

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1075
Land:	Somalia
Kilde:	Romanian National Council for Refugees
Titel:	General Report. Somalia. Human Rights Situation and Security issues
Udgivet:	september 2023
Optaget på baggrundsmaterialet:	2. september 2024

September 2023

GENERAL REPORT.

SOMALIA. HUMAN RIGHTS SITUATION AND SECURITY ISSUES

Country of Origin Information Report

National Program

Asylum, Migration and Integration Fund

Proiect

Managing research and use of information from the countries of origin

Contract no.: FAMI/22.02.04

Beneficiary

National Romanian Council for Refugees

This work is destined for general information, in service of professional interest of all practitioners within asylum procedure in Romania. This work does NOT analyze the merits of granting a form of international protection.



UNIUNEA EUROPEANĂ



Proiect finanțat de Uniunea Europeană

Ministerul Afacerilor Interne



Directia Fonduri Externe Nerambursabile

Ministerul Afacerilor Interne



Inspectoratul General pentru Imigrări

Fundația



C.N.R.R.

Note

This report has been translated and compiled in accordance with „Common EU Guidelines for processing Country of Origin Information (2008) and „EASO Country of Origin Information Report Methodology (2012). As a result, this report is based on some very carefully selected sources of public information. All sources used are references sources compiled from specialty reports and profile information and also press articles.

All information presented has been carefully verified, with the exception of some general aspects which represent common knowledge. The offered information has been studied, evaluated and carefully analyzed, with some time constraints. Thus, this document does not claim to be an exhaustive one. As such, we do not claim that it could be used in order to decide only on its basis the humanitarian issue in the country of origin.

The main way of presenting information within this report is citation, used to convey exactly what a source said, using the source's own words. Whenever there are used other techniques, like summarizing or synthesizing, this will be marked in a visible way.

If a certain event, person or organization is not included in this report, this does not mean that the event did not take place or that the person and the organization itself do not exist. This document does not offer conclusions regarding the merits of granting any form of protection. It only partially contributes to forming the opinion of the decisive factor, who should take the decision by respecting the other procedural aspects and by taking into consideration the specific circumstances of each case.

The information and opinions expressed do not reflect the official position of the General Inspectorate for Immigration or of his partner in implementing the project AMIF/22.02.04 Management of COI Usage and Research Processes.

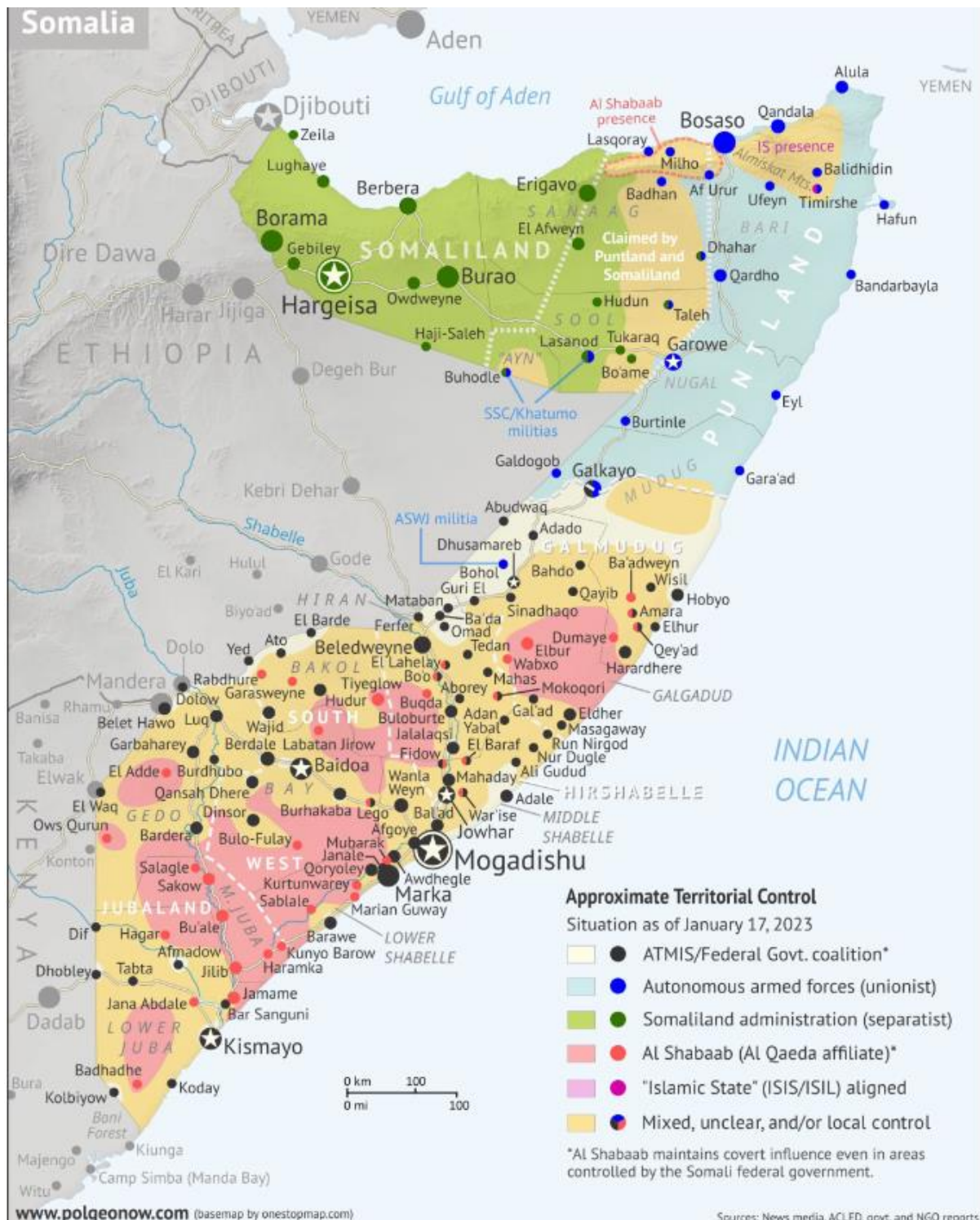
Romanian National Council for Refugees

Editorial committee

The present general report presents information publicly available as of 1 October 2023.

Contents

Political updates	3
Security situation	5
General overview – The multiple threats to Somalia’s stability	5
Al Shabaab	7
Islamic State / Da’esh	9
Somaliland	10
Human rights situation	12
State of the justice system	12
Religious freedom	13
Women rights	15
Humanitarian situation	18
UNHCR position on Somalia	20



Title: Territorial control in Somalia as of January 2023

Source: Political Geography Now: Somalia control map, 18 February 2023, <https://www.polgeonow.com/2023/01/al-shabaab-controlled-territory-2023-map-somalia.html>, accessed on 1 October 2023

Political updates

Somalia is a federal parliamentary republic led by President Hassan Sheikh Mohamud whom the bicameral parliament elected on May 15. He is the country's third president since the Federal Government of Somalia was founded in 2012 and previously served as president from 2012 to 2017. The federal parliament consists of the 275-member House of the People and the 54-member Upper House. The country last completed parliamentary elections on March 31. Caucuses selected House of the People members, with seats distributed according to clan affiliation and a power-sharing formula. State assemblies elected Upper House members. The parliamentary electoral process was widely viewed as marred by corruption, but the two houses of parliament elected President Mohamud in a process viewed as generally fair and transparent. The government of the self-declared Republic of Somaliland controlled its jurisdiction.¹

In May [2022], after a controversial and delayed electoral process, former President Hassan Sheikh Mohamud was elected as Somalia's president. The prolonged electoral process stalled critical rights reforms. Individuals with long track records of abuse continue to be appointed into positions of authority. In August, the new cabinet of ministers included Muktar Robow, who had played a leadership role in the Islamist armed group Al-Shabab. Robow had been under house arrest for over three years without trial under the previous administration. In September, Puntland's president appointed as advisor Gen. Mohamed Said Hersi "Morgan," the commander of the Somali army, who under former President Siad Barre led the destruction of Hargeisa in the early phases of the country's civil war, and later was implicated in war crimes in southern Somalia.²

On 2 August 2022, the Prime Minister of Somalia appointed former deputy leader of Al-Shabaab, Mukhtar Robow, as Minister for Endowment and Religious Affairs.

In March and May 2023, the Somali National Consultative Council agreed upon a model for fiscal federalism, amendments to the national security architecture and a one-person, one-vote electoral model for Somalia.³

¹ United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

² Human Rights Watch, World report 2023 – Somalia, 12 January 2023, <https://www.ecoi.net/en/document/2085494.html>, accessed on 30 September 2023

³ United Nations General Assembly, Report of the Independent Expert on the situation of human rights in Somalia, 21 August 2023, <https://www.ecoi.net/en/file/local/2097521/G2316166.pdf>, accessed on 30 September 2023 v

The recent decision by Farmaajo's successor to release Robow and appoint him minister for religious affairs represents a seachange in the government's strategy against al-Shabaab, with potential ripple effects across a region contending with several powerful jihadist groups. The hope is that Robow, who defected from al-Shabaab in 2013 and donated blood for victims of the deadly 2017 truck bombing in Mogadishu, will aid the government in its propaganda war, and help to moderate the more radical, sometimes violent Salafist tendencies prevalent in Somalia. This forms a key part of what Mohamud calls "total war" against the militants, which also involves squeezing the group's business interests, and a new military offensive by the national army in coordination with clan militias. The new approach, which Robow compares to the community-led mobilisation that rid Iraq of Islamic State, has yielded some important territorial gains, especially in the Hiran region of central Somalia. But it has not stopped attacks.⁴

Somalia has struggled to reestablish a functioning state since the collapse of an authoritarian regime in 1991. Limited, indirect elections brought a federal government to power in 2012. By 2016, it had established five federal member states, though these semiautonomous regions are often at odds with the central government. The government's territorial control is also contested by a separatist government in Somaliland and by the Shabaab, an Islamist militant group. No direct national elections have been held to date, and political affairs remain dominated by clan divisions. Amid ongoing insecurity, human rights abuses by both state and nonstate actors occur regularly. Hamza Abdi Barre took office as prime minister in June 2022, replacing Mohamed Hussein Roble, and a new cabinet consisting of 75 ministers, deputy ministers, and state ministers was appointed in August. Somalia has not held direct legislative elections since 1969. Members of the 54-seat Upper House are elected by state assemblies. The lower house, the House of the People, is elected under a system in which clan elders choose delegates, who in turn select lawmakers. Upper House elections were begun in July 2021 and completed that November after months of political disputes. Elections for the lower house started in November 2021 and were also highly divisive, finally concluding in late April 2022. Opposition groups and observers criticized both sets of elections, alleging political manipulation, improper interference, and vote buying.⁵

⁴ The Guardian, "I'm a human being, not a monster": the al-Shabaab defector turned government minister, 2 December 2022, <https://www.theguardian.com/global-development/2022/dec/02/mukhtar-robaw-somalia-government-al-shabaab-militants>, accessed on 1 October 2023

⁵ Freedom House, Freedom in the World 2023 – Somalia, 6 July 2023, <https://www.ecoi.net/en/document/2094399.html>, accessed on 1 October 2023

Security situation

General overview – The multiple threats to Somalia's stability

During the reporting period [1 July 2022 – 30 June 2023], the security situation remained a serious concern, with sustained attacks by Al-Shabaab, despite the presence of Somali security forces and regional forces. During the period 8 February – 7 June 2023, 935 security-related incidents were recorded in the country, including 355 incidents of terrorism.

In August 2022, the Government launched the first phase of the offensive against al-Shabaab in Hirshabelle and Galmudug States and sought support from the clan militia of the Hawiye clan. As of September 2022, 40 settlements in Hiraa and 6 in Galguduud regions had been liberated from Al-Shabaab. Since that time, several other areas have been liberated. In turn, Al-Shabaab launched deadly attacks and regained control over a few territories in Hirshabelle. In February 2023, the Government announced plans for a comprehensive military operation, establish[ing] a front-line states initiative, comprising military forces from Djibouti, Kenya and Ethiopia. On 26 March 2023, the president of Somalia, Hassan Sheikh Mohamud, announced the second phase of the offensive against al-Shabaab, referred to as Operation Black Lion. In response, al-Shabaab attacks increased in frequency and severity.⁶

Conflict involving the government, militias, AMISOM/ATMIS, and al-Shabaab resulted in death, injury, and displacement of civilians. Other abuses included abductions, torture, use of child soldiers, and denial of access to humanitarian assistance.

Al-Shabaab raided schools, madrassas, and mosques and harassed and coerced clan elders to recruit children. Children in al-Shabaab training camps were subjected to grueling physical training, weapons training, an inadequate diet, physical punishment, and forced religious training in line with al-Shabaab's ideology. The training reportedly also included forcing children to punish and sometimes execute other children. The group used children in direct hostilities, including placing them in front of other fighters to serve as human shields and suicide bombers, and to plant roadside bombs and other explosive devices. In addition, al-Shabaab used children in support roles, such as carrying ammunition, water, and food; removing injured and dead militants; gathering intelligence; and serving as guards. Media

⁶ United Nations General Assembly, Report of the Independent Expert on the situation of human rights in Somalia, 21 August 2023, <https://www.ecoi.net/en/file/local/2097521/G2316166.pdf>, accessed on 30 September 2023 v

frequently reported accounts of al-Shabaab indoctrinating children according to the group's extremist ideology at schools and forcibly recruiting them into its ranks.⁷

[In August 2023, the European Union Agency for Asylum updated its Country Guidance on Somalia. According to the press release issued subsequent to its publication], since the launch of a counter-offensive against Al-Shabaab in August 2022, high numbers of Al-Shabaab fighters have been encouraged to disengage, desert, or defect to the Somali authorities, with limited and sometimes dangerous reintegration options. The conflict between Al-Shabaab and national security forces also continues to affect the security situation in some regions of Somalia. The analysis points to high levels of indiscriminate violence, impacting the civilian population in several regions, particularly in South-Central Somalia.⁸

From 22 July to 8 September 2023, ACLED records nearly 375 political violence events and over 1,500 fatalities in Somalia. Political violence has increased by over 70% in Hirshabelle and Galmudug states over the past month compared to the month prior, after the government officially launched the second phase of the counter-insurgency operation against al-Shabaab on 6 August. Security forces have managed to inflict heavy casualties on al-Shabaab militants.

Galgaduud region had the highest number of fatalities, with over 390 recorded during the reporting period. Middle Shabelle region followed, with more than 220 reported fatalities. The government's campaign against al-Shabaab centered in Galgaduud region, where Somali forces and Habar Gedir militias took control of multiple locations. These advancements, however, were followed by al-Shabaab overtaking territory in Galgaduud after security officers and clan militias abandoned their positions on the frontline.

In an effort to finally push al-Shabaab completely out of central Somalia, on 6 August, the federal government announced the start of the 'second phase' of the counter-insurgency campaign, codenamed *Operation Black Lion*, in Hirshabelle and Galmudug states. In August, the Somali government officially launched the long-awaited new phase of the campaign against al-Shabaab. Despite initial plans to [expand](#) the offensive to southern regions – Southwest and Jubaland states – with the help of countries in the region, the second phase continues to focus on the central states of Hirshabelle and Galmudug, and the government has once again turned to local militias for their support. Following the launch of the new offensive, violent events

⁷ United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

⁸ European Union Agency for Asylum, Somalia: Al-Shabaab and Female Genital Mutilation are the main drivers of protection needs, August 2023, <https://www.ecoi.net/en/document/2096135.html>, accessed on 1 October 2023

between security forces and al-Shabaab in both states more than doubled relative to the month prior.⁹

Between May 2021 – August 2022, the security situation in the country remained volatile. The Somali government is a party to a non-international armed conflict with Al-Shabaab. During the reference period this was the main conflict driver in Somalia, with most of the security incidents perpetrated by Al-Shabaab, primarily as hit-and-run attacks targeting Somali security forces and ATMIS/AMISOM, and often involving improvised explosive devices. According to the UN Panel of Experts on Somalia the militant group's ability to carry out asymmetric attacks was not significantly degraded during the reference period.

Another major source of conflict that pervades Somali society is constituted by clan rivalries and competitions over political power and scarce resources. Somalia's political and cultural landscape is deeply entrenched in the clan system as well as in racial discriminations. The Somali society is divided into various clan families, each one of them comprising several clans, and sub-clans, as well as minority clans, casted communities, ethnic minorities. Clans compete with each other, for political resource and territorial control.¹⁰

Al Shabaab

During the summer of 2023, al-Shabaab's operations along the Kenya-Somalia border have significantly increased, raising concerns over a possible flare-up of cross-border activity. Between June and early August, ACLED records over 90 political violence events involving al-Shabaab militants in the border area, over half of which occurred in the Lower Juba region of Somalia. Since the start of the Somali counter-insurgency operation against al-Shabaab in August 2022, the two East African countries have strengthened cooperation on security and counter-terrorism, while also agreeing to reopen border crossings closed since 2011. The rise in al-Shabaab activity, along with the ongoing drawdown of the African Union Transition Mission in Somalia (ATMIS) troops since June, complicates the implementation of these initiatives. ACLED data show that despite being pushed towards the border, al-Shabaab has

⁹ ACLED, Somalia: The Government and al-Shabaab vie for the support of clan militias, 15 September 2023, <https://acleddata.com/2023/09/15/somalia-situation-update-september-2023-the-government-and-al-shabaab-vie-over-the-support-of-clan-militias/>, accessed on 1 October 2023

¹⁰ European Union Agency for Asylum, Somalia: Security situation, February 2023, https://www.ecoi.net/en/file/local/2087507/2023_02_EUAA_COI_Report_Somalia_Security_situation.pdf, accessed on 1 October 2023

taken advantage of the terrain in the border regions as strategic hideouts and retained significant operational capacity.¹¹

Al-Shabaab committed religiously and politically motivated killings that targeted civilians affiliated with the government and attacked humanitarian NGO employees, UN staff, and diplomatic missions. The group attacked soft targets such as popular hotels in Mogadishu and other cities, often using suicide bombers, mortars, and improvised explosive devices (IEDs) to kill noncombatants. It also killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building, in addition to beheading persons accused of spying for and collaborating with state security forces and allied militias.¹²

The ongoing armed conflict with the Shabaab has featured numerous terrorist attacks on government, international, and civilian targets, as well as indiscriminate lethal violence and excessive force against civilians by government security services, international troops, and local militias. The Shabaab also engage in public executions of those they suspect of working with the government or international forces.

Hundreds of civilians were killed by the Shabaab in 2022, whether through bombings, assassinations, or clashes between Shabaab militants and villagers. The Shabaab stepped up attacks during the elections period in 2022, assassinating at least five candidates and disrupting voting in several areas. In March, 48 people, including a legislator, were killed in an attack on the seat of government in Beledweyne, capital of the Hiran region.¹³

In June 2023, six civilians have been killed and 10 injured after al-Shabab militants attacked a beachside hotel in the Somali capital, Mogadishu. Security forces rescued more than 80 guests from the Pearl Beach hotel after a six-hour siege on Friday night. Three members of the security forces died in the rescue operation and have been praised for their bravery. All of the attackers were killed in a fierce gun battle with security forces, police said. Such places are frequently targeted by al-Shabab insurgents, who have been fighting Somalia's government for more than a decade and retain a stronghold in parts of the country. The Pearl Beach hotel attack comes

¹¹ ACLED, Kenya-Somalia border: Rising al-Shabaab threat in the wake of ATMIS drawdown, 1 September 2023, <https://acleddata.com/2023/09/01/special-report-kenya-somalia-border-rising-al-shabaab-threat-in-the-wake-of-atmis-drawdown/>, accessed on 1 October 2023

¹² United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

¹³ Freedom House, Freedom in the World 2023 – Somalia, 6 July 2023, <https://www.ecoi.net/en/document/2094399.html>, accessed on 1 October 2023

weeks after al-Shabab militants killed dozens of Ugandan soldiers, who were part of an African Union peacekeeping mission 110km (68 miles) south of the capital in the Lower Shabelle region.¹⁴

Islamic State / Da'esh

Da'esh in Somalia maintained a presence in Puntland, but it lacks the capacity to control large areas of territory or to undertake significant operations, owing largely to continued armed clashes with both Somali government forces and Al-Shabaab. Da'esh in Somalia is now estimated to have between 100 and 200 fighters, down from the 200 to 250 estimated in the previous report. Its presence in Somalia remained significant, owing to the location of its so-called Al-Karrar office, which reportedly functions as a financial hub for Da'esh regional affiliates.¹⁵

ISIS-Somalia claimed attacks against Somali authorities and other targets in Puntland, where it was based, but there was little local reporting on its claims. Clan-based political violence involved revenge killings and attacks on civilian settlements. Clashes between clan-based forces and with al-Shabaab in Puntland and Galmudug states, as well as in the Lower Shabelle, Middle Shabelle, Lower Juba, Baidoa, and Hiraan areas, also resulted in deaths.¹⁶

The history of ISS can be traced to 2012, when al-Shabaab leadership sent Mumin to Puntland to carry out a recruitment campaign and to establish an outpost for the group in the mountainous areas of the northern Somali hinterland. The severe operational and leadership difficulties faced by al-Shabaab between 2012 and 2014—to include bitter disputes within and between the various factions—isolated Mumin and his cell, forcing him to operate independently. In 2018, the group expanded its ranks by recruiting other al-Shabaab defectors and carried out several attacks in Puntland, with forays into Mogadishu and the south of the country. ISS began collecting taxes in the areas it controlled or operated in, and created small new cells in central and southern Somalia. Between 2021 and 2022, ISS expanded its propaganda efforts and

¹⁴ BBC, Pearl Beach hotel: Islamists kill nine in Somalia attack, 10 June 2023, https://www.bbc.com/news/world-africa-65861346?at_medium=RSS&at_campaign=KARANGA, accessed on 1 October 2023

¹⁵ United Nations Security Council, Seventeenth report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of member states in countering the threat, 31 July 2023, <https://www.ecoi.net/en/file/local/2095987/N2321007.pdf>, accessed on 1 October 2023.

¹⁶ United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

increased the number of military operations it was launching. ISS, for example, claimed 32 attacks in 2022; they occurred mostly in Puntland and the capital Mogadishu, where the group still operates. Between January and August 2023, ISS also carried out and claimed 13 attacks. Central to ISS's operations is IS's al-Karrar office; this outpost operates in Somalia, and acts as a jihadist financial hub, transmitting funds to other IS provinces. According to a recent UN report, the al-Karrar office has been sending approximately \$25,000 per month to Islamic State in Khorasan Province (ISKP).¹⁷

In January 2023, US forces have killed an Islamic State leader, Bilal al-Sudani, and 10 of his operatives in northern Somalia, American officials say. He was killed after US special forces raided a remote mountainous cave complex hoping to capture him. "Al-Sudani was responsible for fostering the growing presence of ISIS in Africa," Defence Secretary Lloyd Austin said. He also allegedly funded the group's activities globally, Mr Austin added.¹⁸

Somaliland

Somaliland—whose self-declared independence from Somalia is not internationally recognized—has seen a consistent erosion of political rights and civic space. Journalists and public figures face pressure from authorities. Minority clans are subject to political and economic marginalization, and violence against women remains a serious problem. Somaliland's police and security forces have been accused of using excessive force, and conditions in detention centers are harsh and overcrowded. Fighting between clans in the Togdheer, Sool, and Sanaag regions killed dozens in the run-up to the May 2021 elections.¹⁹

Between December 2022 and June 2023, fighting erupted, involving the use of heavy artillery, between "Somaliland" security forces and local armed groups affiliated with the Dhulbahante clan in Laascaanood, resulting in the displacement of an estimated 154,000– 203,000 people. The Human Rights and Protection Group of the United Nations Assistance Mission in Somalia (UNSOM) documented at least 552 civilian casualties, of whom 87 were killed and 465 were injured, between 27 December and 15 June 2023. On 23 February 2023, the Independent Expert

¹⁷ The Jamestown Foundation, Islamic State in Somalia Province: Before and after the death of Bilal al-Sudani, 15 September 2023, <https://jamestown.org/program/islamic-state-in-somalia-province-before-and-after-the-death-of-bilal-al-sudani/>, accessed on 1 October 2023

¹⁸ BBC, Bilal al-Sudani: US forces kill Islamic State Somalia leader in cave complex, 27 January 2023, <https://www.bbc.com/news/world-africa-64423598>, accessed on 1 October 2023

¹⁹ Freedom House, Freedom in the world 2023 – Somaliland, 6 July 2023, <https://www.ecoi.net/en/document/2094400.html>, accessed on 1 October 2023

issued a statement deploring the high number of civilian casualties and reiterated calls by the United Nations High Commissioner for Human Rights for an independent and impartial investigation.²⁰

In Somaliland, authorities clamped down on free expression and association, with security forces reportedly using excessive and lethal force during demonstrations against alleged plans to postpone the November presidential elections.²¹

Among other territorial disputes across Somalia, Puntland and Somaliland contend over control of the Sool and Sanaag regions, that border the two state administrations, as well as the area of Ayn, part of Togdheer region.²²

²⁰ United Nations General Assembly, Report of the Independent Expert on the situation of human rights in Somalia, 21 August 2023, <https://www.ecoi.net/en/file/local/2097521/G2316166.pdf>, accessed on 30 September 2023 v

²¹ Human Rights Watch, World report 2023 – Somalia, 12 January 2023, <https://www.ecoi.net/en/document/2085494.html>, accessed on 30 September 2023

²² European Union Agency for Asylum, Somalia: Security situation, February 2023, https://www.ecoi.net/en/file/local/2087507/2023_02_EUAA_COI_Report_Somalia_Security_situation.pdf, accessed on 1 October 2023

Human rights situation

During the reporting period, all parties to the conflict continued to commit serious violations of international human rights and humanitarian law with impunity. Al-Shabaab increased its attacks, and several stakeholders expressed the view that, in the context of the offensive against al-Shabaab, protection concerns were likely to persist. Between 8 February and 7 June 2023, Al-Shabaab was the second largest perpetrator of civilian casualties, responsible for 104 civilian casualties (57 killed and 47 injured).²³

Federal and regional authorities throughout Somalia repeatedly harassed, arbitrarily arrested, and attacked journalists. On October 8, the federal Information Ministry released a directive that “prohibited dissemination of extremism ideology messages, both from traditional media broadcasts and social media.” On October 11, the [intelligence services detained](#), and the prosecution later charged, prominent and widely respected media rights advocate and freelance journalist, Abdalle Ahmed Mumin, whose organization had raised concerns that the directive could restrict free speech.²⁴

Conflict involving the government, militias, and al-Shabaab resulted in death, injury, and displacement of civilians. Al-Shabaab committed most of the severe human rights abuses, particularly terrorist attacks on civilians and targeted killings, including summary executions and religiously and politically motivated killings; forced disappearances; physical abuses and other inhuman treatment; rape; and attacks on employees of nongovernmental organizations and the United Nations. Al-Shabaab also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of expression, including for the press, peaceful assembly, and movement.²⁵

State of the justice system

The law provides for an independent judiciary, but the government did not always respect judicial independence and impartiality. The civilian judicial system remained dysfunctional and unevenly developed, particularly outside of urban areas. Some local courts depended on

²³ United Nations General Assembly, Report of the Independent Expert on the situation of human rights in Somalia, 21 August 2023, <https://www.ecoi.net/en/file/local/2097521/G2316166.pdf>, accessed on 30 September 2023 v

²⁴ Human Rights Watch, World report 2023 – Somalia, 12 January 2023, <https://www.ecoi.net/en/document/2085494.html>, accessed on 30 September 2023

²⁵ United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

the dominant local clan and associated factions for their authority. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics. Authorities often did not respect court orders or were unable to enforce the orders. Without clear procedures for the transfer of cases from military to civilian courts, authorities prosecuted only a handful of serious criminal cases.

The law prohibits torture and inhuman treatment, but there were credible reports that government authorities engaged in torture and other cruel, inhuman, or degrading treatment or punishment.

NISA agents routinely conducted mass security sweeps against al-Shabaab and terrorist cells, as well as against criminal groups. The organization held detainees for prolonged periods without following due process and mistreated suspects during interrogations. Government security forces, including NISA and the Puntland Intelligence Agency (PIA), detained boys and adult men in the same facility and threatened, beat, and forced them to confess to crimes, according to Human Rights Watch. There were reports of rape and sexual abuse by government agents, primarily members of the security forces.²⁶

The judicial system in Somalia is fractured, understaffed, and rife with corruption. Its authority is not widely respected, with state officials ignoring court rulings and citizens often turning to Islamic or customary law as alternatives. The country's police, intelligence, and military services do not observe safeguards against arbitrary arrest and detention, and their work is undermined by corruption. Clan politics and other external factors often play a role in the outcome of court cases. Military courts routinely try civilians, including for terrorism-related offenses, and do not respect basic international standards for due process.²⁷

Religious freedom

The provisional federal constitution (PFC) provides for the right of individuals to practice their religion, makes Islam the state religion, prohibits the propagation of any religion other than Islam, and stipulates all laws must comply with the general principles of sharia. Most areas of the country beyond greater Mogadishu remain outside federal government control. Federal

²⁶ United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

²⁷ Freedom House, Freedom in the World 2023 – Somalia, 6 July 2023, <https://www.ecoi.net/en/document/2094399.html>, accessed on 1 October 2023

Member State (FMS) administrations, including Puntland, Jubaland, South West State, Hirshabelle, Galmudug, and self-declared independent Somaliland, govern their respective jurisdictions through local legislation but do not fully control them. Somaliland's constitution declares Islam its official religion, prohibits Muslims from converting to another religion, bars the propagation of any religion other than Islam, and requires all laws to comply with the general principles of sharia.

Al-Shabaab continued to attack government-linked forces and targets and civilians throughout the country during the year. The group also continued to pressure civilians to support its extremist ideology. According to media reports, al-Shabaab killed, injured, or harassed persons for a variety of reasons, including failure to adhere to the group's religious edicts. During the year, al-Shabaab was responsible for the killings of civilians, government officials, government security forces, police, and troops from contributing countries of the African Union Transition Mission in Somalia (ATMIS). The United Nations estimated that al-Shabaab attacks had killed 613 civilians and injured 948 by mid-November, the highest number of such casualties since 2017 and a third more than in 2021. Al-Shabaab continued its campaign to characterize the ATMIS forces as "Christian crusaders" intent on invading and occupying the country. During the year, the group conducted public executions of persons whom it accused of committing crimes such as blasphemy and spying, according to local and international press reports. Al-Shabaab continued its practice of targeting humanitarian aid workers, often accusing them of seeking to convert individuals to Christianity, but violence against aid workers decreased compared to 2021, with no incident directly targeting NGOs during the first half of the year.

Strong societal pressure to adhere to Sunni Islamic traditions continued. Conversion from Islam to another religion remained prohibited in some areas. Those suspected of conversion reportedly faced harassment and intimidation by members of their community.²⁸

Al-Shabaab justified its attacks on civilians by casting them as false prophets, enemies of Islam, or aligned with al-Shabaab's enemies.²⁹

²⁸ United States Department of State, 2022 report on international religious freedom: Somalia, 15 May 2023, <https://www.ecoi.net/en/document/2091895.html>, accessed on 1 October 2023

²⁹ United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

Women rights

The main factors hindering the participation of women and minorities in political and public life are the deteriorating security situation, the clan-based political system and underlying cultural norms and economic realities. Although article 398 of the Penal Code criminalizes intercourse with violence or threats, there is still a need for a comprehensive legal framework for accountability for human rights violations committed against women and girls by State and non-State actors. The Federal Parliament is yet to pass the sexual offences bill of 2018 or the female genital mutilation bill. According to reports, the Ministry of Women and Human Rights Development recently submitted a draft sexual offences bill to the ulama for review and it is expected back at the end of July 2023, when it will be submitted to the Cabinet for deliberation.

30

The UN continued to report incidents of conflict-related sexual and gender-based violence, including of girls, in which the victims were often killed. Sexual violence against displaced women and girls is well documented and humanitarian actors warned enhanced protection measures are needed, including legal and policing reforms as well as improved humanitarian responses.

Key legal reforms stalled, including progressive federal sexual violence legislation. The Somali criminal code classifies sexual violence as an “offense against modesty and sexual honor” rather than a violation of bodily integrity; it also punishes same-sex relations. The independent expert on the situation of human rights in Somalia reported that the clan system continues to deal with sexual violence cases in proceedings that fail to protect the rights of survivors.³¹

Al-Shabaab committed gender-based violence, including through forced marriages, and meted out punishment according to the group’s interpretation of sharia. For example, in February the group reportedly gave 100 lashes to Khadar Farah Abdi for fornication. Those detained by al-Shabaab were incarcerated under inhuman conditions for relatively minor offenses such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab.

³⁰ United Nations General Assembly, Report of the Independent Expert on the situation of human rights in Somalia, 21 August 2023, <https://www.ecoi.net/en/file/local/2097521/G2316166.pdf>, accessed on 30 September 2023

³¹ Human Rights Watch, World report 2023 – Somalia, 12 January 2023, <https://www.ecoi.net/en/document/2085494.html>, accessed on 30 September 2023

Government forces, militia members, and individuals wearing what appeared to be government or other uniforms raped women and girls. While the army arrested some security force members accused of such rapes, impunity was the norm. In Lower Shabelle, SNA soldiers and civilians gang-raped Sahra Ali Mohamud, age 15, who later died at the hospital in Marka

Gender-based violence, including rape, continued to affect women and girls when going to collect water, going to the market, and cultivating fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans, and unidentified armed men. Police were reluctant to investigate and sometimes asked survivors to do the investigative work for their own cases. Some survivors of rape were forced to marry perpetrators.

The United Nations recorded hundreds of instances of gender-based violence, including sexual violence against women and girls by unidentified armed men, clan militiamen, al-Shabaab elements, and members of state security forces. Domestic and sexual violence against women remained serious problems despite laws prohibiting any form of violence against women. Intimate partner violence and coercion remained a problem, since 59 percent of respondents to the SHDS said husbands committed the largest number of violent acts against women in the community, and 12 percent of married women reported spousal abuse within the prior year. While both sharia and customary law address the resolution of family disputes, women were not included in the decision-making process.

Although the provisional federal constitution describes female “circumcision” as cruel and degrading, equates it with torture, and prohibits the circumcision of girls, FGM/C was almost universally practiced throughout the country. According to the SHDS, FGM/C remained prevalent, with 99 percent of women and girls between 15 and 49 having received the procedure. Type III (infibulation), which is considered the most extreme form of FGM/C, was the predominant type. Although few SHDS respondents were aware of FGM/C implications for maternal morbidity, 72 percent believed that the practice was a religious requirement.

A 2018 fatwa issued by the Somaliland Ministry of Religious Affairs condemned the most severe forms of the practice of FGM/C and allowed FGM/C survivors to receive compensation but did not specify punishments for the practice. Health workers from the Somaliland Family Health Association traveled from village to village to explain that FGM/C had no health benefits and could lead to health complications.

According to the SHDS, 68 percent of mothers received no antenatal care, and only 32 percent of births were delivered with the assistance of a skilled health-care provider, with access strongly associated with education levels and wealth.³²

Sexual violence against women and girls continued. Some attacks were conflict-related and between February and May, the UN reported four such incidents affecting three women and a 15-year-old girl, including an internally displaced woman and a pregnant woman who were raped and killed by their alleged perpetrators.

The ongoing drought increased the vulnerability of internally displaced people to gender-based violence. Women and girls were at heightened risk of sexual violence and abuse when travelling long distances to fetch water for their families.³³

Forced and child marriages are widespread, and the Shabaab impose forced marriages with their fighters. Individuals can face strong societal pressure to marry or not marry within certain clans. Female genital mutilation is extremely common despite a formal ban.

Sexual violence remains a major problem, especially for displaced persons. Perpetrators include government troops and militia members.

Child labor and trafficking in persons for the purposes of sexual exploitation or forced labor are common. Refugees and internally displaced people are particularly vulnerable to exploitation. Children are abducted or recruited to serve as fighters by the Shabaab and to a lesser extent by government and militia forces.³⁴

³² United States Department of State, 2022 Country report on human rights practices: Somalia, 20 March 2023, <https://www.ecoi.net/en/document/2089065.html>, accessed on 30 September 2023

³³ Amnesty International, Amnesty International Report 2022/2023 – the state of the world’s human rights: Somalia 2022, 27 March 2023, <https://www.ecoi.net/en/document/2089606.html>, accessed on 30 September 2023

³⁴ Freedom House, Freedom in the World 2023 – Somalia, 6 July 2023, <https://www.ecoi.net/en/document/2094399.html>, accessed on 1 October 2023

Humanitarian situation

The humanitarian situation remained alarming, with continued conflict and insecurity and the cumulative effect of five consecutive rainy seasons with below-average rainfall having a devastating impact. According to the World Food Programme, more than 1.5 million Somalis have been displaced owing to a lack of food and water, result[ing] in increased need for assistance and protection concerns, in particular for women and children and minorities and marginalized groups.³⁵

The failure of four consecutive rainy seasons, combined with the impact of war in Ukraine on food imports, created a dire humanitarian crisis in the country. According to the UN, 7.8 million people – half the population – needed humanitarian assistance to survive. More than 3 million livestock, which pastoralist families rely on for their livelihoods, perished largely due to drought. According to the ICRC, Somalia depended on Russia and Ukraine for more than 90% of its wheat supplies but the war between the two countries interrupted supplies, while rising fuel costs, another consequence of the war, caused a considerable spike in food prices which disproportionally affected those most vulnerable to discrimination, such as internally displaced people, subsistence farmers and people in conflict-affected areas. Catastrophic levels of food insecurity were confirmed in parts of the country, with more than 213,000 people in famine-like conditions. More than 1.5 million children, including infants, faced acute malnutrition, with 386,400 children likely to be severely malnourished. By September, 730 children had died in nutrition centres nationwide. Meanwhile, Al-Shabaab restricted humanitarian access in areas under their control, compounding the crisis.

Internally displaced people continued to face significant human rights violations and abuses. More than 1.8 million people were displaced due to the drought and conflict. Between January and August, 188,186 individuals were forcibly evicted across the country, the majority of whom were internally displaced people.

Most of those displaced were older people, children and women, including pregnant women and lactating mothers. The lack of adequate shelter and privacy in overcrowded internally

³⁵ United Nations General Assembly, Report of the Independent Expert on the situation of human rights in Somalia, 21 August 2023, <https://www.ecoi.net/en/file/local/2097521/G2316166.pdf>, accessed on 30 September 2023 v

displaced people's settlements increased women and children's vulnerability to violations such as gender-based violence including rape and physical assaults.³⁶

A toxic mix of conflict, severe drought and devastating floods has forced more than 1 million people in Somalia to flee their homes in just 130 days – a record rate of displacement for the country. The figures recorded by UNHCR, the UN Refugee Agency, and the Norwegian Refugee Council (NRC), show that conflict was among the main causes of displacement between 1 January and 10 May this year, while over 408,000 people were displaced by floods sweeping across their villages and another 312,000 people were displaced by ravaging drought. Most of them fled to the regions of Hiraan in central Somalia and Gedo, in southern Somalia.³⁷

³⁶ Amnesty International, Amnesty International Report 2022/2023 – the state of the world's human rights: Somalia 2022, 27 March 2023, <https://www.ecoi.net/en/document/2089606.html>, accessed on 30 September 2023

³⁷ Norwegian Refugee Council, Somalia: Over 1 million people internally displaced in Somalia in record time, 24 May 2023, <https://www.nrc.no/news/2023/may/somalia-1-million-displaced/>, accessed on 1 October 2023

UNHCR position on Somalia

In Somalia, indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence include:

- (i) the number of civilian casualties as a result of indiscriminate acts of violence, including suicide attacks, the use of improvised explosive devices (IEDs), landmines and air strikes;
- (ii) the number of conflict-related security incidents and
- (iii) the number of people who have been forcibly displaced due to conflict.

Such considerations are not, however, limited to the direct impact of the violence. They also encompass the longer-term, more indirect consequences of conflict-related violence that, either alone or cumulatively, give rise to threats to life, physical integrity or freedom.

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

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

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

Somalis and others originating from Somalia who seek international protection in countries that are States Parties to the Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Convention") and who have been found not to meet the criteria of the 1951 Refugee Convention, may qualify for refugee status under Article I(2) of the 1969 OAU

Convention. In particular, UNHCR considers that individuals originating from areas of Somalia that are affected by active combat between government-affiliated forces and Al-Shabaab as well as areas of Somalia that are under the full or partial control of Al-Shabaab, may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

Somalis who seek international protection in Member States of the European Union (EU) and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of EU Directive 2011/95/EU (Qualification Directive), if there are substantial grounds for believing that they would face a real risk of serious harm in Somalia applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds that they would face a real risk of the relevant forms of serious harm (death penalty or execution; or torture or inhuman or degrading treatment or punishment), either at the hands of the State or its agents, or at the hands of Al-Shabaab.¹⁹ Equally, in light of the fact that Somalia continues to be affected by a non-international armed conflict.

Applicants originating from or previously residing in conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds that they would face a serious and individual threat to their life or person because of indiscriminate violence.

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

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

active combat between government-affiliated forces and Al-Shabaab. UNHCR considers that given the current security, human rights, economic and humanitarian situation in Mogadishu, an IFA/IRA is generally not available in the city.

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

UNHCR considers that given the current socio-economic and humanitarian situation in Hargeisa, including for IDPs and specifically for IDPs who do not originate from Somaliland, an IFA/IRA would be available only for single, healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), who originate from Somaliland and who have access to a local support network through which they have access to (i) shelter outside an IDP settlement and without risk of eviction, (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood or proven and sustainable support to enable access to an adequate standard of living.³⁸

³⁸ UNHCR, International protection considerations with regard to people fleeing Somalia, September 2022, <file:///C:/Users/Adelin/Downloads/6308b1844-1.pdf>, accessed on 1 October 2023

This document is a product of the General Inspectorate for Immigration in partnership with the Romanian National Council for Refugees by the grant contract FAMI / 22.02.04 – Management of COI Usage and Research Processes – Romanian National Council for Refugees.

Editorial Team

General Inspectorate for Immigration Asylum
and Integration Directorate International
Protection and Asylum Procedures Service

SUPERVISION:

Eleodor PÎRVU – Director DAI

NATIONAL EXPERT:

Felix DAVID

Editorial Team

Romanian National Council for Refugees

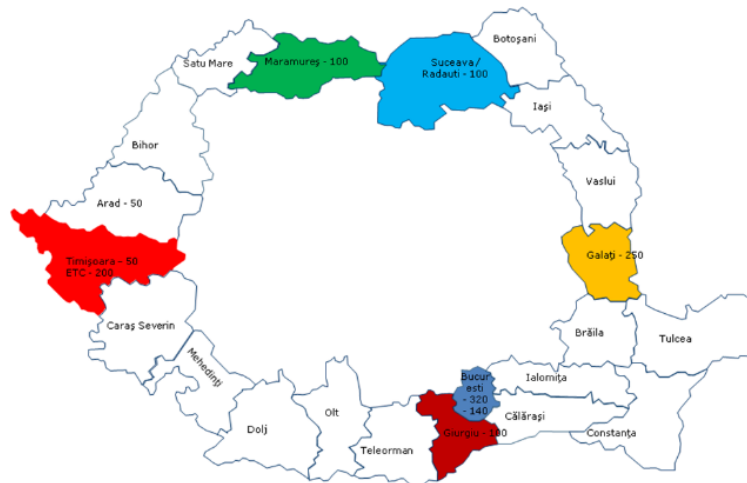
COORDINATOR:

Niculae CÂRCU - CNRR President

COMPILER AND EDITOR:

Adelin-Costin DUMITRU – COI Researcher

This paper is published, serving the professional interests of all parties involved in the asylum procedure in Romania. Using the information contained herein shall be made by citing sources basic and only in conjunction with other relevant data. Title of the paper will not be quoted without explicit consent of the issuer.



www.portal-ito.ro

ASYLUM AND INTEGRATION DIRECTORATE
Str. TUDOR GOCIU nr.24A, București, Sector 4

ROMANIAN NATIONAL COUNCIL FOR REFUGEES
Str. VIESPARILOR nr. 19, etaj 2, București, Sector 2

