

Flygtningenævnets baggrundsmateriale

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Somalia – Researched and compiled by the Refugee Documentation Centre of Ireland on 12 July 2010

The rules of interaction between young Muslim women and men and whether there is interaction between female students and male teachers.

A *UN Children's Fund (UNICEF)* document on education in Somalia states:

"'Gender training is a key issue,' says Mohammed Abdirahman Jama, a 39-year-old teacher trainer. 'In the past, male teachers – and even the bigger boys – harassed the girl students and teachers. Now we discuss how to involve girl students, and how to encourage women head teachers and community leaders. We impress on the teachers the importance of following up on girls who are often absent, and of providing separate latrines for girls.' These lessons are particularly important in a country where the need for girls to work at home, the low social value accorded to girls' education, and the lack of female role models contribute to the lowest primary school enrolment rate for girls in the world." (UN Children's Fund (UNICEF) (7 April 2005) *Communities unite around education in Somalia*)

A *European Commission* report, in a section titled "Somalia's Constraints for Gender Mainstreaming: Factors Negatively Impacting on Female Enrolment and School Attendance" (Section 5.3, paragraph headed "accessibility"), states:

"Very often schools are far away and are not physically accessible to female students (especially disabled female students). Females in Islamic countries may be able to travel only very short distances without a male accompanying person. Women are not allowed to travel alone without the consent of a male guardian, and married women often simply cannot travel." (European Commission (12 June 2008) *Identification Study for the Education Sector Development Support Programme for Somalia: Final Report*, p.57)

In a paragraph headed "Teacher's issues" this report continues:

"Most of Somali schools are staffed exclusively by male teachers, with female teachers being an exception. Often, these are isolated and need to adhere to the male teachers' rule. Apart from being openly discriminating, this is also a factor which contributes to an increased female student discrimination inside the schools. It reduces free interaction between teacher and students." (ibid, p.57)

In a section titled "The Human Rights Situation in Somalia" (Paragraph headed "Gender-based violence and discrimination against women") a Protection Sheet issued by the *UN Office for the Coordination of Humanitarian Affairs (OCHA)* notes:

“In a broader context, Somali women are systematically discriminated and subordinated such as limited inclusion in decision making structures and leadership roles, limited access to reproductive health, higher rates of stigmatization from HIV/AIDs and Sexually Transmitted Diseases, denial of due process rights, abuse of women's rights in divorce cases, denial of custody of children, denial women's rights of property ownership and inheritance under customary law. A general lack of awareness of women's human rights both in the judiciary and law enforcement have a negative impact on women in custody and during police detention. Gender based violence is on the increase; violations in the form of rape as a means of intimidation and weapon of war and domestic violence are rife. Female Genital Mutilation (FGM) forced early marriages and using violence as a tool for discipline have caused tremendous suffering. Perpetrators of sexual and gender-based violence are rarely prosecuted, given the weakness of the judiciary system and the lack of recognition of these violations. IDP women are particularly vulnerable, having lost their clan protection and common victims of murder, rape and kidnap. Lack of protective environment conducive to the respect of human rights, with the absence of central and authoritative government able to enforce the rule of law as well as of functioning legal and social institutions, individuals are left without appropriate channels for claiming their rights. Traditional Somali society is conditioned not to openly discuss issues such as domestic violence and rape which hampers women's rights to access justice against gender based violence. Women from minorities experience particular difficulty accessing legal mechanisms.” (UN Office for the Coordination of Humanitarian Affairs (OCHA) (19 May 2006) Somalia: Protection fact sheet - May 2006)

In a section titled “Individuals Perceived as Contravening Islamic Laws or Decrees” the most recent *UN High Commissioner for Refugees Eligibility Guidelines* document for Somalia states:

“Somalis in southern and central Somalia reportedly live in fear of being perceived as opposing al Shabaab's decrees. Al-Shabaab has set up Shari'a courts and issued decrees to restrict social behaviour it considers to violate Islamic law, including a ban on music, dancing in public and khat, and the closure of cinemas. Prayer times must also be respected and women are instructed to wear appropriate dress, which includes the hijab. There are reports that young men are threatened by al-Shabaab for engaging in activities like playing soccer or other games. School bells have been declared to be too Christian and banned. Al-Shabaab has announced that anyone found not to be abiding by these laws will be punished. Shari'a court procedures and punishments have been generally harsh and inconsistent.” (UN High Commissioner for Refugees (5 May 2010) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, pp.11-12)

In a section titled “Women and Girls” this document states:

“Women continue to face severe discrimination and ill-treatment in southern and central Somalia. Punishment of women for non-conformity with al-Shabaab's decrees, for instance, to wear the hijab in Jowhar, Bayhdaba and Kismaayo, became particularly marked in late 2008 and 2009.” (ibid, p.18)

In a section titled “Violence Against Women” (paragraph 56) a *UN Human Rights Council* report states:

“Women reportedly continued to face cruel, inhuman and degrading treatment on a daily basis, particularly in Al Shabaab controlled areas. On November 18, 2009, according to reports from a village near the town of Wajid, a 20-year-old divorcee woman accused of committing adultery was reportedly taken to an open area where she was buried up to her waist and then stoned to death in front of a large crowd.” (UN Human Rights Council (8 March 2010) *Report of independent expert on the human rights situation in Somalia, Shamsul Bari, (advance unedited version)*, p.19)

This section of the report also states:

“It may be mentioned in this connection that men too are subjected to inhuman and cruel treatment for their illicit relationship with women. In November 2009, a man was stoned to death for rape in the port town of Merka. Under the Al Shabaab’s interpretation of Sharia law, anyone who was ever married – even a divorcee – who had an affair, was liable to be found guilty of adultery and punished by stoning to death.” (ibid, p.19)

In a section titled “Women” the 2010 *United States Department of State* country report on Somalia notes:

“In the country’s overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated.” (United States Department of State (11 March 2010) *2009 Human Rights Reports: Somalia*)

In a section titled “Societal Abuses and Discrimination” this report adds:

“Women were disproportionately affected by Islamic extremists during the year. In March al-Shabaab issued a decree mandating that women wear the hijab outside of the home; any woman found not wearing the hijab would be arrested and face punishment.” (ibid)

A section titled “Prison and Detention Center Conditions” refers to the treatment of women in al-Shabaab controlled areas as follows:

“For example, on July 19, al-Shabaab in Baidoa jailed 20 women for disobeying the decree requiring them to wear the hijab. In October al-Shabaab flogged women in Mogadishu for not wearing the hijab, and on October 25 arrested 20 women and detained them in Bakara market. The women were released after three days, some after paying a fine of 600,000 Somali shillings (\$15).” (ibid)

A *BBC News* report quotes a resident of Mogadishu as saying:

“‘A child of about 12 years old, armed with a gun and a whip works at a crossroads in Mogadishu’s Bakara market,’ he says. ‘The boy stops public transport and checks if there are men and women passengers sharing the seats. ‘If he finds them, he tells them to get off the bus and flogs them in public while other members of al-Shabab sit under roadside trees nearby.’” (BBC News (29 July 2009) *Alarm over Somalia’s child soldiers*)

A 2006 report from the *Shabelle Media Network* refers to sentences imposed by the Islamic Courts as follows:

“The leader of Islamic Courts in Hamarweyne in central Mogadishu Sheik Kadar Keyse Abdirahman commented on the reasons Mr. Aweys and six of his pupils were incarcerated. Sheik Kadar pointed out that the coach and his students have been involved in something against the Islamic ideology. ‘It is taboo in Islam that men and women who are not related assemble indiscriminately in one place or a teacher mingles in his female students who are not properly dressed in the Islamic way. That’s in fact the culture of disbelievers’, said Sheik Kadar.” (Shabelle Media Network (21 September 2006) *Islamic Courts Incarcerate Karate Coach for Mixing Men and Women*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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