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Somalia: Treatment of returnees in Somaliland by authorities and society; ability of an individual to relocate to Somaliland, including access to employment, housing, and social services (2018-March 2019)

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1. Overview

1.1 Economic Situation in Somaliland

According to a European Reintegration Network (ERIN) Specific Action Program [1] briefing note on Somaliland, "[f]ifty[-]five percent of the population is either nomadic or semi-nomadic, while 45% live in urban centres or rural towns. More than 73% of the Somaliland population live in poverty and 43% in extreme poverty and unemployment is widespread" (ERIN 27 Oct. 2016, 8). World Bank GDP and poverty estimates for Somaliland for 2012 estimated the GDP per capita as the fourth lowest in the world, employment ratios of 28% for males and 17% for females, urban poverty estimated at 29%, and rural poverty at 38% (World Bank 29 Jan. 2014). In a presentation at the 2014 High Level Aid Coordination Forum held in Hargeisa [Hargeysa], Somaliland, the Executive Director of the Somaliland National Youth Organization (SONYO Umbrella) indicated that in 2010, the unemployment rate for youth between 15 and 35 was 75 percent (SONYO Umbrella Nov. 2014).

1.2 Security Situation in Somaliland

According to a 2018 UN Human Rights Council Independent Expert report on the situation of human rights in Somalia, there is "an active conflict between Puntland and Somaliland in the Sool and Sanaag regions" (UN 19 July 2018, 2). According to Human Rights Watch, "[t]ensions between Somaliland and Puntland in the contested Sool border region led to armed clashes, including in January [2018] when Somaliland took over the strategic town of Tukaraq" (Human Rights Watch 17 Jan. 2019). The US Department of State's *Country Reports on Human Rights Practices for 2017* indicates that conflict in "contested territories of Sool and Sanaag, between Somaliland and Puntland, restricted humanitarian access" and that "NGOs reported incidents of harassment by local authorities" (US 20 Apr. 2018, 17). A 2017 report on the security situation in Somalia by the EU's European Asylum Support Office (EASO) indicates that, according to a fact-finding mission report on Somalia by Switzerland's State Secretariat for Migration (SEM) and Austria's Federal Office for Immigration and Asylum (BFA), the "main threat" to security in Somaliland is the conflict with Puntland over Sanaag and Sool (EU Dec. 2017, 114). The Human Rights Centre (HRC), an organization that "defend[s] human rights in Somaliland," notes that "clan conflicts in Sool and Sanaag regions displaced many people in 2018" (HRC 2018a, 11).

A 2017 UN Human Rights Council report by the Independent Expert on Somalia states that Somaliland "has been able to contain the threats from Al-Shabaab" (UN 6 Sept. 2017, para. 73). The 2017 EASO report indicates that, according to the joint SEM and BFA fact-finding mission report on Somalia, there has not been any recorded attack by Al-Shabaab in Somaliland since 2008, and that Al-Shabaab is "deemed incapable of executing targeted assassinations in Somaliland" (EU

Dec. 2017, 114). According to the same source, there were reported cases of Al-Shabaab tracking down "deserters" around Laascaanood [Las Anod] [in the Sool region], but "there have never been reports from Hargeysa of an [Al-Shabaab] deserter being killed" (EU Dec. 2017, 114). The same source states that, according to the joint SEM and BFA report, it should be assumed that Al-Shabaab "has a covert presence in Somaliland, including Hargeysa," but that its capacities are "low" (EU Dec. 2017, 114).

For further information on Somaliland, including government structure, security, and presence of internally displaced persons (IDPs) from Somalia, see Response to Information Request SOM106058 of March 2018.

2. Treatment of Returnees, IDPs, Refugees and Minority Groups

According to the UNHCR, as of 31 August 2018, there are 594,000 IDPs in Somaliland (UN 26 Sept. 2018). According to the UN Human Rights Council's 2017 Independent Expert report, "Somaliland has taken in refugees fleeing from the conflict in Yemen, as well as [IDPs] from southern central Somalia" (UN 6 Sept. 2017, para. 52).

US *Country Reports 2017* indicates that "Somaliland authorities cooperated with UNHCR and the International Organization for Migration [IOM] to assist IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern," and that the Somaliland president "kept a presidential advisor on minority problems" (US 20 Apr. 2018, 23, 29). The same source also indicates that while international and local NGOs "generally worked without major restrictions ... clan politics, localized violence, and perceived interference with traditional or religious customs sometimes curtailed NGO activity" in Somaliland (US 20 Apr. 2018, 31). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

US *Country Reports 2017* states that

[l]ocal civil society organizations in Somaliland reported that gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs and male students. It often occurred in poorer neighborhoods and among immigrants, returned refugees, and displaced rural populations living in urban areas. (US 20 Apr. 2018, 32)

The 2018 HRC annual report indicates that the "majority of IDPs [in Somaliland] are located in areas outside of the cities. ... Residents reported a prevalence of crimes, particularly rape and other sexual and gender-based violence" (HRC 2018a, iii, 14). The 2017 UN Human Rights Council report indicates that "issues relating to freedom of expression, minority rights and rape cases were brought to the Independent Expert's attention" (UN 6 Sept. 2017, para. 73). According to Freedom House, "violence against women remains a serious problem" and women "suffer from inequality, including in the Sharia and customary legal systems"; furthermore, "[c]ultural barriers" limit women's political participation (Freedom House 5 Jan. 2018).

2.1 Majority and Minority Clans and Treatment by Authorities

The 2017 UN Human Rights Council report states that

[i]t is important to note that representatives of minority groups complained to the Independent Expert about the difficulties faced by those groups in integrating into society in Somaliland. One example was that of marriage between minority and majority clans; in one case, a couple had fled after getting married, but had been found and beaten by members of the majority clan, to which the wife belonged. Another problem facing minorities was their lack of representation in the Federal Parliament. (UN 6 Sept. 2017, para. 77)

According to the UK's Home Office, "[i]nternal relocation to Somaliland ... from other areas of Somalia would only be viable for former residents and/or those who are members of locally-based majority clans or minority groups" (UK Jan. 2019, para. 2.6.2). According to an August 2014 EASO report on South and Central Somalia, the Isaaq are the "main clan family" in Somaliland, with the Dir clans Issa and Gadabursi settled in western Somaliland, with the Darood [Darod, Daarood] clans, Dulbahante and Warsangeli living in disputed border areas between Puntland and Somaliland (EU Aug. 2014, 43-44). A 2009 joint report on Somali clans by the Austrian Red Cross and the Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) similarly indicates that the Isaaq are the "primary inhabitants" of Somaliland, Dir groups also live in Somaliland, and the Dulbahante and Warsangeli of the Darood clan mainly live in Somaliland (Austrian Red Cross and ACCORD 15 Dec. 2009, 12-13).

In a telephone interview with the Research Directorate, a researcher at a think tank in the Horn of Africa region indicated that due to political tensions related to clan issues in Somaliland, including that the Isaaq are the main clan, persons from south-central Somalia can be "viewed suspiciously" (Researcher 28 Feb. 2019). The source added that although refugees and displaced persons are often employed as labourers, society often expresses blame and stigmatization due to fears of demographic domination (Researcher 28 Feb. 2019). In a telephone interview with the Research Directorate, a journalist and author working in the Horn of Africa region indicated that prejudice exists in the treatment of minorities by authorities and society in Somaliland, and that minorities are often employed in traditional or undesirable tasks, and are viewed negatively by the majority Isaaq clan (Journalist 8 Mar. 2019). The journalist added that minorities are at the bottom of the social hierarchy, and often have "dire" living conditions, with many located in camps near the urban areas, such as Hargeisa (Journalist 8 Mar. 2019). The source also states that returnees from Somalia are generally not accepted unless they originate from Somaliland or are members of local clans (Journalist 8 Mar. 2019). Freedom House reports that "[m]inor clans [in Somaliland] are subject to political and economic marginalization" (Freedom House 5 Jan. 2018). According to the same source, "larger, higher-status clans tend to dominate political offices and leadership positions, marginalizing smaller and lower-status groups" (Freedom House 5 Jan. 2018). The same source also indicates that "[m]embers of smaller, marginalized clans face societal discrimination" and that "[c]lan connections play a critical role in securing employment" (Freedom House 5 Jan. 2018).

The 2018 HRC *Annual Review* states that IDPs

suffer continuous displacements, forced evictions, abuses and deprivation of their basic human rights. IDPs are often not provided protection by the state because of the absence of a functioning legal system and ineffective implementation and enforcement of international laws. (HRC 2018a, 11)

US *Country Reports 2017* indicates that in Somaliland,

functional courts existed, although there was a serious shortage of trained judges, limited legal documentation upon which to build judicial precedent, and increasing allegations of corruption.

Somaliland's hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial. (US 20 Apr. 2018, 9)

According to Freedom House, members of "smaller, marginalized clans" face "limited access to public services, and prejudice in the justice system" (Freedom House 5 Jan. 2018).

An HRC report on IDPs in Somaliland indicates that

[t]here are four [societal groups] that face discrimination in [Istanbul IDP camp, located east of Hargeisa]; the people living with HIV/AIDS, persons with mental or physical disabilities, minority people, and people from Somalia. The people from Somalia are seen as refugees by the government of Somaliland while the international organizations and agencies recognize them as IDPs. Their status is conflicted and that negatively affects their lives. (HRC 2018b, 12)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the 2018 report by the UN Human Rights Council's Independent Expert, Somaliland "continues to punish persons who espouse national unification" and notes that

two news media organizations were shut down in 2017 and six news websites were blocked in Somaliland on court orders, for publishing articles that had been deemed critical to authorities, or for reporting on the conflict between Puntland and Somaliland, which was considered a state security issue, thus constraining both traditional media and online platforms. Journalists have been arrested for publishing what is perceived as "fake news". Attacks on journalists, intimidation, harassment and death threats is pervasive and continues with impunity. (UN 19 July 2018, para. 72, 32)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to *US Country Reports 2017*, Somaliland "prohibited federal officials, including those of Somaliland origin" from entering Somaliland (US 20 Apr. 2018, 23). The same source states that

Somaliland authorities continued to detain Somaliland residents employed by the federal government in Mogadishu, sometimes for extended periods. Somaliland authorities did not authorize officials in Mogadishu to represent Somaliland within or to the federal Somali government and viewed such actions as treason, punishable under the constitution of Somaliland. (US 20 Apr. 2018, 11)

Australia's Department of Foreign Affairs and Trade (DFAT) similarly indicates that "Somaliland residents who are employed by the [Somali] [f]ederal [g]overnment in Mogadishu are sometimes detained by Somaliland authorities upon their return to Somaliland" (Australia 13 June 2017, 19).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The European Reintegration Network (ERIN) Specific Action Program ran from 1 June 2016 to 31 May 2017 to "implement sustainable return and reintegration of third country nationals in their country of origin" and is funded by the European Commission (EC) with co-funding from 18 European partner countries (ERIN 27 Oct. 2016, 1-2).

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Additional Sources Consulted

Oral sources: International Organization for Migration; regional think tanks; UN – UNHCR.

Internet sites, including: Belgium – Cedoca; Factiva; Finland – Finnish Immigration Service; *Foreign Policy*; Germany – Federal Office for Migration and Refugees; *The Guardian*; International Crisis Group; International Organization for Migration; Norway – Landinfo; Norwegian Refugee Council; Politico; Sweden – Lifos; Swiss Refugee Council; UN – Refworld; US – United States Agency for International Development.