential applicability of the exclusion grounds under [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#) in relation to acts committed by applicants from Somalia.



The contents of this chapter include:

- [Preliminary remarks](#)
- Factual circumstances in which exclusion may be relevant ([6.1 Relevant circumstances](#)).
- Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances ([6.2 Guidance with regard to Somalia](#)).

Preliminary remarks

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Applying the exclusion clauses where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

This chapter focuses on the exclusion of applicants found not to deserve international protection in accordance with [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#).

If a person would otherwise qualify for refugee status, the following would constitute exclusion grounds, according to [Article 12\(2\) QD](#):



Article 12(2) and (3) QD Exclusion (refugee status)

2. A third-country national or a stateless person is excluded from being a refugee where there are serious reasons for considering that

- a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- b) he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
- c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.



If the person would otherwise be eligible for **subsidiary protection**, the exclusion clauses under [Article 12\(2\)\(a\) and \(c\) QD](#) would apply in the same way ([Article 17\(1\)\(a\) and \(c\) QD](#), respectively). The ground of ‘serious crime’ ([Article 17\(1\)\(b\) QD](#)), on the other hand, is broader than ‘serious non-political crime’ and has no geographical or temporal limitations. Furthermore, additional exclusion grounds from subsidiary protection are envisaged under [Article 17\(1\)\(d\) QD](#) and [Article 17\(3\) QD](#). [Article 17\(3\) QD](#) contains an optional provision and its applicability would depend on the transposition of this provision in national legislation.²⁷



Article 17 QD **Exclusion (subsidiary protection)**

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

- a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- b) he or she has committed a serious crime;
- c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
- d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present.

2. Paragraph 1 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

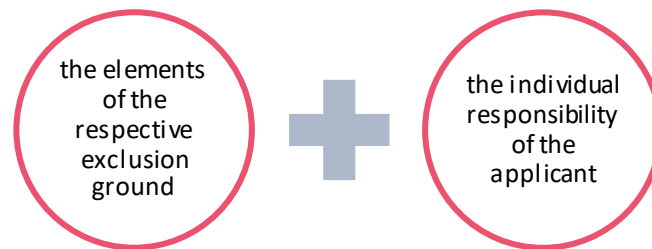
3. Member States may exclude a third-country national or a stateless person from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of paragraph 1 which would be punishable by imprisonment, had they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

It should be taken into account that an applicant could have committed multiple excludable acts, falling under different exclusion provisions. National practice may vary regarding whether one particular act should be qualified under more than one ground where the necessary elements are present.

The determining authority has the burden of proof to establish:

²⁷ Noting the optional nature of this exclusion ground, and its scope, which is not country-specific, no further analysis and guidance is provided on Article 17(3) QD.



Figure 20. Elements in applying exclusion.

At the same time, the applicant has the duty to cooperate in establishing all facts and circumstances relevant to his or her application.

Individual responsibility could be substantiated not only in case of direct commission of the excludable act (for the perpetrator), but also in other instances, for example, where the person substantially contributed to the commission of an excludable act. The assessment of individual responsibility is based on the nature and extent of the applicant's involvement in the excludable act(s), as well as his or her state of mind in relation to these act(s). Different **forms of conduct** may lead to a finding of individual responsibility (for example, direct commission, inducing others, aiding and abetting, command responsibility, etc.), where the relevant intent and knowledge are established.



The applicable standard of proof is 'serious reasons for considering', which requires clear and reliable evidence, but is not as high as the standard for criminal responsibility ('beyond reasonable doubt').

The fact that the applicant was or is associated with a group or regime responsible for excludable act(s) does not relieve the determining authority from demonstrating his or her individual responsibility.

However, depending on the nature, scale of the group or regime, the voluntary association with it and the position, rank, standing and influence of the applicant within the group, there may be sufficient evidence for both the 'conduct' and the 'state of mind' requirements to be inferred. It remains necessary, however, that the decision-maker identify the relevant mode of individual responsibility and examine the facts in light of the respective criteria.

Furthermore, the examination should take into account **potential grounds negating the individual responsibility**, such as lack of mental capacity to comprehend and/or control one's conduct (e.g. due to age, mental disease or defect, involuntary intoxication), duress (e.g. in the context of forced recruitment), self-defence or defence of others (or property, in the case of war crimes), superior orders in specific circumstances (see [Article 33 of the Rome Statute](#))²⁸, etc.

Depending on national practice, the analysis may further proceed to take into account whether the possible exclusion of the applicant would meet the purposes of the exclusion clauses. Elements, such as the fact that an applicant has already served a sentence for the

²⁸ Rome Statute of the International Criminal Court, Article 31(1)(c) and (d), Article 33.

(otherwise) excludable act, or that the act is subject to an amnesty, could potentially be taken into account. The more egregious the excludable acts, the less relevant such aspects would be when taking the decision.



For further horizontal guidance on exclusion, see the [EUAA Practical Guide: Exclusion](#).

For general guidance on the application of the exclusion ground 'serious (non political) crime', see the [EUAA Practical Guide on Exclusion for Serious \(Non-Political\) Crimes](#).



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

6.1 Relevant circumstances

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In the context of Somalia, numerous circumstances and different profiles may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events which have occurred in the recent and more distant past (e.g. acts committed by the Islamic Courts Union, acts committed during the civil war in 1988-1991) [[Country overview](#), 1.3.4, 3.1.1].

COI indicates that excludable acts are committed by many actors both in relation to armed conflicts, as well as in the context of general criminality and human rights abuses.

In relation to potential exclusion considerations, see also the chapters [Actors of persecution or serious harm](#) and [Analysis of particular profiles with regard to qualification for refugee status](#).



The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.



6.1.1 Crimes committed by state forces and state-affiliated forces

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Serious breaches of international humanitarian law and international human rights law are reported in relation to the non-international armed conflict between, Somali security forces, FMS security forces and AMISOM on the one hand, and Al-Shabaab, on the other. Reported violations by the state-affiliated forces include unlawful or arbitrary killings (including extrajudicial killings), torture and cruel, inhuman, or degrading treatment, arbitrary arrest or detention. [\[Actors, 2.4.6\]](#)

More specifically, the **SNA, the SPF and other Somali authorities** have been accused of rape and sexual violence, including in the context of the conflict, child recruitment, killing and maiming of children, attacks on schools and hospitals [\[Actors, 2.4.6\]](#).

The **NISA** has been reported to conduct arbitrary arrests and detentions, torture and inhuman degrading treatment during interrogation and denial of humanitarian access [\[Actors, 2.4.6\]](#).

FMS security forces were also responsible for serious breaches of international humanitarian law and international human rights law. Acts of child recruitment, killing and maiming of children, rape and sexual violence against children, and denial of humanitarian access, were attributed to **Jubbaland, South-West, and Galmudug security forces**. **Jubbaland and South-West security forces** were also reportedly responsible for conflict-related sexual violence. **South-West security forces** conducted attacks on schools and hospitals and were responsible for child abduction. **Hirshabelle security forces** reportedly subjected journalists and media workers to arbitrary arrests and prolonged detention. Violations by **Puntland security forces** included arbitrary arrests, child recruitment, killing and maiming of children, rape and sexual violence on children, denial of humanitarian access. **Somaliland security forces** were responsible for arbitrary arrests, detentions, and torture. [\[Actors, 7.1.5, 7.2.5, 7.4.5, 7.5.5, 7.6.5, 7.7.5\]](#)

While the **AMISOM's** respect of international humanitarian law and human rights law standards has improved in comparison to the period 2013-2015, Somali individuals involved in the support of AMISOM could be implicated in violations of human rights and international humanitarian law towards civilians perpetrated by AMISOM, such as killings of civilians and conflict-related sexual violence [\[Actors, 5.1\]](#).

6.1.2 Crimes committed by non-state armed forces

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Al-Shabaab

Al-Shabaab controls large parts of South-Central Somalia and has committed excludable acts in areas under their control as well as in areas under the control of government and state forces. Human rights abuses by Al-Shabaab include, among others:

- terrorist attacks on civilians
- targeted killings (including extrajudicial and politically motivated killings)
- recruitment of children
- killing, maiming, abduction, rape and other forms of sexual violence against children
- rapes and other types of sexual violence



- disappearances
- inhuman and degrading punishments
- attacks on employees of NGOs and the UN
- blockade of humanitarian assistance
- attacks on schools and hospitals
- operation of courts imposing punishments that include executions and corporal punishments
[\[Actors, 4.3, 4.4, 4.5\]](#).

ISS

ISS has been involved in IED attacks and killings in Puntland, Mogadishu and Lower Shabelle. It has also established links with human traffickers to collect new recruits [\[Actors, 6, 6.1\]](#).

Clan militias

Clan militias have reportedly perpetrated violence against the civilian population, including torture and degrading treatment. Various human rights violations are attributed to clan militias: child recruitment, deprivation of liberty, killing and maiming of children, rape and (conflict-related) sexual violence, attacks on school and hospitals, abductions, denial of humanitarian access [\[Actors, 3.6\]](#).

6.1.3 Criminal activity

Last updated: June 2022

Criminal activities in Somalia are widely reported. Some of the crimes could trigger exclusion considerations, as they could qualify as serious (non-political) crimes and/or, depending on the specificities of each case, as war crimes, crimes against humanity, or acts contrary to the purposes and principles of the UN.

Criminal activities include killings, sexual violence, abductions, banditry, theft, robberies, (child) trafficking, money extortion, piracy, human and/or arms smuggling. In some cases, these crimes are linked to armed groups, such as Al-Shabaab.

6.1.4 Other types of violence

Last updated: June 2022

Violence against women and children (for example, in relation to FGM, sexual and/or domestic violence, forced and child marriage, etc.) is widespread in Somalia. For more information, see profile [2.11 Women and girls](#).



6.2 Guidance with regard to Somalia

6.2.1 Article 12(2)(a) and Article 17(1)(a) QD

Last updated: June 2022

The ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Somalia.

Violations of international humanitarian law by different parties in the current and in past conflicts in Somalia could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the deliberate indiscriminate attacks on civilians, etc.

Relevant situations include the civil war (1988-1991) and the non-international armed conflict between the Somali government and Al-Shabaab. Furthermore, fighting between the ISS and Al-Shabaab amounts to a non-international armed conflict.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population.

Some acts in the current and past conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both war crimes and crimes against humanity.

Especially (former) members of the SNA, the SPF, the NISA, as well as FMS security forces and anti-government armed groups, in particular Al-Shabaab and ISS, can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

Crimes committed in the context of clan militias clashes, in particular in the civil war in the past, could also give rise to considerations under [Article 12\(2\)\(a\) QD/Article 17\(1\)\(a\) QD](#).

6.2.2 Article 12(2)(b) and Article 17(1)(b) QD

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In the context of Somalia, criminality and breakdown in law and order in some parts of the country make the ground of ‘serious (non-political) crime’ particularly relevant. In addition to violence and murder related to family and clan disputes, some examples of particularly relevant serious crimes may include human trafficking, extortion/illegal taxation, piracy etc.

Violence against women and children (for example, in relation to domestic violence or in the context of forced and child marriage) could potentially amount to a serious (non-political) crime.

Performing FGM is a serious (non-political) crime. A careful examination of all relevant circumstances of the case, including those related to the individual responsibility should take place.

In some cases, the crimes in question could be linked to an armed conflict or could be committed as a part of a systematic or widespread attack against a civilian population (e.g.



kidnapping of recruits, taxation to finance the activities of non-state armed groups), in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

6.2.3 Article 12(2)(c) and Article 17(1)(c) QD

Last updated: June 2022

(Former) membership in armed groups such as Al-Shabaab and ISS could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#).

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).





Annex I. Abbreviations and glossary

AFRICOM	United States Africa Command
AMISOM	African Union Mission in Somalia
ASWJ	Ahlu Sunna Wal-Jama'ah
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CJEU	Court of Justice of the European Union
CEAS	Common European Asylum System
COI	Country of origin information
<i>darwish</i>	- State level: armed forces/militias/paramilitary/special police - Darwish (Federal Police): Paramilitary unit of the Somali Police Force distinct from the state level unofficial <i>darwish</i>
<i>diya</i>	payment of compensation
EASO	European Asylum Support Office
EUAA	European Union Agency for Asylum
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950
ECtHR	European Court of Human Rights
ENDF	Ethiopian National Defence Force
EU	European Union
FGM/C	female genital mutilation/cutting
FGS	Federal Government of Somalia
FMS	Federal Member States
<i>gaashaanbuur</i>	military alliance
<i>hadd crimes</i>	Crimes that are 'against the rights of God' under Islamic religious law (plural <i>huduud</i>)
ID	identification documentation
IDP(s)	Internally displaced person(s)
IED	improvised explosive device
IPA	international protection alternative
ISS	Islamic State in Somalia
<i>jilib</i>	the group below which the community assumes the payment of 'the blood price' (<i>diya</i>)



LGBTIQ persons	LGBTIQ persons are persons: ▪ who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual); ▪ whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary); ▪ who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and ▪ whose identity does not fit into a binary classification of sexuality and/or gender (queer)
<i>mukhtar</i>	local community leader
NIS	National Intelligence Service
NISA	National Intelligence and Security Agency
NGO	Non-Governmental Organisation
PMPF	Puntland Maritime Police Force
PSF	Puntland Security Force
QD (Qualification Directive)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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
<i>qisas</i>	retaliation under Sharia Law
RRU	Rapid responses Units
<i>Sharia</i>	the religious law of Islam, Islamic canonical law
SNA	Somalia National Army
SPF	Somali Police Force
SPU	Special Police Unit
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSG	United Nations Secretary General
US	United States of America
<i>xeer</i>	customary (clan) law
<i>zakat</i>	the annual religious obligation to pay a specific percentage of a person's wealth to the poor



Annex II. Country of origin information references

The main COI sources used in the common analysis are the following (listed alphabetically by reference used in the text).

Actors	EUAA Country of Origin Information Report: Somalia, Actors (July 2021) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_07_EASO_COI_Report_Somalia_Actors.pdf
Country overview	EUAA Country of Origin Information Report: South and Central Somalia, Country overview (August 2014) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/EASO-COIreport-Somalia_EN.pdf
Security 2021	EUAA Country of Origin Information Report: Somalia – Security situation (September 2021) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Security_situation.pdf
Socio-economic 2021	EUAA Country of Origin Information Report: Somalia, Key socio-economic indicators (September 2021) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Key_socio_economic_indicators.pdf
Targeting	EUAA Country of Origin Information Report: Somalia – Targeted profiles (September 2021) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf



Annex III. Relevant case law

Case law referenced in the common analysis

Actors of persecution or serious harm Reasons for persecution - religion Reasons for persecution – membership of a particular social group	• CJEU, Mohamed M'Bodj v État belge, C-542/13, judgment of 18 December 2014 (M'Bodj) • CJEU, Bundesrepublik Deutschland v Y and Z, Joined Cases C-71/11 and C-99/11, judgment of 5 September 2012 (Y and Z) • CJEU, Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel, Joined Cases C-199/12 to C-201/12 judgment of 7 November 2013 (X, Y and Z)
Article 15(b) QD	• CJEU, MP v Secretary of State for the Home Department, C-353/16, judgment of 24 April 2018 (MP) • CJEU, M'Bodj
Article 15(c) QD	• CJEU, CF and DN v Bundesrepublik Deutschland, C-901/19, judgment of 10 June 2021 (CF and DN) • CJEU, Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides, C-285/12, judgment of 30 January 2014 (Diakité) • CJEU, Elgafaji v Staatssecretaris van Justitie, C-465/07, judgment of 17 February 2009 (Elgafaji) • ECtHR, Sufi and Elmi v United Kingdom, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (Sufi and Elmi)
Actors of protection	• CJEU, OA v Secretary of State for the Home Department, C-255/19, Second Chamber, judgment of 20 February 2021 (OA)
Internal protection alternative	• CJEU, X, Y and Z • CJEU, Y and Z



- CJEU, [*Abdulla and Others v Bundesrepublik Deutschland*](#), joined cases C-175/08, C-176/08, C-178/08 and C-179/08, judgment of 2 March 2010 (*Abdulla*)
- ECtHR, [*A.A.M. v Sweden*](#), Application no. 68519/10, judgment of 3 April 2014 (*A.A.M v Sweden*)
- ECtHR, [*Salah Sheekh v the Netherlands*](#), Application no. 1948/04, judgment of 11 January 2007 (*Salah Sheekh*)
- *Sufi and Elmi*

For additional information on relevant case law see:

EUAA Practical Guides:

Available at: <https://euaa.europa.eu/practical-tools-and-guides>

- EUAA Practical Guide: Qualification for international protection
- EUAA Practical Guide: Exclusion
- EUAA Guidance on membership of a particular social group
- EUAA Practical guide on the application of the internal protection alternative
- EUAA Practical Guide on Exclusion for Serious (Non-Political) Crimes

Judicial analyses:

Available at: <https://euaa.europa.eu/courts-and-tribunals>

- Judicial Analysis 'Qualification for International Protection (Directive 2011/95/EU)
- Judicial Analysis 'Article 15(c) Qualification Directive (2011/95/EU)
- Judicial Analysis 'Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)

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