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International Protection Considerations with Regard to People Fleeing **Somalia**

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List of Abbreviations

ACLED	Armed Conflict Location & Event Data
AP	Associated Press
ASWJ	Ahlu Sunna wal Jama'a
BBC	British Broadcasting Corporation
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CFR	Council on Foreign Relations
COHF	Candle of Hope Foundation
CPJ	Committee to Protect Journalists
CPU	Child Protection Unit
CRC	Convention on the Rights of the Child
CSIS	Center for Strategic and International Studies
CTFMR	Country Task Force on Monitoring and Reporting
DCAF	Geneva Centre for Security Sector Governance
DRR	Disarmament, Rehabilitation, and Reintegration
DW	Deutsche Welle
EASO	European Asylum Support Office (now the EUAA)
EUAA	European Union Agency for Asylum (formerly EASO)
FAO	Food and Agriculture Organization
FGM	Female Genital Mutilation
FGS	Federal Government of Somalia
FMS	Federal Member State
GBV	Gender-Based Violence
HPRD	Horn Population Research & Development
HRW	Human Rights Watch
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IED	Improvised Explosive Device
IFA/IRA	Internal Flight Alternative / Internal Relocation Alternative
IFJ	International Federation of Journalists
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO	International Labour Organization
IOM	International Organization for Migration
IPI	International Peace Institute
ISS	Islamic State in Somalia
LSE	London School of Economics and Political Science
MRG	Minority Rights Group International
NCC	National Consultative Council
NGO	Non-Governmental Organization
NISA	National Intelligence and Security Agency
NRC	Norwegian Refugee Council

NUSOJ	National Union of Somali Journalists
OAU	Organization of African Unity (succeeded by the AU)
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PLWD	Persons Living With Disabilities
RSF	<i>Reporters Sans Frontières</i> (Reporters Without Borders)
SOGI	Sexual Orientation and/or Gender Identity
SJS	Somali Journalists Syndicate
SMSJ	Somali Mechanism for Safety of Journalists
SNA	Somali National Army
SPF	Somali Police Force
UN	United Nations
UNCRC	United Nations Committee on the Rights of the Child
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSOM	United Nations Assistance Mission in Somalia
USCIRF	US Commission on International Religious Freedom
VOA	Voice of America
VOSOMWO	Voices of Somaliland Minority Women Organization



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I. Executive Summary

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

¹ UNHCR, *UNHCR Position on Returns to Southern and Central Somalia (Update I)*, May 2016, www.refworld.org/docid/573de9fe4.html. Other positions superseded by this document include: UNHCR, *UNHCR Position on Returns to Southern and Central Somalia*, 17 June 2014, www.refworld.org/docid/53a04d044.html; UNHCR, *International Protection Considerations with Regard to people fleeing Southern and Central Somalia*, 17 January 2014, www.refworld.org/docid/52d7fc5f4.html; UNHCR, *Addendum to 2010 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, Relating Specifically to the City of Gaalkacyo*, 16 March 2012, www.refworld.org/docid/4f675c5e2.html; UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, www.refworld.org/docid/4be3b9142.html.

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

This document includes the most up-to-date information available at the time of writing, from a wide variety of sources.² The analysis contained in this document is informed by publicly available information and by information collected and obtained by UNHCR in the course of its operations in Somalia and elsewhere, as well as by other United Nations (UN) agencies and partner organizations.

All claims lodged by asylum-seekers need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information. This applies whether the claims are analysed on the basis of the refugee criteria contained in the 1951 Convention Relating to the Status of Refugees ("1951 Convention")³ and its 1967 Protocol,⁴ UNHCR's mandate, regional refugee instruments, or on the basis of broader international protection criteria, including complementary forms of protection.

A. Refugee Status under the 1951 Convention

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

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

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

² These Guidelines are based on information available to UNHCR as of 25 August 2022, unless otherwise stated.

³ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, p. 137, www.refworld.org/docid/3be01b964.html.

⁴ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations Treaty Series, Vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

Somalia continues to be affected by a non-international armed conflict.⁵ Individuals fleeing violence or the threat of violence in the context of this conflict may meet the criteria for refugee status as contained in Article 1(A)(2) of the 1951 Convention.

For this to be the case, the feared persecution arising from the violence must be for reason of a 1951 Convention ground. In the context of Somalia, examples of circumstances where civilians are subjected to violence for reason of a 1951 Convention ground include situations where violence is targeted at areas where civilians of specific clans or specific ethnic, political or religious profiles predominantly reside, or at locations where civilians of such profiles predominantly gather (including markets, mosques, schools, or large social gatherings such as weddings). To qualify for refugee status there is no requirement that an individual be known personally to the agent(s) of persecution or be sought out personally by those agents. Similarly, entire communities may have a well-founded fear of persecution for one or more of the 1951 Convention grounds; there is no requirement that an individual suffer a form or degree of harm above that suffered by other individuals with the same profile.⁶

For civilians fleeing violence to come within the scope of Article 1(A)(2) of the 1951 Convention, the impact of the violence must be sufficiently serious to amount to persecution. A risk of regular exposure to violent conduct or to the consequences of such conduct can amount to persecution within Article 1(A)(2) of the 1951 Convention, either independently or cumulatively.⁷ In the context of the conflict in Somalia, relevant considerations to determine whether the consequences of conflict-related violence for civilians are sufficiently serious to meet the threshold of persecution include the number of civilian casualties and the number of security incidents, as well as the existence of serious violations of international humanitarian law which constitute threats to life or freedom or other serious harm. Such considerations are not, however, limited to the direct impact of the violence, but also encompass the long-term and indirect consequences of violence, including the impact of the conflict on the human rights situation and the extent to which it impedes the ability of the State to protect human rights.

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

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

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status in the 1951 Convention should be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention should broader international protection criteria as contained in UNHCR's mandate and regional instruments be examined, including subsidiary protection.⁸

Individuals who flee situations of violence where there is no nexus with a 1951 Convention ground would not ordinarily come within the scope of the 1951 Convention. Such individuals may nevertheless

⁵ Rule of Law in Armed Conflict Project (RULAC), *Non-international Armed Conflict in Somalia*, accessed 25 August 2022, www.rulac.org/browse/conflicts/non-international-armed-conflict-in-somalia.

⁶ UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html, paras 22-23.

⁷ *Ibid.*, para. 18.

⁸ See UNHCR Executive Committee, *Conclusion on the Provision on International Protection Including through Complementary Forms of Protection*, No. 103 (LVI) – 2005, 7 October 2005, www.refworld.org/docid/43576e292.html.

come within the terms of UNHCR's broader mandate criteria, or the criteria set out in regional instruments.

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol, but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.⁹ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of origin or of habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.¹⁰

In Somalia, indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence include: (i) the number of civilian casualties as a result of indiscriminate acts of violence, including suicide attacks, the use of improvised explosive devices (IEDs),¹¹ landmines and air strikes; (ii) the number of conflict-related security incidents (see [Section II.C.2](#)); and (iii) the number of people who have been forcibly displaced due to conflict (see [Section II.F](#)). Such considerations are not, however, limited to the direct impact of the violence. They also encompass the longer-term, more indirect consequences of conflict-related violence that, either alone or cumulatively, give rise to threats to life, physical integrity or freedom.

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

⁹ UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fdb49d.html; UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

¹⁰ See, for example, UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html, p. 3; UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

¹¹ "An IED, as defined by the United Nations Improvised Explosive Device Disposal Standards (May 2018) is 'a device placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic or incendiary chemicals and designed to destroy, incapacitate, harass or distract. It may incorporate military stores, but is normally devised from non-military components.' UN Security Council, *Implementation Assistance Notice No. 3: Summary of the Improvised Explosive Device (IED) Components Ban and Regulations in Place for Exportation of Explosive Materials to Somalia*, www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/ian_3_english_final_3_august.pdf, p. 1.

¹² Political Geography Now, *Somalia Control Map & Timeline - December 2021*, 14 December 2021, www.polgeonow.com/2021/12/who-controls-somalia-crisis-timeline.html. See also, UN Security Council, *Letter Dated 5 October 2021 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Addressed to the President of the Security Council*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf (hereafter: UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf), Annex 2.3. An estimated 900,000 persons "live in areas controlled by non-State armed groups, with serious access challenges that hinder humanitarian reach." UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 47.



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.¹³

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

Somalis and others originating from Somalia who seek international protection in countries that are States Parties to the Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Convention")¹⁴, and who have been found not to meet the criteria of the 1951 Refugee Convention, may qualify for refugee status under Article I(2) of the 1969 OAU Convention. In particular, UNHCR considers that individuals originating from areas of Somalia that are affected by active combat between government-affiliated forces and Al-Shabaab as well as areas of Somalia that are under the full or partial control of Al-Shabaab, may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.¹⁵

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

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

¹³ See Section II.D.1.c of these Guidelines.

¹⁴ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html. The definition of the term "refugee" as contained in Article I of the 1969 OAU Convention has been incorporated into Article I of the *Bangkok Principles on the Status and Treatment of Refugees* (Bangkok Principles). See Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi), www.refworld.org/docid/3de5f2d52.html.

¹⁵ On the meaning of the phrase "events seriously disturbing public order" in the 1969 OAU Convention, see Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in the Context of Individual Refugee Status Determination*, January 2013, www.refworld.org/docid/50fd3edb2.html; A. Edwards, *Refugee Status Determination in Africa*, 14 *African Journal of International and Comparative Law* 204-233 (2006), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1535377; UNHCR, *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On*, April 2005, www.refworld.org/docid/4ff168782.html.

¹⁶ *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html. Although the Cartagena Declaration is a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html, paras 61-85.

¹⁷ Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict. European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN> (hereafter: EU, *Qualification Directive*, 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>), Articles 2(f), 15.

Section II.D of these Guidelines, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds that they would face a real risk of the relevant forms of serious harm (death penalty¹⁸ 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 and in light of the information presented in Sections **II.C**, **II.D**, **II.E** and **II.F** of these Guidelines, applicants originating from or previously residing in conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds that they would face a serious and individual threat to their life or person because of indiscriminate violence.

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

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

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

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

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

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

¹⁸ Somalia's Penal Code "retains the death penalty for twenty crimes, including many that do not constitute the 'most serious' crimes [...]. In addition to murder, they include crimes against the State, such as treason, espionage, bearing arms against the State, and disclosure of State secrets, and crimes endangering public safety, such as polluting the food or water supply, or causing an epidemic, resulting in death." Advocates for Human Rights / World Coalition against the Death Penalty, *Somalia: Stakeholder Report for the United Nations Universal Periodic Review*, 15 October 2020, www.upr-info.org/sites/default/files/documents/2021-07/js2_upr38_som_e_main.pdf, para. 10. See also, Federal Government of Somalia, *Somalia: Penal Code*, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, Arts 184-186, 190, 196, 198-201, 204-206, 221-223, 329, 334 and 335, 434, 436. As of August 2022, there are 139 persons on death row in Somalia. The country executed 22 persons in 2021, 20 persons in 2020 and 13 persons in 2019. World Coalition Against the Death Penalty, *Somalia*, accessed 25 August 2022, <https://worldcoalition.org/pays/somalia/>. The death penalty is regularly carried out after military court sentences, particularly for persons convicted of being members of Al-Shabaab. See UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 53; UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 43; UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 26. Al-Shabaab uses the death penalty on, *inter alia*, spies and persons accused of witchcraft, blasphemy or adultery. See **Section III.A.3.b**.

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

streets, such as street vending; as well as going to markets, mosques and other places where people gather.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNHCR considers that given the current socio-economic and humanitarian situation²⁰ in Hargeisa, including for IDPs and specifically for IDPs who do not originate from Somaliland, an IFA/IRA would be available only for single, healthy and able-bodied men of working age without identified vulnerabilities (or married couples without children where both spouses are healthy, able-bodied and of working age without identified vulnerabilities), who originate from Somaliland and who have access to a local support network through which they have access to (i) shelter outside an IDP settlement and without risk of eviction, (ii) essential services such as potable water and sanitation, health care and education; and (iii) a livelihood or proven and sustainable support to enable access to an adequate standard of living.

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

D. Exclusion Considerations

Somalia has a long history of armed conflict, serious human rights violations and transgressions of international humanitarian law — in light of this, exclusion considerations under Article 1F of the 1951 Convention may arise in relation to individual asylum claims by Somali asylum-seekers. Exclusion considerations may be triggered in any individual case if there are elements in the applicant's claim that suggest that he or she may have been associated or involved with criminal acts that fall within the scope of Article 1F of the 1951 Convention. Exclusion considerations may arise in the cases of Somali asylum-seekers with certain backgrounds and profiles, including persons who have been engaged in the hostilities and armed conflict.²¹

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

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

II. Overview of the Situation in Somalia

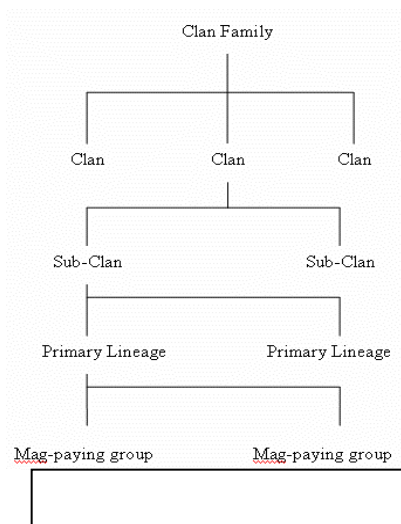
A. Somali Clans, Customary Law, Social Norms and Structures

Somalis are not ethnically homogenous, and there are significant variations in culture and language, especially between communities in southern and central Somalia.²² There is, however, a “dominant” ethnicity associated with the northern pastoralist groups, the *Samaal*, whose social structures have become pervasive in Somali society over several centuries and who traditionally spoke *Af-Maxaa-tiri*, which is present-day Somalia’s official language.²³ The history of the *Samaal* expansion into modern-day southern and central Somalia has been one of interaction with, but eventually domination of other ethnic groups, including of the sedentary agro-pastoralists in the inter- riverine area, as well as other minority or “outcaste” groups.²⁴ The latter non-*Samaal* groups have either been expected to adapt to *Samaal* culture, or face social exclusion, discrimination and, in some cases, persecution.²⁵

The position of a Somali vis-à-vis the clan system of the *Samaal* continues to be a primary defining factor in that person’s social relations, access to justice and other civil and political rights, and their political allegiances.²⁶

The clan structure is based on a “vertically oriented segmentary lineage system”²⁷ in which an individual’s clan identity is passed down through the male line. The segmentary lineage system can be differentiated into categories of clan-family, clan, sub-clan, primary lineage and *diya*-paying group (also called *mag*-paying group) as divisions of varying size.²⁸

- ²² World Bank, *Conflict in Somalia: Drivers and Dynamics*, January 2005, <http://siteresources.worldbank.org/INTSOMALIA/Resources/conflictinsomalia.pdf>, p. 7.
- ²³ “The lineages of the pastoral Somalis are united by a common, mythological perception of direct lineal descent from the forefather Samaal and the household of the prophet Mohammed, notably the Qurayshi clan, and specifically his cousin, Aqil Bin Abi-Talib. Today, this segmentary clan system is represented by three to four main clan families descending from Darood, Hawiye, Dir and depending on who you ask, Isaaq.” Danish Refugee Council (DRC) / OXFAM Novib, *The Predicament of the ‘Oday’: The Role of Traditional Structures in Security, Rights, Law and Development in Somalia*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf (hereafter: DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf), p. 5. These are sometimes referred to as the “noble” clans. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 May 2009, www.ecoi.net/en/file/local/1193130/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf.
- ²⁴ These “outcaste” groups include the occupational caste groups, groups of ethnic Bantu descent and groups of Arabic descent, such as the Bajunis and Barawanis. DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 4. See also, Section III.A.4.
- ²⁵ See University of Milan-Bicocca, *The Gaboye of Somaliland: Legacies of Marginality, Trajectories of Emancipation*, 2017, https://boa.unimib.it/retrieve/handle/10281/180856/257222/phd_unimib_734232.pdf; Minority Rights Group International (MRG), *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>; OCHA, *A Study on Minorities in Somalia*, 1 August 2002, <https://reliefweb.int/report/somalia/study-minorities-somalia>. For more information on the current treatment of minority groups in Somalia, see Section III.A.4.
- ²⁶ “Pour les Somali, l’appartenance au clan est le facteur le plus important car il fonde leur identité. Elle détermine l’endroit où l’on vit, travaille et trouve protection. Les Somali connaissent donc en général leur position exacte dans le système clanique [...]. En raison de la faible pénétration des structures étatiques, voire de leur absence, dans une grande partie de l’espace occupé par les Somali, les clans jouent aujourd’hui encore un rôle important sur le plan politique, juridique et social.” Switzerland: Secrétariat d’Etat aux migrations (SEM), *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 7-8, see also pp. 30-38.
- ²⁷ DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 4, see also p. 5.
- ²⁸ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 8. “Within each clan family or minority group there are a number of subclans or subgroups, down to what is called the “*diya*-paying subclan”, which consists of the relatives of a common ancestor about 4-8 generations back.” Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 6. “Les clans connaissent à leur tour des subdivisions qui s’articulent hiérarchiquement. Les études ethnologiques distinguent plusieurs niveaux : la famille de clans, le clan, le sous-clan, le sous-sous-clan etc. [...] Les membres d’un clan rapportent leur origine à un ancêtre commun, qui peut remonter jusqu’à 20 générations.” SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 7-8, see also p. 8.



Although the lineages of *Samaal* are supposedly united by common descent from a mythical forefather, the clan-family is generally the largest grouping defining individual clan identity.²⁹ The *Samaal* nomadic pastoralist clan-families include the Darod, Hawiye, Dir and, arguably, the Isaaq.³⁰ The Rahanweyn,³¹ who were traditionally agro-pastoralists and who inhabit parts of Bay, Bakool and Gedo regions, are distinct from the pastoralist Somalis, and have a different genealogy, although they claim a similar mythological descent.³² These groups (Darod, Hawiye, Dir, Isaaq and Rahanweyn) are sometimes referred to as majority clans.³³ Clan-family identities dictate political representation and have been mobilized and exploited by political leaders.³⁴ Minority groups (also called minority clans) are

²⁹ "The clan-family is generally the upper limit of clanship." DRC / OXFAM Novib, *The Predicament of the 'Oday'*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 5.

³⁰ "[T]he perceived majority of the population are composed of the ethnic nomadic-pastoralist Somalis who speak *Af-Maxaa-tiri* (i.e. the "noble clans" of the Darood, Hawiye, Dir, and – depending on one's perspective – the Isaaq)." ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 11. "[L]es Isaaq sont parfois considérés comme une famille de clans et parfois comme un clan au sein de la famille de clans des Dir". SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 9. "[Occasionally] the Isaaq are [portrayed as] under Dir. In reality, however, Isaaq are a clan-family on their own, due to their size and political weight. The Dir as a clan-family is mainly the Gadabuursi and Ciise clans in northern Somalia and some other clans like the Akishe and Bimaal in [...] southern Somalia." Rift Valley Institute, *Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions*, 2015 <https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RVI%20Contested%20Borderlands%20%282015%29%20%281%29.pdf>, p. 20.

³¹ Rahanweyn are often referred to as Digil/Mirifle. For the purpose of this paper, the differing clan-family names of Digil, Digil/Mirifle and Rahanweyn are all referred to as 'Rahanweyn', although asylum decision-makers should note that Somalis may use these names interchangeably.

³² "The Somali agro-pastoralists refer to themselves as originating from Saab [...] and encompass the two groups of Mirifle and Digil, as well as the Rahanweyn who sometimes refer to be identical with Mirifle and Digil. The agro-pastoralist clan structure is considerably different from that of the nomadic groups." ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 13. "Les familles de clan Rahanweyn, ou Digil et Mirifle, se considèrent comme les descendants de Saab, le frère de Samaale. Le nom « Rahanweyn » ne désigne parfois qu'une partie de la famille clanique, et il est parfois utilisé pour désigner tous les Digil et Mirifle. Contrairement aux familles de clans Samaale, les clans Saab sont composés en majorité, mais pas exclusivement, d'agriculteurs sédentaires." SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 10.

³³ MRG, *No Redress: Somalia's Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 7.

³⁴ The foundation of the Somali political system is the 4.5 formula which assigns seats in the Lower House and Upper House of Parliament based on clan. See London School of Economics and Political Science (LSE), *Somalia's Politics: The Usual Business? A Synthesis Paper of the Conflict Research Programme*, 2021, http://eprints.lse.ac.uk/110878/1/Somalia_synthesis_v3.pdf, pp. 14-15. "Clans, in Somalia, are culturally a consensual identity inherited from patriarchal ancestors and clannism, as a political ideology, determines everything else in the country — power, resource distribution, expansion of territory and even recruitment to positions of influence." International Training Programme for Conflict Management, *Somalia: Clan and State Politics*, December 2013, https://reliefweb.int/sites/reliefweb.int/files/resources/_COMMENTARY_SOMALIA_ISSUE_DEC_2013.pdf, p. 13. "At its best, the clan system works positively for the society, acting as a strong, protective social unit. At its worst, it can act as a political unit that leads to conflict and bloodshed." The Conversation, *Why Somali Clan Elders Could Hold the Key to Opening Dialogue with Al-Shabaab*, 19 January 2021, <https://theconversation.com/why-somali-clan-elders-could-hold-the-key-to-opening-dialogue-with-al-shabaab-152759>. See also, Deutsche Welle (DW), *Somalia's Clan System: Undermining Democracy?*, 9 February 2021, www.dw.com/en/somalias-clan-system-undermining-democracy/a-56512779.

marginalized because of their lack of access to clan resources and their non-participation in the clan framework.³⁵

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

1) Customary Law (Xeer)

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

³⁵ “The clan structure of the majorities continues to exclude minorities from significant political participation and employment; limits their access to justice where abuse has been perpetrated against them or they stand accused of a crime; denies them their rights to development, education and sustainable livelihoods; and prevents and punishes inter-marriage with members of majority groups. Majorities also routinely subject minority members to hate speech, which has served to perpetuate stereotypes of minorities relating to their physical appearance and traditional practices, and thus heighten their exclusion.” MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 3. See also, Section III.A.4.

³⁶ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 8. See also, SEM, *Focus Somalie: Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, p. 8.

³⁷ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 9. “Les relations sociales et politiques entre [mag-paying groups] sont régies par des traités (oraux) appelés *xeer*.” SEM, *Focus Somalie: Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, p. 8.

³⁸ “Hence, all men are defined by their belonging to a *mag*-paying group, and their social and political relations are defined by contracts called *xeer* – the Somali customary laws – that are entered within and between *mag*-paying groups.” DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 17.

³⁹ “*Xeer* is not a written set of legal doctrines, but an informal system that is carefully calibrated to settle disputes among segmented clan communities.” Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 27. “As neighbouring clans historically competed over scarce environmental resources – particularly land and water – a customary code of conduct, known as *Xeer*, was developed to settle disputes and maintain the social order. The sources of *Xeer* precede Islamic and colonial traditions, and are generally considered to be the agreements reached by elders of various clans who lived and migrated adjacent to one another, in an analogous way to court precedents. However, it is not a written legal code, but rather a tradition that has been passed down orally from one generation to the next.” The African Centre for the Constructive Resolution of Disputes, *Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches*, 12 October 2017, www.accord.org.za/conflict-trends/reinvigoration-somali-traditional-justice-inclusive-conflict-resolution-approaches/.

⁴⁰ DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 9. “*Xeer* is divided into two categories: *Xeer Guud* and *Xeer Gaar*. *Xeer Guud* includes criminal and civil matters and is applicable to all clans, whereas *Xeer Gaar* is a decision only applied in its specific community.” The African Centre for the Constructive Resolution of Disputes, *Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches*, 12 October 2017, www.accord.org.za/conflict-trends/reinvigoration-somali-traditional-justice-inclusive-conflict-resolution-approaches/.

⁴¹ The African Centre for the Constructive Resolution of Disputes, *Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches*, 12 October 2017, www.accord.org.za/conflict-trends/reinvigoration-somali-traditional-justice-inclusive-conflict-resolution-approaches/. For the procedure that is followed by clans and the various sub-groups of *Xeer* and how they are applied, see DRC / OXFAM Novib, *The Predicament of the ‘Oday’: The Role of Traditional Structures in Security, Rights, Law and Development in Somalia*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, pp. 9-13.

⁴² “In general, the collective responsibility imposed on *mag*-groups by the *xeer* is seen as removing responsibility from individual perpetrators of crimes. Indeed, the fundamental challenge for the International Community is that the *xeer* is based on a collective rather than an individual rights and responsibility principle.” DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. iii.

⁴³ SEM, *Focus Somalie: Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, p. 36.

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

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

2) Interaction with Other Ethnic Groups

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

⁴⁴ See Section III.A.8.

⁴⁵ Heritage Institute, *Rebuilding Somalia's Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 28.

⁴⁶ See Sections III.A.4 and III.A.10.

⁴⁷ “In practice, parties involved in a dispute tend to first approach a family mediator or one of their clan elders (*oodayaasha*). This initial mediation usually draws almost exclusively on *xeer*, agreed-upon among the clans (*qabiil*) involved. Some elders work from offices, sometimes shared with ulama. In most disputes that cannot be mediated immediately at the family level, elders and ulama work together, regardless of the type of dispute. Specialized ulama are also called upon in their respective field of expertise, such as land disputes or inheritance (*dhaxal*), often receiving a fee for their services.” Pact / American Bar Association Rule of Law Initiative (ABA ROLI), *The Expanding Access to Justice Program in Somalia: The Shari'ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf (hereafter: Pact / ABA ROLI, *The Shari'ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf), p. 22. See also, UK Aid et al., *Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas*, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 38; IDLO, *Accessing Justice: Somalia's Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 52.

⁴⁸ Pact / ABA ROLI, *The Shari'ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf), p. 28.

⁴⁹ For a discussion of individual groups, please see Section III.A.4.

⁵⁰ Groupings differ based on the source, and other ethnicities that are sometimes included as separate groupings include the Bravanese, the Barawani and the Bajuni. The occupational caste groupings (which some sources refer to collectively as the Sab) also have a variety of names (including Gabooye/Midgan, Yibr, Yahhar, Galgalo, Boon, and Eyle) which oftentimes referred to their traditional occupations. The Bantu are sometimes referred to as Jareer, but this is a term which describes their hair and is considered derogatory. Additionally, some sources treat the Rerhamar (or Reer Hamar) as a separate group, but they are part of the Benadiri. Lastly, the Ashraf and Sheikhal are groups that are defined by their religious origin. SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 12-18; MRG, *No Redress: Somalia's Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, pp. 8, 11; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 15-20; OCHA, *A Study on Minorities in Somalia*, 1 August 2002, <https://reliefweb.int/report/somalia/study-minorities-somalia>. See also, Section III.A.4.

⁵¹ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 19.

and they organize themselves along clan lines.⁵² Historically, larger clans have sometimes assimilated or protected minority groups in exchange for services or work.⁵³

The Bantu are called various derogatory names by other Somali clans, such as *boon* (person of low status) and *addoon* (slave), to label and identify the Juba valley descendants of the Arab slave trade, as well as *Jareer* (from *tiin Jareer* – meaning ‘hard hair’).⁵⁴ The occupational caste groups, such as the Yibir, Tumaal, or Midgan/Madhiban/Gabooye, may appear physically similar to *Samaal*, but their inferior status is reinforced by their association with certain “despised” occupations and their exclusion from social interaction with majority clans, including the prohibition for a majority clan member to marry a person from such a group.⁵⁵ The Tumaal are traditional blacksmiths, making spears, knives, arrowheads and swords; and the Yibir and Midgan (also referred to as Gabooye/Gaboye and Boon, depending on location) are traditionally hunters and weavers.⁵⁶ Importantly, there are regional and local differences in the terms used to refer to the occupational caste groups.⁵⁷ These occupational castes traditionally could not own cattle or horses, or other possessions reserved for the “noble” clans and their work opportunities were mainly confined to menial jobs or specific trades.⁵⁸ While some members of occupational caste groups now work in professions, the majority of persons from these groups still work in manual labour or service jobs.⁵⁹

The Rahanweyn speak a separate Somali dialect called *Af-May* (or *Af-Maay-tiri*), which was ignored when *Af-Maxaa-tiri*, the language spoken by the “noble” clans, was adopted as the official language of the State.⁶⁰ Other minority groups, including the Benadiri, some of the Bantu and some occupational caste groups, also have their own dialects.⁶¹ The decision to use only *Af-Maxaa-tiri* as the official

⁵² Because of their sedentary lifestyles, there is less of a focus on genealogy and a greater focus on location and land. They organize themselves in larger groupings and “pay *diya* collectively at a much higher level in their lineage structure than the pastoralists do.” Their form of *Xeer* is “primarily formed around the traditional waaro water-catchments, or rather regulations related to them”. DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, pp. 30-31.

⁵³ “As elsewhere in Somali society, pastoralist clans and Rahanweyn provided ‘protection’ in an institutionalized form of bonded incorporation (sheegat in Somali) into local clan segments. Bantu worked for their ‘patron’ (abban) without payment in return for subsistence and basic social needs. They thus gained customary law (xeer) protection by their patrons.” MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 9. “Internally the sab may have segmented lineage systems along the Somali pattern. They can only have relations with the Somali through an abbaan (Somali patron). [...] In the Somali tradition, weak and scattered clans may be driven to seek protection from the stronger clans in the areas where they settle, and enter a protection status with them. Such alliances of contractual agreements between weak and strong clans are known as *gaashaanbuur* — pile of shields. Hence, minorities can seek protection by attachment to stronger lineages by joining a *gaashaanbuur* coalition.” DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 51.

⁵⁴ L. J. Benstead and D. Van Lehman, *Two Classes of “Marriage”: Race and Sexual Slavery in Al-Shabaab-Controlled Somalia*, *The Journal of the Middle East and Africa* (2021), <https://doi.org/10.1080/21520844.2021.1923998>, p. 2; D. J. Van Lehman and E. M. McKee, *Removals to Somalia in Light of the Convention against Torture: Recent Evidence from Somali Bantu Deportees*, 33(3) *Georgetown Immigration Law Journal* 357-397 (2019), www.law.georgetown.edu/immigration-law-journal/wp-content/uploads/sites/19/2019/08/GT-GILJ190032.pdf, p. 361.

⁵⁵ “Traditionally, intermarriage between sab and Somali was not accepted. They are traditionally denied the right to own land or livestock, to participate in the local businesses, market economy, or politics.” DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 51. See also, MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 12; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 15. The taboo for persons from majority clans marrying persons from the occupational caste groups is particularly strong and such marriages are extremely rare, especially for a woman from a majority clan marrying a man from an occupational caste group. SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, pp. 44-46.

⁵⁶ SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, pp. 16-18; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 15-16. Another small occupational caste group, comprising maybe 12,000 persons, is the Eyle, traditional hunter-farmers who live in Middle Shabelle. MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 13.

⁵⁷ “Le somali possède de nombreux termes pour désigner les groupes professionnels, avec des différences régionales.” SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, p. 16. Because a term is not listed here or in this report does not mean that it is not used to describe an occupational caste group in Somalia or, for that matter, an ethnic or other minority group. See Section III.A.4.

⁵⁸ MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 12; DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, p. 51.

⁵⁹ MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 12. See also, Section III.A.4.c.

⁶⁰ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 11.

⁶¹ SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf, pp. 50-53.

language of the State “further isolated and hindered those in the south, including Bantu, from participating in mainstream Somali politics, government services and education.”⁶²

3) Clan Protection and Customary Justice

Discrimination against minority groups is embedded in the history of Somalia. Many groups have long faced exclusion from economic, political and social spheres dominated by *Samaal*.⁶³

The civil war of the 1990s unleashed clan-based violence at the national level, which exposed many minority groups to widespread human rights abuses and caused a large-scale exodus across the Kenyan and Ethiopian borders.⁶⁴ Although the abuses against minorities have reduced in scale since the 1990s, low intensity violence against minorities continues to characterize Somali society today, largely because the same underlying social structures are still active. While social exclusion of minorities, including prohibition on inter-marriage and unequal social and political rights, may have been grounded in disdain for their ethnic origin, violations of minorities’ rights occur primarily because they lack the threat of armed force.⁶⁵

Resolution of a dispute between majority clan members, for instance over a killing, relies on negotiation between elders using established *Xeer*, the subsequent setting of compensation, and payment within a specified time-frame.⁶⁶ This process is initiated and enforced by the threat of force – blood vengeance is the fall-back option for the aggrieved clan if they are not satisfied by the terms of the resolution.⁶⁷ Military capacity is therefore a crucial factor in deterring attacks and enforcing compensation.⁶⁸ Minority groups often do not have sufficient military capacity, which, in turn, means that majority clans have no incentive to negotiate or pay compensation to minorities when one of their members attacks the minority group, which effectively allows members of majority clans to abuse minorities with impunity.⁶⁹ The

⁶² MRG, *No Redress: Somalia's Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 16.

⁶³ SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 39-40; Somali Minority Rights and Aid Forum, *Report on Human Rights Violations Against the Somali Marginalized Minority Groups*, 2010, https://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/SOMRAF_SomaliMinorityRightsAidForum-eng.pdf; MRG, *No Redress: Somalia's Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, pp. 8-9; OCHA, *A Study on Minorities in Somalia*, 1 August 2002, <https://reliefweb.int/report/somalia/study-minorities-somalia>.

⁶⁴ S. Healy and M. Bradbury, *Endless war: A Brief History of the Somali Conflict*, 2010, https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/accord%2021_3Endless%20war_a%20brief%20history_2010_ENG.pdf, p. 1; Danish Immigration Service, *Report on Minority Groups in Somalia*, 2000, www.refworld.org/docid/3ae6a5fa0.html, pp. 6, 20, 22, 28, 44, 52. “When the Somalia state collapsed, the minority clans suffered brutal reprisals.” OCHA, *A Study on Minorities in Somalia*, 1 August 2002, <https://reliefweb.int/report/somalia/study-minorities-somalia>.

⁶⁵ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 21-23. “Majority groups, however, benefit from a traditional clan structure that has afforded them protection and privilege not available to minorities, who, regardless of the conflict, already suffered marginalization and exclusion from mainstream economic, social and political life, thanks to a legacy of slavery, customary segregation, dispossession and displacement.” MRG, *No Redress: Somalia's Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 5.

⁶⁶ DRC / OXFAM Novib, *The Predicament of the ‘Oday’*, November 2006, https://cdn.logcluster.org/public/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf, pp. 8-13. “The opportunity for negotiations under the *xeer* system is only reserved for powerful clans of equal strength who can avenge violations of their rights. Marginal groups are unarmed and lack the capacity to defend themselves or exact revenge for acts of violence against them.” Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 42.

⁶⁷ “[T]he rights of groups effectively are protected by force, or threat of force. Tenure of rights thus ultimately depends on the ability to defend them, by coercion if necessary.” ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 21. “La capacité de faire respecter ces droits est un élément essentiel pour la sécurité d’un individu. Son jilib ou clan doit être en mesure de payer une compensation ou de combattre.” SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 31.

⁶⁸ “[T]he lack of impartial enforcement mechanisms becomes apparent in cases when a judgment is passed that favours a militarily weak clan, and a militarily strong clan then openly refuses to comply with it.” ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 21. “A clan’s political and military capabilities relative to its rivals – a factor traditionally based primarily on the size of the opposed clans – has always been a factor in reaching an acceptable and enforceable consensus.” Centre for Humanitarian Dialogues, *Stateless Justice in Somalia: Formal and Informal Rule of Law Initiatives*, July 2005, www.files.ethz.ch/isn/20303/Somalia_stateless_justice.pdf, p. 16.

⁶⁹ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 21. “[M]inority elders do not enjoy the same status as majority elders, violations committed against minority individuals are rarely viewed as priorities, and the enforcement of decisions can be problematic.” International Development Law Organization (IDLO), *Unlikely Allies: Working with Traditional Leaders to Reform Customary Law in Somalia*, 2011, www.files.ethz.ch/isn/137064/WP1Somalia.pdf, p. 12.

extent of this impunity varies depending on location and on whether a client-patron relationship has been forged between a minority and the majority clans.⁷⁰

Client-patron relationships between minorities and majority clans have also acted as a means of protection for minority groups, where a majority clan extends its protection to a minority group through mutual agreement, although the options available or ability to negotiate the agreement for minority groups are generally limited.⁷¹ For instance, through adoption (called *sheegad*), a minority group may be allowed to take on the lineage of the majority clan, to the extent that the majority clan will protect the minority and even pay *mag/diya* should they come into conflict with another clan.⁷² This mechanism is reportedly more popular in southern Somalia, but looked down upon in northern Somalia.⁷³ Persons who are adopted by a majority clan may identify themselves with their adopted clan rather than their minority group (i.e. an occupational caste).⁷⁴ According to some sources, terms like *sheegad* and *gaashaanbuur* (used generally for alliances) may no longer be widely known in Somalia, and minority groups and persons may instead conclude smaller and individual agreements with clans.⁷⁵

Marriage is typically not allowed between majority clan members and members of minority groups, and this includes adopted minority groups.⁷⁶ Marriages do take place between majority clans, sometimes to create local alliances or to seal peace agreements.⁷⁷ Women maintain their original family's clan identity, although any resulting children will belong to the clan of the father.⁷⁸

B. Main Developments in Somalia

Somalia is affected by a non-international armed conflict between the Somali government — supported by AMISOM, other international forces and pro-government militias — and Al-Shabaab.⁷⁹ In the context of a volatile security environment and shifting political tensions, the Somali people continue to face a

⁷⁰ "Until quite recently, access to justice for minority groups through customary fora was preconditioned by their being sponsored or 'adopted' by the elders of majority groups. This situation has now been marginally improved, and minorities can also gain access to customary processes through their own elders, although their level of protection and the quality of justice meted out remains limited." IDLO, *Unlikely Allies: Working with Traditional Leaders to Reform Customary Law in Somalia*, 2011, www.files.ethz.ch/isn/137064/WP1Somalia.pdf, p. 12.

⁷¹ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 22.

⁷² SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 40-41; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 22. See also, MRG, *No Redress: Somalia's Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 9.

⁷³ "The use of Sheegat is especially common in southern Somalia, where high rates of immigration occur". Landinfo, *Query response Somalia: The Ashraf*, 10 August 2018, <https://landinfo.no/wp-content/uploads/2018/11/Query-response-The-Ashraf-10082018.pdf>, p. 4. "The northern Somali regard the *sheegad* relationship as rather shameful." Apparently, the use of other mechanisms or agreements is more popular. G. Schlee, *Identities on the Move: Clanship and Pastoralism in Northern Kenya*, 1989, www.routledge.com/Identities-on-the-Move-Clanship-and-Pastoralism-in-Northern-Kenya/Schlee/p/book/9781138335066, p. 29.

⁷⁴ For example, a group of Galgalo was adopted by the Majerteen (Harti) during the 1990s and were registered in the refugee camp as Majerteen. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 22. "Dans les contacts avec des personnes extérieures, également à l'étranger, les membres des groupes professionnels s'identifient rarement comme tels et se déclarent plutôt membre de leur clan protecteur." SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 41.

⁷⁵ "De nos jours, des termes tels que *sheegad* ou *gaashaanbuur* ne sont plus largement connus dans la société somali. Ce sont plutôt de simples alliances qui sont conclues. Bien que les Gabooye aient des représentants aux niveaux inférieurs, ils dépendent d'alliances avec d'autres clans pour être représentés dans les processus de décision à des niveaux supérieurs". SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 41.

⁷⁶ "Les parties engagées dans un accord *sheegad* ne deviennent pas membres à part entière de leur clan protecteur et les mariages mixtes ne sont pas prévus". SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 41, see also pp. 44-46. The only exception to this is some sub-groups associated with the Benadir, such as the Reer Hamar, who have engaged in mixed marriages with the Hawiye sub-clans the Abgaal and the Habar Gedir. Reportedly, marriage with the Benadir is allowed specifically because their lighter-tinted skin is valued. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 17-18.

⁷⁷ "Among the nomadic clans in the north, most people prefer the spouse to belong to a different clan than their own. [...] Among the agropastoralists in the south, however, the preferred partner is a close relative, such as the father's brother's son or daughter [...]. Among the nomadic groups [...] marriages with members of neighbouring clans are important, since such alliances contribute to ensuring access to water and grazing areas. A longstanding tradition is also to seal peace agreements between clans by exchanging brides between the parties." Landinfo, *Somalia: Marriage and Divorce*, 14 June 2018, <https://landinfo.no/wp-content/uploads/2018/09/Report-Somalia-Marriage-and-divorce-14062018-2.pdf>, pp. 8-9.

⁷⁸ Ibid., p. 6.

⁷⁹ RULAC, *Non-international Armed Conflict in Somalia*, accessed 25 August 2022, www.rulac.org/browse/conflicts/non-international-armed-conflict-in-somalia.

difficult and deteriorating humanitarian situation.⁸⁰ International humanitarian law violations have been committed by all parties to the conflict, including the targeting of civilians, the killing, maiming and recruitment of children, and conflict-related sexual violence.⁸¹

1) Background and Actors

a) Somalia Armed Forces

Somalia's federal security structure includes the Somali National Army (SNA), the Somali Police Force (SPF), the National Intelligence and Security Agency (NISA), and the Special Forces (currently there are three: Danab, Gorgor and Haram'ad).⁸² Additionally, there are smaller branches such as the custodial corps, marine forces and air force, along with a host of security and police forces overseen by the Federal Member States (FMS).⁸³ The SPF and NISA fall under the authority of the Ministry of Internal Security (MoIS), while the SNA falls under the authority of the Ministry of Defence (MoD).⁸⁴ In addition to the formal structures, clan militias and private security groups operate in the FMS.⁸⁵ In particular, some FMS have what are called *darwish* forces which operate as both police and military; these forces are sometimes also termed "special police".⁸⁶

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

⁸¹ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, paras 51, 55, 59; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 53, 59, 62. "All parties to the conflict in Somalia committed violations of international humanitarian law, some amounting to war crimes. The Islamist armed group Al-Shabab conducted indiscriminate and targeted attacks on civilians and forcibly recruited children. Inter-clan and intra-security force violence killed, injured, and displaced civilians, as did sporadic military operations against Al-Shabab by Somali government forces, troops from the African Union Mission in Somalia (AMISOM), and other foreign forces." Human Rights Watch (HRW), *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html.

⁸² Garowe Online, *Report: How to Revive Fractured Somali National Army*, April 2021, www.garoweonline.com/en/editorial/report-how-to-revive-fractured-somali-national-army; Geneva Centre for Security Sector Governance (DCAF), *Somalia SSR Background Note*, July 2017, <https://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Somalia-SSR-Background-Note>. "By and large, the security sector is heavily reliant on few, highly trained special forces, notably the US-trained Danab Brigade and the Turkish-trained Gorgor and Haram'ad units. By one estimate, Danab leads 80 percent of all operations and 100 percent of counterterrorism operations. [...] AFRICOM reported that there were only 945 soldiers in the brigade as of the end of 2020." Heritage Institute, *Structural Impediments to Reviving Somalia's Security Forces*, April 2021, <https://heritageinstitute.org/wp-content/uploads/2021/04/Structural-Impediments-to-Security-English-version-April-17-Final-.pdf>, pp. 5, 26.

⁸³ Heritage Institute, *Structural Impediments to Reviving Somalia's Security Forces*, April 2021, <https://heritageinstitute.org/wp-content/uploads/2021/04/Structural-Impediments-to-Security-English-version-April-17-Final-.pdf>, p. 6. "Furthermore, a plethora of security providers exist within each Federal Member State (FMS), often with overlapping or unclear functions." DCAF, *Somalia SSR Background Note*, July 2017, <https://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Somalia-SSR-Background-Note>. "Various regional forces, composed mostly of clan militias, are aligned with the federal member states. These include the Jubbaland, Galmudug, Puntland and SouthWest State forces. Since the adoption of the national security architecture, progress in integrating the regional forces into the Somali security forces has been slow, hampered by political tensions between the Federal Government and the federal member states." UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 17.

⁸⁴ However, the staff of the MoD is so small that the Somali National Army (SNA) largely functions without much oversight from a ministerial level. World Bank, *Somalia Security and Justice Public Expenditure Review*, 2017, <https://openknowledge.worldbank.org/bitstream/handle/10986/26030/Somalia-SJPER-01302017-Final-Version.pdf?sequence=1&isAllowed=y>, pp. 33-34, 39. See also, Heritage Institute, *Structural Impediments to Reviving Somalia's Security Forces*, April 2021, <https://heritageinstitute.org/wp-content/uploads/2021/04/Structural-Impediments-to-Security-English-version-April-17-Final-.pdf>, p. 7.

⁸⁵ World Bank, *Somalia Security and Justice Public Expenditure Review*, 2017, <https://openknowledge.worldbank.org/bitstream/handle/10986/26030/Somalia-SJPER-01302017-Final-Version.pdf?sequence=1&isAllowed=y>, p. 38.

⁸⁶ "The term *darwish* refers [...] to a composite militia force carrying out military and police functions, operating independently from the SNA and directed by federal member state presidents. Regardless of their origin, *darwish* forces constitute an important power base for elite political actors, a sort of praetorian guard providing protection and the threat of force against rivals. However, because the Somali constitution does not permit federal member states to command armies of any kind, state governments have renamed many *darwish* forces 'special police,' allowing them to be retained within the national structures. Although they often operate fully independently of and potentially against the SNA, they are often used to secure territories from al-Shabab attacks. [...] States that have taxable ports, such as Juba and Puntland, have a far easier time supporting their *darwish* forces than states without rents, such as the South-West State." United Nations University (UNU), *Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-Conflict Transitions*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf> (hereafter: UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>), p. 127. See also, Heritage Institute, *Dysfunctional Federalism*, July 2020, <https://heritageinstitute.org/wp-content/uploads/2021/01/federalism.pdf>, p. 18.

Figures for the total size of the SNA are difficult to establish, in part due to the phenomenon of “ghost soldiers”.⁸⁷ In a registration exercise to address this, 21,209 soldiers were registered by February 2020.⁸⁸ There are also no precise figures for the force size of the SPF; upper estimates suggest the SPF has around 11,000 police officers.⁸⁹ NISA may have up to 4,500 officers; it has allegedly been used repeatedly for political aims.⁹⁰

After the collapse of the SNA in 2009, Somalia’s Transitional Federal Government reconstructed the army through “a clan-based recruitment drive in which fully formed clan and warlord-based militias were incorporated into the army” and therefore “SNA units remained strongly linked to the dominant clans of their home areas”.⁹¹ As a result, the SNA is widely perceived as a loose collection of militias rather than a cohesive army.⁹² Units and sections of the SNA have acted in their clan’s political interest rather than under the authority of the FGS.⁹³ For example, in April 2021 in Mogadishu, the SNA split along clan lines and opposing factions took up positions in preparation for hostilities over the extension of the president’s term.⁹⁴ Following clashes on 25 April 2021, opposition leaders retreated to their clan strongholds in northern Mogadishu, protected by splinters of the security forces along clan lines.⁹⁵ Similarly, SNA units opposing the Hirshabelle President as part of an ongoing clan dispute took over administration offices in Beledweyne on 25 August 2021.⁹⁶

The SNA has been accused of committing human rights violations, perpetrating violence against civilians, and engaging in land grabbing and theft of resources.⁹⁷

⁸⁷ UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 118. The term “ghost soldiers” refers to persons who are listed on the payroll as soldiers but who do not serve with the army or who have passed away (or, in some cases, do not exist at all); the pay is then usually siphoned off by corrupt parties. See Garowe Online, *REPORT: AMISOM Paying “Ghost” Soldiers in Somalia*, 4 March 2021, www.garoweonline.com/index.php/en/news/somalia/report-amisom-paying-ghost-soldiers-in-somalia; World Politics Review, *The Dangers of Trump’s Hasty Troop Withdrawal From Somalia*, 10 December 2020, www.worldpoliticsreview.com/trump-s-troop-withdrawal-will-impair-the-u-s-somalia-campaign-against-al-shabab/.

⁸⁸ UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 84. “[T]he precise number of SNA soldiers [as of December 2020] is unclear. One senior FGS official said that there are 28,000 military personnel on the payroll of the Ministry of Defense (MoD). However, another senior FGS official, who is closer to the MoD, put the SNA strength at 24,000 personnel.” Heritage Institute, *Structural Impediments to Reviving Somalia’s Security Forces*, April 2021, <https://heritageinstitute.org/wp-content/uploads/2021/04/Structural-Impediments-to-Security-English-version-April-17-Final-.pdf>, p. 7.

⁸⁹ Heritage Institute, *Structural Impediments to Reviving Somalia’s Security Forces*, April 2021, <https://heritageinstitute.org/wp-content/uploads/2021/04/Structural-Impediments-to-Security-English-version-April-17-Final-.pdf>, p. 7.

⁹⁰ “[...] [National Intelligence and Security Agency (NISA)]’s legal status is questionable. Established by the military dictator Mohamed Siyad Barre in a presidential decree and widely used to intimidate opponents, the agency lacks the establishment act that is necessary to function as a legal entity in post-war Somalia. Political leaders exploit this legal limbo and regularly use NISA to quash opponents, as it is difficult to litigate the agency in statutory courts.” Ibid., p. 8. NISA “normalize extrajudicial activities to serve the agenda of political authorities and to suppress their critics.” M. H. Ingiriis, *Predatory Politics and Personalization of Power: The Abuses and Misuses of the National Intelligence and Security Agency (NISA) in Somalia*, 119 (475) African Affairs, 22 January 2020, <https://academic.oup.com/afraf/article-abstract/119/475/251/5714018>, pp. 251–254.

⁹¹ UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, pp. 118–119. “Since the civil war, many commanders have run the Somali National Army as private fiefdoms and diverted its resources to enhance their personal wealth.” International Peace Institute (IPI), *Transitioning to National Forces in Somalia: More Than an Exit for AMISOM*, April 2019, www.ipinst.org/wp-content/uploads/2019/04/1904_Transitioning-in-Somalia.pdf, p. 11.

⁹² “Even today, despite the formation of more ‘national’ security forces under the control of the FGS, these are largely seen as an agglomeration of various clan-militias.” World Bank, *Somalia Security and Justice Public Expenditure Review*, 2017, <https://openknowledge.worldbank.org/bitstream/handle/10986/26030/Somalia-SJPER-01302017-Final-Version.pdf?sequence=1&isAllowed=y>, p. 17. “Even the SNA acts more as a conglomeration of militias, caught up in the same dynamics of interclan rivalry and community protection.” UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 147.

⁹³ Heritage Institute, *Structural Impediments to Reviving Somalia’s Security Forces*, April 2021, <https://heritageinstitute.org/wp-content/uploads/2021/04/Structural-Impediments-to-Security-English-version-April-17-Final-.pdf>, pp. 14–15, 19. “Rather than respond to the military chain of command, many local SNA units display greater loyalty to their own clan and community interests; they use the SNA to abuse and exploit rival clans. In response, clan elders and local communities have bolstered their own clan militias as protection — not only against al-Shabaab, but also against the SNA.” Brookings Institution, *The Problem with Militias in Somalia: Almost Everyone Wants Them Despite their Dangers*, 14 April 2020, www.brookings.edu/research/the-problem-with-militias-in-somalia-almost-everyone-wants-them-despite-their-dangers/.

⁹⁴ The United Nations Assistance Mission in Somalia (UNSOM) and other international partners expressed alarm “especially [at] the emerging fragmentation of the Somali National Army (SNA) along clan lines”. UNSOM, *Statement by the Humanitarian Coordinator for Somalia: Concerns over Mass Displacements in Mogadishu*, 28 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/HC%20statement_surge%20in%20displacement%20Mogadishu%2028%20April%202021%20Final.pdf.

⁹⁵ The Economist, *Somalia’s Power-Hungry President Has Taken his Country to the Brink*, April 2021, www.economist.com/middle-east-and-africa/2021/04/29/somalias-power-hungry-president-has-taken-his-country-to-the-brink.

⁹⁶ UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 22.

⁹⁷ UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 119.

The SNA's military capacity is reported to be limited due to lack of training, weapons and logistical support.⁹⁸ On 7 December 2021, the Africa Union's Peace and Security Council noted with concern "the persistent institutional capacity challenges facing the SNA, including force generation, insufficient capacity to effectively hold on to, and ensure effective control over, territory liberated from Al Shabaab and, most importantly, lack of required capacity to immediately take over full responsibility [from AMISOM] of guaranteeing national security in Somalia after 31 December 2021".⁹⁹

b) AMISOM

The African Union Mission in Somalia (AMISOM) first deployed troops in 2007; as of 2022, AMISOM troops came from the militaries of Uganda, Burundi, Djibouti, Kenya and Ethiopia.¹⁰⁰

In 2017, the FGS and international partners agreed to the Comprehensive Approach to Security (CAS), a four-year plan for the FGS to "transition [...] primary responsibility of security from AMISOM to Somali security forces".¹⁰¹ The Mission was due to end in December 2021; discussions between the FGS and the AU led to the creation of the AU Transition Mission in Somalia (ATMIS), which replaced AMISOM as of 1 April 2022 and will operate until the end of 2024.¹⁰² The Security Council has authorized AU member states to deploy up to 19,626 uniformed personnel, until 31 December 2022, and up to 17,626 uniformed personnel between 1 January and 31 March 2023.¹⁰³ The AU aims to withdraw all ATMIS uniformed personnel by December 2024, after which all security-related responsibilities will be handed to the Somali Security Forces.¹⁰⁴

The United Nations Support Office for Somalia (UNSOS) provides logistics support to AMISOM personnel, support to the Somalia Security Forces and support to the United Nations Assistance Mission in Somalia (UNSOM).¹⁰⁵

Ethiopian and Kenyan forces have occasionally operated outside of the AMISOM framework in Somalia.¹⁰⁶

c) AFRICOM Forces

The United States Africa Command (AFRICOM) deployed between 650 to 800 soldiers to Somalia until an official troop pullout was completed in January 2021.¹⁰⁷ US forces also trained an elite special forces unit, called the Danab.¹⁰⁸ From January 2021 until May 2022, AFRICOM sent troops periodically to visit

⁹⁸ Ibid., p. 118. A 2017 assessment of the SNA by the FGS found that only 9,000 soldiers out of the 16,000 on the payroll had any fighting ability, and that the SNA generally had "insufficient equipment, no common training, localized command and control, and low sustainment capabilities." IPI, *Transitioning to National Forces in Somalia: More Than an Exit for AMISOM*, April 2019, www.ipinst.org/wp-content/uploads/2019/04/1904_Transitioning-in-Somalia.pdf, p. 8.

⁹⁹ African Union: Peace and Security Council, *Communiqué*, 7 December 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/eng-psc-communicue-on-somalia-amisom.pdf>, p. 2.

¹⁰⁰ African Union Mission in Somalia (AMISOM), *AMISOM Military Component*, accessed 25 August 2022, <https://amisom-au.org/mission-profile/military-component/>. See also, African Union Transition Mission in Somalia (ATMIS), *Military Component*, accessed 25 August 2022, <https://atmis-au.org/military-component/>.

¹⁰¹ London Somalia Conference, *Security Pact*, May 2017, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/613720/london-somalia-conference-2017-security-pact.pdf, para. 3. The FGS has "repeatedly expressed support for AMISOM's withdrawal". Reportedly: "The government's antipathy for AMISOM is likely driven by two factors. First, [former President] Farmajo and his allies appear to believe that funding for the mission should instead be channelled toward Somalia's security sector. Secondly, as tensions with Kenya worsened in recent years, Mogadishu increasingly has considered an AMISOM withdrawal as a way to curb Nairobi's influence in Somali politics." International Crisis Group (ICG), *Reforming the AU Mission in Somalia*, 15 November 2021, www.crisisgroup.org/africa/horn-africa/somalia/b176-reforming-au-mission-somalia.

¹⁰² Institute for Security Studies, *Is the AU Mission in Somalia Changing in Name Only?*, March 2022, <https://issafrica.org/iss-today/is-the-au-mission-in-somalia-changing-in-name-only>.

¹⁰³ UN Security Council, *Resolution 2628 (2022)*, 31 March 2022, S/RES/2628 (2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/306/06/PDF/N2230606.pdf>, paras 26-27.

¹⁰⁴ Al Jazeera, *UN Authorises New AU Mission in Somalia to Dislodge Armed Groups*, April 2022, www.aljazeera.com/news/2022/4/1/un-authorises-new-au-mission-in-somalia-to-dislodge-armed-groups.

¹⁰⁵ UNSOS, *UNSOS Mandate*, accessed 25 May 2022, <https://unsos.unmissions.org/unsos-mandate>.

¹⁰⁶ "AMISOM is not the only external security actor in Somalia. Ethiopia deploys troops bilaterally, in addition to those it maintains within AMISOM. Its government supports President Mohamed Abdullahi Mohamed 'Farmajo's' administration. Similarly, Kenya – which, for its part, has strained relations with the Somali incumbent – deploys forces outside the mission's command. These bilateral deployments at times create confusion and place the mission in the awkward position of denying involvement in activities conducted by a troop contributor." ICG, *Reforming the AU Mission in Somalia*, 15 November 2021, www.crisisgroup.org/africa/horn-africa/somalia/b176-reforming-au-mission-somalia.

¹⁰⁷ Voice of America (VOA), *US Military Pulls Last Troops Out of Somalia*, 17 January 2021, www.voanews.com/a/africa_us-military-pulls-last-troops-out-somalia/6200856.html.

¹⁰⁸ Associated Press (AP), *'Why Now?' Dismay as US Considers Troop Pullout from Somalia*, 26 November 2020, <https://apnews.com/article/islamic-state-group-elections-africa-somalia-kenya-6fad3fe2b14858274daf34a29a78dbe7>.

Somalia from bases in Kenya and Djibouti, an arrangement that the head of AFRICOM told the Senate Armed Services Committee “[was] not effective, [...] not efficient, and [put] our troops at greater risk”.¹⁰⁹

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

d) Clan-based Militias

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

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

e) Al-Shabaab

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

¹⁰⁹ Military Times, *US Troops ‘Commuting’ to Somalia Is Inefficient and Risky, Top Africa General Says*, 15 March 2022, www.militarytimes.com/news/pentagon-congress/2022/03/15/us-troops-commuting-to-somalia-is-inefficient-and-risky-top-africa-general-says/.

¹¹⁰ VOA, *US Airstrike in Somalia Kills 14 Al-Shabab Militants*, 15 August 2022, www.voanews.com/a/us-airstrike-in-somalia-kills-14-al-shabab-militants-6702053.html; VOA, *Somalia Hails US Airstrike Against Al-Shabab*, 3 June 2022, www.voanews.com/a/somalia-hails-us-airstrike-against-al-shabab-6602727.html; Military Times, *AFRICOM Conducts 50th Airstrike in Somalia amid US Troop Relocation in Africa*, 10 December 2020, www.militarytimes.com/news/your-military/2020/12/10/africom-conducts-50th-airstrike-in-somalia-amid-us-troop-relocation-in-africa/. See also, UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 11.

¹¹¹ BBC, *US Troops Back in Somalia to Fight Al-Shabab*, 1 June 2022, www.bbc.com/news/world-africa-61631439; The Conversation, *US Will Soon Redeploy Troops in Somalia: The Mission and Key Goals*, 29 May 2022, <https://theconversation.com/us-will-soon-redeploy-troops-in-somalia-the-mission-and-key-goals-183840>.

¹¹² UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 126. As of 2016, there were over 150 armed groups present in Somalia. War on the Rocks, *What Went Wrong with the Somali National Army?*, 20 May 2019, <https://warontherocks.com/2019/05/what-went-wrong-with-the-somali-national-army/>.

¹¹³ Brookings Institution, *The Problem with Militias in Somalia: Almost Everyone Wants Them Despite their Dangers*, 14 April 2020, www.brookings.edu/research/the-problem-with-militias-in-somalia-almost-everyone-wants-them-despite-their-dangers/; UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 126; African Centre for the Constructive Resolution of Disputes, *Understanding Civil Militia Groups in Somalia*, 16 August 2016, www.accord.org.za/conflict-trends/understanding-civil-militia-groups-somalia/.

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

¹¹⁵ EASO, *Somalia Actors*, July 2021, https://euaa.europa.eu/sites/default/files/publications/2021_07_EASO_COI_Report_Somalia_Actors.pdf, pp. 52-53. For example, Mukhtar Robow, prior to his arrest in 2018, controlled a militia that was clan-based but organized around him as a warlord. Ahmed Madobe, the president of Jubbaland, similarly controls a clan-based militia. UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 131-133, see also pp. 126-130, 134-137.

¹¹⁶ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, paras 51, 55; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 53, 59; UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, paras 35, 40; UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 127.

¹¹⁷ The name Al-Shabaab means “the youth”; Al-Shabaab was considered the youth arm of the Islamic Courts Union. Council on Foreign Relations (CFR), *Al-Shabaab*, 19 May 2021, www.cfr.org/background/al-shabab.

¹¹⁸ “The group became an al-Qaida affiliate in 2010, but the relationship was not publicly proclaimed at the time due to al-Qaida leader Usama bin Laden’s concerns about adverse effects for al-Shabaab. After bin Laden’s death and the ascension of Ayman al-Zawahiri, the two groups publicly acknowledged their alliance in February 2012.” George Washington University (GWU), *Inside the Minds of Somalia’s Ascendant Insurgents: An Identity, Mind, Emotions and Perceptions Analysis of Al-Shabaab*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf (hereafter: GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf), p. 21. See also, CFR, *Al-Shabaab*, 19 May 2021, www.cfr.org/background/al-shabab; CNN, *Al-Shabaab Joining Al Qaeda, Monitor Group Says*, 10 February 2012, <https://edition.cnn.com/2012/02/09/world/africa/somalia-shabaab-qaeda/index.html>.

Africa".¹¹⁹ As a result, Al-Shabaab is militarily active in Somalia and in neighbouring regions that it perceives as connected, and carries out isolated attacks against international actors who are involved in the Somalia conflict.¹²⁰

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

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

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

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

¹¹⁹ GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, pp. 15, 39. "[A]l-Shabab as a whole continues to pursue its broad aim of establishing an Islamic state in Somalia". CFR, *Al-Shabaab*, 19 May 2021, www.cfr.org/background/al-shabab. "Al Shabaab and its leaders have expressed both local and transnational goals. While the group seeks to unite ethnic Somali areas of East Africa under an Islamic government, al Shabaab has also expressed support for transnational jihadist aims." Center for Strategic and International Studies (CSIS), *Examining Extremism: Harakat al Shabaab al Mujahideen (al Shabaab)*, 23 September 2021, www.csis.org/blogs/examining-extremism/examining-extremism-harakat-al-shabaab-al-mujahideen-al-shabaab.

¹²⁰ "Since 2010, al-Shabaab has conducted operations beyond Somalia or even 'Greater Somalia,' but those actions are still a reflection of Somali identity. That year, al-Shabaab conducted its first external attack in Uganda. Since then, it has carried out attacks in Kenya and Djibouti and attempted attacks in Ethiopia. Of note, these countries all contribute forces to AMISOM. In other words, al-Shabaab's external attacks remain closely tied to an agenda in Somalia: to compel foreign forces to withdraw troops from Somalia." GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 16.

¹²¹ Congressional Research Service, *Al-Shabaab*, 16 January 2020, <https://sgp.fas.org/crs/row/IF10170.pdf>, p. 2. "Estimates of al-Shabab's membership range between five thousand and ten thousand." CFR, *Al-Shabaab*, 19 May 2021, www.cfr.org/background/al-shabab. See also, CSIS, *Examining Extremism: Harakat al Shabaab al Mujahideen (al Shabaab)*, 23 September 2021, www.csis.org/blogs/examining-extremism/examining-extremism-harakat-al-shabaab-al-mujahideen-al-shabaab.

¹²² UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 120.

¹²³ CFR, *Al-Shabaab*, 19 May 2021, www.cfr.org/background/al-shabab.

¹²⁴ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, pp.3-4, paras 49-52; UN Security Council, *Letter Dated 28 September* 2020, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, paras 5-6; Hiraal Institute, *The AS Finance System*, July 2018, <https://hiraalinstitute.org/wp-content/uploads/2018/07/AS-Finance-System.pdf>. For more information on taxation by Al-Shabaab, see Section III.A.9.

¹²⁵ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 7.

¹²⁶ Hiraal Institute, *Al-Shabaab's Arsenal: From Taxes to Terror*, February 2022, <https://hiraalinstitute.so/wp-content/uploads/2022/02/Al-Shabaabs-Arsenal-From-Taxes-to-Terror-Web.pdf>, p. 6. "The group's executive council is its primary leadership body, which is believed to consist of 7–14 members and a broader consultative shura that has input but no formal decision-making authority. Though the group recruits from the region, with an increasingly influential Kenyan cadre in Kenya, the executive council is currently and has historically been Somali. Clan identities permeate even at this level. Despite the group's abdication of clannism, the executive council composition roughly follows the 4.5 clan balance formula, an approach that distributes power equally between the four major Somali clans and gives some limited representation for other clans." GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 24.

¹²⁷ "These ministries (Maktab, pl. Makatib) are the main structural pillars of the movement, the heads of which make up another consultative body, the Executive (Tanfid) or AS 'Cabinet'. The Maktab structure, organised and hierarchical, is responsible for delivering strategy and policy through the organisation, and ensuring that decisions from the top are effectively and efficiently transmitted down the chain to the regions." Hiraal Institute, *Al-Shabaab's Arsenal: From Taxes to Terror*, February 2022, <https://hiraalinstitute.so/wp-content/uploads/2022/02/Al-Shabaabs-Arsenal-From-Taxes-to-Terror-Web.pdf>, p. 4.

¹²⁸ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 6.

¹²⁹ "Al-Shabaab also increasingly penetrates urban areas held by the government and its security partners, demonstrating an ability to project its presence into locations not directly under its control. Aided by a robust intelligence wing, which reportedly has infiltrated government and security institutions, and backed up by brute force, Al-Shabaab operatives set up shop in government-held areas, with extortion rackets targeting businesses." ICG, *Considering Political Engagement with Al-Shabaab in Somalia*, 21 June 2022, <https://d2071andvip0wj.cloudfront.net/309-engagement-al-shabaab-somalia.pdf>, p. 9. See also, VOA, *Somalia Assesses Al-Shabab Moles' Infiltration of Government*, 15 August 2019, www.voanews.com/a/africa-somalia-assesses-al-shabab-moles-infiltration-government/6173903.html.

Farmajo's term undermined the government's ability to fight Al-Shabaab and was exploited by Al-Shabaab to expand their control in South and Central Somalia.¹³⁰

f) Islamic State in Somalia (ISS)

Islamic State in Somalia emerged in 2015 as a splinter group from Al-Shabaab, led by Abdulqadir Mumin.¹³¹ As of October 2021, its total number of fighters was estimated to be lower than the 2019 estimate of 340 fighters, and most of its operations were said to be limited to the Bari region in Puntland.¹³² Nevertheless, the group has continued to conduct attacks against the FGS and FMS, including the Puntland security forces.¹³³ During 2021, Puntland security forces managed to constrain the group's operational capacity.¹³⁴

Al-Shabaab considers the Islamic State in Somalia as a competitor that must be fought.¹³⁵ When ISS began trying to tax businesses in Puntland in 2018, Al-Shabaab attacked the group, sparking a series of clashes that lasted until March 2019.¹³⁶

2) Political Developments

a) Federal Government of Somalia (FGS)

On 20 August 2012, the FGS replaced the previous Transitional Federal Government, whose mandate had been extended multiple times since its creation in 2004.¹³⁷ The FGS is led by President Hassan Sheikh Mohamud, who was elected in May 2022 by the two houses of Parliament: the 275-member House of the People ("Lower House") and the 54-member Upper House.¹³⁸ Somalia comprises five Federal Member States (FMS) — Galmudug, Hirshabelle, Jubbaland, Puntland and South West — and the Benadir Regional Administration, as well as the region of Somaliland, which claims independence.¹³⁹ Puntland operates as an autonomous region but still considers itself part of Somalia

¹³⁰ "In the course of Farmajo's term, friction between the federal government and member states worsened. Al-Shabaab directly expanded its reach as a result, including in parts of south-central Somalia that have witnessed the sharpest quarrels between Mogadishu and federal member state leadership [...]. The wider point, however, is that Al-Shabaab took advantage of the discord to expand its operations, more by exploiting the authorities' distraction with infighting than by collaborating with them actively. As detailed above, the administration in Mogadishu directed its limited resources primarily toward eliminating domestic political competition and paid less attention to curtailing Al-Shabaab's activities. The key questions are how much damage has been done and how much can be repaired if Mogadishu now refocuses on the task at hand. Yet even such efforts can at best claw back the gains the militants have made, rather than lead to the war's conclusion." ICG, *Considering Political Engagement with Al-Shabaab in Somalia*, 21 June 2022, <https://d2071andvip0wj.cloudfront.net/309-engagement-al-shabaab-somalia.pdf>, pp. 3-4, 12.

¹³¹ GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 65; RULAC, *RULAC Classifies the Armed Violence Between Al-Shabab and the Islamic State in Somalia as a Non-Int*, 23 March 2021, www.rulac.org/news/rulac-classifies-the-armed-violence-between-al-shabab-and-the-islamic-state.

¹³² UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 28. However, the group also carries out attacks in Mogadishu. "Activity by pro-Da'esh elements in Somalia continued to be reported in the Banaadir region. Two improvised explosive devices attacks targeted the Somali police and the vehicle of a government official in Dharkenley and Kaaraan districts on 12 and 19 March respectively. Two civilians and three members of the Somali security forces were injured." UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 21.

¹³³ VOA, *Terror Attacks Surge as Elections Drag in Somalia*, 15 February 2022, www.voanews.com/a/terror-attacks-surge-as-elections-drag-in-somalia/6442966.html; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 26-27; UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 11.

¹³⁴ FDD's Long War Journal, *Islamic State in Somalia Suffers Setbacks Despite Uptick in Claimed Activity*, 1 June 2020, www.longwarjournal.org/archives/2020/06/islamic-state-in-somalia-suffers-setbacks-despite-uptick-in-claimed-activity.php.

¹³⁵ "While the Islamic State in Somalia (ISS) poses little threat to al-Shabaab's dominance in the insurgency, al-Shabaab's leadership views ISS as an unacceptable ideological competitor. Al-Shabaab branded ISS as a 'cancer' and 'spreader of fitna,' meaning disunity, that needed to be confronted 'with force and wisdom.' Additionally, al-Shabaab labeled ISS as liars, immoral, and treacherous." GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 65. "Since 2018, ISS is operating in central and southern Somalia, leading to intense clashes with al-Shabab." RULAC, *RULAC Classifies the Armed Violence Between Al-Shabab and the Islamic State in Somalia as a Non-Int*, 23 March 2021, www.rulac.org/news/rulac-classifies-the-armed-violence-between-al-shabab-and-the-islamic-state.

¹³⁶ GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 66.

¹³⁷ Institute for Security Studies, *Long Walk to Restoration: Lessons from Somalia's Transition Process*, July 2013, www.files.ethz.ch/isn/166833/SitRep2013_9July-Asamoah.pdf, pp. 1, 3-4.

¹³⁸ VOA, *Somalia's Newly Elected President Assumes Office*, 23 May 2022, www.voanews.com/a/somalia-s-newly-elected-president-assumes-office/6586132.html; DW, *Somalia: Hassan Sheikh Mohamud Elected President*, 15 May 2022, www.dw.com/en/somalia-hassan-sheikh-mohamud-elected-president/a-61803936; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

¹³⁹ Aljazeera, *The Way Out of Somalia's Political Impasse*, 25 February 2021, www.aljazeera.com/opinions/2021/2/25/the-way-out-of-somalias-political-impasse.

and participates as a Federal Member State.¹⁴⁰ The FMS have their own constitutions and several have their own security services, including Jubbaland, Puntland and South West.¹⁴¹

On 17 September 2020, the FGS and FMS came to an agreement on how to hold the parliamentary and presidential elections which were scheduled for 2021.¹⁴² A timeline was established by the National Consultative Council (NCC) on 1 October 2020.¹⁴³ As in 2016, the election would be conducted by an indirect electoral college system, with 27,775 delegates (101 delegates per Member of Parliament) voting for the members of the Lower House, and the State assemblies of the FMS selecting the members of the Upper House.¹⁴⁴ Both the delegate places and the seats are allocated based upon a “4.5 system” that splits power between the four major clans, with the remaining 0.5 share reserved for minority groups.¹⁴⁵ Thirty per cent of parliament seats are reserved for women.¹⁴⁶

Disagreements regarding the implementation of the 17 September agreement over several key issues and accusations about the appointment of certain officials led to political gridlock between the FMS and the FGS in late 2020.¹⁴⁷ When the FGS failed to hold polls as planned in early December 2020, opposition groups protested in Mogadishu on 15 and 25 December 2020.¹⁴⁸

The delay in the elections meant that the term of President Mohamed Abdullahi Mohamed “Farmajo” lapsed on 8 February 2021.¹⁴⁹ When talks intended to address the stalemate broke down, renewed protests broke out in Mogadishu on 19 February 2021 in which at least three civilians died.¹⁵⁰

¹⁴⁰ According to Markus Hoehne: “Puntland’s government acts autonomously when the federal Somali government is not strong, and it also acts like a state in other ways though it does not aspire to independence.” Additionally, when Puntland was founded in 1998, it “did not declare independence from Somalia [unlike Somaliland]. Article 1.4 of the Puntland charter, which served as its preliminary constitution, stated: ‘Puntland is part of Somalia, and it is striving to regain the unity of Somali people and the creation of a Somali government based on a federal system.’” Rift Valley Institute, *Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions*, 2015, <https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RV1%20Contested%20Borderlands%20%282015%29%20%281%29.pdf>, pp. 14, 57.

¹⁴¹ IPI, *State-Level Military Forces Can Potentially Turn Tide in War Against al-Shabaab*, 7 November 2019, <https://theglobalobservatory.org/2019/11/state-level-military-forces-potentially-turn-tide-war-al-shabaab/>. Political relations between the FGS and FMS can be contentious. In October 2021, “political relations between the Federal Government of Somalia and the federal member states remained volatile”. During 2021, there were election-related clashes in Gedo in Jubbaland. UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 29. “Since coming into office, President Farmajo has moved to assert the central government’s control over semi-autonomous regions known in Somalia’s federalised system as federal member states. Though he has installed compliant allies as presidents in some states, Farmajo has struggled to do the same in Jubaland, where opposition to Mogadishu – both his administration and its predecessors – has been particularly pronounced over the years.” ICG, *Ending the Dangerous Standoff in Southern Somalia*, 14 July 2020, www.ecoi.net/en/document/2033656.html, p. 2.

¹⁴² “Consultations between the Federal Government and the leaders of all the federal member states, which began with a series of meetings in Dhuusamarreeb during July, concluded in Mogadishu on 17 September with an agreement on the electoral model. [...] On 26 September, the two houses of the Federal Parliament ratified the proposed electoral model at a joint sitting.” UN Security Council, *Situation in Somalia*, 13 November 2020, S/2020/1113, www.ecoi.net/en/file/local/2041334/S_2020_1113_E.pdf, paras 2, 4.

¹⁴³ The National Consultative Council (NCC) comprises “the leaders of the Federal Government and the federal member states and the Governor of the Banaadir Regional Administration”. Ibid., para. 21.

¹⁴⁴ Ibid., paras 3-4.

¹⁴⁵ Somali Dialogue Platform / Somali Public Agenda, *Protecting Stability and Inclusivity in Somalia’s Indirect Election Process*, December 2020, www.ecoi.net/en/file/local/2041735/Protecting+stability+and+inclusivity+in+Somalia%27s+indirect+election+process+-+Somali+Dialogue+Platform+%282020%29_0.pdf, p. 2; UN Security Council, *Situation in Somalia*, 13 November 2020, S/2020/1113, www.ecoi.net/en/file/local/2041334/S_2020_1113_E.pdf, paras 3-4.

¹⁴⁶ However, the quotas were not met for either the Upper House or Lower House in the 2021-2022 election. DW, *Somalia: Women Struggle to Make their Voices Heard in Politics*, 5 April 2022, www.dw.com/en/somalia-women-struggle-to-make-their-voices-heard-in-politics/a-61356644; VOA, *Somalia’s Promised 30% Quota for Women Lawmakers Unlikely*, 8 March 2022, www.voanews.com/a/somalia-s-promised-30-quota-for-women-lawmakers-unlikely/6475467.html; UN, *Despite Election to 14 Seats in Somalia’s Upper House, Women’s Full Inclusion Crucial for Peace, Development, Briefers Tell Security Council*, 17 November 2021, www.un.org/press/en/2021/sc14705.doc.htm.

¹⁴⁷ UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, paras 2-3. The three issues were “the composition of the electoral management bodies, the selection of the ‘Somaliland’ representatives and the management of elections in the Gedo Region of Jubbaland.” UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 2.

¹⁴⁸ UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, para. 4; Reuters, *Somalia Cuts Ties with Kenya, Shots Fired at Mogadishu Protests*, 15 December 2020, www.reuters.com/world/somalia-cuts-ties-with-kenya-shots-fired-mogadishu-protests-2020-12-15/.

¹⁴⁹ VOA, *Somali Opposition Refuses to Recognize President Farmajo as Term Expires*, 8 February 2021, www.voanews.com/a/africa_somali-opposition-refuses-recognize-president-farmajo-term-expires/6201780.html.

¹⁵⁰ UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 20; British Broadcasting Corporation (BBC), *Somali Capital Gunfire amid Election Protests*, 19 February 2021, www.bbc.com/news/world-africa-56123481; Aljazeera, *Somali Opposition Leaders ‘No Longer Recognise President’*, 8 February 2021, www.aljazeera.com/news/2021/2/8/somali-opposition-leaders-no-longer-recognise-president.

In April 2021, parliament passed a controversial new election bill outlining a different electoral procedure and extending the term of the President and the Prime Minister by two years.¹⁵¹ Protests erupted on 25 and 26 April 2021 and quickly turned violent, with armed opposition factions taking control of parts of Mogadishu.¹⁵² SNA forces split along clan and political lines and participated in the violence, which caused the displacement of between 60,000 and 100,000 people.¹⁵³ After several tense days, the Lower House rescinded the election bill and returned to the 17 September 2020 agreement.¹⁵⁴ On 27 May 2021, an agreement for elections was reached by the President, the houses of Parliament and the Prime Minister.¹⁵⁵

The first round of elections for the Upper House took place on 29 July 2021.¹⁵⁶ Somaliland held its own elections for parliamentary and local council seats on 31 May 2021.¹⁵⁷ However, progress towards holding the remaining parliamentary and presidential elections in Somalia was slow.¹⁵⁸

While elections for the Upper House had been concluded by the end of 2021, elections for the Lower House, which began in November 2021, were delayed through early 2022 due to a dispute over parliamentary seats in Gedo.¹⁵⁹

According to the Heritage Institute, “the NCC leaders engaged in a widespread rigging of the Upper House elections [...] candidates engaged in real competition [for] only about 15 seats [out of 54]”, with most seats going to allies of the FMS presidents.¹⁶⁰ The election for the Lower House “wasn’t any better as the NCC leaders exploited loopholes in the 27 May agreement to install their political allies.”¹⁶¹

The presidential election, where both houses vote to choose the president, were finally held on 15 May 2022; Hassan Sheikh Mohamud was elected president, defeating incumbent President Mohamed “Farmajo” Abdullahi Mohamed.¹⁶²

b) Benadir/Mogadishu

As of February 2022, Benadir Regional Administration, which coincides with the capital city of Mogadishu, was the only region in Somalia completely controlled by the FGS.¹⁶³ The Administrative Region is of significant political importance for the FGS, as it “hosts the FGS, has an airport and a port

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- ¹⁵¹ UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 5. “[F]our out of the five FMS, the CPC, the prime minister and nearly all international partners rejected the two-year extension”. Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 4.
- ¹⁵² Africanews, ‘Tense State’ in Somalia Could Lead to Civil War: ICG, 28 April 2021, www.africanews.com/2021/04/28/tense-state-in-somalia-could-lead-to-civil-war-icg/; Reuters, *Forces Opposed to Somali President Control Parts of Mogadishu*, www.reuters.com/world/africa/forces-opposed-somali-president-control-parts-mogadishu-2021-04-26/; Aljazeera, *Rival Groups Clash in Somali Capital over President’s Mandate*, 25 April 2021, www.aljazeera.com/news/2021/4/25/somali-presidents-supporters-clash-with-opponents-in-mogadishu; BBC, *Somalia Violence: Rival Units Fight amid Row over President’s Term*, 25 April 2021, www.bbc.com/news/world-africa-56879935.
- ¹⁵³ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 8; UNSOM, *Statement by the Humanitarian Coordinator for Somalia: Concerns over Mass Displacements in Mogadishu*, 28 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/HC%20statement_surge%20in%20displacement%20Mogadishu%2028%20April%202021%20Final.pdf.
- ¹⁵⁴ Shortly afterwards, on 5 May 2021, Prime Minister Mohamed Hussein Roble “and the opposition Council of Presidential Candidates reached a 10-point agreement on the disengagement of opposing armed forces and their return to their respective bases.” UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, paras 9, 11.
- ¹⁵⁵ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 8.
- ¹⁵⁶ UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, paras 2-6.
- ¹⁵⁷ Ibid., para. 9.
- ¹⁵⁸ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 2-8; UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, paras 2-3.
- ¹⁵⁹ VOA, *Somali President, Prime Minister Quarrel over Election Security*, 27 April 2022, www.voanews.com/a/somali-president-prime-minister-quarrel-over-election-security/6547170.html; BBC, *Somalia’s Elections - Where the People Don’t Vote*, 14 April 2022, www.bbc.com/news/world-africa-61083959; Africanews, *Somalia: Still No Date for Parliamentary Elections*, 16 March 2022, www.africanews.com/2022/03/15/somalia-still-no-date-for-parliamentary-elections/.
- ¹⁶⁰ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 8.
- ¹⁶¹ Ibid. “the Somali government and regional leaders [...] have [manipulated the parliamentary election] by barring serious candidates and replacing them with dummy candidates or ‘wedding attendants’ in local parlance, practically leading to uncontested elections and ‘quick victories’. Indeed, reminiscent of previous Somali elections, there are widespread allegations of vote-buying, bribery, intimidation and violent coercion. These raise serious questions about the integrity and credibility of the process.” The Conversation, *Somalia’s Elections Are Finally under Way: Five Things You Should Know*, 23 February 2022, <https://theconversation.com/somalias-elections-are-finally-under-way-five-things-you-should-know-177584>.
- ¹⁶² Aljazeera, *Somalia Elects Hassan Sheikh Mohamud as New President*, 15 May 2022, www.aljazeera.com/news/2022/5/15/somalia-elects-hassan-sheikh-mohamud-as-president.
- ¹⁶³ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 28.

(the country's largest two revenue sources) and is the only city where the FGS collects taxes".¹⁶⁴ In 2019, the President appointed Omar Mohamud Mohamed Filish as the Mayor of Mogadishu and the regional Governor of Benadir.¹⁶⁵ The previous mayor, Abdirahman Omar Osman, was killed by an Al-Shabaab suicide attack on 24 July 2019.¹⁶⁶ The region is allocated five seats in the Lower House of Parliament.¹⁶⁷ However, the region holds no seats in the Upper House of Parliament, a fact which has caused protests in the past and which Mogadishu residents allege strips them of adequate representation.¹⁶⁸

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

c) Jubbaland

Jubbaland comprises Middle Jubba, Lower Jubba and Gedo provinces.¹⁷⁰ The two main clans in Jubbaland are the Ogadeen and the Marehan, both sub-clans of the Darod.¹⁷¹

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

¹⁶⁴ LSE, *Can Somalia Restore Faith in its Federal Agenda*, 29 November 2021, <https://blogs.lse.ac.uk/africaatlse/2021/11/29/can-somalia-restore-faith-in-its-federal-agenda-federalism-governance-decentralisation/>.

¹⁶⁵ Somali Dispatch, *Somali President Appoints New Governor for Banadir*, 23 August 2019, www.somalidispach.com/featured/somali-president-appoints-new-governor-for-banadir/; Garowe Online, *Somalia's President Fires Army Chiefs, Appoints New Mogadishu Mayor*, 22 August 2019, <https://garoweonline.com/en/news/somalias-president-fires-army-chiefs-appoints-new-mogadishu-mayor>.

¹⁶⁶ The Guardian, *Mayor of Mogadishu Dies as Result of Al-Shabaab Attack*, 1 August 2019, www.theguardian.com/world/2019/aug/01/mayor-of-mogadishu-dies-as-result-of-al-shabaab-attack-somalia.

¹⁶⁷ The Conversation, *Somalia's Elections Are Finally Under Way: Five Things You Should Know*, 23 February 2022, <https://theconversation.com/somalias-elections-are-finally-under-way-five-things-you-should-know-177584>.

¹⁶⁸ For example, the President signed a law giving Benadir 13 seats in the Upper House and expanding its capacity in January 2021; however, this seems to have been a political move and, in the 2021-2022 election, the constitutional 54 seats were elected with none for Benadir. See Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 19; UN, *Despite Election to 14 Seats in Somalia's Upper House, Women's Full Inclusion Crucial for Peace, Development, Briefers Tell Security Council*, 17 November 2021, www.un.org/press/en/2021/sc14705.doc.htm; All Africa, *Somalia's South West State Elects New Senators*, <https://allafrica.com/stories/202108040021.html>. See also, VOA, *Mogadishu Residents Rally, Demand Representation*, 11 February 2017, www.voanews.com/a/somalia-mogadishu-status/3719503.html.

¹⁶⁹ The three Hawiye subclans reportedly constitute 75 per cent of Mogadishu's population. The Benadiri (Reer Hamar) live primarily in the old medieval town. ASO, *Somalia: Security Situation*, September 2021, https://euaa.europa.eu/sites/default/files/publications/2021_09_EASO_COI_Report_Somalia_Security_situation_new_AC.pdf, pp. 88-89. The Reer Hamar are unique among minority groups and have "mitigating factors" which offset their minority group status, namely that their diaspora raised their profile inside and outside of Somalia, persons from the group have been successful in running for political office and they have been able to create ties to the majority Hawiye clan via intermarriage. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 May 2009, www.ecoi.net/en/file/local/1193130/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf, pp. 17-18.

¹⁷⁰ Heritage Institute, *The State of Somalia Report 2020*, 10 February 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2020-Final-2.pdf>, p. 12.

¹⁷¹ "Kismayo city [the largest city in Jubbaland] is cosmopolitan, but the dominant clans are Darod/Harti (long-term 'immigrants' from present-day Puntland and Somaliland), Darod/Marehan (more recent immigrants from central Somalia and Gedo) and miscellaneous Hawiye communities. Areas outside Kismayo are predominantly inhabited by Darod/Ogaden clans – also present in neighbouring northeast Kenya and southeast Ethiopia – as well as Jareer (also known as Bantu), some Mirifle (collectively known as Rahanweyn), Awramleh (a small Irir clan) and Galja'al and Sheekhah (often included as Hawiye). The Bajuni (a Swahili speaking group) inhabit the coastal districts near the Kenya border. The city of Jamame – still under the control of the jihadist Al-Shabaab group – is seen as the home of Bimal (Dir), Jareer and mixed Hawiye groups." ICG, *Jubbaland in Jeopardy: The Uneasy Path to State-Building in Somalia*, 21 May 2013, www.crisisgroup.org/africa/horn-of-africa/somalia/jubbaland-jeopardy-uneasy-path-state-building-somalia.

¹⁷² Al Jazeera, *Somalia's Jubbaland Region Re-elects Ahmed Mohamed as President*, 22 August 2019, www.aljazeera.com/news/2019/8/22/somalias-jubbaland-region-re-elects-ahmed-mohamed-as-president. He won 56 out of 74 votes cast. UN Security Council, *Report of the Secretary General on Somalia*, 15 November 2019, S/2019/884, <https://undocs.org/S/2019/884>, para. 5. "A number of opposition candidates who had been barred from registering for the election said they had held their own vote in Kismayo on Thursday, electing Abdirashid Mohamed Hidir." Reuters, *Leader of Somalia's Jubbaland, at Odds with Mogadishu, Wins New Term*, 22 August 2019, www.reuters.com/article/us-somalia-politics-idUSKCN1VC15B.

¹⁷³ "A standoff between forces loyal to Somalia's federal authorities and those allied to the southern state of Jubaland could trigger a wider Horn of Africa crisis. Clashes between the two sides in February and March 2020 displaced 56,000 people and killed at least ten, including civilians. The warring parties have since settled into an uneasy stalemate but discord is rife among clans in Jubaland's Gedo region, the epicentre of the violence." ICG, *Ending the Dangerous Standoff in Southern Somalia*, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, p. 1. "The Federal Government rejected Madobe's re-election and called for a fresh process, while the administrations of Puntland and Galmudug and many opposition political parties, as well as the Government of Kenya, recognized Mr. Madobe's victory." UN Security Council, *Report of the Secretary General on Somalia*, 15 November 2019, S/2019/884, <https://undocs.org/S/2019/884>, para. 5.

¹⁷⁴ Armed Conflict Location & Event Data Project (ACLED), *A Turbulent Run-Up to the Elections in Somalia*, 7 April 2021, <https://acleddata.com/2021/04/07/a-turbulent-run-up-to-elections-in-somalia/>.

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

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

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

d) Galmudug

Galmudug State was formed in 2015 when Galgaduud and Mudug regions merged.¹⁸³ Despite this, until 2020 the structure of the government and distribution of power remained split between the FGS-supported administration and Ahlu Sunna Wal Jama'a (ASWJ), a Sufi militia which had fought against Al-Shabaab, until 2020.¹⁸⁴ The parliamentary seats for Galmudug are allocated by clan based on the 4.5 formula and "there are 11 clans involved in power-sharing arrangements: five HabarGidir sub-clans (Sa'ad, Saleeban, Saruur, Ayr and Duduble); Marihan; Dir; Abgaal (Wa'esle subclan); Murursade (of

¹⁷⁵ OCHA, *Somalia: Flash Update*, 5 March 2020, <https://reliefweb.int/report/somalia/somalia-flash-update-no1-displacement-gedo-region-jubaland-05032020-enso>.

¹⁷⁶ Mogadishu "also enticed local officials to switch their loyalties, while harassing perceived opponents, including with threats of detention." ICG, *Ending the Dangerous Standoff in Southern Somalia*, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, pp. 4-5.

¹⁷⁷ Bertelsmann Stiftung, *BTI 2022 Country Report: Somalia*, 23 February 2022, www.ecoi.net/en/file/local/2069667/country_report_2022_SOM.pdf, p. 12; Garowe Online, *Somalia: FGS Recognises Madobe As "Interim President", Invites FMS Leaders to Meeting*, 14 June 2020, www.garoweonline.com/en/news/somalia/somalia-fgs-recognises-madobe-as-interim-president-invites-fms-leaders-to-meeting.

¹⁷⁸ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 30.

¹⁷⁹ Ibid. See also, ACLED, *A Turbulent Run-Up to the Elections in Somalia*, 7 April 2021, <https://acleddata.com/2021/04/07/a-turbulent-run-up-to-elections-in-somalia/>. "The [original] dispute was triggered by Mogadishu's refusal to recognise what it and Madobe's local rivals argue was a flawed August 2019 vote that saw the Jubaland president win a second term. But it reflects deeper disagreement between Farmajo and Madobe over how Somalia's political system should allocate power. Their differences have fuelled local tensions via clan and sub-clan alliances and rivalries that characterise the country's often fractious politics." ICG, *Ending the Dangerous Standoff in Southern Somalia*, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, p. 2. It is also important to note the involvement of regional actors in the Jubaland dispute, as Ethiopia had troops in the Gedo region supporting the FGS and Kenya had troops lower in Jubaland supporting Madobe. Kenya sees Jubaland as a "as a buffer between it and Al-Shabaab". ICG, *Ending the Dangerous Standoff in Southern Somalia*, 14 July 2020, www.ecoi.net/en/file/local/2033656/b158-standoff-in-southern-somalia.pdf, pp. 9-11.

¹⁸⁰ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 29.

¹⁸¹ The Star, *Standoff over Jubaland Parliamentary Elections Settled*, 22 April 2022, www.the-star.co.ke/news/2022-04-22-standoff-over-jubaland-parliamentary-elections-settled/.

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

¹⁸³ Somalia National Bureau of Statistics, *Somali Health and Demographic Survey: Galmudug Report*, 2021, www.nbs.gov.so/wp-content/uploads/2021/07/Galmudug_Report_2021.pdf, p. 2. The Mudug region is partially claimed by Puntland. "The complexity of Galmudug's state formation process is notable: a territorial dispute with Puntland led to a constitutional anomaly, with Galmudug being formed of 1.5 states – despite the provisional constitution stipulating that FMSs must be formed of at least two whole regions." Saferworld, *Clans, Contention and Consensus: Federalism and Inclusion in Galmudug*, June 2020, www.saferworld.org.uk/downloads/clans-consensus-and-contention-inclusion-and-federalism-in-galmudug.pdf, p. 2.

¹⁸⁴ "[T]he period 2015-2019 saw Galmudug split in two, with separate administrations based in both Dhumasareb and Adado." Interpeace, *Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead*, 5 February 2021, www.interpeace.org/wp-content/uploads/2021/02/2021-Galmudug_Report.pdf, p. 9.

the wider Hawiye family clan); Shekhal; and several smaller clans collectively known as Beesha Shanaad (including the sub-clans of Madhibaan and Tumaal).¹⁸⁵

In 2017, State President Ahmed Duale Geele Haaf reached a power-sharing deal with ASWJ which allowed the government to move back to Dhusamareb City; he also negotiated the boundary in Galkayo with Puntland.¹⁸⁶ The deal with ASWJ promised the group seats in the State Parliament and the integration of ASWJ fighters with Galmudug security forces.¹⁸⁷

However, tension escalated during the 2019 elections between the FGS-supported administration, opposition groups and ASWJ, culminating in a presidential election boycotted by opposition candidates and a parallel election by ASWJ, resulting in a brief period where Galmudug had three presidents and three parliaments claiming legitimacy.¹⁸⁸ While the new president, Ahmed Abdi Karie “Qoorqoor”, was able to reach an agreement with the opposition, fighting broke out between ASWJ and the SNA in Dhuusamarreeb on 27 and 28 February 2020.¹⁸⁹ The SNA defeated the ASWJ with the leadership of the group surrendering on 29 February 2020, leaving the country shortly afterwards.¹⁹⁰

The return of ASWJ leadership sparked a violent clash between the group and the Galmudug authorities in Bohol village on 30 September 2021, with 10 fatalities.¹⁹¹ ASWJ then took control of Guri Ceel and Matabaan in Hiraan.¹⁹² On 23 October 2021, ASWJ and the Galmudug authorities engaged in heavy fighting in Guri Ceel, causing the displacement of over 100,000 persons and the deaths of 120 persons, mostly civilians.¹⁹³ After successful mediation efforts, ASWJ pulled back to Bohol.¹⁹⁴ As of August 2022, only sporadic further violence between ASWJ and State forces had been reported.¹⁹⁵

e) South West

Established in 2014, South West State is comprised of Lower Shabelle, Bay and Bakool regions.¹⁹⁶ South West State contains large populations of the Digil-Mirifle or Rahanweyn clan.¹⁹⁷ On 19 December

- ¹⁸⁵ Saferworld, *Clans, Contention and Consensus: Federalism and Inclusion in Galmudug*, June 2020, www.saferworld.org.uk/downloads/clans-consensus-and-contention-inclusion-and-federalism-in-galmudug.pdf, p. 19.
- ¹⁸⁶ Somalia National Bureau of Statistics, *Somali Health and Demographic Survey: Galmudug Report*, 2021, www.nbs.gov.so/wp-content/uploads/2021/07/Galmudug_Report_2021.pdf, p. 2. In 2017, Ahlu Sunna Wal Jama'a (ASWJ) was estimated to have 5,000 fighters. Saferworld, *Clans, Contention and Consensus: Federalism and Inclusion in Galmudug*, June 2020, www.saferworld.org.uk/downloads/clans-consensus-and-contention-inclusion-and-federalism-in-galmudug.pdf, p. 11.
- ¹⁸⁷ Saferworld, *Clans, Contention and Consensus: Federalism and Inclusion in Galmudug*, June 2020, www.saferworld.org.uk/downloads/clans-consensus-and-contention-inclusion-and-federalism-in-galmudug.pdf, p. 11. See also, Interpeace, *Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead*, 5 February 2021, www.interpeace.org/wp-content/uploads/2021/02/2021-Galmudug_Report.pdf, p. 17. This original agreement was nullified in 2019 as part of ongoing negotiations related to the elections and territorial control. See UN Security Council, *Report of the Secretary-General on Somalia*, 15 August 2019, S/2019/661, www.ecoi.net/en/file/local/2015615/S_2019_661_E.pdf, para. 5.
- ¹⁸⁸ Interpeace, *Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead*, 5 February 2021, www.interpeace.org/wp-content/uploads/2021/02/2021-Galmudug_Report.pdf, p. 17. The President of Galmudug Ahmed Abdi Karie “Qoorqoor” was elected on 2 February 2020. “For the FGS leadership, Qoorqoor’s election was part of a broader agenda to change the face of federal member states, install allies in each FMS capital and ultimately reap the benefits for the federal elections.” Heritage Institute, *The State of Somalia Report 2020*, 8 February 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2020-Final-2.pdf>, p. 16.
- ¹⁸⁹ UN Security Council, *Situation in Somalia*, 13 May 2020, S/2020/398, www.ecoi.net/en/file/local/2030188/S_2020_398_E.pdf, para. 9. At least 22 people were killed. VOA, *Somalia’s Sufi Muslim Leaders Surrender to Government*, 29 February 2020, www.voanews.com/a/africa_somalias-sufi-muslim-leaders-surrender-government/6185038.html.
- ¹⁹⁰ Interpeace, *Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead*, 5 February 2021, www.interpeace.org/wp-content/uploads/2021/02/2021-Galmudug_Report.pdf, p. 29; VOA, *Somalia’s Sufi Muslim Leaders Surrender to Government*, 29 February 2020, www.voanews.com/a/africa_somalias-sufi-muslim-leaders-surrender-government/6185038.html.
- ¹⁹¹ UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 10.
- ¹⁹² Ibid., para. 10. “The group has said it wants to take control of towns and regions to better protect them from and fight al Shabaab.” Reuters, *Somali Militia, Former Government Ally, Captures Two Towns from Federal Forces*, 2 October 2021, www.reuters.com/world/africa/somali-militia-former-government-ally-captures-two-towns-federal-forces-2021-10-01/.
- ¹⁹³ UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 10; The East African, *Somalia Militia Agrees to Ceasefire in Central Region*, 27 October 2021, www.theeastafrican.co.ke/tea/news/east-africa/somalia-militia-agrees-to-ceasefire-in-galmudug-3597566; International Committee of the Red Cross (ICRC), *Guriel Clashes Leave Scores of Dead and Wounded and Severely Hampers Access to Healthcare*, 26 October 2021, <https://reliefweb.int/report/somalia/guriel-clashes-leave-scores-dead-and-wounded-and-severely-hampers-access-healthcare>; VOA, *At Least 20 Killed as Somalia Troops Battle Moderate Islamist Militia*, 23 October 2021, www.voanews.com/a/somalia-troops-battle-moderate-islamist-militia/6282882.html.
- ¹⁹⁴ UNHCR, *Somalia: Operational Update*, 21 November 2021, <https://data2.unhcr.org/fr/documents/details/89727>, p. 2; UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 10.
- ¹⁹⁵ ACLED recorded five incidents of battles, remote violence/explosions and violence against civilians by ASWJ from 1 January to 1 August 2022. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.
- ¹⁹⁶ Heritage Institute, *The State of Somalia Report 2020*, 8 February 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2020-Final-2.pdf>, p. 14.
- ¹⁹⁷ EASO, *Somalia Actors*, July 2021, https://euaa.europa.eu/sites/default/files/publications/2021_07_EASO_COI_Report_Somalia_Actors.pdf, p. 82; SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 10; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 May 2009, www.ecoi.net/en/file/local/1193130/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf, p. 11.

2018, South West State elected Abdiasis Mohammed “Laftagareen,” a former MP and minister, as president, after the FGS arrested the other candidate, a former Al-Shabaab leader.¹⁹⁸

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

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

f) Hirshabelle

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

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

¹⁹⁸ ICG, *Somalia’s South West State: A New President Installed, a Crisis Inflamed*, 24 December 2018, www.crisisgroup.org/africa/horn-africa/somalia/somalias-south-west-state-new-president-installed-crisis-inflamed.

¹⁹⁹ Heritage Institute, *The State of Somalia Report 2020*, 8 February 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2020-Final-2.pdf>, p. 14; UN Security Council, *Situation in Somalia*, 13 February 2020, S/2020/121, www.ecoi.net/en/file/local/2025872/S_2020_121_E.pdf, para. 10.

²⁰⁰ UN Security Council, *Situation in Somalia*, 13 May 2020, S/2020/398, www.ecoi.net/en/file/local/2030188/S_2020_398_E.pdf, para. 7.

²⁰¹ “The key controversy surrounds the seats allocated for “non-indigenous” clans who are mainly Hawiye subclans. Similar dynamics are playing out in El-Barde in Bakool province where Digil and Mirifle clans are rejecting the number of council seats allocated for Ogaden and Hawiye clans in the area. As a result, that process has stopped until the state can come up with a new approach.” Heritage Institute, *The State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 24.

²⁰² Ibid., pp. 23-24.

²⁰³ Ibid., p. 26.

²⁰⁴ Heritage Institute, *The State of Somalia Report 2020*, 8 February 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2020-Final-2.pdf>, p. 17. See also, UN Habitat, *Beledweyne Urban Profile*, 2020, November 2020, <https://unhabitat.org/sites/default/files/2020/12/beletweyne-urban-profile.pdf>, p. 6. “Hiraan is dominated by the Hawadle clan, which is the most populous and probably the most powerful clan in the region. In order of importance they are followed by the Gaaljeel (they also reside in Middle Shabelle, but allegedly do not control any major town in either regions) and the Gugundabe (clan Baadi Adde), who are present in all major towns. These clans are followed by other minority groups, such as the Dir, the Sheekhaal, the Reer Hassan (Ashraf), Jareer Weyne (Bantu) and the Reer Shabelle (or Makane, Makanne, still Bantu).” EASO, *Somalia: Security Situation*, September 2021, https://euaa.europa.eu/sites/default/files/publications/2021_09_EASO_COI_Report_Somalia_Security_situation_new_AC.pdf, p. 98.

²⁰⁵ MRG, *Somalia: Bantu*, accessed 25 August 2022, <https://minorityrights.org/minorities/bantu/>; Somali Journalists Syndicate (SJS), *SJS and SOMA Are Concerned by the Threats and Intimidation Against Minority Journalists Covering Elections in Hirshabelle*, 18 November 2021, <https://sjsyndicate.org/2021/11/18/sjs-and-soma-are-concerned-by-the-threats-and-intimidation-against-minority-journalists-covering-elections-in-hirshabelle/>; Berghof Foundation, *Conflict Assessment Report: Hirshabelle State, Somalia*, 16 January 2018, <https://berghof-foundation.org/library/conflict-assessment-report-hirshabelle-state-somalia>, p. 9.

²⁰⁶ EASO, *Somalia: Security Situation*, September 2021, https://euaa.europa.eu/sites/default/files/publications/2021_09_EASO_COI_Report_Somalia_Security_situation_new_AC.pdf, pp. 98-99.

²⁰⁷ “Jowhar, the capital city of Middle Shabelle, was designated as the capital city of the new state. To convince the Hiiraan region, the government announced that only politicians from the Hawadle clan (the dominant clan in the Hiiraan region) could compete for the presidency of the new state.” Somali Public Agenda, *The Hirshabelle Election Conundrum*, 10 October 2020, <https://somalipublicagenda.org/the-hirshabelle-election-conundrum/>.

²⁰⁸ UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, para. 7. See also, ACLED, *A Turbulent Run-Up to Elections in Somalia*, 7 April 2021, <https://acleddata.com/2021/04/07/a-turbulent-run-up-to-elections-in-somalia/>.

²⁰⁹ UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 22. See also, UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 8.

Hawadle militia, led by General Abukar Hud, and Hirshabelle forces fought near Beledweyne on 30 December 2021 and 2 January 2022, with eight persons killed and 11 injured.²¹⁰

g) Puntland

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

The current President of Puntland, Said Abdullahi Deni was elected on 8 January 2019 by the Puntland Parliament, which is comprised of 66 members chosen by elders according to a clan-based system.²¹⁵ In October 2021, Puntland organized pilot elections in Qardho, Eyl and Ufeyn districts on a one-person, one-vote basis, a move which was celebrated by international partners and which is meant to pave the way for elections on a similar basis for the State Assembly in 2022.²¹⁶ Puntland completed its elections for the Upper House of Parliament in August 2021, but the elections for the Lower House were not complete until the end of April 2022.²¹⁷

²¹⁰ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 24.

²¹¹ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 19. “During the latter stages of the civil war and “once it had become clear that a united Somalia would not be re-established in the short term, people in the north-east (part of the former Italian territory) agreed to establish Puntland as an autonomous regional state. In the way it was set up, leaders in Puntland mimicked Somaliland, establishing a government through inter-clan conferences and traditional authorities. Their aims, however, are different: Puntland does not claim independence but works to rebuild a federal Somalia. Consequently, Puntland has rejected Somaliland’s unilateral secession and ignored the full significance of its shared border, imposed by Hargeysa.” Rift Valley Institute, *Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions*, 2015 <https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RVI%20Contested%20Borderlands%20%282015%29%20%281%29.pdf>, p. 15.

²¹² OCHA, *Somalia: Administrative Map*, 31 July 2017, <https://reliefweb.int/map/somalia/somalia-administrative-map-31072017>; *Constitution of Puntland State of Somalia*, December 2009, <http://citizenshiprightsafrika.org/wp-content/uploads/2020/10/Somalia-Puntland-Constitution-Dec2009.pdf>, art. 7(1).

²¹³ “Somaliland controls parts of Sool and Sanaag and lays claim to the rest of them. Galmudug controls parts of Mudug.” Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 19. See also, Puntland State of Somalia, *Constitution*, December 2009, <http://extwprlegs1.fao.org/docs/pdf/som197962.pdf>, Art. 7; Rift Valley Institute, *Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions*, 2015 <https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RVI%20Contested%20Borderlands%20%282015%29%20%281%29.pdf>.

²¹⁴ Rift Valley Institute, *Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions*, 2015 <https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RVI%20Contested%20Borderlands%20%282015%29%20%281%29.pdf>, p. 19.

²¹⁵ VOA, *Somalia’s Puntland Region Elects New President*, 8 January 2019, www.voanews.com/a/somalia-puntland-region-elects-new-president/4733694.html; ISS, *Overlapping Claims by Somaliland and Puntland: The Case of Sool and Sanaag*, November 2019, <https://issafrica.s3.amazonaws.com/site/uploads/ear27.pdf>, p. 8.

²¹⁶ Notably, displaced persons from other parts of Somalia living in Puntland were able to vote. Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 21. “On 28 June [2021], the Transitional Puntland Electoral Commission announced that 46,187 people had registered for the local elections scheduled for 25 October [2021], 50.5 per cent of them women and 49.5 per cent men. The announcement followed the completion of a voter registration exercise in three pilot districts.” UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 23.

²¹⁷ Security Council Report, *May 2022 Monthly Forecast*, 29 April 2022, www.securitycouncilreport.org/monthly-forecast/2022-05/somalia-25.php; VOA, *Somali President, Prime Minister Quarrel Over Election Security*, 27 April 2022, www.voanews.com/a/somali-president-prime-minister-quarrel-over-election-security/6547170.html; Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 21; Garowe Online, *Puntland Elects Senators as Somalia’s Elections Gain Momentum*, 11 August 2021, www.garoweonline.com/en/news/puntland/puntland-elects-senators-as-somalia-s-elections-gain-momentum.

The regions of Sool and Sanaag have historically been contested between Puntland and Somaliland, a dispute which has frequently turned violent.²¹⁸ Tensions flared during 2018, with at least 20 armed clashes between Puntland and Somaliland forces between January and June 2018.²¹⁹

Political violence broke out from 22 to 24 December 2021 between factions loyal to the President of Puntland and forces loyal to the Director of the Puntland Security Forces, who the President had dismissed on 24 November 2022.²²⁰ The fighting killed dozens and displaced thousands, making it “the most intense [fighting] that Puntland had seen in over a decade”.²²¹

Puntland continues to fight against Islamic State in the northern areas.²²²

h) Somaliland

Somaliland declared independence from Somalia in 1991 and does not consider itself affiliated with the FGS.²²³ It continues to arrest and detain persons critical of independence as well as residents who are employed by the FGS.²²⁴ Somaliland’s borders were not formed along clan lines, and its territory comprises areas inhabited by Dir sub-clans, such as Ciise and Gadabuursi, the Isaaq, which are the dominant clan and constitute almost two-thirds of the population, and the Harti sub-clans the Dhulbahante and Warsangeli along the border with Puntland.²²⁵ Minority groups present in Somaliland include Gaboye, Tumul and Yibir.²²⁶ Somaliland continues to lobby for international recognition as an

²¹⁸ Somaliland uses the geographic borders as drawn by the previous colonial authorities, whereas Puntland, which was organized as a clan-based state, claims that the two regions, which are also primarily the Harti clan, are part of its territory. “This is where the overlapping claims to the Sool and Sanaag regions emerge. Demarcated as part of Somaliland through colonial legacy, a large portion of Sool is primarily occupied by the Dhulbahante, while part of Sanaag is inhabited by the Warsangeli, placing them within Puntland’s clan-based area of responsibility. The differing legitimacies underpinning the formation of the two regions bring about divergent visions over their administration, depending on perceptions of whether their status is to be determined by colonialism or clan.” Institute for Security Studies, *Overlapping claims by Somaliland and Puntland– The case of Sool and Sanaag: East Africa Report No. 27*, November 2019, <https://issafrica.s3.amazonaws.com/site/uploads/ear27.pdf>, p. 5, see also pp. 3-4.

²¹⁹ ICG, *Averting War in Northern Somalia*, 27 June 2018, www.crisisgroup.org/africa/horn-of-africa/somaliland/141-averting-war-northern-somalia.

²²⁰ “On 24 November [2021], the President of Puntland, Said Abdullahi Deni, dismissed the Director of the Puntland Security Forces, General Mohamud Osman Abdullahi ‘Diano’, replacing him with General Amin Haji Khayr. The dismissal was contested, and tensions emerged in Boosaaso, leading to an increased Puntland Security Forces presence and a setting up of checkpoints and search operations. From 20 to 22 December, armed clashes between forces loyal to the dismissed Director and Puntland Security Forces erupted at a Puntland Security Forces base near the World Food Programme (WFP) warehouse.” UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 25. “The conflict in Bossaso has a political dimension. Diyaano is the brother of Asad Diyaano who was also the former head of the PSF and a runner-up in the last presidential election of Puntland. Their father was also a former head of PSF and several Puntland presidents have accommodated these officials. Over the past few years, the relationship between President Deni of Puntland and President Farmaajo soured. President Deni believed that Assad Osman Diyaano was a close ally of President Farmaajo. Puntland authorities have even claimed that Farmaajo dispatched federal forces in support of the Diyaano family.” Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 20.

²²¹ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 20. The dispute was resolved when “the Puntland Security Force was reconstituted as the ‘Puntland Security Commando Force’ and ‘Puntland Intelligence Special Forces’ on 4 March. Mr. Deni reappointed Mohamud Osman Abdullahi ‘Diano’ to lead the former, while General Mohamed Amin Abdullahi Haji Khayr, initially appointed in November 2021 to replace ‘Diano’, was named head of the latter.” UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 18.

²²² US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 19.

²²³ See, for example, Heritage Foundation, *Somalilanders’ Quest for Independence Isn’t “Neocolonial” Plot. It’s Self-Determination.*, 9 May 2022, www.heritage.org/africa/commentary/somalilanders-quest-independence-isnt-neocolonial-plot-its-self-determination.

²²⁴ “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 government and viewed such actions as treason, punishable under Somaliland law.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, Somaliland Human Rights Center, *Annual Report of Human Rights Center 2021*, 2 February 2022, <http://hrcomsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf>, pp. 13-16; All Africa, *Somalia: Former Deputy Somali PM Arrested in Hargeisa*, 15 December 2021, <https://allafrica.com/stories/202112160116.html>; Somaliland Standard, *SL Police Detain 50 Youth for Wearing the Attire Flag of Somalia in Borama*, 27 June 2021, <https://somalilandstandard.com/sl-police-detain-50-youth-for-wearing-the-attire-flag-of-somalia-in-borama/>; Italian Institute for International Political Studies, *Somaliland: 30 Years of De Facto Statehood, and No End In Sight*, 12 May 2021, www.ispionline.it/en/publicazione/somaliland-30-years-de-facto-statehood-and-no-end-sight-30363; All Africa, *Somalia: Somaliland Releases Detained Musicians*, 24 June 2020, <https://allafrica.com/stories/202006250225.html>; Somali Dispatch, *Somaliland: Singer Salah Arab Released from Detention*, 11 May 2020, www.somalidispach.com/latest-news/somaliland-singer-salah-arab-released-from-detention/.

²²⁵ Rift Valley Institute, *Between Somaliland and Puntland: Marginalization, Militarization and Conflicting Political Visions*, 2015 <https://reliefweb.int/sites/reliefweb.int/files/resources/Between%20Somaliland%20and%20Puntland%20by%20Markus%20Hoehne%20-%20RV%20Contested%20Borderlands%20282015%29%20281%29.pdf>, pp. 19-20, 32.

²²⁶ University of Milan-Bicocca, *The Gaboye of Somaliland: Legacies of Marginality, Trajectories of Emancipation*, 2017, https://boa.unimib.it/retrieve/handle/10281/180856/257222/phd_unimib_734232.pdf, pp. 3-4, 193-199; OCHA, *A Study on Minorities in Somalia*, 1 August 2002, <https://reliefweb.int/report/somalia/study-minorities-somalia>.

independent State.²²⁷ While Somalia and Somaliland have previously engaged in diplomatic talks, these faltered during 2021.²²⁸

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

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

²²⁷ Foreign Policy, *Somaliland Courts U.S. for Independence Recognition*, 21 March 2022, <https://foreignpolicy.com/2022/03/21/somaliland-united-states-independence-recognition/>; The Conversation, *Somaliland’s Quest for Recognition: UK Debate Offers Hint of a Sea Change*, 21 January 2022, <https://theconversation.com/somalilands-quest-for-recognition-uk-debate-offers-hint-of-a-sea-change-175342>.

²²⁸ Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 18; ICG, *Somalia-Somaliland: A Halting Embrace of Dialogue*, 6 August 2020, www.crisisgroup.org/africa/horn-africa/somalia/somaliland-halting-embrace-dialogue.

²²⁹ ICG, *Building on Somaliland’s Successful Elections*, 12 August 2021, www.crisisgroup.org/africa/horn-africa/somaliland/b174-building-somalilands-successful-elections.

²³⁰ ICG, *Building on Somaliland’s Successful Elections*, 12 August 2021, www.crisisgroup.org/africa/horn-africa/somaliland/b174-building-somalilands-successful-elections; Institute for Security Studies, *Somaliland’s Election Boosted Its Theoretical Case for Recognition*, 11 June 2021, <https://issafrica.org/iss-today/somalilands-election-boosted-its-theoretical-case-for-recognition>; European Union, *Statement by International Partners on Somaliland Parliamentary and Local Council Elections*, 8 June 2021, www.eeas.europa.eu/delegations/somalia/statement-international-partners-somaliland-parliamentary-and-local-council_en; The Brenthurst Foundation, *Report of the Brenthurst Foundation: Somaliland Election Monitoring Mission (SEMM)*, June 2021, www.thebrenthurstfoundation.org/downloads/semml-final-report-1.pdf.

²³¹ The ruling party “swiftly accepted” the results. ICG, *Building on Somaliland’s Successful Elections*, 12 August 2021, www.crisisgroup.org/africa/horn-africa/somaliland/b174-building-somalilands-successful-elections. See also, Aljazeera, *Somaliland Elections: Opposition Parties Win Majority of Seats*, 6 June 2021, www.aljazeera.com/news/2021/6/6/somaliland-opposition-wins-first-parliamentary-polls-since.

²³² Heritage Institute, *State of Somalia Report 2021*, 8 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/SOS-REPORT-2021-English-version.pdf>, p. 17; ICG, *Building on Somaliland’s Successful Elections*, 12 August 2021, www.crisisgroup.org/africa/horn-africa/somaliland/b174-building-somalilands-successful-elections; Reuters, *Somaliland Opposition Win Majority in First Parliamentary Vote since 2005*, 6 June 2021, www.reuters.com/world/africa/somaliland-opposition-win-majority-first-parliamentary-vote-since-2005-2021-06-06/. “We recognise the significant achievements of female candidates during this electoral process, but deeply regret that this has not translated to more women in elected office resulting in decreased women political representation.” European Union, *Statement by International Partners on Somaliland Parliamentary and Local Council Elections*, 8 June 2021, www.eeas.europa.eu/delegations/somalia/statement-international-partners-somaliland-parliamentary-and-local-council_en. “In the 2021 elections, not a single woman was elected to parliament. This level of female exclusion from politics is unprecedented, but the problem is not new. Prior to these elections, there was only one female MP and nine female local councillors. Now, uniquely in Africa, Somaliland is left with zero women among its 82 elected MPs and a mere three women among the 220 elected councillors.” African Arguments, *How Did Somaliland End Up with Zero Female MPs?*, 10 January 2022, <https://africanarguments.org/2022/01/how-did-somaliland-end-up-with-zero-female-mps/>.

²³³ However, there have been indications, including a dispute about the Somaliland government’s proposal to reform the current three-party political system and open the registration of new political parties prior to the presidential election, that the timeline may be delayed. The Elephant, *Between a Rock and a Hard Place: Somaliland’s Elections in Limbo*, 14 February 2022, www.theelephant.info/features/2022/02/14/between-a-rock-and-a-hard-place-somalilands-elections-in-limbo/. See also, ICG, *Building on Somaliland’s Successful Elections*, 12 August 2021, www.crisisgroup.org/africa/horn-africa/somaliland/b174-building-somalilands-successful-elections.

²³⁴ At least five people were killed and 100 injured in clashes between protestors and security forces. International partners expressed concern about “reports of public disorder and the excessive use of force”. Aljazeera, *Somaliland: Clashes Between Protesters, Police Turn Deadly*, 12 August 2022, www.aljazeera.com/news/2022/8/12/several-people-killed-100-hurt-in-somaliland-protests. See also, VOA, *Somali President Urges Stability in Somaliland Amid Deadly Election Disputes*, 13 August 2022, www.voanews.com/a/somali-president-urges-stability-in-somaliland-amid-deadly-election-disputes/6700398.html; Reuters, *At Least Five People Killed, 100 Hurt in Somaliland Protests*, 12 August 2022, www.reuters.com/world/africa/least-five-people-killed-100-hurt-somaliland-protests-2022-08-12/.

²³⁵ The Africa Report, *Building a Better Future in Somaliland*, 13 October 2021, www.theafricareport.com/135923/building-a-better-future-in-somaliland/; African Business, *Somaliland Opens New Berbera Port Terminal*, 29 June 2021, <https://african.business/2021/06/trade-investment/somaliland-opens-new-berbera-port-terminal/>.

²³⁶ Africanews, *Somaliland Market Fire Losses Between 1.5 Billion-\$2 Billion (Preliminary Report)*, 4 April 2022, www.africanews.com/2022/04/04/somaliland-market-fire-losses-between-1-5-billion-2-billion-preliminary-report/; The Guardian, *Dozens Injured in Fire at Market in Somaliland*, 2 April 2022, www.theguardian.com/world/2022/apr/02/dozens-injured-in-fire-at-market-in-somaliland.

3) Economic Developments

During 2021, the FGS struggled to implement its programmes due to budgetary deficits caused by a decline in domestic revenue and international budget support continuing to be on hold over election delays.²³⁷ In the private sector, as of August 2021, “45 per cent of microfirms are reported to have closed and nearly half of the firms have experienced a fall in sales or layoffs.”²³⁸ Remittances, which account for 35 per cent of the country’s GDP, declined during the COVID-19 pandemic and were still below pre-pandemic levels by the end of 2021.²³⁹

An estimated 71 per cent of the population of Somalia live below the international poverty line of USD 1.90 per day, with poverty being worse in rural areas.²⁴⁰ Restrictions related to the COVID-19 pandemic, an ongoing drought, desert locusts and political uncertainty have “deepened and widened poverty” in Somalia and “compounded pre-existing vulnerabilities”.²⁴¹ The economy, originally projected to decline in 2020 by 1.5 per cent, only declined by 0.4 per cent, rebounding to an increase of 2.4 per cent in 2021; however, pre-pandemic levels of growth are not projected to be reached until 2023.²⁴² The drought has driven up inflation, which is estimated to reach 10 per cent, the highest level in over 15 years, by the end of 2022.²⁴³ The costs of food and water continue to rise across Somalia, with the cost of a standardized food basket having increased by 36 per cent between February 2021 and February 2022.²⁴⁴

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

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

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

²³⁷ UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 13; UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 16; UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 23.

²³⁸ UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 17.

²³⁹ OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 8.

²⁴⁰ “The percentage of the population living below the poverty line increased from 69 per cent in 2018 to 71 per cent in 2021, and is likely to remain similar in 2022-2023.” OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 45, see also pp. 7, 26. See also, The Conversation, *No Time for Complacency: Somalia’s Unfolding Famine Catastrophe*, 21 June 2022, <https://theconversation.com/no-time-for-complacency-somalias-unfolding-famine-catastrophe-184939>.

²⁴¹ OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 26.

²⁴² World Bank, *Somalia’s Economy Rebounding from ‘Triple Shock’*, 14 September 2021, www.worldbank.org/en/news/press-release/2021/09/14/somalia-s-economy-rebounding-from-triple-shock/.

²⁴³ Radio Ergo, *Cost of Living Makes Tea a Luxury in Central Somalia’s Adado*, 3 August 2022, <https://radioergo.org/en/2022/08/a-cup-of-tea-becomes-a-luxury-in-central-somalias-adado/>; Bloomberg, *Devastating Drought to Push Somalia’s Inflation to Near Double Digits*, 29 June 2022, www.bloomberg.com/news/articles/2022-06-29/drought-seen-spurring-somalia-s-inflation-to-near-double-digits.

²⁴⁴ World Food Programme (WFP), *Implications of the Conflict in Ukraine on Food Access and Availability in the East Africa Region*, March 2022, <https://docs.wfp.org/api/documents/WFP-0000138223/download/>, pp. 2, 8. See also, Christian Aid, *East Africa Hunger Crisis Appeal Launched by Christian Aid*, 20 July 2022, <https://reliefweb.int/report/somalia/east-africa-hunger-crisis-appeal-launched-christian-aid/>; The Guardian, *Mogadishu Shops Shuttered as Soaring Food Prices Add to Desperation in Somalia*, 8 June 2022, www.theguardian.com/global-development/2022/jun/08/mogadishu-shops-shuttered-as-soaring-food-prices-add-to-desperation-in-somalia/; Africanews, *Rising Food Prices Choke Drought-Hit Somalia*, 4 June 2022, www.africanews.com/2022/06/04/rising-food-prices-choke-drought-hit-somalia/. In May 2022, the price of sorghum in Somalia had risen by 36 per cent from January 2021, and the cost of a food basket was almost 20 USD. WFP, *Implications of the Conflict in Ukraine on Food Access and Availability in the East Africa Region*, June 2022, <https://docs.wfp.org/api/documents/WFP-0000140223/download/>.

²⁴⁵ African Development Bank Group, *Somalia Economic Outlook*, accessed 25 August 2022, www.afdb.org/en/countries-east-africa-somalia/somalia-economic-outlook; International Monetary Fund (IMF), *IMF Executive Board Approved Additional Interim Assistance Request Under the Enhanced HIPC Initiative for Somalia*, 25 March 2021, www.imf.org/en/News/Articles/2021/03/25/pr2185-somalia-imf-execboard-approved-add-interim-asst-request-under-enhanced-hipc-initiative. See also, OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 18.

²⁴⁶ OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 18.

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

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

1) Civilian Casualties

From 1 February to 6 May 2022, UNSOM recorded 428 civilian casualties (167 killed and 261 injured), with Al-Shabaab responsible for 325 civilian casualties (76 per cent), clan militia for 34 (8 per cent) and State forces for 18 (4 per cent).²⁴⁷ This was a 134 per cent increase from the prior reporting period — 6 November 2021 to 31 January 2022 — where UNSOM recorded 183 civilian casualties (82 killed and 101 injured), with Al-Shabaab responsible for 78 civilian casualties (43 per cent), State forces responsible for 64 (35 per cent) and clan militia for 10 (5 per cent).²⁴⁸ From 8 May to 4 November 2021, 470 civilian casualties were recorded (224 killed and 246 injured).²⁴⁹

As of 29 July 2022, Action on Armed Violence reported 40 incidents involving explosive devices in 2022, with 88 per cent attributed to Al-Shabaab, causing a total of 432 civilian casualties.²⁵⁰ Since 2016, the number of civilians harmed by explosive devices has risen significantly, most likely because of attacks by Al-Shabaab.²⁵¹

Airstrikes conducted by US forces have also caused civilian casualties in South and Central Somalia.²⁵² Between 16 December 2020 and 6 September 2021, AFRICOM conducted 14 air strikes, killing at least

²⁴⁷ Unidentified actors were responsible for the remaining 51 civilian casualties. UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 51.

²⁴⁸ Unidentified actors were responsible for the remaining 31 civilian casualties. UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 53.

²⁴⁹ UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 35; UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 41. "[UNSOM] recorded at least 899 civilian casualties, including 441 killings, between late November 2020 and late July [2021]; a marked increase compared to the same reporting period the previous year. Most were killed during targeted and indiscriminate Al-Shabab attacks using improvised explosives devices (IEDs), suicide bombings, and shelling, as well as assassinations." HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html.

²⁵⁰ "AOAV's casualty figures represent the lowest of estimations in terms of the number of people killed and injured by explosive weapon use." Action on Armed Violence (AOAV), *Two Attacks Leave at Least 20 Dead and 19 Injured in Somalia's Lower Shabelle Region*, 27 July, <https://aoav.org.uk/2022/two-attacks-leave-at-least-20-dead-and-19-injured-in-somalias-lower-shabelle-region-27-july-%EF%BF%BC/>. See also, AOAV, *At Least 30 Burundian Soldiers Killed in Al Shabaab Attack on Peacekeeping Base*, Somalia, 4 May 2022, <https://reliefweb.int/report/somalia/least-30-burundian-soldiers-killed-al-shabaab-attack-peacekeeping-base-somalia>.

²⁵¹ AOAV, *Al-Shabaab and Increasing Civilian Harm in Somalia*, 22 April 2020, <https://reliefweb.int/report/somalia/al-shabaab-and-increasing-civilian-harm-somalia>.

²⁵² Amnesty International, *Somalia: US Must Not Abandon Civilian Victims of its Air Strikes after Troop Withdrawal*, 7 December 2020, www.amnesty.org/en/latest/news/2020/12/somalia-us-must-not-abandon-civilian-victims-of-its-air-strikes-after-troop-withdrawal/. "Air strikes by international forces have also resulted in civilian casualties. The United States African Command (AFRICOM), which is responsible for its military operations in Africa, continued to use drones and manned aircraft to carry out air strikes against Al-Shabaab, killing and injuring civilians without provision of redress for victims." UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 21.

three civilians.²⁵³ On 3 and 4 June 2021, airstrikes by an unidentified party caused six civilian casualties.²⁵⁴

On 10 August 2021, an AMISOM patrol was ambushed by Al-Shabaab; in the ensuing skirmish, seven civilians were killed.²⁵⁵ After an investigation, the Ugandan government court-martialed five Ugandan AMISOM soldiers for killing civilians, issuing death sentences to two soldiers and 39-year prison sentences to the other three.²⁵⁶

2) Security Situation and Security Incidents

The security situation in Somalia remains volatile and characterized by entrenched conflict between Al-Shabaab and the FGS, FMS and associated groups.²⁵⁷ Between 1 January 2021 and 1 August 2022, the Armed Conflict Location & Event Data Project (ACLED) recorded 4,090 incidents of battles, explosions/remote violence and violence against civilians, causing 5,520 fatalities.²⁵⁸ According to the Panel of Experts, 2021 saw a monthly average of 265 security incidents, with the majority perpetrated by Al-Shabaab; the regions most affected by the groups activity were Lower Shabelle, Benadir and Middle Shabelle.²⁵⁹ Between 16 December 2020 and 6 September 2021, Al-Shabaab attacked the SNA, FMS security forces and international forces at least 1,047 times, mainly in Jubbaland, South-West State, Hirshabelle and Galmudug.²⁶⁰

As of October 2021, Al-Shabaab directly controlled “most towns in Jamame District, Lower Juba; Jilib, Bu’ale and Sakow in Middle Juba; parts of Baardheere in Gedo; towns located in southern Dinsor and Burhakaba Districts in Bay Region; Adale and Adan Yabal in Middle Shabelle; and El Dher, El Bur and Harardhere in Galmudug.”²⁶¹ During 2021, Al-Shabaab expanded its control in Galmudug, exploiting the vacuum resulting from the demobilization of Ahlu Sunna wal Jama’a.²⁶² The group controls roads through many parts of the country, including in Jubbaland, South West and in Lower Shabelle.²⁶³ In areas where it has influence but not control, Al-Shabaab imposes blockades and compels local populations and clan elders to support its cause.²⁶⁴

²⁵³ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 126.

²⁵⁴ Ibid., pp. 87-88.

²⁵⁵ AMISOM, *AMISOM PR/24/2021: Press Release*, 13 November 2021, <https://amisom-au.org/2021/11/court-martial-finds-amisom-soldiers-guilty-of-killing-civilians-in-goloweyn/>; UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 128; VOA, *Somali Governor Says AU Soldiers Killed Civilians After Al-Shabab Ambush*, 16 August 2021, www.voanews.com/a/africa_somali-governor-says-au-soldiers-killed-civilians-after-al-shabab-ambush/6209636.html.

²⁵⁶ AMISOM, *AMISOM PR/24/2021: Press Release*, 13 November 2021, <https://amisom-au.org/2021/11/court-martial-finds-amisom-soldiers-guilty-of-killing-civilians-in-goloweyn/>.

²⁵⁷ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, paras 13-21; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 19-27; UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, pp. 4, 7-17.

²⁵⁸ Al-Shabaab was involved in at least 3,302 of these incidents. The regions most affected were Lower Shabelle (1042), Benadir (904), Jubbaland (672), Bay (335) and Middle Shabelle (270). ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

²⁵⁹ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 19. “[Al-Shabaab]’s modus operandi remains unchanged, with Banadir region and South West State the center of its attacks.” Additionally, “operations have also intensified in Hirshabelle and Galmudug states as the group has tried to exploit local political and security tensions.” VOA, *Terror Attacks Surge as Elections Drag in Somalia*, 15 February 2022, www.voanews.com/a/terror-attacks-surge-as-elections-drag-in-somalia/6442966.html. By 6 May 2022, there had been a monthly average of 236 security incidents. UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 13.

²⁶⁰ “All reported attacks were hit-and-run or mortar attacks on security force bases or ambushes and improvised explosive device attacks on military convoys.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 17.

²⁶¹ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 11. See also, GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 76.

²⁶² “Al-Shabaab was able to exert its influence in eastern parts of Middle Shabelle and southern parts of Galmudug. In February 2021, Al-Shabaab also began to fill the vacuum left by the demobilization of Ahlu Sunna wal Jama’a.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 16, see also paras 18-20. “Al-Shabaab fighters are just 70km from Guriel, say local and humanitarian officials, and have made gains in the semi-autonomous central state of Galmudug for the first time in a decade.” Financial Times, *Somalia Conflict Escalates: ‘We Know Al-Shabaab Will Take Advantage’*, 29 December 2021, www.ft.com/content/9a820013-fa81-4314-9441-0d4f93c2539c.

²⁶³ Al-Shabaab uses control of roads to enforce illicit taxation and extortion via checkpoints. UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 21; UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, pp. 120, 124.

²⁶⁴ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, paras 12-16.

Additionally, Al-Shabaab maintains a large presence in Mogadishu and exerts significant influence over the population.²⁶⁵ From 16 December 2020 to 6 September 2021, the Panel of Experts documented “270 incidents attributed to Al-Shabaab in the 17 districts of Benadir Region [...] including assassinations, hit-and-run attacks on government positions and grenade, improvised explosive device and mortar attacks.”²⁶⁶ Across Somalia, Al-Shabaab’s activities increased by 17 per cent from 2020 to 2021.²⁶⁷

Al-Shabaab uses IED attacks throughout Somalia, targeting, *inter alia*, individuals, hotels, military posts and Somali government institutions.²⁶⁸ The group also uses suicide and complex attacks, including to attack targets in urban centres such as Mogadishu.²⁶⁹ In a particularly deadly attack in March 2022, an Al-Shabaab suicide bomber targeted a female MP in Beledweyne, with another suicide bomber targeting the civilians who were injured in the first explosion; the two blasts killed 48 people, including the MP, and injured another 108 persons.²⁷⁰

In addition to carrying out attacks within Somalia, Al-Shabaab regularly conducts attacks across the Somali-Kenya border, and extorts tax from Kenyan civilians and businesses.²⁷¹ In July 2022, Al-Shabaab militants crossed the border into Ethiopia, sparking heavy clashes; by 6 August 2022, the Ethiopian government claimed that over 800 Al-Shabaab fighters had been killed and 100 had been captured.²⁷²

Despite Islamic State’s low numbers of fighters, the group carried out several attacks in Mogadishu during 2021, including an IED attack on 6 November 2021 that wounded 4 persons and an IED attack on 23 November 2021 that killed two civilians.²⁷³ In Puntland, despite reports that the Puntland Security Forces successfully curtailed the group’s operations,²⁷⁴ Islamic State continues to operate and carry

²⁶⁵ “Al-Shabaab has such an extensive presence in Mogadishu – the locale where the Somali government’s writ is strongest – that some claim that the group actually de facto controls the capital.” GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 49.

²⁶⁶ “Al-Shabaab demonstrated its capability to plan and infiltrate security lines as none of these major attacks were foiled by intelligence and security forces.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 23.

²⁶⁷ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 19.

²⁶⁸ War on the Rocks, *Al-Shabaab’s Improvised Explosive Device Supply Chain Gambit in Somalia*, 22 September 2020, <https://warontherocks.com/2020/09/al-shabaabs-improvised-explosive-device-supply-chain-gambit-in-somalia/>. See also, UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, paras 17, 19.

²⁶⁹ VOA, *Bombings in Somalia Kill at Least 20*, 27 July 2022, www.voanews.com/a/bombings-in-somalia-kill-at-least-18/6675695.html; VOA, *Al-Shabab Surge in Somalia’s Suicide Attacks ‘Change of Tactics,’ Experts Say*, 27 March 2022, www.voanews.com/a/al-shabab-surge-in-somalia-s-suicide-attacks-change-of-tactics-experts-say/6503450.html; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 20.

²⁷⁰ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 19; Africanews, *Somalia to Beef Up Security as Death Toll Climbs to 48 after Twin Attack*, 25 March 2022, www.africanews.com/2022/03/24/somalia-to-beef-up-security-as-death-toll-climbs-to-48-after-twin-attack/; The Guardian, *Female Opposition MP among Dozens Killed in Somalia Bombings*, 24 March 2022, www.theguardian.com/global-development/2022/mar/24/female-opposition-mp-among-dozens-killed-in-somalia-bombings; France 24, *Woman Opposition MP among Scores Killed in Somalia Suicide Attacks*, 24 March 2022, www.france24.com/en/africa/20220324-woman-opposition-mp-among-scores-killed-in-somalia-suicide-attacks.

²⁷¹ Arab News, *Chinese National among 5 Killed in Attack near Somalia Border*, 12 March 2022, www.arabnews.com/node/2041351/world; The Conversation, *Five Reasons Why Militants Are Targeting Kenya’s Lamu County*, 14 February 2022, <https://theconversation.com/five-reasons-why-militants-are-targeting-kenyas-lamu-county-176519>; VOA, *Kenyan Authorities Suspect Al-Shabab Militants Kill 6 in Coastal County*, 3 January 2022, www.voanews.com/a/kenyan-authorities-suspect-al-shabab-militants-kill-6-in-coastal-county-/6379539.html; Anadolu Agency, *Five Killed in IED Attack near Somali-Kenyan Border*, 26 March 2020, www.aa.com.tr/en/africa/five-killed-in-ied-attack-near-somali-kenyan-border/1779863; Institute for Security Studies, *Somalia, Terrorism and Kenya’s Security Dilemma*, 22 January 2020, <https://issafrica.org/iss-today/somalia-terrorism-and-kenyas-security-dilemma>. “Since [December 2020], Al-Shabaab has conducted at least six attacks along the border, the majority of which targeted Kenyan security service personnel. However, the civilian population also remains under threat. Specifically, the Panel learned that Al-Shabaab is reportedly collecting livestock as a form of zakat payment, as well as beginning to test its ability to extort local businesses in and around Mandera town.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 26.

²⁷² VOA, *Ethiopia’s Military: 800 Al-Shabab Fighters Killed in Recent Clashes*, 6 August 2022, www.voanews.com/a/ethiopia-s-military-800-al-shabab-fighters-killed-in-recent-clashes-/6689836.html; Reuters, *Clashes Between Ethiopian Forces, Al Shabaab Leave Scores Dead - State News Agency*, 29 July 2022, www.reuters.com/world/africa/clashes-between-ethiopian-forces-al-shabaab-leave-scores-dead-state-news-agency-2022-07-29/; VOA, *Why Did Al-Shabab Attack Inside Ethiopia?*, 26 July 2022, www.voanews.com/a/why-did-al-shabab-attack-inside-ethiopia/6674783.html.

²⁷³ Additionally, the group allegedly targeted a businessperson in Mogadishu, likely connected to extortion by the group of merchants at the Bakara market. UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 26-27.

²⁷⁴ “Despite a successful attack by ISIL on Balidhidin town, Qandala District, Bari Region in mid-August 2021, as well as some attacks against security forces in June and July near the Golis mountains, Puntland Security Forces operations targeting the group have reportedly impeded its ability to mount more impactful operations.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 28.

out attacks.²⁷⁵ Al-Shabaab also remained active in Puntland and conducted, for example, an attack on the prison in Bossaso in March 2021 which killed seven soldiers and which freed 337 prisoners.²⁷⁶

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

D. Human Rights Situation

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

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

a) Human Rights Violations by State Actors

During 2021, State actors committed arbitrary and unlawful killings, forcible disappearances, torture, arbitrary arrest and detention, especially of journalists and media workers, and a variety of human rights violations related to the ongoing conflict.²⁸⁴ The SPF and FMS forces in particular have been accused of human rights violations, including “rapes in camps for internally displaced persons (IDPs), uncontrolled shootings as a mechanism of crowd control and extrajudicial killings at checkpoints.”²⁸⁵ Additionally, some government officials have engaged in land grabbing and forcible eviction of IDPs.²⁸⁶

²⁷⁵ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 21; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, paras 26-27.

²⁷⁶ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 57; Reuters, *Al Shabaab Militants Storm Somali Jail, Seven Soldiers Killed*, 5 March 2021, www.reuters.com/article/us-somalia-violence-idUSKBN2AX188.

²⁷⁷ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 25.

²⁷⁸ For more information on clan-related conflict, see [Section III.A.8](#).

²⁷⁹ “These conflicts added instability and insecurity to already fragile areas and generated notable humanitarian consequences, including civilian casualties, destruction of civilian property, displacement and obstruction of humanitarian assistance.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 31.

²⁸⁰ See HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html; US Department of State, *2020 Country Reports on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html; UNSOM, *Common Country Analysis 2020*, January 2021, www.ecoi.net/en/file/local/2052858/UN+Somalia+Common+Country+Analysis+2020_3.pdf, pp. 13-14.

²⁸¹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. “While Al-Shabaab continues to be responsible for the highest number of violations of international humanitarian law involving the targeting of civilians, there were several reports of human rights violations perpetrated by federal and regional security forces. Also, clan militias were responsible for a number of abuses, including killings, abductions and the destruction of civilian property.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 4.

²⁸² The US Department of State noted that in 2021 “Impunity generally remained the norm.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

²⁸³ “All Somali parties to the conflict committed serious abuses against children, including killings, maiming, recruitment and use of child soldiers, and attacks on schools.” HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. See [Sections III.A.6](#), [III.A.10](#) and [III.A.11](#).

²⁸⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “[H]uman rights violations are also perpetrated by the Somali military, police, and intelligence services as well as AMISOM, again with few, if any, accountability mechanisms in place.” UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 120. On journalists and media workers, see [Section III.A.5](#).

²⁸⁵ UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 120. The Independent Expert on Somalia expressed concern in August 2020 over “the continued excessive use of force by the police against civilians and about the fact that officers reportedly continue to torture, beat, threaten, harass and arbitrarily arrest civilians, especially journalists, human rights defenders and persons allegedly suspected of terrorism.” UN General Assembly, *Situation of Human Rights in Somalia*, 24 August 2020, A/HRC/45/52, www.ecoi.net/en/file/local/2038295/A_HRC_45_52_E.pdf, para. 51.

²⁸⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

Security forces, and specifically NISA officers, engaged in torture and ill-treatment of detainees including beatings.²⁸⁷ Both NISA and the Puntland Intelligence Agency (PIA) regularly detain children who are associated with Al-Shabaab and have used torture to obtain confessions, which have then been used in military tribunals, or to punish the detainee.²⁸⁸ Clan militias, including those affiliated with the government, torture or ill-treat individuals; this was reportedly common in 2021 along the Mogadishu-Afgooye road by Hawiye militias, “some with strong ties to the [SNA]”.²⁸⁹

Prisons in Somalia generally suffer from substandard conditions including poor sanitation, inadequate food and water, and lack of access to medical care.²⁹⁰ Juveniles and adults are sometimes held together, and prisons frequently do not separate convicts from pretrial prisoners.²⁹¹ It is common for prisoners to remain in pretrial detention for long periods of time.²⁹² Fair trial standards and due process are not upheld by government authorities and trials are often manipulated by clan politics or influenced by corruption.²⁹³

State actors also substantially limit the freedom of expression in Somalia by intimidating, attacking, arbitrarily arresting and prosecuting journalists and media workers.²⁹⁴ Government security forces harass, arrest and attack protestors and demonstrators, and use force to dispel protests.²⁹⁵ Arbitrary arrest and detention have been used against Al-Shabaab suspects, journalists, media workers, religious leaders, business persons, other politicians and clan elders.²⁹⁶

In October 2021, Somaliland authorities forcibly displaced over 7,000 persons from Las Anod town, claiming they were “non-locals”.²⁹⁷

b) Human Rights Abuses by Clan Militia

Clan militias deliberately target civilians and civilian infrastructure in the context of clan disputes and blood feuds.²⁹⁸ During 2021, Galjeel militias “targeted trade truck convoys and reportedly engaged in rape, looting, burning of homes and property, illegal checkpoints, and land grabbing.”²⁹⁹ Clan militias engage in torture and ill-treatment, and recruit and use children in armed conflict.³⁰⁰ Members of clan

²⁸⁷ Ibid.

²⁸⁸ “The National Intelligence Organization (NISA) and the Puntland Intelligence Agency (PIA) have detained children suspected of working with al-Shabaab and have used unlawful methods during investigations, and in some cases, torture.” Bertelsmann Stiftung, *BTI 2022 Country Report: Somalia*, 23 February 2022, www.ecoi.net/en/file/local/2069667/country_report_2022_SOM.pdf, p. 18. “Somalia continued to rely on military court proceedings that violated international fair trial standards”. HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. See also, HRW, “It’s Like We’re Always in a Prison”: Abuses Against Boys Accused of National Security Offenses in Somalia, 21 February 2018, www.hrw.org/report/2018/02/21/its-were-always-prison/abuses-against-boys-accused-national-security-offenses.

²⁸⁹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

²⁹⁰ Ibid. “A joint monitoring visit by the United Nations representatives and stakeholders to prisons in Puntland identified protection gaps, including periods of prolonged detention and the absence of health care, education, clean water and adequate food services, which did not meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 31. Somaliland prison conditions are reportedly poor: “On 28 January 2021, the Independent Expert, together with four other mandate holders, issued a communication on the poor conditions in Somaliland prisons and on allegations of the indefinitely prolonged and arbitrary detention of five inmates in the Hargeisa Central Prison, whose imprisonment has continued during the coronavirus disease (COVID-19) pandemic despite the fact that they have finished serving their prison sentences.” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 31. “Accessibility, basic food and shelter conditions are also lacking in many prisons. [...] Problems such as sanitary conditions, sleeping areas, or clean latrines are problems faced by prisons across the board in all the region. What little access we were granted, it was not hard to see the dire conditions of the prisons or jail stations.” Somaliland Human Rights Center, *Annual Report of Human Rights Center 2021*, 2 February 2022, <http://hrcsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf>, pp. 6-9.

²⁹¹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

²⁹² “Lengthy pretrial detention was common, although estimates were unavailable on the average length of pretrial detention, or the percentage of the prison population being held in pretrial detention. The large number of detainees, a shortage of judges and court administrators, and judicial inefficiency resulted in trial delays.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

²⁹³ Ibid.

²⁹⁴ See Section III.A.5.

²⁹⁵ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

²⁹⁶ UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 25.

²⁹⁷ Amnesty International, *The State of the World’s Human Rights: Somalia 2021*, 29 March 2022, www.ecoi.net/en/document/2070229.html.

²⁹⁸ See Section III.A.8.

²⁹⁹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³⁰⁰ Ibid. Concerning pro-government or government-affiliated militias: “The use of militias has been criticized for allowing untrained, unaccountable armed actors into highly volatile settings, with a high likelihood of human rights violations. This is a valid concern — *darwish* forces have been accused of serious violations against civilians.” UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 120.

militias commit GBV with impunity, including rape.³⁰¹ From interviews conducted with truck drivers in Mogadishu, the Panel of Experts found that “civilians [had been] victims of repeated incidents of assault, robbery, extortion and SGBV perpetrated by militia manning illegal checkpoints along the road.”³⁰²

c) Violations of International Humanitarian Law and Human Rights Abuses by Al-Shabaab

Al-Shabaab “continues to be responsible for the highest number of violations of international humanitarian law involving the targeting of civilians.”³⁰³ In addition, Al-Shabaab commits serious abuses of human rights across Puntland and South and Central Somalia, including “terrorist attacks on civilians and targeted killings, including extrajudicial, and religiously and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations and the United Nations” as well as blocking humanitarian assistance, recruiting and using child soldiers and restricting fundamental freedoms.³⁰⁴ Al-Shabaab relies heavily on the forced recruitment of children and abductions.³⁰⁵ The group’s members have engaged in conflict-related sexual violence and the forced marriage of girls as young as 14.³⁰⁶

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

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

³⁰¹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 122. See also, [Section III.A.10.a](#).

³⁰² UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 89.

³⁰³ *Ibid.*, p. 4.

³⁰⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³⁰⁵ See [Section III.A.6](#).

³⁰⁶ See [Section III.A.11.a](#).

³⁰⁷ “Al-Shabab fighters killed dozens of individuals it accused of working or spying for the government and foreign forces, often after unfair trials.” HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. “There was no functioning formal judicial system in al-Shabaab-controlled areas. Al-Shabaab enforced a strict form of sharia that imposed steep penalties, including death, for certain offenses.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. Between 6 November 2021 and 31 January 2022, Al-Shabaab beheaded a district Chief Judge. UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 53.

³⁰⁸ See [Section III.A.3](#).

³⁰⁹ UNSOM / Office of the High Commissioner for Human Rights (OHCHR), *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 2.

³¹⁰ See [Section III.A.9](#).

³¹¹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See [Section III.A.5](#).

³¹² UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 124. Between 1 July 2020 and 31 March 2021, there were 31 attacks on schools. UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 22.

³¹³ See [Section II.C.2](#).

³¹⁴ UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 33.

³¹⁵ *Ibid.*, p. 31.

During 2021, Al-Shabaab “deliberately restricted the passage of relief supplies and other items, as well as access by humanitarian organizations, particularly in the southern and central regions.”³¹⁶ Al-Shabaab uses blockades of towns and areas as a form of control and punishment, restricting food and nonfood items from entering, which leads to rising humanitarian needs in those areas.³¹⁷

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

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

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

³¹⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 17.

³¹⁷ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, paras 12-16. “Armed conflict and forced taxation have continued to impact areas with high access constraints, in particular besieged towns. In 2021, supply chains to markets in Xudur were disrupted by security challenges, causing prices of essential commodities to rise steeply. Road blockades also impacted supply to Qansaxdhere, where armed non-state actors intensified their activities towards the end of April 2021, closing all roads to the town and leading to scarcity of food items and other commodities.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 31. See also, *Section II.E*.

³¹⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³¹⁹ “Interviews conducted by the [Panel of Experts] with victims of abduction who had been detained by Al-Shabaab in Buulo Fulay and Idale, two Al-Shabaab strongholds in Bay Region, evidenced the use of torture and other cruel, inhumane or degrading treatment or punishment against both female and male civilians detained by the group.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 121.

³²⁰ “The protracted delay in enacting human rights laws and policies and appointing members to crucial human rights institutions puts into question the political will of the Somali authorities to advance progress in the field of human rights.” Additionally, the following problems persist: “weak legal and constitutional frameworks, weak capacity in the police as an enforcement mechanism and alleged corruption in the statutory court[s]”. UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, p. 1, para. 27. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; HRW, *Submission to the Universal Periodic Review of Somalia*, October 2020, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8584&file=EnglishTranslation>, paras 1-3. “The lack of access to a fair and equitable justice system is one of the most pressing problems confronting modern Somalia on its path towards stability and reconstruction.” Federal Government of Somalia, *The National Durable Solutions Strategy: 2020-2024*, 6 April 2021, <https://data2.unhcr.org/en/documents/details/85880>, p. 57.

³²¹ “Courts and elders follow customary procedures. Legislation is rarely applied, outcomes [are] often unpredictable.” Pact / ABA ROLI, *Access to Justice Assessment Tool*, 2020, www.usaid.gov/sites/default/files/documents/AJATSomalia_Brief.pdf, p. 2.

³²² “There are also numerous cases where families and influential figures related to suspected perpetrators have bribed judges and prosecutors to influence the outcome of a criminal case. This, and the widespread corruption in the justice system, has caused the public to have little to no faith in the rule of law in Somalia.” Somali Civil Society Organizations, *Universal Periodic Review Report*, October 2020, www.upr-info.org/sites/default/files/documents/2021-07/js7_upr38_som_e_main.pdf, p. 5.

³²³ IDLO, *Accessing Justice: Somalia’s Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 9, see also p. 67; Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, pp. 15, 43.

³²⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “Overall, due to the lack of fair and equitable justice mechanisms available, the most vulnerable Somali citizens struggle to have their grievances justly resolved as they often face discriminatory practices, are not well informed about their rights, and have few functional institutions to meet their justice needs. As a result, human rights violations continue with little to no retribution or consequences for the perpetrators.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 95.

³²⁵ “There were only a handful of lawsuits during the year seeking damages for or cessation of human rights abuses. Individuals generally do not pursue legal remedies for abuses due to a lack of trust and confidence in the fairness of judicial procedures.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

Rural areas in particular suffer from a generally weak formal justice system that is unable to effectively and reliably adjudicate civil and criminal disputes.³²⁶ No government-affiliated formal justice system is available in areas controlled by Al-Shabaab or in areas newly recovered from Al-Shabaab.³²⁷ In some areas, courts rely on “dominant local clan and associated factions” for authority instead of the government.³²⁸ Many judges are not able to use the varying sources of law to adequately adjudicate cases and compete with customary leaders and ulama for legitimacy and for decision making authority; as a result, the “[r]ule of law is limited in judicial practice, which lacks consistency and predictability, and by the fact that the laws cannot easily be accessed and understood by the public.”³²⁹ In 2020, the Chief Justice of the Galmudug Supreme Court noted that Somalia is “a society that has not known the rule of law for nearly 30 years”.³³⁰ Across the country, formal civil courts are generally not functional.³³¹ Even when a court does issue an order, the authorities are frequently unable to enforce the order.³³² There is little consistency in legal interpretation or practice across jurisdictions.³³³

According to the ABA Rule of Law Index (ABA ROLI), the Somali justice system “lacks clarity and predictability” which “limits the impact of legislation”, and the “broad discretion enjoyed by judges when resolving disputes creates opportunities for corruption and abuse of power”.³³⁴ Clan politics and corruption affect and influence the formal judicial system.³³⁵ People have to pay bribes in order to access the formal justice system or to appeal a verdict.³³⁶ The 2021 Transparency International Corruption Index ranks Somalia as 178th out of 180 countries for corruption levels.³³⁷ In addition to corruption there are often expensive court fees; as a result, IDPs, refugees, returnees and vulnerable host communities are generally unable to afford to access the formal justice system.³³⁸

The judiciary lacks independence because of the executive’s power to appoint and fire judges.³³⁹ Judges across Puntland and South and Central Somalia are extremely vulnerable to attacks without adequate protection from the FGS or FMS and generally lack “the necessary security to perform their jobs without fear.”³⁴⁰ According to the International Development Law Organisation, the low funding for

³²⁶ “The formal court system remains weak, and courts are only available in larger cities.” Bertelsmann Stiftung, *BTI 2022 Country Report: Somalia*, 23 February 2022, www.ecoi.net/en/file/local/2069667/country_report_2022_SOM.pdf, p. 9. “The civilian judicial system remained dysfunctional and unevenly developed, particularly outside of urban areas.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³²⁷ “These shortcomings mean that access to justice cannot be extended to newly recovered areas, such as Sahib and Bariire, that the rights of Somalis in these areas remain unprotected and that no formal justice institutions exist in Al-Shabaab controlled areas.” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 32.

³²⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³²⁹ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 19.

³³⁰ Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 25. In its national report submitted as part of the Universal Periodic Review (UPR) process, Somalia noted that “a significant impediment to the protection of human rights has been the limited institutional capacity of the judiciary, which continues to impact the delivery and access to justice.” UN General Assembly, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21*, 26 February 2021, A/HRC/WG.6/38/SOM/1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/050/36/PDF/G2105036.pdf>, para. 25.

³³¹ “Civil courts in Somalia are practically nonfunctional; a combination of traditional and customary, sharia and formal law guide the institution and in some local courts depend on dominant local clans for establishing authority”. GAN Integrity, *Somalia Corruption Report*, July 2020, www.ganintegrity.com/portal/country-profiles/somalia/.

³³² US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “Decisions by statutory courts are routinely ignored as they lack the capacity to enforce their rulings.” Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 4, see also pp. 24-25.

³³³ “The same crime could be prosecuted entirely differently from one district to another, and many judges use (and interpret) local laws with very minimal oversight.” Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 19.

³³⁴ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 39. “The lack of accountability enabled judges to abuse their power.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³³⁵ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³³⁶ “Corruption is also a chronic problem at all levels. Citizens are forced to pay to access basic justice as well as to appeal to higher courts.” Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 4. See also, IDLO, *Accessing Justice: Somalia’s Alternative Dispute Resolution Centers*, 20 January 2021, <https://data2.unhcr.org/en/publications/accessing-justice-somalias-alternative-dispute-resolution-centers>, p. 9.

³³⁷ Transparency International, *Corruption Perceptions Index 2021*, accessed 25 August 2022, www.transparency.org/en/cpi/2021.

³³⁸ Federal Government of Somalia, *The National Durable Solutions Strategy: 2020-2024*, 6 April 2021, <https://data2.unhcr.org/en/documents/details/85880>, p. 57.

³³⁹ Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, pp. 22-24.

³⁴⁰ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, pp. 23-24.

the justice system results in “low salaries, insufficient record-keeping and enforcement, diversion of funds, and susceptibility to bribery and influence from powerful clans and lobbies”.³⁴¹

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

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

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

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

E. Humanitarian Situation

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

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

³⁴¹ IDLO, *Accessing Justice: Somalia’s Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, pp. 8-9.

³⁴² See above, Section II.D.1.c.

³⁴³ See Sections II.C. and III.A.9.

³⁴⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

³⁴⁵ “In Somaliland functional courts existed, although there was a serious shortage of trained judges, as well as limited legal documentation upon which to build judicial precedent and prosecute widespread allegations of corruption. Somaliland’s hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported that local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.” Ibid.

³⁴⁶ “The justice landscape in Somaliland still lacks infrastructure. This includes both physical infrastructure that courts require for their work and for courts to be more widespread in their reach and accessibility to the rural populace and the justice personnel. Lawyers provide the main avenue for advice and representation in statutory settings but remain largely confined to Hargeysa.” PACT / ABA ROLI, *Access to Justice Assessment Tool: Baseline Study in Somaliland*, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, p. 1.

³⁴⁷ Ibid., p. 1.

³⁴⁸ UN General Assembly, *Situation of Human Rights in Somalia*, 24 August 2020, A/HRC/45/52, www.ecoi.net/en/file/local/2038295/A_HRC_45_52_E.pdf, para. 51. It was reported in January 2021 that five inmates in Hargeisa Central Prison who had already served their sentence remained detained in poor conditions during the COVID-19 pandemic. See OHCHR, *Letter Dated 28 January 2021*, 28 January 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25871>, p. 1.

³⁴⁹ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 6.

³⁵⁰ Ibid., pp. 4-7, 18; IRC, *Crisis in Somalia: Aid Workers Hampered as Needs Rise*, 4 January 2022, www.rescue.org/article/crisis-somalia-aid-workers-hampered-needs-rise.

declare a state of emergency in February 2020.³⁵¹ Swarms decreased in August 2021 due to systematic control operations and low rainfall, but remain a threat in Somalia and neighbouring countries.³⁵² The risk of desert locusts causing substantial damage during 2022 is low.³⁵³ Droughts and the locust infestation have caused a sharp decrease in crop production, estimated to be “50 to 70 per cent below the last 10-year average” in January 2022.³⁵⁴

By August 2022 Somalia was affected by a severe drought exacerbated by multiple failed rainy seasons, displacing one million persons since January 2021.³⁵⁵ The drought has caused a severe deterioration in food security, access to water, and access to livelihoods across Somalia, and in particular in South and Central Somalia.³⁵⁶ As of June 2022, 7.1 million people, over 40 per cent of the population, were estimated to face crisis levels of food insecurity (IPC Phase 3) or worse through September 2022, with 2.1 million people already facing emergency levels of food insecurity (IPC Phase 4).³⁵⁷ Areas most likely to experience famine include “Hawd Pastoral of Central and Hiraan, Addun Pastoral of Northeast and Central, Agro Pastoral livelihoods in Bay and Bakool regions, and IDP settlements in Baidoa, Mogadishu, Dhusamareb, and Galkacyo.”³⁵⁸ By the end of 2022, 1.5 million

- ³⁵¹ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 25; ICRC, *Somalia: New Swarms of Desert Locusts Pose a Threat to Farmland*, 14 December 2020, <https://blogs.icrc.org/somalia/2020/12/14/somalia-new-swarms-of-desert-locusts-pose-a-threat-to-farmlands/>; BBC, *Somalia Declares Emergency over Locust Swarms*, 2 February 2020, www.bbc.com/news/world-africa-51348517. See also, VOA, *Somalia Declares Humanitarian Emergency as Drought Worsens*, 24 November 2021, www.voanews.com/a/somalia-declares-humanitarian-emergency-as-drought-worsens/6326237.html.
- ³⁵² See Food and Agriculture Organization (FAO), *Desert Locust Situation Update*, 6 January 2022, www.fao.org/ag/locusts/en/info/info/index.html; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 6, 14-15, 25.
- ³⁵³ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 64. See also, FAO, *Desert Locust Situation Update*, 1 July 2022, www.fao.org/ag/locusts/common/ecg/1914/en/DL525e.pdf.
- ³⁵⁴ OCHA, *Somalia: Humanitarian Bulletin*, 10 January 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia_%20Humanitarian%20Bulletin_December_%202021_FINAL.pdf, p. 1. See also, Famine Early Warning Systems Network (FEWS NET), *Somalia: Food Security Outlook*, 4 November 2021, <https://fews.net/sites/default/files/documents/reports/SO-FSO-202110-final.pdf>, p. 1. As of March 2022: “The deyr rains ranged from 40-70 percent below the 40-year average (Figure 1), punctuated by long dry spells that caused most planted crops to wilt. Consequently, cereal production was 63 percent below the 25-year average in Bay Region and 73 percent below average in Bakool. Cash crop production failed, with the cowpea and sesame harvest performing nearly 90-95 percent below the 10-year average in both regions.” FEWS NET, *Somalia: Food Security Outlook*, 25 March 2022, <https://fews.net/sites/default/files/documents/reports/SO-FSO-202202-final.pdf>, p. 12.
- ³⁵⁵ UNHCR, *One Million People Displaced by Drought in Somalia*, 11 August 2022, www.unhcr.org/news/press/2022/8/62f4c3894/million-people-displaced-drought-somalia.html; OCHA, *Somalia: The Cost of Inaction*, 24 July 2022, <https://reliefweb.int/report/somalia/somalia-cost-inaction-july-2022>, p. 1; OCHA, *Donors Pledge Close to \$1.4 Billion for Horn of Africa Drought Response*, 26 April 2022, <https://reliefweb.int/report/somalia/donors-pledge-close-14-billion-horn-africa-drought-response-26-april-2022>. “Drought has intensified in Somalia following the failure of the deyr (October to December 2021) rainfall season. [...] According to FEWSNET and partners, the 2021 deyr season is among the worst since 1981 and the poorest cereal harvests since 1995.” OCHA, *Somalia: Drought Situation Report No. 3*, 20 January 2022, <https://reliefweb.int/report/somalia/somalia-drought-situation-report-no3-20-january-2022>, p. 1, see also p. 2. See also, VOA, *Drought Affects Almost Half of Somalia as Famine Looms*, 31 May 2022, www.voanews.com/a/drought-affects-almost-half-of-somalia-as-famine-looms-6596623.html; VOA, *Driest Conditions in 40 Years Threaten Millions in Somalia, Ethiopia*, 12 January 2022, www.voanews.com/a/driest-conditions-in-40-years-threaten-millions-in-somalia-ethiopia/6393685.html. The drought newly displaced 758,000 persons between January and August 2022.
- ³⁵⁶ UNHCR, *Somalia: Internal Displacement*, accessed 25 August 2022, <https://data2.unhcr.org/en/dataviz/1>.
- ³⁵⁷ OCHA, *Somalia: Drought Drought Response and Famine Prevention*, 4 July 2022, <https://reliefweb.int/report/somalia/somalia-drought-response-and-famine-prevention-situation-report-no-8-30-june-2022>, pp. 1-2; FAO, *Somalia Faces Risk of Famine (IPC Phase 5) as Multi-Season Drought and Soaring Food Prices Lead to Worsening Acute Food Insecurity and Malnutrition*, 8 April 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia-Updated-IPC-and-Famine-Risk-Analysis-Technical-Release-8-Apr-2022.pdf>, pp. 1-3; OCHA, *Somalia: Humanitarian Bulletin*, 12 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia_%20Humanitarian%20Bulletin_March_%202022_FINAL%20-%20for%20publication_0.pdf, pp. 1-2. “[A] new Integrated Food Security Phase Classification (IPC) report [...] found six million Somalis, or almost 40 per cent of the population, are now facing extreme levels of food insecurity, with pockets of famine conditions likely in six areas of the country. This is nearly a two-fold increase in the number of people facing extreme levels of acute food insecurity due to the drought and related shocks since the beginning of the year.” WFP, *Joint FAO-OCHA-UNICEF-WFP Statement on the Drought Emergency in Somalia*, 12 April 2022, www.wfp.org/news/joint-fao-ocha-unicef-wfp-press-release-drought-emergency-somalia, p. 1.
- ³⁵⁸ FAO, *Drought in the Horn of Africa: FAO Appeals for \$172 Million to Help Avert Famine and Humanitarian Catastrophe*, 27 June 2022, <https://reliefweb.int/report/somalia/drought-horn-africa-fao-appeals-172-million-help-avert-famine-and-humanitarian-catastrophe>. The estimate of 7.1 million people is a dramatic increase from the projection for December 2021 of 3.5 million people facing crisis levels of food insecurity or worse, and an increase of 1 millions persons from May 2022 FAO, *Somalia Faces Risk of Famine (IPC Phase 5) as Multi-Season Drought and Soaring Food Prices Lead to Worsening Acute Food Insecurity and Malnutrition*, 8 April 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia-Updated-IPC-and-Famine-Risk-Analysis-Technical-Release-8-Apr-2022.pdf>, p. 1; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 82. “The cost of a food basket has already risen, particularly in Ethiopia (66 percent) and Somalia (36 percent).” WFP, *Horn of Africa Drought: Late Rains in Ethiopia, Kenya and Somalia Are Inflaming Hunger, Warns WFP*, 19 April 2022, www.wfp.org/stories/horn-africa-drought-late-rains-ethiopia-kenya-and-somalia-are-inflaming-hunger-warns-wfp.
- ³⁵⁸ Integrated Food Security Phase Classification (IPC), *Somalia Faces Increased Risk of Famine as Acute Food Insecurity, Malnutrition and Mortality Worsen*, 4 June 2022, <https://fsnau.org/downloads/Somalia-Updated-IPC-and-Famine-Risk-Analysis-Technical-Release-4-Jun-2022.pdf>. See also,

children under the age of five (45 per cent of children in this age bracket) are projected to be suffering from acute malnutrition.³⁵⁹ “Persistent insecurity, conflict and unresolved political tensions” have also contributed to rising food insecurity in Somalia.³⁶⁰

The drought has “particularly devastated the livelihoods of the most vulnerable Somalis, whose ability to cope has been eroded by decades of protracted conflict, climate shocks, locust infestation and disease outbreaks.”³⁶¹ The loss of 30 per cent of Somalia’s livestock between mid-2021 and June 2022 has severe repercussions for livelihoods in rural areas and on food security.³⁶² Lack of access to clean water and sanitation has resulted in outbreaks of water-borne diseases, measles and cholera, as well as acute watery diarrhea (AWD); the risk of these diseases is increased in areas affected by conflict and in IDP camps.³⁶³ Across the country, only 48 per cent of IDP camps have access to water; out of 572 IDP camps in Benadir/Mogadishu, only 30 per cent have access to water.³⁶⁴

In Somaliland, the drought has caused a deterioration in the humanitarian situation, which has caused the displacement of 810,000 people.³⁶⁵ An estimated 1.5 million persons are affected by the drought in Somaliland.³⁶⁶ This has exacerbated already high inflation and an economic downturn for pastoralists caused by the COVID-19 pandemic.³⁶⁷ Surveys in Togdheer, Sool and Sanag found that 59 per cent of households reported losing all of their livestock.³⁶⁸ In both Puntland and Somaliland, pastoralists are increasingly unable to get enough water for their livestock.³⁶⁹ As a result of the drought, communities

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- OCHA, *Somalia: Humanitarian Bulletin*, 12 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia_%20Humanitarian%20Bulletin_March_%202022_FINAL%20-%20for%20publication_0.pdf, p. 2. However, “more than 90 per cent of the country is experiencing severe to extreme drought conditions”. OCHA, *Somalia: Drought Response and Famine Prevention*, 2 August 2022, <https://reliefweb.int/report/somalia/somalia-drought-response-and-famine-prevention-situation-report-no-9-31-july-2022>, p. 1. See also, OCHA, *Somalia Humanitarian Fund Allocates US\$9.5 Million for Famine Prevention*, 3 August 2022, <https://reliefweb.int/report/somalia/somalia-humanitarian-fund-allocates-us95-million-famine-prevention>; OCHA, *Donors Pledge Close to \$1.4 Billion for Horn of Africa Drought Response*, 26 April 2022, <https://reliefweb.int/report/somalia/donors-pledge-close-14-billion-horn-of-africa-drought-response-26-april-2022>.
- ³⁵⁹ United Nations Children’s Fund (UNICEF), *Humanitarian Situation Report No. 6: Somalia*, 19 July 2022, www.unicef.org/media/124056/file/Somalia-Humanitarian-SitRep-June-2022.pdf, p. 1. See also, Médecins Sans Frontières (MSF), *In Somalia and Somaliland, Drought is Worsening Multiple Health Crises*, 7 June 2022, www.ecoi.net/en/document/2074201.html.
- ³⁶⁰ OCHA, *Somalia: Humanitarian Bulletin*, 12 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia_%20Humanitarian%20Bulletin_March_%202022_FINAL%20-%20for%20publication_0.pdf, p. 2.
- ³⁶¹ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 43.
- ³⁶² World Bank, *Somalia Needs Its Trees to Restore Landscapes and Livelihoods*, 27 July 2022, <https://blogs.worldbank.org/africacan/somalia-needs-its-trees-restore-landscapes-and-livelihoods>; International Organization for Migration (IOM), *As Climate Change Strains Somalia’s Path to Peace, Communities Hold the Key*, 13 July 2022, <https://storyteller.iom.int/stories/climate-change-strains-somalias-path-peace-communities-hold-key>. “As at March [2022], significant losses of livestock – a main source of livelihoods in Somalia – have been reported in several parts of the country.” UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 43.
- ³⁶³ OCHA, *Somalia: Drought Response and Famine Prevention*, 2 August 2022, <https://reliefweb.int/report/somalia/somalia-drought-response-and-famine-prevention-situation-report-no-9-31-july-2022>, p. 8; OCHA, *The Cost of Inaction*, 24 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/2022244_Cost%20of%20Inaction_final.pdf, p. 2; FAO, *Somalia Faces Risk of Famine (IPC Phase 5) as Multi-Season Drought and Soaring Food Prices Lead to Worsening Acute Food Insecurity and Malnutrition*, 8 April 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia-Updated-IPC-and-Famine-Risk-Analysis-Technical-Release-8-Apr-2022.pdf>, p. 4; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 44. “A significant water shortage is reported affecting 4.2 million people, according to the WASH cluster. The limited access to safe water has triggered a spike in AWD/Cholera cases. Since January [2022], 7,284 cholera cases, including 30 deaths (a case fatality rate of 0.41 per cent), have been reported from 26 districts.” UNICEF, *Humanitarian Situation Report No. 6: Somalia*, 19 July 2022, www.unicef.org/media/124056/file/Somalia-Humanitarian-SitRep-June-2022.pdf, p. 2.
- ³⁶⁴ OCHA, *Somalia: Drought Situation Report No. 6*, 20 April 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Drought%20Situation%20Report%20%236%20-%202020%20April%202022%20eoah.pdf>, p. 1.
- ³⁶⁵ UNSOM, *On a Drought Assessment Visit to Somaliland, Deputy UN Envoy Highlights the Need for Support to Drought-Hit Communities*, 21 February 2022, <https://unsom.unmissions.org/drought-assessment-visit-somaliland-deputy-un-envoy-highlights-need-support-drought-hit-communities>. See also, International Fund for Animal Welfare, *IFAW Responds to Disaster in Somaliland as Water Scarcity Destroys Livelihoods*, 3 June 2022, www.ifaw.org/international/news/disaster-drought-somaliland.
- ³⁶⁶ OCHA, *Somalia: Drought Response and Famine Prevention Situation Report No. 7*, 20 May 2022, <https://reliefweb.int/report/somalia/somalia-drought-situation-report-no7-20-may-2022>, pp. 3-4.
- ³⁶⁷ Rift Valley Institute, *What Are the Causes of Somaliland’s Drought Crisis?*, 22 March 2022, <https://riftvalley.net/news/what-are-causes-somalilands-drought-crisis>. See also, Humanity International, *Somaliland Drought Threatens Pastoral Communities*, 5 April 2022, www.hi.org/en/news/somaliland-drought-threatens-pastoral-communities.
- ³⁶⁸ International Fund for Animal Welfare, *IFAW Responds to Disaster in Somaliland as Water Scarcity Destroys Livelihoods*, 3 June 2022, www.ifaw.org/international/news/disaster-drought-somaliland; UNSOM, *On a Drought Assessment Visit to Somaliland, Deputy UN Envoy Highlights the Need for Support to Drought-Hit Communities*, 21 February 2022, <https://unsom.unmissions.org/drought-assessment-visit-somaliland-deputy-un-envoy-highlights-need-support-drought-hit-communities>. See also, The Telegraph, *‘First I Lost My Livestock, then I Lost My Children’*, 11 July 2022, www.telegraph.co.uk/global-health/climate-and-people/horn-of-africa-drought-somaliland/.
- ³⁶⁹ WASH Cluster, *Somalia: WASH Cluster Drought Response Update*, 13 April 2022, <https://reliefweb.int/report/somalia/somalia-wash-cluster-drought-response-update-13th-april-2022>, p. 1; Humanity International, *Somaliland Drought Threatens Pastoral Communities*, 5 April 2022, www.hi.org/en/news/somaliland-drought-threatens-pastoral-communities.

in Puntland reported increases in acute malnutrition of children and pregnant or lactating women.³⁷⁰ As of May 2022, the price of water had tripled in some parts of Puntland.³⁷¹

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

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

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- ³⁷⁰ "Majority of assessed communities (93%) reported an increase in acute malnutrition of children or pregnant and lactating women. At the same time, 46% of assessed communities reported access to nutrition centers/facilities where people can get nutrition programs. Out of the 37 locations that reported access to a nutrition centre, 7 communities reported that the centre was over 5 km away from their location." Somalia: Humanitarian Affairs and Disaster Management Agency (HADMA), *Puntland Drought Assessment Report*, December 2021, https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/drought_assessment_report_puntland_december_2021_final_2.pdf, p. 11. Additionally, in Puntland "poor access to clean water, food and nutrition" has led to an increase in water borne diseases and measles, as well as an increase in reported cases of gender-based violence (GBV). OCHA, *Somalia: Drought Response and Famine Prevention*, 2 August 2022, <https://reliefweb.int/report/somalia/somalia-drought-response-and-famine-prevention-situation-report-no-9-31-july-2022>, p. 6.
- ³⁷¹ "According to the Ministry of Humanitarian Affairs and Disaster Management, the price of water has tripled in some areas, with a 10,000-litre water tanker selling at \$180 to \$280, up from \$90 to \$120 during the normal dry season. In parts of Badhan district, water is trucked from 100 to 130 km away." OCHA, *Somalia: Drought Response and Famine Prevention Situation Report No. 7*, 20 May 2022, <https://reliefweb.int/report/somalia/somalia-drought-situation-report-no7-20-may-2022>, p. 3.
- ³⁷² OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 80. "The situation of drought displaced children is generally worse, with over 400,000 (37 per cent in Banadir) having no access to any form of learning opportunities in IDP camps or settlements, either because schools are closed or because there are no learning facilities within the area. Data from the CCCM (Camp Coordination and Camp Management) site monitoring indicates that only 46 per cent of IDP sites have access to education". UNICEF, *Humanitarian Situation Report No. 6: Somalia*, 19 July 2022, www.unicef.org/media/124056/file/Somalia-Humanitarian-SitRep-June-2022.pdf, p. 2.
- ³⁷³ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 80-81. "The drought is significantly affecting children's education in the country. Through the Education Cluster, partners [re]ported the closure of over 250 schools before the end of the academic year in May due to drought-related challenges across Somalia. There is a grave concern that schools without adequate teaching staff or access to water may not open for the new academic year in August. UNICEF, *Humanitarian Situation Report No. 6: Somalia*, 19 July 2022, www.unicef.org/media/124056/file/Somalia-Humanitarian-SitRep-June-2022.pdf, p. 2." See also, OCHA, *Somalia: Drought Response and Famine Prevention Situation Report No. 7*, 20 May 2022, <https://reliefweb.int/report/somalia/somalia-drought-situation-report-no7-20-may-2022>, pp. 3-4, 6; OCHA, *The Cost of Inaction*, 24 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/2022244_Cost%20of%20Inaction_final.pdf, p. 2.
- ³⁷⁴ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 81. See Sections III.A.10 and III.A.11.e.
- ³⁷⁵ Ibid., p. 82. "In locations where limited education facilities exist, most parents cannot afford to send their children to school, as they lack access to a sustainable livelihood. Many rely on casual labour, which is inadequate to even meet the basic needs of their families. Moreover, in some cases, boys are often favoured over girls in accessing education due to cultural and other reasons." OCHA, *Somalia: Humanitarian Bulletin*, 12 April 2022, <https://reliefweb.int/report/somalia/somalia-humanitarian-bulletin-march-2022>, p. 4.
- ³⁷⁶ "Unemployment and underemployment accurately describe the livelihoods of almost half the population, with youth underparticipation in the labour market becoming a growing concern. Over 7 in 10 Somalis survive on under \$1.90 a day, while the per capita GDP is estimated at \$314.5. At the national level, almost half (42 per cent) of all households report facing challenges to obtain enough money to cover their basic needs in the 30 days prior to the JMCNA data collection, while only 3 per cent of households are reliant on remittances as a main source of income." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 82.
- ³⁷⁷ "Youth unemployment stands at 67% and remains one of the highest in the world." African Development Bank Group, *Interim Country Strategy Paper (2022–2024)*, 8 December 2021, www.afdb.org/en/documents/somalia-east-africa-regional-development-and-business-delivery-office-rdgc-country-economics-department-ecce-interim-country-strategy-paper-2022-2024, p. XXXIV. In 2019, the Somali National Bureau of Statistics reported that the unemployment rate of persons aged 15-24 was 37.4% (40.8% for women and 35.2% for men). Somalia: National Bureau of Statistics, *Labour Force Survey Report 2019*, September 2021, www.nbs.gov.so/wp-content/uploads/2021/10/LFS-Report_2021.pdf, p. 27.
- ³⁷⁸ "Much of urban income is earned in informal business. Subsistence, petty trading, and micro- and small-sized enterprises are the main sources of employment and income for urban residents. A significant portion of citizens working in the informal sector (24 percent in Bosaso and 41 percent in Mogadishu) were unemployed prior to securing this work, suggesting that for many, there are few alternatives to informal jobs. Many in the informal sector are engaged in low-skilled labor and suffer from underemployment. The average employed youth worked 14 days in a month, with an average income of US\$190." World Bank, *Somalia: Urbanization Review*, 2020, <http://hdl.handle.net/10986/35059>, p. 51. In a 2019 survey, informal sector employment counted for 51.4% of all employment. Somalia: National Bureau of Statistics, *Labour Force Survey Report 2019*, September 2021, www.nbs.gov.so/wp-content/uploads/2021/10/LFS-Report_2021.pdf, p. 23.
- ³⁷⁹ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 18. "The majority of IDPs reside on land where they do not have security of tenure and are vulnerable to multiple forced evictions. They often do not possess necessary skills for urban livelihood and are subjected to lowpaying, unstable informal jobs." World Bank, *Somalia: Urbanization Review*, 2020, <http://hdl.handle.net/10986/35059>, p. 11.

per cent temporarily closed, 71 per cent experienced supply shortages and that sales and employment both fell by 30 per cent.³⁸⁰

Humanitarian access in Somalia is affected by ongoing conflict, the presence and control of armed groups including Al-Shabaab, and a lack of infrastructure including traversable roads.³⁸¹ Al-Shabaab regularly hinders humanitarian assistance and prevents populations from accessing humanitarian supplies.³⁸² Humanitarian organizations and the government have reportedly had to rely on clan elders and connections to ensure aid delivery in Al-Shabaab controlled areas.³⁸³ Al-Shabaab has blockaded the town of Xudur since 2014, along with neighbouring towns, preventing any road access for the delivery of humanitarian supplies, food or other goods.³⁸⁴

F. Conflict-Induced Displacement

An estimated 2.97 million people are internally displaced in Somalia due to conflict and natural disasters; the number of IDPs is one of the highest in the world.³⁸⁵ An estimated 43 per cent of IDPs in Somalia have been displaced due to conflict.³⁸⁶ Many IDPs live in highly precarious conditions and most require emergency humanitarian aid; however, access to humanitarian aid is difficult in many areas due to conflict, generalized violence and other barriers.³⁸⁷ Thirty per cent of IDPs live in Banadir region.³⁸⁸

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- ³⁸⁰ Bertelsmann Stiftung, *BTI 2022 Country Report: Somalia*, 23 February 2022, www.ecoi.net/en/file/local/2069667/country_report_2022_SOM.pdf, p. 29.
- ³⁸¹ OCHA, *Somalia: Humanitarian Access Overview*, 17 July 2022, <https://reliefweb.int/report/somalia/somalia-humanitarian-access-overview-quarter-1-january-march-2022>; ACAPS, *Humanitarian Access Overview*, July 2022, www.acaps.org/sites/acaps/files/products/files/acaps_humanitarian_access_overview_july_2022_0.pdf, pp. 5, 15-16; USAID, *Somalia: Complex Emergency*, 10 January 2022, www.usaid.gov/sites/default/files/documents/2022-01-10_USG_Somalia_Complex_Emergency_Fact_Sheet_1.pdf, p. 3; OCHA, *Somalia: Humanitarian Bulletin*, 10 January 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia_%20Humanitarian%20Bulletin_December_%202021_FINAL.pdf, p. 4.
- ³⁸² HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. "According to an assessment conducted by REACH in hard-to-reach areas in April, chronic insecurity continues to hinder humanitarian access to people affected by drought, many of whom are reportedly skipping two or more meals a day." OCHA, *Somalia: Drought Situation Report No. 6*, 20 April 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Drought%20Situation%20Report%20%236%20-%202020%20April%202022%20eoah.pdf>, p. 2.
- ³⁸³ War on the Rocks, *Now is the Time to Engage Al-Shabaab. Religious Leaders and Clan Elders Can Help*, 19 October 2021, <https://warontherocks.com/2021/10/now-is-the-time-to-engage-al-shabaab-religious-leaders-and-clan-elders-can-help/>. "[C]lan elders played a key role in negotiating access to delivery of humanitarian aid in Al-Shabaab-controlled areas. Amidst the 2017 drought in Somalia, Al-Shabaab imposed a ban on humanitarian assistance in the areas they controlled, repeating a similar blockade they had imposed during the 2011 famine in Somalia and putting more than 2 million suffering people at risk. To circumvent the blockade, humanitarian agencies and FGS successfully employed religious and clan leaders to act as intermediaries in negotiating humanitarian access." M. I. Shire, *Dialoguing and Negotiating with Al-Shabaab: The Role of Clan Elders as Insider-Partial Mediators*, 17 December 2020, <https://doi.org/10.1080/17531055.2020.1863099>.
- ³⁸⁴ The Somali Link Newspaper, *Hudur Town without Electricity for Days*, 21 March 2022, <https://somallinknewspaper.com/2022/03/21/hudur-town-without-electricity-for-days/>; Norwegian Refugee Council (NRC), *Water and Light Bring Hope to a Town under Siege*, 2 September 2021, www.nrc.no/perspectives/2021/water-and-light-bring-hope-to-a-town-under-siege/; UNSOM, *Somalia: Hunger and Struggle for Displaced Communities in Besieged Xudur Town*, 12 August 2021, <https://unsom.unmissions.org/somalia-hunger-and-struggle-displaced-communities-besieged-xudur-town>; Anadolu Agency, *Somalia Urges Urgent Humanitarian Aid in Southwest*, 17 January 2021, www.aa.com.tr/en/africa/somalia-urges-urgent-humanitarian-aid-in-southwest/2112634.
- ³⁸⁵ UNHCR, *Somalia: Population Dashboard*, 11 July 2022, <https://data.unhcr.org/en/documents/download/94207>; UNHCR, *Somalia Situation Population of Concern to UNHCR*, November 2021, www.ecoi.net/en/file/local/2066001/RB_Situations_Somalia_211130_1.pdf; OCHA, *2022 Humanitarian Response Plan: Somalia*, December 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/2022_Somalia_HRP.pdf, p. 9; OCHA, *Somalia Humanitarian Bulletin*, October 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/Humanitarian%20Bulletin_October_%202021_final.pdf, p. 1. "A total of 2,968,000 IDPs associated with conflict and violence were recorded in Somalia at the end of 2020." Internal Displacement Monitoring Centre (IDMC), *2021 Internal Displacement Index Report*, www.internal-displacement.org/sites/default/files/publications/documents/IDMC_Internal_Displacement_Index_Report_2021.pdf, p. 117.
- ³⁸⁶ UNHCR, *Somalia Situation: Population of Concern to UNHCR*, 24 June 2022, www.ecoi.net/en/file/local/2075185/RB_Situations_Somalia_220531.pdf. Conflict-induced displacement spiked in 2017 and 2018, with 388,000 persons and 578,000 persons newly displaced, respectively. Over 100,000 persons have been newly displaced by conflict each year since 2016. IDMC, *Somalia*, accessed 25 August 2022, www.internal-displacement.org/countries/somalia.
- ³⁸⁷ "Humanitarian agencies continued to face serious access challenges due to conflict, targeted attacks on aid workers, generalized violence, restrictions imposed by parties to the conflict, including arbitrary 'taxation' and bureaucratic hurdles, and physical constraints due to extreme weather. Al-Shabab continued to impose blockades on some government-controlled towns, notably the town of Hudur, and occasionally attacked civilians who broke them." HRW, *2021 World Report: Somalia*, January 2022, www.ecoi.net/en/document/2066476.html; "Armed conflict and insecurity are expected to drive needs and cause displacement, while simultaneously impeding effective humanitarian operations and access to communities in need." NRC, *Somalia Braces for Record Levels of Displacement as Drought Takes Hold*, April 2021, www.nrc.no/news/2021/april/somalia-drought/.
- ³⁸⁸ Other regions hosting large numbers of IDPs include Bay (16% of IDPs), Woqooyi Galbeed (7%), Sool (6%) and Togdheer (6%). UNHCR, *Somalia Situation: Population of Concern to UNHCR*, 2 March 2022, www.ecoi.net/en/file/local/2068851/RB_Situations_Somalia_220131.pdf.

During 2021, 544,000 people were newly displaced due to conflict.³⁸⁹ This number is projected to remain high in 2022.³⁹⁰ The UN Office for the Coordination of Humanitarian Affairs (OCHA) predicts that conflict and insecurity will remain two of the principal drivers of displacement and humanitarian needs in 2022.³⁹¹ Conflict will continue to exacerbate an already dire situation for the estimated 7.7 million persons in need of humanitarian assistance.³⁹²

Conflict between Al-Shabaab and government-affiliated forces caused regular displacement during 2021; for example, 1,100 persons were displaced in April in Hobyo district in Mudug, 8,303 persons were displaced in Berdale district in Bay in April, and 42,000 persons were displaced between June and August in Galmudug.³⁹³ In October 2021, conflict displaced over 100,000 persons in Galmudug State near Guri Ceel town.³⁹⁴ Clashes between Al-Shabaab and SNA forces displaced an estimated 13,800 people in the eastern villages of Balcad district in Middle Shabelle in January 2022.³⁹⁵

Clan conflicts also continue to cause displacement and are inflamed and exacerbated by climate-related shocks.³⁹⁶ In April 2021, election-related clashes in Mogadishu between political factions, reportedly split along clan lines, caused the displacement of 207,000 people.³⁹⁷ In early February 2022, two days of clan conflict between the Marihan and the Habar-Gedir in Balanbale district of Galgadud displaced 14,100 persons.³⁹⁸

³⁸⁹ Somalia Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, p.14. See also, UNHCR, *Somalia: Internal Displacement*, accessed 25 August 2022, <https://unhcr.github.io/dataviz-somalia-prmn/index.html#reason=&month=&need=&pregeion=&pdistrictmap=&cregion=&cdistrictmap=&year=2021>. Almost 200,000 persons were displaced in April due to election-related violence in Mogadishu. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 14, 16.

³⁹⁰ "In 2022, the conflict in Ethiopia is expected [to] have grave regional security implications that could further threaten prospects for peace and stability in Somalia." OCHA, *2022 Humanitarian Response Plan: Somalia*, December 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/2022_Somalia_HRP.pdf, p. 9. By the end of June 2022, UNHCR had recorded 129,000 persons who had been newly displaced due to conflict in 2022. UNHCR, *Somalia: Internal Displacements Monitored by Protection & Return Monitoring Network (PRMN)*, 8 July 2022, www.ecoi.net/en/file/local/2075522/UNHCR_Somalia_PRMN_InternalDisplacements_June+_2022.pdf. In addition, large-scale displacements in January 2022 of over 300,000 persons, while primarily driven by the drought, likely were also related to conflict. UNHCR / OCHA / IOM, *Somalia: Drought Displacement Monitoring Dashboard*, 3 April 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/20220404_Somalia_Drought%20Displacement%20Monitoring%20Dashboard-26%20March.pdf.

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

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

³⁹³ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 16.

³⁹⁴ OCHA, *Somalia: Flash Update on the Situation in Guri Ceel, Galmudug #2*, 26 October 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Flash%20Update%20on%20Guri%20Ceel%202022%20-%20final%20ver.pdf>, p. 1.

³⁹⁵ At least 9 civilians were killed in the clashes. Many of the IDPs settled in pre-existing Gargaar 1 and 2 IDP camps in Balcad, others moved in with relatives and some moved to Mogadishu. OCHA, *Update on Situation in Balcad, Middle Shabelle Region*, 10 February 2022, www.ecoi.net/en/file/local/2068205/20220130_ocha_update_on_humanitarian_situation_in_balcad_v2.pdf, p. 1.

³⁹⁶ "In addition to electoral violence, inter-clan conflict – driven by rivalries, land, property and resource control disputes – will continue to displace and affect households. These dynamics are closely interlinked with climate as inter-clan struggles over resources have been intensified by repeated climate shocks like drought and floods, which further reduce the availability of water and pastures." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 22.

³⁹⁷ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 16; NRC, *Factsheet: NRC's Operations in Somalia*, September 2021, www.nrc.no/globallassets/pdf/fact-sheets/2021/factsheet_somalia_sep2021.pdf, p. 1.

³⁹⁸ "The ensuing conflict has led to the displacement of approximately 14,100 individuals (2,350 households), as well as 43 deaths and 35 injuries. The families have been displaced to the following locations: Oodale, Qeydar, Ina-Cabaade, Balanbale, Turbi, Hodale and Kahadhaale." UNHCR, *Somalia: Protection and Return Monitoring*, 11 February 2022, www.ecoi.net/en/file/local/2068176/Somalia-protection-return-monitoring-11Feb+2022+%281%29.pdf, p. 1.

In December 2021, clashes in Puntland between rival political factions in Bossaso killed 15 civilians, injured 36 others and caused thousands to be displaced.³⁹⁹

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

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

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

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

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

³⁹⁹ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 53. See also, VOA, *Clashes in Northeast Somalia Force Thousands to Flee*, 25 December 2021, www.voanews.com/a/clashes-in-northeast-somalia-force-thousands-to-flee/6369722.html; Aljazeera, *Clashes in Northeast Somalia Force Thousands to Flee: Report*, 25 December 2021, www.aljazeera.com/news/2021/12/25/clashes-northeast-somalia-security-forces-thousands-flee.

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

⁴⁰¹ World Bank, *Somalia Urbanization Review: Fostering Cities as Anchors of Development*, 2021, <https://openknowledge.worldbank.org/handle/10986/35059>, p. 13. “[U]rban IDPs have less access to electricity, piped water, improved sanitation, improved housing, dwelling ownership, and internet compared to other non-IDP urban households. The lack of services in urban IDP sites is partially linked to the tenuous property status and land rights of IDPs, with landowners often disincentivized to invest in the area”. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 38-39.

⁴⁰² Ibid., p. 40.

⁴⁰³ “During the reporting period, in South Gaalkacyo, about 1,400 IDPs in Bula Jawan settlement in Galmudug Region are at risk of eviction, following an instruction from the landlord, despite living on the land since 2016. On 13 January, in Banadir, 400 IDPs were evicted from two settlements in Daynille and Garasbaly districts. The same day, nearly 1,300 people were reportedly evicted by non-state armed actors from Garasaley village, Wanla Weyn District, Lower Shabelle Region. The evictions are largely due to lack of security of tenure” OCHA, *Somalia: Humanitarian Bulletin*, 10 February 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Humanitarian%20Bulletin%20January%202022%20%20final%20over.pdf>, p. 3.

⁴⁰⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. OCHA reported that between September 2020 and August 2021 more than 130,000 IDPs had been forcibly evicted. *Tweet from OCHA Somalia*, 12 September 2021, <https://twitter.com/OCHASom/status/1437015979758919685?s=20>. An estimated 1,023,829 persons were evicted between 2017 and June 2021. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 63.

⁴⁰⁵ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 27.

⁴⁰⁶ Ibid., pp. 37, 39.

⁴⁰⁷ It is estimated that one-third of IDPs face food consumption gaps. Ibid., p. 83, see also pp. 7, 39, 91.

⁴⁰⁸ “Displaced women and girls face a heightened risk of sexual violence and harassment, abuse and intimate partner violence.” UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 46. “The Gender-Based Violence Information Management System (GBVIMS) reports that 76 per cent of GBV survivors are internally displaced, and 97 per cent are women and girls.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 35.

⁴⁰⁹ “In many ways, the Somali crisis is a children’s crisis. Children constituted the majority - 67 per cent - of the 573,000 people who were newly internally displaced between January and August 2021.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 35.

⁴¹⁰ Ibid., p. 38. “As displaced households lack the financial means to pay for school-related costs, and service provision at IDP sites is limited, Schools in rural areas are particularly affected, and those that remain open are reporting rapid decreases in enrolment.” UNICEF, *Humanitarian Situation Report No. 4*, 30 April 2022, www.unicef.org/media/121221/file/Somalia-Humanitarian-SitRep-No.%204-30-April-2022.pdf, p. 2. See also, World Bank, *Want to Keep Internally Displaced People in Somalia Out of Poverty? Increase Women’s Economic Opportunities*, 15 March 2022, <https://blogs.worldbank.org/africacan/want-keep-internally-displaced-people-somalia-out-poverty-increase-womens-economic>.

⁴¹¹ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 38.

displaced persons (IDPs) inside Somalia".⁴¹² Somalia also adopted National Eviction Guidelines and an Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons, addressing "the human rights implications of evictions in urban and rural areas by preventing arbitrary and forced eviction" and providing "for land and housing for vulnerable IDPs".⁴¹³ Puntland has policy guidelines on IDPs which it adopted in 2014,⁴¹⁴ and Somaliland adopted a policy framework on internal displacement in 2015.⁴¹⁵ Somalia acceded to the African Union Convention for the Protection and Assistance of Internally Displaced People (IDPs) in Africa ("Kampala Convention") in March 2020 after signing it in November 2019.⁴¹⁶

G. Refugees and Returnees

As of 31 July 2022, there were 658,397 refugees from Somalia in the region, with 279,200 refugees in Kenya (as of 30 June 2022), 249,573 refugees in Ethiopia, 69,366 refugees in Yemen and 60,394 refugees in Uganda.⁴¹⁷ According to Eurostat statistics, 10,135 Somalis applied for international protection in the EU in 2020.⁴¹⁸ Nearly 16,400 Somalis applied for international protection in the EU in 2021.⁴¹⁹ As of the end of 2020, Somalia was the seventh largest refugee producing country in the world, with an estimated 815,000 persons displaced across borders.⁴²⁰

In 2019, at the Global Refugee Forum, the governments of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda launched the IGAD regional support platform meant to "motivate and aggregate [...] support from the international community, civil society and the private sector" and "facilitate and coordinate the delivery of this technical and financial support for refugees, returnees and [...] host communities".⁴²¹ The support platform and its launch sought to reinvigorate the Nairobi Declaration and Plan of Action, adopted at an IGAD Special Summit on protection and durable solutions for Somali refugees and reintegration of returnees in Somalia in March 2017.⁴²²

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

⁴¹² Federal Government of Somalia, *National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)*, 2019, www.refworld.org/docid/5d8332c64.html, p. 12. See also, IDMC, *2021 Internal Displacement Index Report*, December 2021, www.internal-displacement.org/sites/default/files/publications/documents/IDMC_Internal_Displacement_Index_Report_2021.pdf, p. 117.

⁴¹³ International Development Law Organization, *Somalia Launches First Policy on Displaced Persons, Refugee-Returnees*, 17 December 2019, www.idlo.int/news/somalia-launches-first-policy-displaced-persons-refugee-returnees. See also, Federal Government of Somalia, *National Eviction Guidelines*, 2019, www.refworld.org/docid/5d8333ae4.html; Federal Government of Somalia, *Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons*, 2019, www.refworld.org/docid/5d8331024.html.

⁴¹⁴ The policy "aim[s] to improve the status and treatment of IDPs by raising awareness of their rights, to establish a strategy to facilitate effective responses to their needs and to ensure consistent co-ordination between local and national government and the humanitarian community." Puntland State of Somalia, *Puntland Policy Guidelines on Displacement*, 2014, www.refworld.org/docid/5a7ae7884.html.

⁴¹⁵ "The policy aims to establish a systematic, coordinated and principled response to displacement, and provide common guidance on improving IDPs' living conditions, protecting their rights and facilitating durable solutions." NRC / IDMC, *Adopting and Implementing Somaliland's Draft Policy Framework on Internal Displacement*, March 2015, www.internal-displacement.org/sites/default/files/publications/documents/201504-af-adopting-implementing-somaliland-draft-policy-framework-workshop-report-en.pdf, p. 4. See also, Republic of Somaliland, *Somaliland Internal Displacement Policy*, 10 September 2015, www.refworld.org/docid/5a7aea3c4.html.

⁴¹⁶ UNHCR, *UNHCR Welcomes Somalia deposit of the Instruments of Ratification of the Kampala Convention*, 6 March 2020, <https://data2.unhcr.org/en/documents/details/74417>; UNHCR, *UNHCR Welcomes Somalia's Ratification of the Kampala Convention*, 27 November 2019, www.unhcr.org/news/press/2019/11/5dde4fb04/unhcr-welcomes-somalias-ratification-kampala-convention.html.

⁴¹⁷ UNHCR, *Operational Data Portal: Horn of Africa Somalia Situation*, accessed 25 August 2022, <https://data2.unhcr.org/en/situations/horn>.

⁴¹⁸ Eurostat, *Data Browser: Asylum Applicants by Type of Applicant, Citizenship, Age and Sex - Annual Aggregated Data (Rounded)*, accessed 25 August 2022, https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYAPPCTZA_custom_2234649/default/table?lang=en. As of May 2022, there were over 13,000 pending asylum applications from Somali nationals in the EU. European Union Agency for Asylum (EUA), *Latest Asylum Trends: Somalia*, accessed 25 August 2022, <https://euaa.europa.eu/latest-asylum-trends-asylum>.

⁴¹⁹ EUA, *EUA Releases New Country Guidance: Somalia*, 15 June 2022, <https://euaa.europa.eu/news-events/euaa-releases-new-country-guidance-somalia>.

⁴²⁰ UNHCR, *Global Trends: Forced Displacement in 2020*, June 2021, www.unhcr.org/60b638e37.pdf, pp. 7, 18.

⁴²¹ IGAD, *The IGAD Support Platform Launched at Refugee Forum Is Proof of Commitment to Progressive Refugee Policies by Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda*, 16 December 2019, <https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/2321-the-igad-support-platform-launched-at-refugeeforum-is-proof-of-commitment-to-progressive-refugee-policies-by-djibouti-ethiopia-kenya-somalia-south-sudan-sudan-and-uganda>.

⁴²² UNHCR, *Concept Note: IGAD Support Platform for Implementation of the Nairobi Declaration*, undated, <https://bit.ly/3vOOIL8>; IGAD, *Nairobi Declaration On Somali Refugees*, 25 March 2017, <https://igad.int/communiqu/1519-communique-special-summit-of-the-igad-assembly-of-heads-of-state-and-government-on-durable-solutions-for-somali-refugees>; IGAD, *Nairobi Comprehensive Plan of Action for Durable Solutions for Somali Refugees*, 25 March 2017, <https://bit.ly/3vN1HHC>. In December 2021, regional governments convened a three-day meeting discussing the health components of the Nairobi Declaration and to draft a Plan of Action for Refugee Health, Returnees and Host Communities. IGAD, *IGAD Meet on Operationalising Health Component of Nairobi Declaration on Refugees*, 3 December 2021, <https://igad.int/divisions/health-and-social-development/health/2920-igad-meet-on-operationalising-health-component-of-nairobi-declaration-on-refugees>.

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

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

III. Assessment of International Protection Needs

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

Depending on the specific circumstances of the case, family members or other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.

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

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

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

⁴²³ The UNHCR Master Glossary defines forced return as: "The return of foreign nationals to their country of origin or country of transit against their will." Voluntary repatriation is defined as: "The free and informed return of refugees to their country of origin in safety and dignity. Voluntary repatriation may be organized (i.e. when it takes place under the auspices of the concerned States and/or UNHCR) or spontaneous (i.e. when refugees repatriate by their own means with little or no direct involvement from government authorities or UNHCR)." UNHCR, *Master Glossary of Terms*, accessed 25 August 2022, www.unhcr.org/glossary/.

⁴²⁴ RULAC, *Non-international Armed Conflict in Somalia*, accessed 25 August 2022, www.rulac.org/browse/conflicts/non-international-armed-conflict-in-somalia.

⁴²⁵ UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html, paras 32-39.

⁴²⁶ Ibid., paras 22-23.

⁴²⁷ Ibid., paras 11-13.

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

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

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

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

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

- (i) Cancellation of refugee status which was wrongly granted in the first instance;
- (ii) Revocation of refugee status on the grounds of Article 1F of the 1951 Convention; or
- (iii) Cessation of refugee status on the basis of Article 1C(1-4) of the 1951 Convention.⁴²⁸

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

A. Risk Profiles

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

Al-Shabaab embraces the Salafi doctrine of Takfirism, where opponents are labelled as apostates or infidels, and declares that the Somali government, and by extension those affiliated with it, are apostates.⁴²⁹ In 2019, a spokesperson stated that Al-Shabaab operations target the “apostate regime, [including] the apostate leaders, soldiers, army officials, members of parliament, ministers, members of

⁴²⁸ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, p. 137, www.refworld.org/docid/3be01b964.html.

⁴²⁹ GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 38.

so-called judicial system, apostate spies, and all those who work in the different sectors of the apostate regime.”⁴³⁰ For example, Al-Shabaab views certain hotels as legitimate targets and considers all those who enter or work at the hotel, including “hotel owners [...] cleaners, guards, cooks and other staff”, as enemy combatants.⁴³¹

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

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

⁴³⁰ UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 12.

⁴³¹ “[I]t has been noted that AS views certain hotels as legitimate targets, warning civilians not to get close to them. An AS member is quoted as saying that the group considers ‘five, six or seven hotels in Mogadishu as prime targets’ as they are known to host government officials, certain members of the Somali diaspora, foreigners and others seen as ‘infidels’. Harper notes that some hotels do indeed serve as homes and workplaces of senior government officials. According to a member of AS’s department for communications, the group considers ‘every person who visits or works at such hotels’, including hotel owners (who allow ‘members of government to live and visit their hotels’), cleaners, guards, cooks and other staff as enemies. Elaborating on this logic, the AS source is quoted as saying that the group considers such hotels to be ‘government buildings, not civilian buildings’. It has been reported that the group sometimes justified their attacks on these facilities by referring to them as military bases.” EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, pp. 87-88. The targeting of such public spaces can lead to significant civilian casualties. For example: “On 28 February 2019, at least 33 civilians were killed and 127 injured in a coordinated attack in the vicinity of the Maka Almukarama Hotel in Mogadishu. Al Shabaab claimed responsibility, stating that the targets were senior government officials and diplomats frequenting [the] Maka Almukaram Hotel.” UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 13.

⁴³² “Al-Shabaab has threatened retribution for anyone participating in the vote, whether as electors, delegates or candidates for office, calling the exercise an ‘apostate’ activity. Its warnings have aimed both to advertise the group’s position and to provide justification for attacks. At a March forum, the group defined any form of electoral participation as unbelief, in line with its perspective that democracy is a type of ‘infidelity’ that elevates the rule of human beings above that of God.” ICG, *Blunting Al-Shabaab’s Impact on Somalia’s Elections*, 31 December 2020, www.crisisgroup.org/africa/horn-africa/somalia/b165-blunting-al-shabaabs-impact-somalias-elections, p. 3.

⁴³³ All Banaadir, *Shiikh Cali dheere oo digniin culus u diray dadka ku howlan doorashada Somalia*, 2 September 2021, www.allbanaadir.org/?p=196414. The declaration of certain activities as apostate or infidel allows Al-Shabaab to justify targeting, for example, polling sites or election-related activities despite the likely collateral damage. GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/fi/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 38. See also, EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, pp. 87-88; ICG, *Somalia’s Divided Islamists*, 18 May 2010, www.files.ethz.ch/isn/116409/B74%20Somalias%20Divided%20Islamists.pdf. On 23 March 2022, Al-Shabaab attacked an election gathering in Beledweyne with two bombings; the first targeted a politician at a rally and the second targeted the survivors of the first bombing. See Reuters, *Death Toll from Twin Somalia Bombings Rises to 48: Regional Leader*, 24 March 2022, www.reuters.com/world/africa/death-toll-somalia-attack-that-killed-lawmaker-rises-15-state-tv-2022-03-24/; VOA, *Fatality Totals Rise in Somalia Attacks*, 24 March 2022, www.voanews.com/a/fatality-totals-rise-in-somalia-attacks-6500962.html.

⁴³⁴ “The acceleration in the electoral process led to increased Al-Shabaab attacks, mainly in the locations hosting parliamentary elections.” UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 15. See also, VOA, *Al-Shabab Increases Attacks as Elections Drag in Somalia*, 25 March 2022, www.voanews.com/a/al-shabab-increases-attacks-as-elections-drag-in-somalia-6501820.html.

⁴³⁵ OCHA, *Update on Situation in Balcad, Middle Shabelle Region*, 10 February 2022, www.ecoi.net/en/file/local/2068205/20220130_ocha_update_on_humanitarian_situation_in_balcad_v2.pdf, p. 1. “In particular, after the Federal Government and AMISOM forces conduct clear and hold operations to liberate areas from Al Shabaab, but leave the area without establishing any security presence, the return of Al Shabaab to these areas can result in reprisals against the local communities. For example, on 13 February 2018, in Mubarak village, Awdheegle District, Lower Shabelle Region, Al Shabaab held more than 76 civilians for approximately one week, including women and children. They accused them of showing support to the Federal Government and AMISOM forces during their operation in the village the day before.” UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 5.

⁴³⁶ “In areas where Al-Shabaab failed in or decided against pursuing direct control, mostly because of the deployment of Somali or international forces and/or the resistance of clan militia, it conducted interdiction operations along main supply routes or punished locals and traditional leaders to attempt to compel them to support its fight against security forces.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 12.

⁴³⁷ “When Al-Shabaab faced resistance from clan militia, such as from the Leeyan sub-clan in Bay and Bakool, and the Galjel sub-clan in Lower Shabelle, where protection by security forces was limited, the group abducted elders and evicted several villages, forcing the population to displace”.

it has influence but not control, Al-Shabaab imposes blockades and compels local populations and clan elders to support its cause.⁴³⁸

a) Clan Elders

Clan elders play a major role in Somali society⁴³⁹ and therefore have been targeted for abduction, harassment and killing by Al-Shabaab.⁴⁴⁰ In areas they control, Al-Shabaab “co-opt[s]” the clan structure to further their control.⁴⁴¹ Clan elders in areas controlled by Al-Shabaab must cooperate with the group or face severe consequences.⁴⁴² Al-Shabaab coerces clan elders into recruiting children and others for its ranks, setting quotas for how many fighters clan elders must provide within a given time period.⁴⁴³ Despite fearing for their safety, some clan elders reportedly stay under Al-Shabaab rule knowing that should they leave Al-Shabaab may appoint one of its own members as an intermediary instead.⁴⁴⁴ By early October 2021, it was reported that Al-Shabaab had appointed 13 clan elders in 2020 and 2021 in ceremonies where Al-Shabaab “provided the selected elder with a vehicle, an AK 47 rifle, a copy of the Quran and the group’s flag to demonstrate the allegiance of the clan to the cause”.⁴⁴⁵

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

Additionally: “Al-Shabaab compelled entire communities to displace in retaliation to military and territorial losses of the group. The order to displace was triggered by the perceived collaboration of these communities with Federal or Regional authorities or the facilitation of SNA and AMISOM military operations. For example, on 26 December 2020, the Al-Shabaab administration for Lower Shabelle based in Ugunji, gathered the elders of seven villages in Marka district and gave an ultimatum to the residents, to vacate their villages within 48 hours. Over 1,400 households (approximately 10,000 people from the Rahanweyn and Garre clans) were forced to abandon Buulo Dhuro, Daariyow, Falkooni, Farange, Gaariilow, Kamirow, and Shufeyri (see figure 1 for a breakdown of displacement) and displace to Buufow Bacaad and Mogadishu. Sources within the affected communities told the Panel that Al-Shabaab accused these displaced communities of having collaborated with AMISOM and SNA forces after these recovered Marka in March 2020.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 15.

See Section II.C.2 and Section II.E.

“Somali clan elders have historically been the primary source of conflict mediation within Somali society. Perceived as an informal institution, clan elders are the only group that possesses legitimacy across the broad spectrum of Somali society, including both Al-Shabaab and FGS. They have been instrumental in several interventions, *inter alia*, brokering temporary ceasefires, acting as trustworthy guarantors for high- and low-ranking Al-Shabaab defectors, and negotiating access to humanitarian deliveries in Al-Shabaab-controlled regions.” M. I. Shire, *Dialoguing and Negotiating with Al-Shabaab: The Role of Clan Elders as Insider-Partial Mediators*, 25 May 2020, www.tandfonline.com/doi/full/10.1080/17531055.2020.1863099.

“Abductions of clan elders, aid workers, business owners, women and children continue to be carried out by Al-Shabaab.” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 21. See also, Bertelsmann Stiftung, *BTI 2022 Country Report: Somalia*, 23 February 2022, www.ecoi.net/en/file/local/2069667/country_report_2022_SOM.pdf, p. 7.

M. Skjelderup, *Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012*, 7 August 2020, www.tandfonline.com/doi/full/10.1080/09592318.2020.1780686. See also, GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 41.

“The elders interviewed for this article unanimously described their position as very difficult, perceiving themselves as ‘marked men’. If the al-Shabaab rulers perceived them to be opponents and a threat to their authority, they were convinced al-Shabaab would not hesitate to kill them; this had happened to several elders after al-Shabaab conquered the area.” M. Skjelderup, *Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012*, 7 August 2020, www.tandfonline.com/doi/full/10.1080/09592318.2020.1780686.

US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, pp. 92-93; UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 120. For more information, see Section III.A.6.

“The clan elders who decided to stay under al-Shabaab rule did not do so because of deeply felt sympathies or to gain material benefits. They largely stayed because they were expected to work for the clan and to defend the clan’s interests. The elders knew that if they fled, al-Shabaab would replace them with someone else without heeding the clans’ traditional election mechanisms.” M. Skjelderup, *Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012*, 7 August 2020, www.tandfonline.com/doi/full/10.1080/09592318.2020.1780686.

UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 42, see also p. 43. “The group has accrued significant influence with some clans by coopting and coercing clan elders. The leadership initially sought to sideline clan elders but was forced to be more pragmatic and instead leverage the clan system, including empowering clan leaders who are responsive to the group.” GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 41.

US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 15.

Armed Conflict Location & Event Data (ACLED), *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

elders to boycott the forthcoming elections and to refuse government contracts.⁴⁵⁰ Additionally, in 2021 Al-Shabaab targeted villages and elders who were affiliated with ASWJ in retaliation for ASWJ fighting alongside the FGS in Middle Shabelle.⁴⁵¹

In July 2019, Al-Shabaab reportedly gave a 45-day ultimatum for clan elders involved in the selection of Members of Parliament for the FGS to “repent” or be killed.⁴⁵² The group claimed in September 2019 that 635 elders had repented of supporting democracy and registered with them.⁴⁵³

b) Electoral Delegates

As noted in Section II.B.2, the members of the Lower House of Parliament are elected by electoral delegates, who are themselves selected by clan elders.⁴⁵⁴ During the 2016-2017 election period, Al-Shabaab killed, threatened and harassed electoral delegates; delegates were warned in the following years not to take place in future elections.⁴⁵⁵ In July 2021, the leader of Al-Shabaab, Ahmed Abu Ubaidah, warned electoral delegates not to participate in the forthcoming parliamentary election, reminding them of the fate of previous delegates who were killed by the group.⁴⁵⁶ Al-Shabaab also contacted previous delegates directly and demanded they boycott the polls.⁴⁵⁷

Throughout 2021 and into 2022, Al-Shabaab killed and attacked electoral delegates across Somalia, and elders who were involved with the election process.⁴⁵⁸ Attacks intensified during February and March 2022, targeting polling locations, delegates and parliamentary candidates.⁴⁵⁹ Notably, Al-

⁴⁵⁰ ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁵¹ “During the reporting period [16 December 2020 to 6 September 2021], Ahlu Sunna wal Jama’a elements, whom the Federal Government of Somalia planned to integrate into the security forces, in Middle Shabelle have been used in the fight against Al-Shabaab on limited occasions. Al-Shabaab continued to punish villages affiliated with Ahlu Sunna wal Jama’a and their elders.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 16.

⁴⁵² Radio Dalsan, *Al-Shabab Gives Clan Elders 45 day Ultimatum to Repent or Be Killed for Appointing Federal MPs*, 16 July 2019, <https://en.radiodalsan.com/61181/2019/07/al-shabab-gives-clan-elders-45-day-ultimatum-to-repent-or-be-killed-for-appointing-federal-mps/>.

⁴⁵³ Critical Threats, *Gulf of Aden Security Review*, 3 September 2019, www.criticalthreats.org/briefs/gulf-of-aden-security-review/gulf-of-aden-security-review-september-3-2019.

⁴⁵⁴ For the February 2022 election, clan elders picked 27,775 delegates which then selected the 275 members of the Lower House of Parliament. Africa Center for Strategic Studies, *Africa’s Complex 2022 Elections: Restoring Democratic Processes*, 11 January 2022, <https://africacenter.org/spotlight/elections-2022/>; ICG, *Blunting Al-Shabaab’s Impact on Somalia’s Elections*, 31 December 2020, www.crisisgroup.org/africa/horn-africa/somalia/b165-blunting-al-shabaabs-impact-somalias-elections.

⁴⁵⁵ ICG, *Blunting Al-Shabaab’s Impact on Somalia’s Elections*, 31 December 2020, www.crisisgroup.org/africa/horn-africa/somalia/b165-blunting-al-shabaabs-impact-somalias-elections.

⁴⁵⁶ “Ubaidah urged delegates to reconsider their decision to participate in this year’s election, adding that those who defy al-Shabab will not be safe.” VOA, *Al-Shabab Threatens to Disrupt Upcoming Somali Elections*, 21 July 2021, www.voanews.com/a/africa_al-shabab-threatens-disrupt-upcoming-somali-elections/6208532.html.

⁴⁵⁷ ICG, *Blunting Al-Shabaab’s Impact on Somalia’s Elections*, 31 December 2020, www.crisisgroup.org/africa/horn-africa/somalia/b165-blunting-al-shabaabs-impact-somalias-elections.

⁴⁵⁸ “Al-Shabaab [...] killed prominent peace activists, community leaders, clan elders, electoral delegates, and their family members for their roles in peace building”. US Department of State, *2020 Country Report on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html. In 2020: “Al-Shabaab’s attacks on civilians mainly took the form of shootings at government officials (ACLED here also includes members of government forces who were off duty at the time they were attacked), clan leaders and businesspeople. Many of those killed were intended for a role as election delegates/candidates or had such a role during the election in 2016.” Landinfo, *Somalia: Violence in Mogadishu and Developments Since 2012*, 30 October 2020, <https://landinfo.no/wp-content/uploads/2021/01/Query-response-Somalia-Violence-in-Mogadishu-and-developments-since-2012-30102020.pdf>, p. 5. The following examples are not exhaustive, and are drawn from data from ACLED. On 15 March 2022, Al-Shabaab killed a newly elected electoral delegate in Mogadishu. Al-Shabaab shot and killed an electoral delegate in Afgooye on 7 March 2022. Al-Shabaab killed a woman electoral delegate in Hiraan on 28 February 2022. On 22 January 2022 in Afgooye town, Al-Shabaab killed an electoral delegate for the Southwest State. Another delegate was shot and killed by Al-Shabaab on 20 January 2022 in Mogadishu. A delegate for Hirshabelle was killed in Mogadishu by Al-Shabaab on 15 January 2022. Al-Shabaab killed a clan elder and delegate on 8 January 2022 in Mogadishu. Two delegates for Southwest State were killed on 21 December 2021. Al-Shabaab killed a clan elder and delegate in Mogadishu on 29 November 2021. Another delegate was killed in Mogadishu on 28 November 2021. Al-Shabaab killed a traditional elder in Mogadishu who was rumored to be a delegate on 22 August 2021. Another elder was killed in Mogadishu on 9 May 2021 who was also a delegate for Southwest State. On 2 January 2021, Al-Shabaab killed an electoral delegate and elder in Buur Xakaba town. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁵⁹ “Al-Shabaab stepped up attacks on electoral premises and officials [...] Mortar attacks temporarily disrupted voting in Barawe on 9 February [2022], while a suicide blast in Beledweyne killed at least thirteen people, including three parliamentary candidates, on 19 February [2022]. In the capital Mogadishu, a suicide attack on a convoy of Somaliland election delegates killed eight people on 10 February [2022]. Six days later, in its most coordinated raids in Mogadishu in at least a year, Al-Shabaab targeted multiple police stations, security checkpoints and government officials, killing a dozen people.” ICG, *CrisisWatch Digest: Somalia*, February 2022, <https://d2071andvip0wj.cloudfront.net/somalia-feb-2022.pdf>. “Al-Shabaab launched [the] deadliest attack to date on election venues leaving almost 50 killed, while Lower House elections inched forward. Al-Shabaab [on] 23 March [2022] launched twin suicide attacks near [an] election venue in Hirshabelle state’s Beledweyne city, killing at least 48 including current MP Amina Mohamed Abdi. Al-Shabaab [on the] same day raided Mogadishu’s Halane airport compound, breaching [the] airport perimeter for [the] first time since 2014 and killing at least six, including five foreign nationals. Al-Shabaab militants [on] 7 and 15 March [2022] also shot dead two electoral delegates in Lower Shabelle region (South West state) and [the] capital Mogadishu respectively.” ICG, *CrisisWatch Digest*, March 2022, www.crisisgroup.org/crisiswatch/april-alerts-and-march-trends.

Shabaab targeted a minibus carrying electoral delegates on 10 February 2022, killing at least six people; the group claimed responsibility and said the attack was “against a convoy of the apostate government” and expressly to target “delegates selecting lawmakers”.⁴⁶⁰ On 18 and 21 January 2021, Al-Shabaab killed two traditional elders, one in Mogadishu and one in Afgooye, both of whom had participated as delegates in the 2016 election.⁴⁶¹

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

c) Government Officials and Workers

UNSOM noted in March 2021 that Al-Shabaab had “increased its operational tempo since August 2020” and attacks against government officials saw “a new peak” in the beginning of 2021.⁴⁶³ This trend has continued into 2022, with Al-Shabaab directly targeting and killing civilian government officials and workers.⁴⁶⁴ During 2021 and 2022, directors and others with managerial responsibilities have been targeted,⁴⁶⁵ but so have judges and prosecutors,⁴⁶⁶ tax collectors and lower-level officials.⁴⁶⁷ Former

⁴⁶⁰ Swiss Info, *Car Bomb Targeting Somalia Election Delegates Kills Six*, 10 February 2022, www.swissinfo.ch/eng/car-bomb-targeting-somalia-election-delegates-kills-six/47337106. See also, Garowe Online, *Al-Shabaab Strikes Thrice Amid Elections in Somalia*, 10 February 2022, www.garoweonline.com/en/news/somalia/al-shabaab-strikes-thrice-amid-elections-in-somalia; ICG, *CrisisWatch Digest: Somalia*, February 2022, <https://d2071andvip0wj.cloudfront.net/somalia-feb-2022.pdf>.

⁴⁶¹ ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁶² Al-Shabaab killed clan elders who were also electoral delegates on 9 July 2022, 14 June 2022, 13 June 2022, 1 June 2022, 27 May 2022 and 14 May 2022. Ibid.

⁴⁶³ UNSOM, *UNSOM Newsletter*, March 2021, www.ecoi.net/en/file/local/2052835/unsom_quarterly_newsletter_mar_2021.pdf, p. 2. “Al-Shabaab also continues to carry out targeted assassinations of government authorities and public executions of individuals perceived to be close to government authorities.” UN Security Council, *Letter Dated 28 September 2020 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Addressed to the President of the Security Council*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, (hereafter: UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf), para. 133.

⁴⁶⁴ Examples include the targeting of a government official who worked with the ministry of transport on 20 February 2022 in Mogadishu, the killing of a former section head of Dharkenley district in Mogadishu on 26 February 2022 and the killing of a youth chairman in Baidoa on 4 February 2022. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>. “The group conducted attacks targeting Turkish construction workers near Afgoye, guests at a hotel in Mogadishu, civilian Ministry of Defense staff, and villagers in Lower Shabelle, among many others.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁴⁶⁵ Al-Shabaab killed a woman director of administration and finance who worked for the Ministry of Labour and Social Affairs on 26 January 2022 in Mogadishu. Mustaqbal Media, *Safiya Abukar Karani Director of Administration and Finance of Ministry of Labour and Social Affairs Shot Dead in Mogadishu*, 27 January 2022, <https://mustaqbalmedia.net/en/safiya-abukar-karani-director-of-administration-and-finance-of-ministry-of-labour-and-social-affairs-shot-dead-in-mogadishu/>; Somali National News Agency, *Director of Admin and Finance of Ministry of Labour Shot Dead in Mogadishu*, 26 January 2022, <https://sonna.so/en/director-of-admin-and-finance-of-ministry-of-labour-shot-dead-in-mogadishu/>. A district branch chairman was shot and injured by Al-Shabaab on 15 November 2021. A district branch chairman was killed in Xariyaale neighbourhood in Mogadishu on 9 October 2021 by Al-Shabaab. Al-Shabaab killed a Jubbaland administrative official on 1 September 2021. Al-Shabaab killed the district branch head for Afgooye district on 9 July 2021, and the district branch head for Kahda district in Mogadishu on 7 July 2021. After a raid on a military base, Al-Shabaab abducted and killed the deputy mayor of Koday Island and another Jubbaland official. Al-Shabaab killed the head of Dharkenley district social affairs on 28 April 2021 in Mogadishu. Al-Shabaab killed a senior member of the Afgooye administration in Lower Shabelle on 20 April 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁶⁶ UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, para. 12; ABC News, *Bomb Kills 11 near Judge's Home, Hotel in Somali Capital*, 1 March 2019, <https://abcnews.go.com/International/wireStory/witnesses-explosion-gunfire-heard-somali-capital-61392463>. “On Jan. 2, 2018, [...] [Hassan Ali Nur Shute, judge and chairman of the Somali National Armed Forces military court] received a phone call that his dad had been assassinated. Al-Shabab claimed responsibility for the killing. Shute also has lost colleagues to al-Shabab killings: Deputy Attorney General Mohamed Abdirahman Mursal in March 2019, criminal investigator Hassan Dhare in April 2018, and military court prosecutor Abdullahi Hussein Mohamed in October 2016. On the day of Mohamed's death, an al-Shabab spokesman had threatened retaliation for executions ordered by the court.” VOA, *Al-Shabab Fears Somalia's Military Court, Judge Says*, 14 January 2022, www.voanews.com/a/al-shabab-fears-somalia-s-military-court-judge-says-6397204.html. On 24 February 2022, Al-Shabaab killed a judge in Mogadishu. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁶⁷ Al-Shabaab targeted the Kahda district official who was in charge of property tax collection with an IED in Mogadishu on 4 June 2022. A civilian who worked for Wardhigley district as a finance officer was killed by Al-Shabaab while shopping on 24 November 2021. A municipal tax collector was shot and killed by Al-Shabaab on 31 August 2021 in Mogadishu and another tax collector was killed by Al-Shabaab in Bardera town on 29 August 2021. Al-Shabaab killed a local official in Xararyale village in Mogadishu on 24 August 2021, a local official in Juungal village in Mogadishu on 18 July 2021, and another on 17 July 2021. Al-Shabaab killed a government official who worked for the Karan district treasury in Jamhuuriya neighbourhood in Mogadishu on 31 October 2021. Al-Shabaab killed a lawyer working with the Ministry of Justice in Mogadishu on 8 May 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>. See also, UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 134; BBC, *Somalia Restaurant Attack: Six Killed by Al-Shabab*, 4 July 2020, www.bbc.com/news/world-africa-53289992; New York Times, *Attacks in Somalia Leave at Least 5 Dead*, 4 July 2020, www.nytimes.com/2020/07/04/world/africa/somalia-bombing-mogadishu.html.

government officials have also been targeted and killed.⁴⁶⁸ Attacks in the past have targeted the President of Puntland,⁴⁶⁹ the mayor of Mogadishu and government ministers.⁴⁷⁰

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

The Hamar Jajab district commissioner in Mogadishu, Mohamed Abdi Ahmed, was shot and killed by Al-Shabaab on 16 April 2021.⁴⁷⁶ Al-Shabaab members raided the house of the head of the Buur Hakaba district court, took him to the edge of town and beheaded him on 22 December 2021.⁴⁷⁷ The former governor of Hiraaan, Abdirahman Ibrahim Maow, was shot and killed by two militants from Al-Shabaab on 22 January 2022 after leaving a mosque.⁴⁷⁸

In Puntland, Al-Shabaab assassinated the governor of Nugal, Abdisalam Hassan Hersi, on 29 March 2020, and the governor of the Mudug region, Ahmed Muse Nur, on 17 May 2020; the group also attempted to kill the Minister for Internal Security in Somalia on 18 July 2020.⁴⁷⁹

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

⁴⁶⁹ Goobjoog News, *Puntland President Escapes Assassination [sic] Attempt in Bosaso*, 21 February 2022, <https://goobjoog.com/english/puntland-president-escapes-assassination-attempt-in-bosaso/>.

⁴⁷⁰ All Africa, *Somalia: Local MP Killed in Puntland*, 23 March 2020, <https://allafrica.com/stories/202003230965.html>. See also, CNN, *Mogadishu Mayor Dies of Wounds Following Al-Shabaab Attack*, 1 August 2019, <https://edition.cnn.com/2019/08/01/africa/mayor-dead-alshabaab-attack-intl/index.html>; Reuters, *Al Shabaab Attack on Somali Ministry in Mogadishu Kills at Least 15*, 23 March 2019, www.reuters.com/article/us-somalia-security-idUSKCN1R408N. In July 2022: “Al Shabaab continued to target political figures, killing a district commissioner of Marka and a Southwest minister.” ACLED, *Regional Overview: Africa 23-29 July 2022*, 4 August 2022, <https://acleddata.com/2022/08/04/regional-overview-africa-23-29-july-2022/>.

⁴⁷¹ Aljazeera, *‘Children of Hell’: Somali PM Decries Al-Shabab after Hotel Siege*, 22 August 2022, www.aljazeera.com/news/2022/8/22/somalia-pm-barre-pledges-accountability-over-deadly-hotel-siege; BBC, *Somalia Hotel Siege: More than 20 Die in Al-Shabab Attack*, 22 August 2022, www.bbc.com/news/world-africa-62621205; Reuters, *Somalia Militants Attack Hotel in Mogadishu, at Least 12 Killed*, 21 August 2022, www.reuters.com/world/africa/least-12-killed-somalia-hotel-siege-intelligence-officer-says-2022-08-20/.

⁴⁷² Reuters, *Somali Government Spokesperson Wounded in Suicide Bomb Attack – Police, State Media*, 17 January 2022, www.reuters.com/world/africa/somalia-government-spokesperson-wounded-blast-capital-reuters-witness-state-2022-01-16/.

⁴⁷³ A suicide car bomb at a hotel in Jowhar targeting the health minister of Hirshabelle State killed three persons and injured 14 on 17 July 2022. Anadolu Agency, *Suicide Car Bombing Kills 3, Wounds 14 in Somalia*, www.aa.com.tr/en/africa/suicide-car-bombing-kills-3-wounds-14-in-somalia/2638792. On 11 September 2020 a suicide bomb in Kismaayo killed the Chairman of the Jubbaland Chamber of Commerce. Both the Director of the Immigration and Naturalization Department and the Qansaxdheere District Commissioner survived assassination attempts by remote-controlled explosives in October 2020. In the latter incident, three people were killed, including a local NGO worker. UN Security Council, *Situation in Somalia*, 13 November 2020, S/2020/1113, www.ecoi.net/en/file/local/2041334/S_2020_1113_E.pdf, para. 14. On 10 April 2021, Al-Shabaab set off an improvised explosive device in a restaurant, targeting the governor of the Bay Region, who survived the attack. UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 18. After a bombing in December 2019 which killed at least 90 people, including civilians, an Al-Shabaab spokesperson justified the loss of civilian life, saying “[p]rotecting religion comes before saving a life.” VOA, *Al-Shabab Claims Responsibility for Deadly Bombing in Somali Capital*, 30 December 2019, www.voanews.com/a/africa_al-shabab-claims-responsibility-deadly-bombing-somali-capital/6181826.html. See also, Garowe Online, *Turkey and US Condemn Al-Shabaab Twin Attacks in Somalia*, 28 July 2022, www.garoweonline.com/en/news/somalia/turkey-and-us-condemn-al-shabaab-twin-attacks-in-somalia.

⁴⁷⁴ Al-Shabaab has regularly targeted restaurants, despite the risk of collateral damage. UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 15. See also, UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 17; EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, pp. 87-88.

⁴⁷⁵ UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, para. 14.

⁴⁷⁶ *Tweet from Shabelle Media Network*, 16 April 2021, <https://twitter.com/shabellemedia/status/1383170105710931972?lang=ga>; ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁷⁷ ACLED, *ACLED Regional Overview – Africa (11 December 2021 - 7 January 2022)*, 12 January 2022, <https://reliefweb.int/report/burkina-faso/acleddata-regional-overview-africa-11-december-2021-7-january-2022>. See also, ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁷⁸ Garowe Online, *Ex-Governor Turned Candidate Running for Parliamentary Seat Killed in Somalia*, 23 January 2022, www.garoweonline.com/en/news/somalia/ex-governor-turned-candidate-running-for-parliamentary-seat-killed-in-somalia; Somaliland.com, *Al Shabab Assassinates Former Governor of Hiraaan Region*, 23 January 2022, www.somaliland.com/news/featured-news/al-shabab-assassinates-former-governor-of-hiraaan-region/.

⁴⁷⁹ UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 133.

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

Al-Shabaab has continuously targeted police officers (both on and off-duty) and off-duty members of the security forces, including SNA and NISA officers.⁴⁸⁰ During 2021 and into 2022, off-duty police officers were targeted and killed or injured by Al-Shabaab while shopping or near or inside their own homes, primarily in Mogadishu⁴⁸¹ but also in Jubbaland⁴⁸² and Puntland.⁴⁸³ Al-Shabaab targeted and killed off-duty soldiers in Mogadishu, Afgooye and other parts of South and Central Somalia.⁴⁸⁴

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

e) Humanitarian Workers

Al-Shabaab has regularly targeted international and national humanitarian workers and development workers including employees of international organizations and employees of national non-

⁴⁸⁰ For example, a dual Al-Shabaab strike on a police checkpoint and a police station in Mogadishu in February 2022 left five people dead and at least 16 wounded. Africanews, *5 Killed in Twin Al-Shabaab Attacks in Somalia Say Police*, 16 February 2022, www.africanews.com/2022/02/16/5-killed-in-twin-al-shabaab-attacks-in-somalia-say-police/. See also, VOA, *Al-Shabab Attacks on Mogadishu Police Stations Leave at Least 5 Dead*, 16 February 2022, www.voanews.com/a/al-shabab-attacks-on-mogadishu-police-stations-leave-at-least-5-dead/6444293.html; Reuters, *Suicide Bombing by Somalia's Al Shabaab Group Kills Six*, 10 May 2021, www.reuters.com/world/africa/suicide-bomber-kills-six-police-officers-somali-capital-police-2021-05-10/.

⁴⁸¹ Off-duty police officers were killed in Mogadishu on 10 May 2022, 25 April 2022, 24 April 2022 and 14 April 2022. Two off-duty police officers were shot and killed by suspected Al-Shabaab members on 10 January 2022 in Mogadishu. On 30 December 2021, Al-Shabaab killed an off-duty police officer in Mogadishu who was shopping. On 14 November 2021, Al-Shabaab forced their way into the house of a woman who worked as a Southwest Special Police Forces member and killed her. Al-Shabaab killed an off-duty police officer on 7 November 2021 in a minimarket in Mogadishu. Two off-duty police officers were killed in Mogadishu by Al-Shabaab on 6 October 2021, and another on 28 September 2021. An off-duty police officer was killed in front of his home on 29 June 2021 in Mogadishu, and a senior off-duty police officer was killed by Al-Shabaab by his house in Mogadishu on 12 April 2021. Another off-duty police officer was killed by Al-Shabaab on 25 January 2021 in Mogadishu. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁸² Al-Shabaab killed an off-duty Jubbaland police officer in Bardera town on 15 October 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁸³ Al-Shabaab killed an off-duty Puntland police officer on 26 January 2022 who had previously commanded a checkpoint in Bossaso town, and an off-duty Puntland police officer in Garsoor village on 31 March 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁸⁴ Off-duty intelligence officers were killed by Al-Shabaab on 15 December 2021 in Marka, Lower Shabelle and on 30 November 2021 in Afgooye, Lower Shabelle. An off-duty woman soldier was killed at her home by Al-Shabaab on 12 November 2021. Another off-duty soldier was shot the same day outside of his house in Mogadishu, and two other off-duty soldiers were shot in a market in Lower Shabelle on 10 November 2021. On 27 October 2021, Al-Shabaab killed an off-duty soldier in Afgooye, Lower Shabelle, while he was travelling back from Mogadishu. Al-Shabaab killed off-duty soldiers in Mogadishu on 25 October 2021, 13 October 2021, 26 September 2021, two off-duty soldiers on 19 September 2021, and others on 18 September 2021 and 15 September 2021. Another off-duty soldier was killed by Al-Shabaab in Afgooye on 30 August 2021, and two others in Mogadishu on 25 August 2021 and 11 August 2021. Another was killed in Weydow IDP settlement in Mogadishu on 23 July 2021. An off-duty soldier was killed while shopping in Afgooye on 3 July 2021. Off-duty soldiers were also shot (one killed, one injured) on 31 and 11 May 2021 in Afgooye. A former soldier was killed by Al-Shabaab near Baidoa town while taking public transport. An off-duty soldier was shot and injured by Al-Shabaab on 28 February 2021 in Belet Weyne town, and another on 28 February 2021 on his way home at Tabeelaha-Weydow village. Another off-duty government soldier was killed at Warlaliska village on 10 February 2021, and two on 7 February 2021 in Mogadishu and 3 February 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁴⁸⁵ AP, *Al-Shabab Claims Deadly Bombing Near Somali Military Camp*, 18 January 2022, <https://apnews.com/article/al-shabab-somalia-africa-europe-turkey-51c34737383b934b3253ded311b1c87f>.

⁴⁸⁶ Reuters, *Suicide Bombing by Somalia's Al Shabaab Group Kills Six*, 10 May 2021, www.reuters.com/world/africa/suicide-bomber-kills-six-police-officers-somali-capital-police-2021-05-10/.

⁴⁸⁷ UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, para. 14.

⁴⁸⁸ UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 133.

governmental organizations (NGOs).⁴⁸⁹ According to OCHA, during 2021, “humanitarian workers [were] frequently been targeted for carrying out lifesaving humanitarian activities”.⁴⁹⁰

During 2021, two aid workers were killed, one was kidnapped and three more were injured.⁴⁹¹ This was an improvement from 2020, when 12 aid workers were killed, 18 were abducted, 21 were injured and another 24 were detained, with most violations taking place in Mogadishu, Southwest and Jubbaland.⁴⁹² A women’s advocate and NGO staff member was killed in a targeted bombing in Dinsor, Bay region, on 23 May 2020; she had previously received death threats from Al-Shabaab.⁴⁹³

According to Freedom House, “civil society groups, international nongovernmental organizations (NGOs), and UN agencies have been able to conduct a wide range of activities in some parts of the country, but they face difficult and often dangerous working conditions”; “[r]egional authorities and security forces have reportedly harassed, extorted, obstructed, and attempted to control” them.⁴⁹⁴ The Somaliland Ministry of Planning and National Development reviewed the licenses of 2608 local NGOs according to a 16 August 2020 directive; on 8 September 2020, the Ministry revoked the licenses of 2,372 NGOs.⁴⁹⁵

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

Al-Shabaab regularly arrests and publicly executes persons, including civilians, who they allege are spies for the FGS or for foreign forces.⁴⁹⁶ This has included persons that they suspect of providing information for airstrikes by foreign forces.⁴⁹⁷ A specialized intelligence unit within the group, the

⁴⁸⁹ See, for example, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; Insecurity Insight, *Aid Workers Kidnapped 2020*, 18 May 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/2020-Aid-Workers-Kidnapped.pdf>, pp. 1-2; ABC News, *Somalia Says 8 ‘Very Young’ Aid Workers Abducted, Killed*, 29 May 2020, <https://abcnews.go.com/International/wireStory/somalia-young-aid-workers-abducted-killed-70950147>; VOA, *Kidnapped Italian Aid Worker Held in Somalia Returns Home*, 10 May 2020, www.voanews.com/a/africa_kidnapped-italian-aid-worker-held-somalia-returns-home/6189037.html. “Al-Shabaab continues to threaten and directly target humanitarian workers when their community support activities are not acceptable to the group.” UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 127.

⁴⁹⁰ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 32. “Al-Shabaab continues to implement hostile policies against most humanitarian organizations, directing local populations to not accept assistance from some humanitarian organizations, further punishing communities that do not oblige and directly targeting the organizations’ personnel or assets, or directing local populations to do so.” UN Security Council, *Letter Dated 12 October 2020 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Addressed to the President of the Security Council*, 15 October 2020, S/2020/1004, www.undocs.org/S/2020/1004 (hereafter: UN Security Council, *Letter Dated 12 October 2020*, 15 October 2020, S/2020/1004, www.undocs.org/S/2020/1004), para. 31. Historically, Al-Shabaab’s attitude towards foreign aid organizations and even local NGOs has been antagonistic. Al-Shabaab has previously banned aid agencies and organizations from working in certain areas and levied taxes on humanitarian aid. See, for example, Geneva Call, *In Their Words: Perceptions of Armed Non-State Actors on Humanitarian Action*, May 2019, www.genevacall.org/wp-content/uploads/2019/05/WHIS_Report_2016_web.pdf, pp. 18-19; CNN, *Funding Al-Shabaab: How Aid Money Ends Up in Terror Group’s Hands*, 12 February 2018, <https://edition.cnn.com/2018/02/12/africa/somalia-al-shabaab-foreign-aid-intl/index.html>; Norwegian Peacebuilding Resource Centre, *Red Lines and Al-Shabaab: Negotiating Humanitarian Access in Somalia*, March 2015, www.files.ethz.ch/isn/191209/Belliveu_NOREF_Clingendael_Negotiating%20with%20Al%20Shabaab_Mar%202015.pdf.

⁴⁹¹ OCHA / Insecurity Insight, *Aid Worker KKA (Killed, Kidnapped or Arrested)*, accessed 25 August 2022, <https://data.humdata.org/dataset/sind-aid-worker-kka-dataset>. See also, OCHA, *Humanitarian Access Overview: Somalia*, 23 December 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/20211228%20Somalia%20-%20Q3%20Access%20Snapshot.pdf>, p. 2.

⁴⁹² There was a similar number of incidents in 2019, with “12 aid workers killed, 21 injured, 18 abducted and 24 temporarily detained.” OCHA, *Somalia: 2020 Humanitarian Access Overview*, 4 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/ACCESS%20SNAPSHOT%202020_V4.pdf, p. 2.

⁴⁹³ In another incident in May 2020, seven medical staff from an NGO were abducted and killed by unknown gunmen. UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, paras 127-128.

⁴⁹⁴ Freedom House, *Freedom in the World 2022: Somalia*, 28 February 2022, www.ecoi.net/en/document/2074674.html.

⁴⁹⁵ OCHA, *Somalia: Humanitarian Access Overview*, 23 December 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/20211228%20Somalia%20-%20Q3%20Access%20Snapshot.pdf>, p. 2; Somaliland Standard, *SL Revokes Licenses of Thousands of NGO’s*, 9 September 2021, <https://somalilandstandard.com/si-revokes-licenses-of-thousands-of-ngos/>.

⁴⁹⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. “Al Shabaab uses public executions as one of its methods to punish acts it considers as crimes and in many instances forces the civilian population to attend and watch them carried out. Public executions are also intended to intimidate populations under their control and to send a clear message of what would happen to anyone not complying with their rules. With the same aim, Al Shabaab described publicly accusations of spying for the Government or for international forces as the main reason for the executions.” UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 9.

⁴⁹⁷ “On 4 November 2018, Al Shabaab reportedly held 10 civilian community elders from Abayow village, Walanwen District, Lower Shabelle, accusing them of spying for foreign forces and the Government. The incident reportedly occurred after an unidentified airstrike in support of Somali Special Forces hit a target in Abayow village earlier that day, killing 11 Al Shabaab militants.” UNSOM / OHCHR, *Protection of Civilians Report: Building*

Amniyat, is responsible for identifying alleged spies among the civilian population, in addition to targeting alleged spies, defectors and dissidents in Al-Shabaab's own ranks.⁴⁹⁸ Persons accused of spying often undergo "unfair trials" in Al-Shabaab courts, without access to lawyers.⁴⁹⁹ From 1 January 2017 to 31 December 2019, Al-Shabaab "was [...] responsible for 1,745 incidents of arbitrary deprivation of liberty, with most victims suspected of spying for the Government of Somalia or foreign forces, or for otherwise cooperating with the Somali authorities."⁵⁰⁰

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

g) Summary

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

the Foundation for Peace, Security and Human Rights in Somalia, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, para. 17. "Al-Shabaab routinely executed civilians accused of espionage and of providing information leading to airstrikes by the United States. On 31 March 2019, for instance, Al-Shabaab publicly executed four men accused of espionage in Kamsuuma village, Lower Juba. On 18 December 2018, the group also publicly executed a civilian accused of cooperating with AMISOM in Gamboole village, west of Jowhar town, Middle Shabelle region. On 3 and 4 July 2019, in Hagar and in Salagle, Middle Juba region, Al-Shabaab publicly executed, by firing squad, 10 civilians accused of spying for foreign and Somali security forces. On 7 July 2019, the group executed four civilians in Jamame, Lower Juba region, accused of spying for the Governments of Kenya and Somalia." UN Security Council, *Letter Dated 1 November 2019 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Addressed to the President of the Security Council*, 1 November 2019, S/2019/858, www.ecoi.net/en/file/local/2019947/S_2019_858_E.pdf, para. 141.

⁴⁹⁸ "[M]embers of the group fear the wrath of the organization, especially the intelligence unit, the Amniyat. This notorious unit is charged with rooting out spies, punishing those engaging in corruption, or eliminating defectors. It is notorious for imprisoning such individuals as well as dissidents of al-Shabaab leaders." GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 38. See also, Early Warning Center, *How Do Terrorist Organizations Intelligence Bodies Work?*, 30 June 2020, <https://ewc-center.com/2020/06/30/how-do-terrorist-organizations-intelligence-bodies-work/?lang=en>; BBC, *Somalia's Frightening Network of Islamist Spies*, 27 May 2019, www.bbc.com/news/world-africa-48390166; Jamestown Foundation, *Reclaiming Lost Ground in Somalia: The Enduring Threat of Al-Shabaab*, 28 July 2017, <https://jamestown.org/program/reclaiming-lost-ground-in-somalia-the-enduring-threat-of-al-shabaab/>.

⁴⁹⁹ HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. See also, Anadolu Agency, *Al-Shabaab Terrorists Publicly Execute 7 in Somalia*, 31 July 2022, www.aa.com.tr/en/africa/al-shabaab-terrorists-publicly-execute-7-in-somalia/2649910; UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 26; Facility for Talo and Leadership, *Al-Shabaab Execute Two Men for Spying for HirShabelle Administration*, 26 September 2020, www.ftlsomalia.com/al-shabaab-execute-two-men-for-spying-for-hirshabelle-administration/; UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 12.

⁵⁰⁰ UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 2.

⁵⁰¹ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, Annex 2.2. See also, Garowe Online, *Al-Shabaab Executes 6 Alleged to Be US "Spies" in Somalia*, 28 June 2021, www.garoweonline.com/en/news/somalia/al-shabaab-executes-us-spies-in-somalia-after-21-militants-shot-dead/; Anadolu Agency, *Somalia: Al-Shabaab Executes 5 People for Spying*, 2 March 2021, www.aa.com.tr/en/africa/somalia-al-shabaab-executes-5-people-for-spying/2162149; UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 133.

⁵⁰² Anadolu Agency, *Al-Shabaab Terrorists Publicly Execute 7 in Somalia*, 31 July 2022, www.aa.com.tr/en/africa/al-shabaab-terrorists-publicly-execute-7-in-somalia/2649910.

⁵⁰³ Germany: Federal Office for Migration and Refugees, *Briefing Notes: Group 62 - Information Centre for Asylum and Migration*, 7 February 2022, www.bamf.de/SharedDocs/Anlagen/EN/Behoerde/Informationszentrum/BriefingNotes/2022/briefingnotes-kw06-2022.pdf; Garowe Online, *Al-Shabaab Executes Man by Firing Squad in Somalia for Alleged Spying*, 1 February 2022, www.garoweonline.com/en/news/somalia/al-shabaab-executes-man-by-firing-squad-in-somalia-for-alleged-spying.

⁵⁰⁴ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 120.

- a) clan elders;
- b) electoral delegates;
- c) government officials and employees;
- d) police officers and off-duty security force members;
- e) humanitarian workers;
- f) other civilians perceived as supporting the federal government, federal member states or foreign forces.

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

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

One per cent of Somalia’s population practises a religion other than Sunni Islam.⁵¹⁰ Non-Muslims report that they cannot practise their religions openly.⁵¹¹ The Provisional Constitution prohibits proselytizing any religion other than Islam;⁵¹² conversion from Islam is “socially unacceptable” in all of Somalia, with converts facing discrimination and violence from their communities.⁵¹³ For example, a seven-year old boy was attacked and beaten by other children for being a Christian in October 2020, and a woman convert faced familial discrimination and physical abuse in August 2019.⁵¹⁴ In Al-Shabaab-controlled areas, people who convert from Islam to another religion are threatened with death.⁵¹⁵

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

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

⁵⁰⁶ “Shari’ah is the set of rules and precepts taken from Qur’an and Sunnah. Those in the Qur’an are considered to be divinely revealed, infallible, and immutable. Those in the Sunnah derive from hadith, the compiled narrations of the traditions and sayings of the Prophet Muhammed and are thus fallible depending on their classification as authentic, inauthentic, or weak.” Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shari'ah-in-Somalia.pdf, p. 5, see also pp. 18-30. According to a 2012 survey by Voice of America, 87% of Somali interviewees agreed strongly with the statement that “Shari’ah is the foundation of Somalia and should be applied as a civil and criminal code throughout Somalia”, with only 7% disagreeing with the statement. Ibid, p. 18. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁵⁰⁷ Federal Republic of Somalia, *Provisional Constitution*, 1 August 2012, www.refworld.org/docid/51b6d0c94.html, arts 2(3), 3(1) and 4(1), see also, arts 40(2) and 40(4).

⁵⁰⁸ Republic of Somaliland, *The Constitution of the Republic of Somaliland*, 31 May 2001, www.refworld.org/pdfid/4bc581222.pdf, art. 5.

⁵⁰⁹ *Constitution of Puntland State of Somalia*, December 2009, <http://citizenshiprightsafrika.org/wp-content/uploads/2020/10/Somalia-Puntland-Constitution-Dec2009.pdf>, arts 3(3)(a), 138(1), see also art. 138(2).

⁵¹⁰ US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html.

⁵¹¹ US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html. See also, Freedom House, *Freedom in the World 2022: Somalia*, 28 February 2022, www.ecoi.net/en/document/2074674.html; Vatican News, *The Hidden Life of Somalia’s Christians*, 30 April 2021, www.vaticannews.va/en/africa/news/2021-04/the-hidden-life-of-somalia-s-christians.html.

⁵¹² European Center for Law and Justice (ECLJ), *Status of Human Rights in the Federal Republic of Somalia for the 38th Session of the Universal Periodic Review*, 2021, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/eclj_upr38_som_e_main.pdf, pp. 2-3.

⁵¹³ US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html. “Conversion from Islam is illegal in some areas, and suspicions of conversion can draw societal harassment throughout the country.” Freedom House, *Freedom in the World 2022: Somalia*, 28 February 2022, www.ecoi.net/en/document/2074674.html. See also, Vatican News, *The Hidden Life of Somalia’s Christians*, 30 April 2021, www.vaticannews.va/en/africa/news/2021-04/the-hidden-life-of-somalia-s-christians.html; ADF International, *Submission to the 38th Session of the Human Rights Council’s Universal Periodic Review Working Group*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/adf_international_upr38_som_e_main.pdf, pp. 3-5.

⁵¹⁴ US Department of State, *2020 Report on International Religious Freedom: Somalia*, 12 May 2021, www.ecoi.net/en/document/2051588.html; Morning Star News, *Muslim Boys in Somalia Beat Christian’s 7-Year-Old Son*, 30 October 2020, <https://morningstarnews.org/2020/10/muslim-boys-in-somalia-beat-christians-7-year-old-son/>; Morning Star News, *Christian Mother in Somalia Divorced, Beaten*, 16 August 2019, <https://morningstarnews.org/2019/08/christian-mother-in-somalia-divorced-beaten/>.

⁵¹⁵ US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html. One man who was accused of insulting Prophet Mohamed was reportedly executed in August 2021. Horn Observer, *Al-Shabaab Executes Old Man for Alleged Blasphemy*, 5 August 2021, <https://hornobserver.com/articles/1218/Al-Shabaab-executes-old-Man-for-alleged-Blasphemy>.

⁵¹⁶ Republic of Somaliland, *The Constitution of the Republic of Somaliland*, 31 May 2001, www.refworld.org/pdfid/4bc581222.pdf, Arts 5, 33(1).

Mogadishu.⁵¹⁷ A further six persons who had converted to Christianity were arrested in Somaliland in April 2021 on charges of offences against Islam, while three were also charged with apostasy; the charges against all six were dismissed in August 2021.⁵¹⁸

Making statements that could be perceived as blasphemous is extremely dangerous in Somalia.⁵¹⁹ Blasphemy and apostasy are prohibited by law in Somalia, including in Somaliland and Puntland.⁵²⁰ A university professor in Hargeisa who suggested that praying was not the best way to address a drought received death threats and was arrested in 2019 and sentenced to 2.5 years of incarceration for blasphemy; the Somaliland authorities released him after a conditional presidential pardon in January 2020, but he continued to receive death threats.⁵²¹

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

3) *Individuals (Perceived as) Contravening Sharia and Decrees Imposed by Al-Shabaab, Including those Deemed to Be “Apostates” by Al-Shabaab*

Sharia law is used in the State-run courts, in local forms of dispute resolution and justice mechanisms, and by Al-Shabaab in areas they control.⁵²² It is estimated that over 80 per cent of legal cases are decided via informal justice mechanisms including by *Xeer*, a traditional form of dispute resolution which incorporates Islamic law principles, or by Sharia as applied by local ulamas.⁵²³ Sharia is usually the only option in Al-Shabaab-controlled areas.⁵²⁴

⁵¹⁷ US Department of State, *2020 Report on International Religious Freedom: Somalia*, 12 May 2021, www.ecoi.net/en/document/2051588.html. See also, ADF International, *Submission to the 38th Session of the Human Rights Council's Universal Periodic Review Working Group*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/adf_international_upr38_som_e_main.pdf, p. 4.

⁵¹⁸ US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html; Defend Defenders, *Monthly Newsletter: Updates from April 2021*, 18 May 2021, <https://defenddefenders.org/updates-from-april-2021/>.

⁵¹⁹ "Hoehne states that making blasphemous statements is something that is 'extremely dangerous' in all parts of Somalia, although he has rarely heard of people being executed for blasphemy, even in areas under the control of AS." EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 51.

⁵²⁰ Humanists International, *Freedom of Thought Report: Somalia*, 28 August 2020, <https://fot.humanists.international/countries/africa-eastern-africa/somalia/>, pp. 3-4.

⁵²¹ See US Commission on International Religious Freedom (USCIRF), *Factsheet: Nonbelievers in Africa*, June 2021, www.ecoi.net/en/file/local/2058626/2021+Factsheet+-+Nonbelievers.pdf, p. 4; The New Arab, *Influential Somali Academic in Hiding after 'Blasphemy' Death Threats*, 12 March 2020, <https://english.alaraby.co.uk/news/influential-somali-academic-hiding-after-blasphemy-death-threats>; International Institute for Religious Freedom, *Conditional Presidential Amnesty for a Somali Professor Jailed for Blasphemy*, 13 February 2020, www.iirf.eu/news/other-news/conditional-presidential-amnesty-for-a-somali-professor-jailed-for-blasphemy/. "Following a presidential pardon and his release from prison in January, Professor Mahmoud Jama Ahmed, who was imprisoned for blasphemy in April 2019, was labeled an apostate by a local imam who called for his death during Friday prayers." US Department of State, *2020 Report on International Religious Freedom: Somalia*, 12 May 2021, www.ecoi.net/en/document/2051588.html. According to Humanists International, the professor fled the country and remains in exile. Humanists International, *Cases of Concern: Mahmoud Jama Ahmed*, 15 March 2022, <https://humanists.international/case-of-concern/mahmoud-jama-ahmed/>.

⁵²² For the myriad ways in which Sharia law is used in justice mechanisms across Somalia, see: Pact / ABA ROLI, *The Shari'ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 21. The absence of governance for over 30 years in Somalia, the collapse of the State legal system, along with the breakdown of the customary laws created a vacuum for the growth of Sharia. "Most of the Sharia courts that have sprung up in the country since 1994 have been local responses to a lack of government and rule of law." K. Menkhaus, *Political Islam in Somalia*, 2002, <https://mepc.org/journal/political-islam-somalia>. In Somaliland, many people rely on traditional justice mechanisms, including the use of Sharia law, to settle disputes. DW, *Somaliland's Quest to Enforce Rule of Law*, 25 May 2016, www.dw.com/en/somalilands-quest-to-enforce-rule-of-law/a-19279817.

⁵²³ Heritage Institute, *Rebuilding Somalia's Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 28. *Xeer* is generally "compensatory, rather than punitive. Instead of being imprisoned or otherwise punished, law breakers are required to compensate their victims." There are several types of *Xeer*, including: "*Xeer Guud* [which] includes criminal and civil matters and is applicable to all clans, [and] *Xeer Gaar* [which] is only applied in a specific community." UNESCO, *The Xeer Traditional Legal System of Somalia*, accessed 25 August 2022, <https://ich.unesco.org/en/individual-case-study-00988&id=00032>. *Xeer* also can incorporate elements of Sharia law. See Pact / ABA ROLI, *The Shari'ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf; African Centre for the Constructive Resolution of Disputes, *Reinvigoration of Somali Traditional Justice through Inclusive Conflict Resolution Approaches*, 12 October 2017, www.accord.org.za/conflict-trends/reinvigoration-somali-traditional-justice-inclusive-conflict-resolution-approaches/.

⁵²⁴ US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

a) Persons Who Are Perceived as Contravening Islamic Laws or Decrees by Al-Shabaab

Al-Shabaab imposes conservative social norms upon the population, enforcing strict instructions for how women must dress in public and for women to be accompanied by a male guardian, as well as segregating by gender in public transportation and other public areas.⁵²⁵ Women are required to wear a robe, veil and gloves and can be subjected to beatings, punishment or arrest for non-compliance.⁵²⁶ Women are not allowed to work, and Al-Shabaab has reportedly punished women for such acts as selling tea by imposing fines or by confiscating their goods.⁵²⁷ Al-Shabaab prohibits institutions, services and behaviours that it considers not in line with Islam—including cinemas, television, internet access, music, smoking, the use of *khat* and the shaving of beards—and punishes infractions harshly.⁵²⁸ Reportedly, corporal punishments for minor infractions may be applied immediately, and likely do not receive media attention.⁵²⁹ Al-Shabaab has detained people in “inhuman conditions” for “relatively minor offenses, such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab.”⁵³⁰

Al-Shabaab implements a strict and extreme form of Sharia law in areas it controls, with harsh punishments including stoning and amputation.⁵³¹ According to the Panel of Experts, Al-Shabaab’s punishments “include flogging for alleged sexual conduct, hand amputation for stealing as well as execution for spying.”⁵³²

Al-Shabaab courts lack due process, do not allow “legal representation or appeals” and the “evidence largely relies on alleged confessions.”⁵³³ Defendants have alleged that their prosecution was motivated

⁵²⁵ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 27. “Believing that a woman’s place is at home as a wife, the group formally prohibits women from working or engaging in businesses – behavior they consider to be ‘un-Islamic’. Women are subject to a strict dress code, they are prohibited from leaving their homes without a male escort and they cannot loiter outside, further limiting their involvement in the public sphere.” Adam Smith International, *Al-Shabaab’s Gendered Economy*, 2021, www.orlystern.com/wp-content/uploads/2021/05/Al-Shabaabs-Gendered-Economy.pdf, p. 8.

⁵²⁶ “Al-Shabaab has put in place a system of surveillance and enforcement, to ensure adherence with its rules, using a sophisticated network of informants – with even family members informing on one another. Violence is frequently used to enforce the group’s rules.” Adam Smith International, *Al-Shabaab’s Gendered Economy*, 2021, www.orlystern.com/wp-content/uploads/2021/05/Al-Shabaabs-Gendered-Economy.pdf, p. 20, see also p. 30.

⁵²⁷ Additionally: “Female khat sellers recall continuing to sell khat, as they had no option but to earn a living – but describe being arrested, beaten and having their stock repeatedly burnt as punishment for doing so. Other business women describe having goods destroyed as penalties, or the vehicles hired to transport their goods damaged, leaving women heavily in debt.” Adam Smith International, *Al-Shabaab’s Gendered Economy*, 2021, www.orlystern.com/wp-content/uploads/2021/05/Al-Shabaabs-Gendered-Economy.pdf, p. 21.

⁵²⁸ “According to humanitarian groups, al-Shabaab continued threatening to execute anyone suspected of converting to Christianity. In the areas it controlled, the group continued to ban cinemas, television, music, the internet, and watching sporting events. It prohibited the sale of *khat* (a popular stimulant plant), smoking, and other behavior it characterized as un-Islamic, such as shaving beards. It also enforced a requirement that women wear full veils.” US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. These bans are not always applied consistently across areas held by Al-Shabaab. See EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 47.

⁵²⁹ EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 47.

⁵³⁰ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁵³¹ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 14. “[Al-Shabaab] advocates the strict Saudi-inspired Wahhabi version of Islam, while most Somalis are Sufis. It has imposed a harsh version of Sharia in areas under its control, including stoning to death women accused of adultery and amputating the hands of thieves.” BBC, *Somali Journalist Abdiqaziz Mohamud Guled Killed in Suicide Attack*, 20 November 2021, www.bbc.com/news/world-africa-59352179. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; The Guardian, *Al-Shabaab Plundering Starving Somali Villages of Cash and Children*, 21 February 2018, www.theguardian.com/world/2018/feb/21/al-shabaab-extortion-indoctrination-somalia.

⁵³² UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 48. “In all territories controlled by Al Shabaab, shari’ah is not only implemented strictly, but violently: stoning for adultery, hand amputation for theft, marches and floggings for other deviations or transgressions.” Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 26. These punishments are handed out for *hudud* crimes, which are outlined in the Quran. However, one researcher found that Al-Shabaab does not follow the strict evidentiary requirements of Islamic law in convicting and applying *hudud* punishments, instead relying on circumstantial evidence, questionable testimonies and illegitimate confessions. M. Skjelderup, *Hudud Punishments in the Forefront: Application of Islamic Criminal Law by Harakat Al-Shabaab Al-Mujahideen*, 2014, <https://doi.org/10.1017/jlr.2014.11>. In a July 2021 e-mail to EASO, M. Skjelderup “assessed that [his analysis was] still valid, although the ‘need or willingness’ to impose hudud punishments has decreased”. EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 49. “On May 22, al-Shabaab amputated the right hand of a male civilian for theft in Middle Shabelle region.” US Department of State, *2021 Report on International Religious Freedom: Somalia*, 2 June 2022, www.ecoi.net/en/document/2073963.html.

⁵³³ “[Al-Shabaab’s] so-called courts do not allow any defense of the accused. They usually depend on confessions obtained through torture”. Anadolu Agency, *Al-Shabaab Terrorists Publicly Execute 7 in Somalia*, 31 July 2022, www.aa.com.tr/en/africa/al-shabaab-terrorists-publicly-execute-7-in-somalia/2649910. “Critics believe that al-Shabab’s militias torture the accused to force the confessions.” VOA, *Al-Shabab Kills 18 in Surge of Executions*, 8 July 2019, www.voanews.com/a/africa_al-shabab-kills-18-surge-executions/6171359.html. See also, Reuters, *Somalia’s Al Shabaab Stones to Death Woman Accused of Having Multiple Husbands*, 9 May 2018, www.reuters.com/article/somalia-violence-idINKBN1A1Z5.

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

Al-Shabaab carried out 56 executions in 2018 and another 34 in 2019, by firing squad and beheading.⁵³⁷ The group executed at least another 28 persons in 2020, and between 16 December 2020 and 6 September 2021, the Panel of Experts documented the execution of 29 individuals.⁵³⁸ Al-Shabaab killed a woman for allegedly committing adultery on 14 February 2022 in Hiraan; the partner was sentenced to 100 lashes and banned from his village for one year.⁵³⁹ Other examples of Al-Shabaab courts imposing the death penalty include:⁵⁴⁰ the execution of an 83-year-old man on 5 August 2021 found guilty of insulting the prophet Mohamed;⁵⁴¹ the execution of two persons on 4 April 2021 who were found guilty of practising witchcraft;⁵⁴² the execution of a man who allegedly confessed to practising witchcraft on 24 September 2020;⁵⁴³ the execution of a man on 31 May 2020 for allegedly possessing supernatural powers;⁵⁴⁴ and the public stoning to death of a woman accused of having multiple husbands on 9 May 2018.⁵⁴⁵

Examples of corporal punishments include amputations of limbs of people convicted of theft on 28 October 2021, 12 July 2021, 1 March 2021, 26 February 2021, 16 January 2021, 22 December 2020 and 3 June 2020.⁵⁴⁶

Despite Al-Shabaab courts’ application of a strict interpretation of Sharia and the imposition of harsh punishments, some people bring land disputes to their courts as an alternative to the formal and informal court systems, even when they live outside of Al-Shabaab control, because of Al-Shabaab’s ability to

⁵³⁴ “According to Roble, his case was not about robbery at all; rather, it served as a means to punish him for not joining the al-Shabaab militia as many of his friends had done. Similar claims have been made by other convicted defendants. For example, the brothers Sayeed and Osman Ibrahim, who faced cross-amputation after being accused of banditry in Kismayo on October 15, 2009, claim they are innocent and are convinced that they were punished for political reasons.” M. Skjelderup, *Hudud Punishments in the Forefront: Application of Islamic Criminal Law by Harakat Al-Shabaab Al-Mujahideen*, 2014, <https://doi.org/10.1017/jlr.2014.11>, p. 325.

⁵³⁵ This is despite the fact that circumstantial evidence is not allowed in Sharia law when applying a *hudud* punishment. Al-Shabaab courts ignore traditional evidentiary requirements, allowing confessions made outside of court and application of the punishment even when the crime does not fit the Quranic definition. See M. Skjelderup, *Hudud Punishments in the Forefront: Application of Islamic Criminal Law by Harakat Al-Shabaab Al-Mujahideen*, 2014, <https://doi.org/10.1017/jlr.2014.11>, pp. 322-325.

⁵³⁶ EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 49.

⁵³⁷ UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, paras 9-11.

⁵³⁸ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, pp. 48-49. “Al-Shabaab publicly executed 19 civilians, including a woman, after self-appointed ‘courts’ accused 18 of them of spying for foreign forces and 1 of murdering two civilians. On 22 May [2021], Al-Shabaab amputated the right hand of a male civilian for theft in the Aadan Yabaal district, Shabelle Dhexe Region.” UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 42.

⁵³⁹ ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁵⁴⁰ This list does not include the many executions carried out by Al-Shabaab of persons accused of spying, which is covered in Section III.A.1.f.

⁵⁴¹ Garowe Online, *Al-Shabaab Executes Elder in Somalia for Allegedly Insulting Prophet Mohamed*, 8 August 2021, www.garoweonline.com/en/news/somalia/al-shabaab-executes-elder-in-somalia-for-allegedly-insulting-prophet-mohamed.

⁵⁴² ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>; Somali Memo, *Maxkamad Islaami ah oo xukun ku ridday Saaxiriin dadka ku dhibaataayn jiray gobolka Baay*, 4 April 2021, <https://somalimemo.info/articles/14480/Maxkamad-Islaami-ah-oo-xukun-ku-ridday-Saaxiriin-dadka-ku-dhibaataayn-jiray-gobolka-Baay>. See also, Caasimada, *Al-Shabaab oo dil toogasho ku fuliyay oday 70 jir ahaa*, 11 December 2020, www.caasimada.net/al-shabaab-oo-dil-toogasho-ku-fuliyay-oday-70-jir-ahaa/.

⁵⁴³ Radio Dalsan, *Alshabab Executes Man for ‘Witchcraft’ in Somalia*, 24 September 2020, <https://en.radiodalsan.com/66131/2020/09/alshabab-executes-man-for-witchcraft-in-somalia/>.

⁵⁴⁴ “On Sunday, Al-Shabaab sentenced a man named Abukar Haji Omar, 50, to death and executed him on the outskirts of Qoryoley town. Omar was accused of claiming to possess supernatural powers over the past five years. He was executed by a firing squad.” All Africa, *Kenya: Al-Shabaab Cut Off Convict’s Hand*, 3 June 2020, <https://allafrica.com/stories/202006040101.html>.

⁵⁴⁵ Reuters, *Somalia’s Al Shabaab Stones to Death Woman Accused of Having Multiple Husbands*, 9 May 2018, www.reuters.com/article/us-somalia-violence-idUSKBN1A1Z1.

⁵⁴⁶ ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>; All Africa, *Somalia: Al-Shabaab Sentences 3 People in Lower Shabelle Region*, 31 October 2021, <https://allafrica.com/stories/202110310051.html>; Calamada, *Dhagayso Maxkamadda WI Bay Iyo Bakool Oo Fulisay Xukun Xad Gacan Goyn Ah*, 12 July 2021, <https://calamada.com/maxkamadda-wi-bay-iy-bakool-oo-fulisay-xukun-xad-gacan-goyn-ah/>; Radio Dalsan, *Al Shabaab Court Cuts Off a Man’s Hand for Stealing*, 22 December 2020, <https://en.radiodalsan.com/67205/2020/12/al-shabaab-cuts-off-hand-of-a-man-convicted-by-sharia-court/>; All Africa, *Kenya: Al-Shabaab Cut Off Convict’s Hand*, 3 June 2020, <https://allafrica.com/stories/202006040101.html>.

enforce its judgments,⁵⁴⁷ and a perception that Al-Shabaab is less corrupt than the government.⁵⁴⁸ However, persons turning to Al-Shabaab courts who live in government-controlled territory may face arrest for consorting with Al-Shabaab.⁵⁴⁹

b) Persons Viewed as Apostates by Al-Shabaab⁵⁵⁰

Under conservative interpretations of Sharia law, such as that espoused by Al-Shabaab, apostasy is a *hadd* crime with a penalty up to and including the death penalty.⁵⁵¹ Al-Shabaab views those who do not conform to its interpretation of Islamic law and practice as apostates and, in some cases, has executed persons for apostasy in areas they control.⁵⁵² According to Al-Shabaab, someone who does not follow what they consider to be true Islam is “an apostate who is excommunicated from the religion”, a stance which “provides the justification necessary to permit killing other Muslims, particularly al-Shabaab’s killing of Sufis, civilians, and Somali government officials.”⁵⁵³ People who support or are affiliated with the government, defectors, and others who oppose their rule have also been labelled as apostates.⁵⁵⁴ According to Minority Rights Group International (MRG), as of 2010, Al-Shabaab had “targeted those who contravene it by practicing Somali–Islamic, Christian or traditional African (Bantu and Goshu) religious beliefs and practices.”⁵⁵⁵ Al-Shabaab has also targeted Sufis and imposed rules and restrictions to forbid Sufism in areas it controls.⁵⁵⁶

In August 2021, Al-Shabaab reportedly executed an 83-year-old man in Galmudug for blasphemy.⁵⁵⁷ In 2018, Al-Shabaab claimed responsibility for an attack on a Muslim cleric who had posted controversial videos on YouTube and who used music in his worship services after accusing him of blasphemy.⁵⁵⁸ In 2017, after a prominent member and former spokesperson of Al-Shabaab, Mukhtar

⁵⁴⁷ One person said that “80% of land disputes are taken to Al Shabaab and perhaps 20% go to formal courts. If the parties are unhappy with the court decision or their cases get delayed, they end up going to Al Shabaab.” Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, pp. 25-26. See also, GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 99.

⁵⁴⁸ Landinfo, *Query Response: Somalia: Al-Shabaab Areas in Southern Somalia*, 21 May 2019, <https://landinfo.no/wp-content/uploads/2019/06/Query-response-Somalia-Al-Shabaab-areas-in-Southern-Somalia-21052019-final.pdf>, p. 3. “Even Mogadishu residents prefer to use [Al-Shabaab’s] justice system, which they consider more efficient and less corrupt than official courts.” BBC, *Somalia and Al-Shabaab: The Struggle to Defeat the Militants*, 24 August 2022, www.bbc.com/news/world-africa-62644935.

⁵⁴⁹ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 26.

⁵⁵⁰ Persons affiliated with the government and others may also be accused of or targeted as apostates. See Section III.1.A.f.

⁵⁵¹ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 46. See also, The Review of Religions, *No Capital Punishment for Apostasy in Islam*, 1 December 2020, www.reviewofreligions.org/26572/no-capital-punishment-for-apostasy-in-islam/; Penal Reform International, *Sharia Law and the Death Penalty: Would Abolition of the Death Penalty Be Unfaithful to the Message of Islam?*, July 2015, <https://cdn.penalreform.org/wp-content/uploads/2015/07/Sharia-law-and-the-death-penalty.pdf>, pp. 22-24; M. Skjelderup, *Hudud Punishments in the Forefront: Application of Islamic Criminal Law by Harakat Al-Shabaab Al-Mujahideen*, 2014, www.jstor.org/stable/24739145.

⁵⁵² “In areas under their control, the Shabaab use violence to enforce their interpretation of Islam, including execution as a penalty for alleged apostasy.” Freedom House, *Freedom in the World 2022: Somalia*, 28 February 2022, www.ecoi.net/en/document/2074674.html. See also, US Department of State, *2020 Report on International Religious Freedom: Somalia*, 12 May 2021, www.ecoi.net/en/document/2051588.html. “Another man was executed by al-Shabaab on 24 September 2020 after he had been sentenced to death for witchcraft and therefore apostasy in the town of Jilib in Middle Juba region.” Germany: Federal Office for Migration and Refugees, *Briefing Notes: Group 62 - Information Centre for Asylum and Migration*, 28 September 2020, www.bamf.de/SharedDocs/Anlagen/EN/Behoerde/Informationszentrum/BriefingNotes/2020/briefingnotes-kw40-2020.pdf, p. 9.

⁵⁵³ “Al-Shabaab goes further in embracing takfirism and declaring its Muslim adversaries to be apostates, most importantly the Somali government. Takfirism establishes a binary: one is either a true believer or an apostate who is excommunicated from the religion. Importantly, for al-Shabaab, this stance provides the justification necessary to permit killing other Muslims, particularly al-Shabaab’s killing of Sufis, civilians, and Somali government officials. It has warned civilians to stay away from government and AMISOM installations to avoid being harmed by the group’s attacks, thereby attempting to shift the blame for any civilian deaths.” GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 38.

⁵⁵⁴ “Al-Shabaab forces targeted and killed federal and local government officials and their allies, calling them non-Muslims or apostates.” US Department of State, *2020 Report on International Religious Freedom: Somalia*, 12 May 2021, www.ecoi.net/en/document/2051588.html. “Al-Shabaab has made its views on the Somali government abundantly clear: the government is an illegitimate apostate authority that is beholden to its foreign backers. [...] Al-Shabaab views the government as failing to implement its promise to enshrine Sharia law. Thus, it perceives the Somali government as apostate.” GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 47. See also, Aljazeera, *Several Killed in Attack Targeting Somalia Election Delegates*, 10 February 2022, www.aljazeera.com/news/2022/2/10/car-bomb-targeting-somalia-election-delegates-kills-six.

⁵⁵⁵ MRG, *No Redress: Somalia’s Forgotten Minorities*, 2010, <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>, p. 13.

⁵⁵⁶ “However, al-Shabaab rejects Sufism and imposes conduct consistent with its interpretation of Salafism in areas it controls. It has destroyed Sufi shrines, killed Sufi clerics, and one of the group’s most significant opposition forces was, for a time, the Sufi group Ahlu Sunna Wal Jama.” GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 38.

⁵⁵⁷ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁵⁵⁸ VOA, *Militant Attacks Kill 22 in Somalia*, 26 November 2018, www.voanews.com/a/al-shabab-attack-in-somalia/4673831.html.

Robow Abu Mansur, defected to the government, Al-Shabaab accused him of apostasy and stated that: "Anybody who joins the line of non-Muslims is an apostate who can be killed."⁵⁵⁹

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

Persons who have been accused by Al-Shabaab of ordinary crimes carrying harsh penalties, including in particular the death penalty or corporal punishments,⁵⁶⁰ such as robbery or theft, are likely to be in need of international protection on the basis of a well-founded fear of persecution at the hands of a non-State actor for reasons of religion, imputed political opinion, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Claims for international protection of this kind may, depending on the alleged crime, give rise to the need to examine possible exclusion from refugee status.

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

Minority groups in Somalia include ethnic minorities and minority clans, groups defined by religious origin and caste-like groups previously defined by their occupations. The country's political and social system is largely clan-based and the traditional clan structure may define whether a person has, *inter alia*, protection against violation of their rights, access to services, access to justice mechanisms, or any type of social safety net.⁵⁶¹ No reliable estimates exist for the total size of minority groups in Somalia given the general unavailability of census data; the last estimate, which is almost two decades old, is that minority groups make up 30 per cent of the population.⁵⁶²

⁵⁵⁹ Reuters, *Somalia's Al Shabaab Denounces Ex-Spokesman as Apostate Who Could Be Killed*, 16 January 2018, www.reuters.com/article/us-somalia-insurgency-idUSKBN1F50IH.

⁵⁶⁰ This includes *hudud* crimes, namely "illicit sexual relations (zina), theft, making unproven accusations of zina, drinking intoxication, apostasy and highway robbery", but it may also include lesser crimes where Al-Shabaab prescribes punishment that is in violation of international human rights law. Pact / ABA ROLI, *The Shari'ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 46. See also, M. Skjelderup, *Hudud Punishments in the Forefront: Application of Islamic Criminal Law by Harakat Al-Shabaab Al-Mujahideen*, 2014, www.jstor.org/stable/24739145.

⁵⁶¹ Because of the shifting nature of clan alliances and the high number of subclans, it can be very difficult to find information regarding specifics on minority groups in Somalia. For more information generally on the clan structure and how it shapes Somali society, as well as the position of persons who are not members of majority clans, please see the resources quoted in this section and in particular: EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf; SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html. Additionally, individual persons may identify with specific genealogical lineage, which is in turn identified with the larger minority group. For example, one elder interviewed by an expert identified as Cali Abokor, part of the Gaboye clan called Musse Dheriyo. E. Vitturini, *Caste, Hierarchy, and Social Change: Tools for the Study of the Gaboye of Somaliland and African Hereditary Groups of Occupational Specialists*, 67(1) *Africa Today* 3-23 (2020), <https://muse.jhu.edu/article/776308>, p. 9. UNHCR notes that in individual cases identification of clan or ethnic group membership, or membership in occupational caste, can be difficult as occupation, geographic origin, language and other indicators may fluctuate even within groupings. See, for example, Protection Cluster / UNHCR, *Analysis and Recommendations on Data Collection: Marginalized and Minority Groups*, March 2021, www.globalprotectioncluster.org/wp-content/uploads/Analysis-and-Recommendations-on-Data-Collection_Marginalized-and-Minority-Groups_March-2021.pdf, p. 7.

⁵⁶² OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 25. "Somalia has not published a national census since 1975 and since then major international refugee flows and significant internal displacement have occurred. (Somaliland has never conducted a full census). It is thus extremely difficult to calculate or even estimate with a high degree of accuracy numbers of people living across Somalia/Somaliland and their situation, let alone the proportions of the minority or majority clan heritage of those people and how the situation of each compares with the population as a whole. The UN has nonetheless estimated that minority communities could form 30% of the population." MRG, *Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa*, 24 July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/revised-final-report_minority-inclusion-learning-review_13_07.pdf, pp. 14-15.

The electoral system in Somalia is based upon the traditional clan structure and uses a “4.5 formula”, where the majority of seats in parliament are allocated to members of the four majority clans,⁵⁶³ while the small remainder of seats is meant to represent all other minority groups.⁵⁶⁴ The 4.5 power sharing formula contributes to the exclusion and marginalization of minority groups in Somalia.⁵⁶⁵ Minority groups in Somalia have “been completely left out of the development of the country’s government, with no opportunities for participation and influence in official institutions.”⁵⁶⁶

In October 2020, however, Puntland began holding a local electoral process based on universal suffrage where each person has one vote.⁵⁶⁷ Somaliland also holds elections on the same basis, but with a minimum quota (3 of 82) for seats filled by minority candidates, which is nevertheless below the estimated proportion of the minority population in Somaliland.⁵⁶⁸

Minority groups such as “the Bantu, Tumaal, Reer Hamar/Benadiri, and Madhiban” experience racism and discrimination, and are generally “in a bad position” in Somali society.⁵⁶⁹ Because of their low standing in society and their lack of protection or assistance from a broader clan network, people from minority groups and minority clans are vulnerable to conflict-related displacement.⁵⁷⁰ Additionally, discrimination and segregation of minority groups can be a driver which causes and prolongs displacement.⁵⁷¹

In general, persons from minority groups may struggle to access reliable livelihoods,⁵⁷² are generally unable to engage in pastoralist activities (reserved for majority clans) or hold important positions in businesses or in the government,⁵⁷³ and are likely more vulnerable to “economic or crisis related

⁵⁶³ The four majority clans are the Hawiye, the Darood, the Dir, and the Rahanweyn. The Hawiye, the Darood, and the Dir (including the Isaaq) are traditionally pastoralist nomads and are also sometimes referred to as the “noble” clans. The Rahanweyn were mainly sedentary, but are still considered a majority clan. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 11-13.

⁵⁶⁴ The system “gives each of the four major clan groups an equal share in parliament and half a share to minority groups. That sharing also extends to a certain extent throughout the executive and other branches of government.” DW, *Somalia’s Clan System: Undermining Democracy?*, 9 February 2021, www.dw.com/en/somalias-clan-system-undermining-democracy/a-56512779.

⁵⁶⁵ “Patterns of marginalization that differentiate and systematically exclude some social groups have been further entrenched through structural processes, such as the 4.5 political system. The clan based 4.5 power sharing formula, introduced as an attempt to reconcile the nation at the end of the civil war, has seen the grouping of the minority clans and ethnic groups that constitute the 0.5 continue to remain inequitably excluded from assistance.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 24.

⁵⁶⁶ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 43.

⁵⁶⁷ UNSOM, *International Partners Welcome Local Elections in Puntland*, 29 October 2021, <https://unsom.unmissions.org/international-partners-welcome-local-elections-puntland-0>.

⁵⁶⁸ A constitutional amendment in 2018 created the quota. “In late 2020, there was an opportunity to amend this provision to increase the number of reserved seats for both women and minorities. However, Somaliland’s Parliamentarians opted to not take advantage of this opportunity and both reservations remain well below the estimated proportions of the populations in question.” MRG, *Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa*, 24 July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/revised-final-report_minority-inclusion-learning-review_13_07.pdf, p. 24.

⁵⁶⁹ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 41. Minority groups are “considered inferior, which results in systematic exclusion, stigma, social segregation, denial of rights, and low social, economic and political status.” UN Somalia, *UN Common Country Analysis: Somalia 2020*, 25 September 2020, www.ecoi.net/en/file/local/2052858/UN+Somalia+Common+Country+Analysis+2020_3.pdf, p. 49.

⁵⁷⁰ UN Somalia, *UN Common Country Analysis: Somalia 2020*, 25 September 2020, www.ecoi.net/en/file/local/2052858/UN+Somalia+Common+Country+Analysis+2020_3.pdf, p. 49.

⁵⁷¹ “The marginalization and social segregation of vulnerable groups is one of the key driving forces of the protracted massive displacement of people and the difficulty to find durable solutions for them.” MRG, *Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa*, 24 July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/revised-final-report_minority-inclusion-learning-review_13_07.pdf, p. 111.

⁵⁷² “Most members of marginal groups do menial and physical work, such as at building sites. According to a representative of a Somali NGO, marginal group members include 5,000 women with a university degree. Only some of them have a job, and even that means cleaning in shops and businesses. They have no chance of being employed in the Somali government or international organisations.” Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 43.

⁵⁷³ “Minority representatives are generally excluded from executive positions and public service appointments.” UN Somalia, *UN Common Country Analysis: Somalia 2020*, 25 September 2020, www.ecoi.net/en/file/local/2052858/UN+Somalia+Common+Country+Analysis+2020_3.pdf, p. 49.

shocks”.⁵⁷⁴ Reportedly, the Somali armed forces are made up mostly of persons from majority clans and there are no minority group members in any senior positions.⁵⁷⁵

Members of minority groups may also be more food insecure,⁵⁷⁶ and “experience more conflict related attacks on their households relative to majority clan members”.⁵⁷⁷ In urban IDP camps which are primarily inhabited by minority group members, people “have higher levels of food insecurity, are less likely to be receiving food or cash assistance, and are more likely to be dependent on casual labour as a livelihood.”⁵⁷⁸ Minority clan members are often denied or excluded from access to humanitarian assistance, and suffer more extreme poverty and less access to livelihoods than persons from majority clans when displaced to urban areas.⁵⁷⁹

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

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

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

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

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

⁵⁷⁶ An “analysis of food security based on the self-identification provided by 35% of [the] sample” showed that “self-identified minorities report[ed] significantly higher food insecurity scores on average”. MRG, *Minority Inclusion Learning Review of the Ministry of Foreign Affairs of Switzerland: Programmes in the Horn of Africa*, 24 July 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/revise-final-report_minority-inclusion-learning-review_13_07.pdf, p. 26.

⁵⁷⁷ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 23.

⁵⁷⁸ Ibid., p. 24.

⁵⁷⁹ Ibid., pp. 39, 46.

⁵⁸⁰ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 42. See also, Lifos, *Government and Clan System in Somalia*, 5 March 2013, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=38611>, p. 28. This is especially concerning considering that, by some estimates, the vast majority of disputes are settled via *Xeer* and other alternative dispute mechanisms, and not in the formal justice system. Heritage Institute, *Rebuilding Somalia's Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 28. See also Section II.A.

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

⁵⁸² Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 42.

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

⁵⁸⁴ Ibid., p. 45.

⁵⁸⁵ Ibid., p. 45.

⁵⁸⁶ See, for example, *ibid.*, p. 44. See also, Section II.A.3.

In Somaliland, minority clans face marginalization and discrimination.⁵⁸⁷ They are often only able to work undesirable jobs and many live in poverty, including in IDP camps.⁵⁸⁸

a) Members of Ethnic Minorities

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

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

- ⁵⁸⁷ Freedom House, *Freedom in the World 2021: Somaliland*, 3 March 2021, www.ecoi.net/en/document/2077302.html. Somaliland is populated mostly by the Isaaq clan and sub-clans of the Darood. Minorities are either persons who have come from Somalia, or Gabooye/occupational caste groups. Canada: Immigration and Refugee Board (IRB), *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)* [SOM106246.E], 19 March 2019, www.ecoi.net/en/document/2005868.html.
- ⁵⁸⁸ IRB, *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)* [SOM106246.E], 19 March 2019, www.ecoi.net/en/document/2005868.html.
- ⁵⁸⁹ The Bajunis are a cross-border people group which speak a northern dialect of Swahili and live on the islands in southern Somalia. The community is currently thought to be very small (a few hundred or less). Given that they are also technically Bantu, they likely experience similar discrimination to southern Somali Bantu. D. Nurse, *Documenting Language Shift and Loss: Bajuni in Somalia*, 15 Language Documentation and Description 123-150 (2018), www.ejournals.org/docs/1/15/15dd15_05.pdf, p. 124.
- ⁵⁹⁰ SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 12-13; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 14. The Barawanis are also called the bravanese, and are sometimes considered part of the Benadiri as they are also of Arab descent. See MRG, *Somalia: Benadiri*, updated March 2018, <https://minorityrights.org/minorities/benadiri/>.
- ⁵⁹¹ For example, the Bantu people are called different names depending on their location (e.g. Gosha, Makane, Shiidle, Reer Shabelle, or Mushungli). ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 16. Benadir is sometimes considered an umbrella term including a variety of groups from Mogadishu and the coast south of Mogadishu who are generally descendants of Arabs and are thus lighter skinned. IRB, *Somalia: The Reer Hamar and/or Benadiri, Including the Location of their Traditional Homeland, Affiliated Clans and Risks They Face from Other Clans*, 3 December 2012, www.refworld.org/docid/51e4facb4.html. See also, SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 13. The Bantu are also sometimes called *Jareer*, a derogatory term that refers to their hair. However, the term has "been embraced" by many Bantu. L. J. Benstead and D. Van Lehman, *Two Classes of "Marriage": Race and Sexual Slavery in Al-Shabaab-Controlled Somalia*, *The Journal of the Middle East and Africa* (2021), <https://doi.org/10.1080/21520844.2021.1923998>, p. 2. See also, D. J. Van Lehman and E. M. McKee, *Removals to Somalia in Light of the Convention against Torture: Recent Evidence from Somali Bantu Deportees*, 33(3) *Georgetown Immigration Law Journal* 357-397 (2019), www.law.georgetown.edu/immigration-law-journal/wp-content/uploads/sites/19/2019/08/GT-GILJ190032.pdf, p. 361.
- ⁵⁹² FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 5.
- ⁵⁹³ Bantu communities have existed for a long time in Somalia, but some Bantu were brought by the slave trade. L. J. Benstead and D. Van Lehman, *Two Classes of "Marriage": Race and Sexual Slavery in Al-Shabaab-Controlled Somalia*, *The Journal of the Middle East and Africa* (2021), <https://doi.org/10.1080/21520844.2021.1923998>, p. 2; D. J. Van Lehman and E. M. McKee, *Removals to Somalia in Light of the Convention against Torture: Recent Evidence from Somali Bantu Deportees*, 33(3) *Georgetown Immigration Law Journal* 357-397 (2019), www.law.georgetown.edu/immigration-law-journal/wp-content/uploads/sites/19/2019/08/GT-GILJ190032.pdf, pp. 361-362. See also, M. A. Eno and A. M. Kusow, *Racial and Caste Prejudice in Somalia*, *Journal of Somali Studies* 91-118 (2014), https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1007&context=soc_las_pubs, pp. 108-112.
- ⁵⁹⁴ "The clan background is also highly relevant in the administration of the city and use of power there. Administration of districts is usually the responsibility of the powerful clan in the district. [...] Although a significant number of the Bantu live in the capital city, they do not hold influential positions in the administration of the city or its districts." Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 40.
- ⁵⁹⁵ D. J. Van Lehman and E. M. McKee, *Removals to Somalia in Light of the Convention against Torture: Recent Evidence from Somali Bantu Deportees*, 33(3) *Georgetown Immigration Law Journal* 357-397 (2019), www.law.georgetown.edu/immigration-law-journal/wp-content/uploads/sites/19/2019/08/GT-GILJ190032.pdf, pp. 361-362, see also p. 363. See also, MRG, *Somalia: Bantu*, updated March 2018, <https://minorityrights.org/minorities/bantu/>. "Bantu communities, primarily living between the Juba and Shabelle Rivers in the southern part of the country, continued to face discrimination, including verbal abuse and being forced to adopt Arabic names. The discrimination also occurred in IDP camps, where Bantu women were not protected by traditional clan structure." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. For example, while fishermen may be from majority clans, the "labourers who slaughter, distribute or carry the fish are often from minority groups, such as Bantu or Madiban". EASO, *Somalia: Key Socio-Economic Indicators*, September 2021, https://coi.easo.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Key_socio_economic_indicators.pdf, p. 28.
- ⁵⁹⁶ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 43.
- ⁵⁹⁷ L. J. Benstead and D. Van Lehman, *Two Classes of "Marriage": Race and Sexual Slavery in Al-Shabaab-Controlled Somalia*, *The Journal of the Middle East and Africa* (2021), <https://doi.org/10.1080/21520844.2021.1923998>, p. 8. "The opportunity for negotiations under the *Xeer* system is only reserved for powerful clans of equal strength who can avenge violations of their rights." Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 42.

Bantu persons are forced to pay taxes and are subjected to extortion.⁵⁹⁸ They are also forced into slave labour.⁵⁹⁹

Bantu women in Al-Shabaab-controlled areas are often forced into marriages with fighters, sometimes under threat of death or other serious penalties for them or their families.⁶⁰⁰ Two researchers found that Bantu girls were forced into marriage to fighters at a younger age than other Somali girls, were not incorporated into the fighter's households, and the children of such marriages are ignored; this led the researchers to conclude that Al-Shabaab subjugates Bantu women in a form of sexual slavery rather than forced marriage.⁶⁰¹ Men and women from majority clans and powerful clan groups are generally not permitted to marry Bantu persons.⁶⁰² In 2018, a man was murdered because his nephew, a Bantu man, had married a Somali woman from a larger clan.⁶⁰³ His nephew and his nephew's wife remained in hiding as of August 2020.⁶⁰⁴

Bantu and Bajuni people have also suffered "persistent confiscation of land and property".⁶⁰⁵

The other of the two principal minority ethnic groups are the Benadiri, which in reality comprise many smaller groups of persons descended from Arab traders who historically lived in Mogadishu and the coast south of Mogadishu.⁶⁰⁶ One important Benadiri clan, the Reer Hamar, holds more power than other minority groups and its members have been able to obtain some government positions and also have been able to intermarry with members of more powerful clans.⁶⁰⁷

b) Minority Groups Defined by Religious Origin

Somalia has two main groups that are defined by their religious origin, the Ashraf and the Sheikhal; these are sometimes labelled as minority clans or ethnic groups.⁶⁰⁸ Both groups are considered "dispersed religious communit[ies] of claimed Arabian and early Islamic origin."⁶⁰⁹ While both are seen as individual minority communities, both the Ashraf and the Sheikhal have affiliated with larger clan groups.⁶¹⁰

There are two sub-sets of the Ashraf, those affiliated with the majority Rahanweyn clan, and those who live along the coast and are associated with the Benadiri.⁶¹¹ According to one researcher, the Ashraf are not generally "targeted as a minority" but "may suffer the same problems as their 'host' clans", such

⁵⁹⁸ L. J. Benstead and D. Van Lehman, *Two Classes of "Marriage": Race and Sexual Slavery in Al-Shabaab-Controlled Somalia*, The Journal of the Middle East and Africa (2021), <https://doi.org/10.1080/21520844.2021.1923998>, p. 8.

⁵⁹⁹ Ibid.

⁶⁰⁰ Ibid., p. 3.

⁶⁰¹ "The authors argue that the unions of Somali Bantu girls and women with Al-Shabaab fighters are not "marriage" but sexual and domestic slavery – a form of extraction that works to ethnically cleanse the Somali Bantu from their ancestral land. Minority Bantu families are subject to harsh punishment – up to and including execution – for refusing 'marriage.'" Ibid., p. 17, see also p. 11.

⁶⁰² "Inter-clan marriages between people from marginalised and major clans are traditionally prohibited, with more powerful clans refusing to allow marriages with Bantu people and members of other marginalised clans. Such married couples face hostility, frequently being cut off from family contact and even violence". Ibid, pp. 4, 10.

⁶⁰³ Special Broadcasting Service (SBS), *Somalis Hope to End Inter-Clan Marriage Discrimination after Violent Dispute*, 22 October 2018, www.sbs.com.au/language/english/somalis-hope-to-end-inter-clan-marriage-discrimination-after-violent-dispute; Wardheer News, *A Hate Crime in Mogadishu: An Introspective Time*, 28 September 2018, <https://wardheernews.com/a-hate-crime-in-mogadishu-an-introspective-time/>.

⁶⁰⁴ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 44.

⁶⁰⁵ UN Somalia, UN Common Country Analysis: Somalia 2020, 25 September 2020, www.ecoi.net/en/file/local/2052858/UN+Somalia+Common+Country+Analysis+2020_3.pdf, p. 49.

⁶⁰⁶ MRG, *Somalia: Benadiri*, updated March 2018, <https://minorityrights.org/minorities/benadiri/>.

⁶⁰⁷ While the Reer Hamar may not be subject to "the kind of targeted violence committed with impunity by the major warring clans that was the case during the early civil war years" and "are 'not without power'", this does not imply that the Reer Hamar no longer experience discrimination but rather that there are "a number of mitigating factors to their benefit", especially when compared to the situation, for example, of the Bantu. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 17.

⁶⁰⁸ ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 19-20.

⁶⁰⁹ MRG, *Somalia*, updated May 2018, <https://minorityrights.org/country/somalia/>.

⁶¹⁰ For example, the Sheikhal in 2009 were associated with the Hirab section of the Hawiye majority clan, while a section of the Ashraf is affiliated with the Rahanweyn majority clan. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 19-20. "Ces deux groupes entretiennent des rapports de type *sheegad* [les relations de patronage] avec plusieurs clans majoritaires et minoritaires, selon la région où ils habitent." SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 14.

⁶¹¹ Landinfo, *Query Response Somalia: The Ashraf*, 10 August 2018, <https://landinfo.no/wp-content/uploads/2018/11/Query-response-The-Ashraf-10082018.pdf>, pp. 2-4; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 19-20.

as the Benadiri.⁶¹² While the Ashraf affiliated with the Rahanweyn clan have the protection of being part of a majority clan, the Ashraf affiliated with the Benadiri are a minority group and may suffer the same discrimination and lack of protection that other minority groups experience.⁶¹³

Many of the Sheikhal have reportedly affiliated with the Hayiwe majority clan and benefit from that clan's protection.⁶¹⁴ Some sub-groups may nevertheless be minority groups and suffer marginalization and discrimination, especially the Gendarshe and Jasirhe groups which are reportedly connected with the Benadiri rather than a majority clan.⁶¹⁵

c) Occupational Caste Groups

In Somalia, certain groups have traditionally been defined by their occupations, usually in less desirable or 'unclean' jobs often involving manual labour, for example hunting, hairdressing, blacksmithing or shoemaking.⁶¹⁶ These groups are structured like clans, live in certain areas and neighbourhoods and are referred to by a variety of terms including Tumaal, Waable, Sab, Madhibaan, Boon, Gabooye and Midgan.⁶¹⁷ These terms may also refer to sub-groups within these occupational castes, and may differ by area.⁶¹⁸ Additionally, a variety of derogatory terms are used for persons from occupational caste groups, especially by people from majority clans, which refer to their positions in society or the myths surrounding their origins.⁶¹⁹

The most important sub-groups include the Madhibaan, the Tumaal, the Muse Dheriyon, the Yibir⁶²⁰ and the Boon.⁶²¹ Occupational caste groups are frequently confined to their historic profession, or at least to professions that are not considered desirable by majority clans.⁶²² However, members of minority clans may engage in occupations traditionally reserved for caste groups out of economic need and the lack of other jobs.⁶²³

According to one scholar, the "Gabooye groups, like other occupational specialists in Africa, suffer a range of restrictions regarding economic, social and political exchange with the dominant groups they

⁶¹² ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 20.

⁶¹³ Landinfo, *Query Response Somalia: The Ashraf*, 10 August 2018, <https://landinfo.no/wp-content/uploads/2018/11/Query-response-The-Ashraf-10082018.pdf>, p. 4. See also, MRG, *Somalia*, updated May 2018, <https://minorityrights.org/country/somalia/>; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, December 2009, www.refworld.org/docid/4b29f5e82.html, pp. 19-20.

⁶¹⁴ SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 14.

⁶¹⁵ EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 71.

⁶¹⁶ SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 14; ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 15.

⁶¹⁷ Some sources separate these terms by occupation, for example, the Tumaal as blacksmiths, Midgan as shoemakers, hunters, hairdressers, etc. See ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel*, COI Workshop Vienna, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 15. Midgan is a term reportedly used throughout the country but means "untouchable" and is therefore considered as an insult by some members of these groups. SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 16; IRB, *Somalia: The Gabooye (Midgan) People, Including the Location of their Traditional Homeland, Affiliated Clans, and Risks They Face from Other Clans*, 4 December 2012, www.refworld.org/docid/51e4fce94.html.

⁶¹⁸ For example, Gabooye, a term that originally referred to hunters, is a term used notably in the North for all profession-based castes. SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 16.

⁶¹⁹ "Unlike that of the Somali Jareer Bantu, the history, social, and ethnic formation of the Somali caste communities is hardly distinguishable from that of other Somalis. The difference is that these communities are stigmatized because mythical narratives claim that (a) they are of unholy origin, and (b) they engage in denigrated occupations." For example, some targeted epithets refer to their lowly occupations (i.e. calling them shoemakers) while others (such as dead-animal-eater for the Gabooye) refer to the myth of how a group came about. M. A. Eno and A. M. Kusow, *Racial and Caste Prejudice in Somalia*, *Journal of Somali Studies* 91-118 (2014), https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1007&context=soc_las_pubs, p. 95, see also pp. 104-108.

⁶²⁰ See, Genetic Literacy Project, *Ethiopian Jews in Somalia: Tracing Remnants of the Yibir*, 3 September 2013, <https://geneticliteracyproject.org/2013/09/03/ethiopian-jews-in-somalia-tracing-remnants-of-the-yibir/>.

⁶²¹ For a description of which jobs are performed by these groups and where each group is located, see SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 17.

⁶²² EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, pp. 62-66.

⁶²³ Protection Cluster / UNHCR, *Analysis and Recommendations on Data Collection: Marginalized and Minority Groups*, March 2021, www.globalprotectioncluster.org/wp-content/uploads/Analysis-and-Recommendations-on-Data-Collection_Marginalized-and-Minority-Groups_March-2021.pdf, p. 8.

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

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

Reportedly, the Tumul and the Gabooye “enjoy more rights and are in a slightly better position” in Puntland than in Somaliland and in South and Central Somalia.⁶³⁰

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

Members of majority clans may constitute a minority in certain areas and may lack the protections of their clan or group.⁶³¹

People who flee from South and Central Somalia to Somaliland are considered as refugees by the Somaliland authorities, not as IDPs, which affects “access to services, land ownership as well as documentation and legal papers”.⁶³²

e) Summary

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

Individuals who belong to one of Somalia’s majority clans but who live in an area where their clan is a minority may, depending on the individual circumstances of the case, also be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of the

⁶²⁴ E. Vitturini, *The Gabooye of Somaliland: Transformations and Historical Continuities of the Labour Exploitation and Marginalisation of Hereditary Groups of Occupational Specialists*, 14(3) *Journal of Eastern African Studies* 473-491 (2020), <https://doi.org/10.1080/17531055.2020.1773070>, p. 474.

⁶²⁵ Ibid., p. 485.

⁶²⁶ M. A. Eno and A. M. Kusow, *Racial and Caste Prejudice in Somalia*, *Journal of Somali Studies* 91-118 (2014), https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1007&context=soc_las_pubs, p. 105.

⁶²⁷ EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, pp. 62-66.

⁶²⁸ Ibid., p. 66.

⁶²⁹ Lifos, *Government and Clan System in Somalia*, 5 March 2013, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=38611>, pp. 31-32.

⁶³⁰ EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 62.

⁶³¹ “Des membres d’un clan « fort » peuvent également être ramenés au statut d’une minorité. Ce sera le cas lorsqu’ils habitent dans une région où un autre clan est dominant. Cela peut concerner des individus ou des groupes entiers.” SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 12. See also, Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, pp. 9-10.

⁶³² Somaliland Human Rights Center, *Hargeisa’s Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 12.

state or non-State actors for reasons of their nationality or ethnicity/race, or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution where the actors of persecution are non-State actors.

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

5) Journalists, Human Rights Defenders and Government Critics⁶³³

The 2012 Provisional Constitution guarantees the right to freedom of expression, including “freedom of speech, and freedom of the media, including all forms of electronic and web-based media.”⁶³⁴ In January 2016, Somalia passed a Media Law that was criticized by human rights organizations as overly restrictive and potentially reducing freedom of the press.⁶³⁵ In August 2020 the President signed into law a series of amendments to the 2016 Media Law, which did explicitly provide for freedom of expression, media freedom and the right to information; however, the amendments were immediately criticized by rights groups for retaining draconian criminal provisions and allowing the imposition of heavy fines.⁶³⁶ The National Union of Somali Journalists stated that the amendments only serve to “further exacerbate the previous shortcomings” of the 2016 Media Law.⁶³⁷

Somalia’s Penal Code contains provisions criminalizing insults,⁶³⁸ the publication or circulation of false news,⁶³⁹ sedition⁶⁴⁰ and defamation,⁶⁴¹ which hamper press freedom.⁶⁴² While the President committed to change these in May 2020, no further actions have since been taken by the Somali government.⁶⁴³

⁶³³ For the situation of humanitarian workers, see [Section III.A.1.e](#).

⁶³⁴ Federal Republic of Somalia, *Provisional Constitution*, 1 August 2012, www.refworld.org/docid/51b6d0c94.html, para. 18.

⁶³⁵ “Journalists’ unions and media advocates have criticized the legislation for creating onerous restrictions, such as a requirement that all reporters have a university degree in journalism and pass a state test. The law compels journalists to disclose sources of information upon official request, establishes heavy fines for libel, and empowers authorities to block websites as punishment for media offenses despite a provision prohibiting censorship.” Freedom House, *Freedom of the Press 2016: Somalia*, 28 September 2016, www.refworld.org/docid/57f361cfc.html. See also, HRW, “Like Fish in Poisonous Waters”: Attacks on Media Freedom in Somalia, 3 May 2016, www.hrw.org/report/2016/05/03/fish-poisonous-waters/attacks-media-freedom-somalia.

⁶³⁶ HRW, *Joint Letter Re: Concerns and Recommendations on Somalia’s New Media Law*, 5 October 2020, www.hrw.org/news/2020/10/05/joint-letter-re-concerns-and-recommendations-somalias-new-media-law; International Federation of Journalists (IFJ), *Somalia: New Media Law Fails to Comply with International Standards on Press Freedom*, 26 August 2020, www.ifj.org/media-centre/news/detail/category/press-releases/article/somalia-new-media-law-fails-to-comply-with-international-standards-on-press-freedom.htm. “There are major concerns about the new law’s criminalization of journalistic activities. Article 3 makes it illegal for journalists to be compelled by threat or force – for example, by political or armed actors – to publish ‘information which conflicts with the interests of the country, security, the economy, politics and society.’ The new law does not protect the confidentiality of sources and makes it possible for journalists to be held responsible for the consequences of disclosing confidential information. It allows journalists to be fined for violations without limiting the size of the fines. And it says that verdicts and sentences can be appealed before unspecified ‘competent jurisdictions,’ opening the way to prison sentences.” Reporters Without Borders (RSF), *Somalia’s New Media Law Ignores Calls for Journalists to be Protected*, 28 August 2020, <https://rsf.org/en/news/somalias-new-media-law-ignores-calls-journalists-be-protected>. See also, Freedom House, *Freedom in the World 2022: Somalia*, 28 February 2022, www.ecoi.net/en/document/2074674.html.

⁶³⁷ National Union of Somali Journalists (NUSOJ), *Submission by the National Union of Somali Journalists (NUSOJ) and the International Federation of Journalists (IFJ)*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/jjs5_upr38_som_e_main.pdf, para. 10.

⁶³⁸ Federal Government of Somalia, *Somalia: Penal Code*, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, Art. 268 (“Insult to a Public Officer”); Art. 269 (“Insult to a Political, Administrative or Judicial Body”); Art. 270 (“Insult to a Judge During a Hearing”); and Art. 451 (offending the honour or dignity of a person).

⁶³⁹ *Ibid.*, Art. 328 (“Publication or Circulation of False, Exaggerated or Tendencious News Capable of Disturbing Public Order”). In December 2020, journalist Kilwe Adan Farah was arrested in Puntland; in February 2021, he was charged with multiple crimes including the publication of false news under Article 328, a move that SJS said was “intended to harass and silence” him. SJS, *After 60 Days in Jail, Freelance Journalist Kilwe Faces New Charges by Puntland Authorities*, 25 February 2021, <https://sjsyndicate.org/2021/02/25/after-60-days-in-jail-freelance-journalist-kilwe-faces-new-charges-by-puntland-authorities/>. See also, UN Human Rights Council, *Opinion No. 17/2022 Concerning Kilwe Adan Farah (Somalia)*, 31 May 2022, A/HRC/WGAD/2022/17, www.ohchr.org/sites/default/files/documents/issues/detention/opinions/session93/2022-08-04-A-HRC-WGAD-2022-17-SOM-AEV.pdf, paras 16, 62.

⁶⁴⁰ Federal Government of Somalia, *Somalia: Penal Code*, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, Art. 509 (“Seditious Cries and Manifestations”) and Art. 510 (“Seditious Assembly”).

⁶⁴¹ *Ibid.*, Art. 452 (“Defamation”).

⁶⁴² NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 6.

⁶⁴³ IFJ, *Somalia: IFJ Commends Declaration to Decriminalise Journalism and Freedom of Expression in Somalia*, 4 May 2020, www.ifj.org/media-centre/news/detail/category/press-releases/article/somalia-ifj-commends-declaration-to-decriminalise-journalism-and-freedom-of-expression-in-somalia.html. See also, HRW, *Joint Letter Re: Concerns and Recommendations on Somalia’s New Media Law*, 5 October 2020, www.hrw.org/news/2020/10/05/joint-letter-re-concerns-and-recommendations-somalias-new-media-law. In July 2020, one journalist was arrested for his reporting and sentenced under article 328 of the Penal Code. US Department of State, *2020 Country Report on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html.

According to the National Union of Somali Journalists, the relevant legal framework in Somalia provides “Federal Member States with overly broad powers to arbitrarily arrest, detain and charge journalists with vaguely-worded offences.”⁶⁴⁴ This legal framework, and the government’s abuse of it, reportedly has a chilling effect on journalists and media workers.⁶⁴⁵ The fear of harassment and spurious prosecution, as well as the fear of physical harm or death, has led journalists in Somalia to self-censor.⁶⁴⁶

Puntland’s 2009 Constitution guarantees freedom of the press, free from government interference, and freedom of opinion.⁶⁴⁷ Despite this, Puntland’s authorities have previously closed or suspended independent media organizations in retaliation for their reporting.⁶⁴⁸ The 2014 Media Law gave the government broad powers to penalize journalists and media organizations, suspend their activities, levy fines, or force their closure.⁶⁴⁹ The Media Law was amended in 2016, providing that censorship orders require a court order, and granting the Media Council accreditation powers as opposed to the Ministry of Information.⁶⁵⁰

The Somaliland Constitution provides the right to freedom of expression and explicitly protects a free and independent press, prohibiting any attempt to “subjugate” the press or other media.⁶⁵¹ The right to a free press is reiterated in the 2004 Somaliland Press Law, which also prohibits any constraints on the media.⁶⁵² However, a ministerial decree from 2002 banned all radio stations other than the state-owned Radio Hargeisa; the decree has continued to be enforced even after the subsequent passage of the 2004 Press Law.⁶⁵³ As a result, much of the population of Somaliland either has no access to radio

⁶⁴⁴ NUSOJ, *Journalists Still in Peril Due to Constant Harassment, Unlawful Detention and Targeted Assassinations*, 10 December 2021, www.nusoj.org/journalists-still-in-peril-due-to-constant-harassment-unlawful-detention-and-targeted-assassinations/. “The Penal Code contains a number of vague offences that unjustly curb media freedom and right to freedom of expression.” NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 6.

⁶⁴⁵ Access Now / Digital Shelter, *Access Now & Digital Shelter Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review 38th Session Third Cycle for Somalia*, 15 October 2020, para. 29; NUSOJ, *Submission by the National Union of Somali Journalists (NUSOJ) and the International Federation of Journalists (IFJ)*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js1_upr38_som_e_main.pdf, paras 7-12. “The collective result of attacks against media houses is an increasing reluctance to independently cover political events or report stories that put authorities in bad light. This leads to further entrenchment of a culture of suppression and silence.” NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 6.

⁶⁴⁶ “[The lack of due process in court proceedings and inability to pay bail] has given birth to a culture of self-censorship, which leads to the public being denied access to factual information that may be in the possession of journalists. [...] The rampant culture of impunity in many parts of Somalia, has made independent journalism a choice between life and death. [...] Journalists are forced into self-censorship which in effect impedes the free flow of information.” NUSOJ, *Between a Rock and a Hard Place: Journalists in Peril in Somalia*, 3 May 2021, www.nusoj.org/wp-content/uploads/2021/05/STATE-OF-MEDIA-FREEDOM-REPORT—3-May-2021-.pdf, p. 14. “Many journalists who spoke to Amnesty International said the bribing of their bosses and media outlets has had a chilling effect on them and that they were not able to freely report on sensitive stories and topics that were deemed unfavourable by the current administration. This is because the editors would kill the story before it is aired or published. Journalists said that their editors would openly tell them that they were paid by the government and had to self-censor and not report on certain issues.” Amnesty International, *“We Live in Perpetual Fear”: Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.ecoi.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF, p. 39. “Journalists engaged in rigorous self-censorship to avoid reprisals.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁶⁴⁷ *Constitution of Puntland State of Somalia*, December 2009, <http://citizenshiprightsafrika.org/wp-content/uploads/2020/10/Somalia-Puntland-Constitution-Dec2009.pdf>, Arts 14, 22. See also, UNSOM, *The Precarious Enjoyment of Freedom of Expression in Somalia*, September 2018, www.ecoi.net/en/file/local/2013026/the_precarious_enjoyment_of_freedom_of_expression_in_somalia_1.pdf, paras 16-18.

⁶⁴⁸ In September 2019, Puntland’s Minister of Information announced that all private media organizations had to register for accreditation so that their activity could be monitored, and that this accreditation was subject to revocation depending on the ‘professional’ behaviour of the organization. This came shortly after the authorities had raided the offices of a popular independent radio station and closed down the offices of a news website after it had “covered a demonstration by ministry employees demanding back pay.” RSF, *Somalia: Puntland’s Independent Journalists Are All under Threat, RSF Says*, 24 September 2019, <https://rsf.org/en/news/somalia-puntlands-independent-journalists-are-all-under-threat-rsf-says>.

⁶⁴⁹ IFJ, *New Laws Passed in Somalia and Puntland Will Destroy Press Freedom, Says IFJ*, 24 July 2014, www.ifj.org/media-centre/news/detail/category/press-releases/article/new-laws-passed-in-somalia-and-puntland-will-destroy-press-freedom-says-ifj.html.

⁶⁵⁰ “The Chairperson of the Media Association of Puntland (MAP) welcomed the amendments, stating that their implementation would represent a step forward towards the protection of the right to freedom of expression in Puntland.” UNSOM, *The Precarious Enjoyment of Freedom of Expression in Somalia*, September 2018, www.ecoi.net/en/file/local/2013026/the_precarious_enjoyment_of_freedom_of_expression_in_somalia_1.pdf, para. 28.

⁶⁵¹ Republic of Somaliland, *Constitution of the Republic of Somaliland*, 31 May 2001, www.refworld.org/docid/4bc581222.html, art. 32.

⁶⁵² UNSOM / OHCHR, *Report on the Right to Freedom of Expression: Striving to Widen Democratic Space in Somalia’s Political Transition*, August 2016, www.ohchr.org/Documents/Countries/SO/UNSOM_RightFreedomExpression.pdf, p. 6.

⁶⁵³ The Horizon Institute has noted that “the unequivocal prohibition [of all radio stations in Somaliland other than Radio Hargeisa] has steadfastly remained in place since 2002” and that those who have applied for radio licences have had their requests denied. Horizon Institute, *Expanding Access to Information, Education and Civic Engagement: The Case for Establishing Community Radios in Somaliland*, February 2021, www.thehorizoninstitute.org/usr/documents/publications/document_url/42/expanding-access-to-information-education-and-civic-engagement-report.pdf, pp. 3-4.

coverage or to no other news source than Radio Hargeisa.⁶⁵⁴ Somaliland relies heavily on the Penal Code to prosecute, harass, intimidate journalists and to close down media organizations.⁶⁵⁵

Somalia is ranked number 140 out of 180 countries in the 2022 World Press Freedom Index by Reporters Without Borders (RSF).⁶⁵⁶ Journalists are often unable to obtain information from the government and can be denied access to, among other areas, government buildings, protests or sites of Al-Shabaab attacks.⁶⁵⁷ During 2020 and 2021, journalists struggled to obtain information about the government response to the COVID-19 pandemic.⁶⁵⁸

Across Somalia, journalists who report on stories that are “politically sensitive, corruption or security related” are harassed, threatened and intimidated by federal and regional authorities, both to prevent reporting and to control the media.⁶⁵⁹ According to the Independent Expert on the Situation of Human Rights in Somalia, journalists and human rights defenders “continue to be targeted by the security forces, politicians and Al-Shabaab at local, state and federal levels when they report on political, economic and social issues, including alleged corruption by government officials.”⁶⁶⁰ The government monitors social media and has threatened and harassed government critics.⁶⁶¹ The Independent Expert expressed concern in 2020 about the use of excessive force by police and arbitrary arrest and detention of journalists, human rights defenders and those accused of terrorism.⁶⁶² Brief and arbitrary arrests are used by the federal and regional authorities as “a method of retaliation for journalists’ unearthing and revealing stories that garner significant public interest.”⁶⁶³

⁶⁵⁴ “The absolute monopoly enjoyed by Radio Hargeisa poses a severe disadvantage to a large part of the Somaliland public who live outside the cities. 47 percent of Somaliland’s population are classified as either nomadic or semi-nomadic, and 53 percent are said to live in cities and rural towns.” Horizon Institute, *Expanding Access to Information, Education and Civic Engagement: The Case for Establishing Community Radios in Somaliland*, February 2021, www.thehorizoninstitute.org/user/documents/publications/document_url/42/expanding-access-to-information-education-and-civic-engagement-report.pdf, p. 5.

⁶⁵⁵ “Regarding convictions on the grounds of spreading ‘false news’, Somaliland courts and law enforcement agencies typically cite article 328 of the Penal Code (on publication or circulation of false, exaggerated or tendentious news capable of disturbing public order) to justify their actions. However, in such cases, the courts do not follow a strict set of criteria [...] these vague provisions are used by the government to restrict the freedom of expression, and the Penal Code is used as a vehicle to target journalists and media workers who express opinions that the authorities wish to silence.” UNSOM, *The Precarious Enjoyment of Freedom of Expression in Somalia*, September 2018, www.ecoi.net/en/file/local/2013026/the_precarious_enjoyment_of_freedom_of_expression_in_somalia_1.pdf, para. 19, see also para. 30. In October 2020, the Somaliland Journalists Association (SOLJA) protested the criminalization of the media industry. Somali Dispatch, *Solja Calls on Government to Implement the Press Law*, 9 October 2020, www.somalidispach.com/latest-news/solja-calls-on-government-to-implement-the-press-law/. The Somaliland Human Rights Center documented the arrest of 13 journalists in 2021; however, most were released without charges. Somaliland Human Rights Center, *Annual Report of Human Rights Center 2021*, 2 February 2022, <http://hrcsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf>, pp. 16-18.

⁶⁵⁶ RSF, *Somalia*, accessed 25 August 2022, <https://rsf.org/en/somalia>.

⁶⁵⁷ Amnesty International, *“We Live in Perpetual Fear”: Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.ecoi.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF, p. 7. “NUSOJ has observed several incidents where journalists have been denied access to information held by government institutions, including minutes of government meetings, contracts, and communications in government’s possession, in direct contravention of the principle of open governance and transparency.” NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 17. “As the Somalia 2021 election went into high gear, journalists faced difficulties accessing official sources of information, which hampered their ability to report on the government response to COVID-19 and on progress of ongoing elections in an accurate, responsible, and timely fashion.” Somali Mechanism for Safety of Journalists (SMSJ), *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, p. 28.

⁶⁵⁸ SJS, *State of Press Freedom in Somalia 2021: Silencing Journalists through Targeted Attacks, Restrictions and Censorship Amid Precarious Working Conditions*, 10 January 2022, <https://sjsyndicate.org/2022/01/10/state-of-press-freedom-in-somalia-2021/>. During 2020, journalists who covered the COVID-19 pandemic faced harassment and detention. See HRW, *Somalia: Spate of Arrests, Intimidation of Journalists*, 2 May 2020, www.hrw.org/news/2020/05/02/somalia-spate-arrests-intimidation-journalists; VOA, *Somali Journalists Arrested, Intimidated While Covering COVID-19*, 18 April 2020, www.voanews.com/a/extremism-watch_somali-journalists-arrested-intimidated-while-covering-covid-19/6187794.html.

⁶⁵⁹ NUSOJ, *Between a Rock and Hard a Place: Journalists in Peril in Somalia*, 3 May 2021, www.nusoj.org/wp-content/uploads/2021/05/STATE-OF-MEDIA-FREEDOM-REPORT---3-May-2021-.pdf, p. 12. See also, NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 6; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁶⁶⁰ UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 33. Somaliland authorities arrested poet Abdirahman Ibrahim Adan Abees in January 2019 after he performed poems that were critical of human rights abuses by Somaliland police and kept him detained for over a month. Freedom House, *Freedom in the World 2020: Somaliland*, 4 March 2020, www.ecoi.net/en/document/2030808.html.

⁶⁶¹ Amnesty International, *“We Live in Perpetual Fear”: Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.ecoi.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF, pp. 7, 42-47. In Jubbaland, it was reported that state security forces had assassinated clan elders who opposed or spoke against Madobe, the president of Jubbaland state. UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 133.

⁶⁶² UN General Assembly, *Compilation on Somalia: Report of the Office of the United Nations High Commissioner for Human Rights*, 26 February 2021, A/HRC/WG.6/38/SOM/2, www.ecoi.net/en/file/local/2048188/A_HRC_WG_6_38_SOM_2_E.pdf, para. 35. See also, UN General Assembly, *Situation of Human Rights in Somalia*, 24 August 2020, A/HRC/45/52, www.ecoi.net/en/file/local/2038295/A_HRC_45_52_E.pdf, para. 33.

⁶⁶³ NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 8.

The government also reportedly uses national security as an excuse to suppress and prevent media coverage of sensitive events including the coverage of opposition figures.⁶⁶⁴ The government of Somalia regularly uses provisions of the Penal Code or other laws to prosecute journalists and media workers in retaliation for their reporting.⁶⁶⁵ The authorities of Somaliland⁶⁶⁶ and Puntland⁶⁶⁷ also use arbitrary arrest and detention as a means of intimidation against journalists.⁶⁶⁸ Between 1 February and 6 May 2022, UNSOM documented the arrest and detention of 27 journalists and media workers for “allegedly spreading false information, posting views critical of public officials and covering an attack by Al Shabaab.”⁶⁶⁹ During 2020 and 2021, UNSOM recorded the arbitrary arrest and detention of journalists in each of its periodic reports across all regions of Somalia, including Puntland and

- ⁶⁶⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.
⁶⁶⁵ Freedom House, *Freedom in the World 2022: Somalia*, 28 February 2022, www.ecoi.net/en/document/2074674.html; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; IFJ, *Impunity: Somalia*, 27 October 2021, www.ifj.org/media-centre/news/detail/category/end-impunity-2021/article/impunity-somalia.html. “Federal and regional authorities continued to intimidate, attack, arbitrarily arrest, and at times prosecute journalists, including by using the country’s outdated penal code.” HRW, *World Report 2022: Somalia*, 12 January 2022, www.ecoi.net/en/document/2066476.html. In September 2021, a journalist was arrested by police in Galmudug for reporting on recent armed clashes with Ahlu Sunna Waljama’a; he was held in detention for several days without charges and reportedly beaten. Horn Observer, *Three Journalists Arbitrarily Detained for Covering Armed Conflict in Somalia’s Galmudug Freed*, 5 October 2021, <https://hornobserver.com/articles/1365/Three-journalists-arbitrarily-detained-for-covering-armed-conflict-in-Somalias-Galmudug-freed/>; RSF, *Journalist Arrested for Covering Militia Attacks in Central Somalia*, 1 October 2021, <https://rsf.org/en/news/journalist-arrested-covering-militia-attacks-central-somalia>. In July 2021, police and National Intelligence and Security Agency (NISA) officers arrested journalists in Mogadishu, Gedo, Hiiraan and Sool. Horn Observer, *Police and NISA Detain and Harass Journalists in Mogadishu, Gedo, Hirshabelle and Las’Anod*, 7 July 2021, <https://hornobserver.com/articles/1137/Police-and-NISA-detain-and-harass-journalists-in-Mogadishu-Gedo-Hirshabelle-and-LasAnod>. On 16 May 2021, armed police and NISA officers threatened and harassed a group of journalists covering a public protest in Mogadishu; one female journalist was beaten, thrown to the ground, and her equipment was taken by the Hamar Weyne police commissioner. SJS, *Police and NISA Officers Attack Journalists Covering Protest, Beat Female Reporter and Confiscate Equipment in Mogadishu*, 16 May 2021, <https://sjsyndicate.org/2021/05/16/police-and-nisa-officers-attack-journalists-beat-female-reporter-and-confiscate-equipment-in-mogadishu/>. NISA officers raided a TV station office in Mogadishu in February 2021, shortly after the president’s term lapsed, taking two journalists to Godka Jilacow prison for questioning. The government later released the two journalists. Keydmedia, *NISA Agents Raid TV Office, Arrest Journalists*, 8 February 2021, www.keydmedia.net/en/news/nisa-agents-raid-tv-office-arrest-journalists/. For more examples of harassment, intimidation and violence perpetrated against journalists and media workers from 2020, 2019 and 2018, see NUSOJ, *Between a Rock and Hard a Place: Journalists in Peril in Somalia*, 3 May 2021, www.nusoj.org/wp-content/uploads/2021/05/STATE-OF-MEDIA-FREEDOM-REPORT—3-May-2021-.pdf, pp. 8-15; Amnesty International, *“We Live in Perpetual Fear”: Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.ecoi.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF.
⁶⁶⁶ In April 2022, Somaliland authorities arrested and detained 14 journalists after they attempted to report on a prison riot in Hargeisa. The NUSOJ Secretary General decried the arrests, saying that this was “the biggest wave of arrests of journalists for years anywhere in Somalia”. RSF, *Massive Wave of Arrests in Somaliland: 14 Journalists Behind Bars*, <https://rsf.org/en/news/massive-wave-arrests-somaliland-14-journalists-behind-bars>. See also, VOA, *Journalists Arrested while Covering Prison Scuffle in Somaliland*, 13 April 2022, www.voanews.com/a/journalists-arrested-while-covering-prison-scuffle-in-somaliland-6528462.html. On 18 March 2022 five intelligence officers assaulted three journalists, with the attack focused on one individual who had recently criticized Somaliland’s president online. Committee to Protect Journalists (CPJ), *Somaliland Intelligence Officers Attack 3 Journalists; Detain Journalist Abdisalan Ahmed Awad*, 11 April 2022, <https://cpj.org/2022/04/somaliland-intelligence-officers-attack-3-journalists-detain-journalist-abdisalan-ahmed-awad/>. Somaliland authorities arrested three journalists for their reporting on the administration of the contested Sool region in December 2021. CPJ, *Somaliland Authorities Arrest Three Journalists for Critical Reporting*, 31 December 2021, <https://cpj.org/2021/12/somaliland-authorities-arrest-three-journalists-for-critical-reporting/>. “Somaliland’s government continued to use arbitrary detention and arrest to curb negative reporting by journalists, as well as demonstrations of political expression by citizens, particularly on the suppression of support for unification with Somalia and on the Sool and Sanaag regions, which are the subject of territorial disputes with Puntland.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.
⁶⁶⁷ In Puntland and Jubbaland: “It is now an established routine that journalists who write uncomfortable truths are promptly detained for unspecified periods without charge.” NUSOJ, *Between a Rock and Hard a Place: Journalists in Peril in Somalia*, 3 May 2021, www.nusoj.org/wp-content/uploads/2021/05/STATE-OF-MEDIA-FREEDOM-REPORT—3-May-2021-.pdf, p. 8. See also, NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 8. Between December 2020 and February 2021, at least three journalists were arrested in Puntland after reporting on political events. Amnesty International, *Somalia: Authorities Must End Arbitrary Arrests and Persecution of Journalists in Puntland*, March 2021, www.amnesty.org/en/latest/news/2021/03/somalia-authorities-must-end-arbitrary-arrests-and-persecution-of-journalists-in-puntland-2/. “[I]n December 2020, Puntland Intelligence and Security Agency forces arrested the freelance journalist Kilwe Adan Farah as he covered protests over government mismanagement of the local currency. Farah was charged with five offenses, including “publication of false news” and “bringing the nation or the state into contempt,” and on March 3 was sentenced by a military court to three months in prison despite a lack of evidence. Under pressure from local and international media freedom NGOs, as well as the international community, Puntland President Said Deni granted Farah a special pardon, and the journalist was released on March 22 after 84 days in jail.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.
⁶⁶⁸ “The governments in the autonomous regions of Somaliland and Puntland are particularly authoritarian and put a great deal of pressure on the local media.” RSF, *Somalia 2021*, accessed 25 August 2022, https://rsf.org/en/analyse_regionale/444. See also, RSF, *Contribution by Reporters Without Borders (RSF), an NGO with Special Consultative Status, on Press Freedom and the Freedom to Inform in Somalia*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/rsf-rwb_upr38_som_e_main.pdf, p. 3. “Judicial harassment against journalists has been particularly on the rise in Somaliland and Puntland.” NUSOJ, *Submission by the National Union of Somali Journalists (NUSOJ) and the International Federation of Journalists (IFJ)*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js5_upr38_som_e_main.pdf, para. 14.
⁶⁶⁹ UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/336/63/PDF/N2233663.pdf>, para. 52. Between 1 August and 4 November 2021: “UNSOM continued to record violations of the right to freedom of expression, documenting 23 violations during the period under review, including the arrest and detention by the authorities of 16 journalists – 8 in South-West State, 4 in ‘Somaliland’, 2 in Galmudug and 1 each in Mogadishu and Hirshabelle.” UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 36.

Somaliland.⁶⁷⁰ In March 2021, the Military High Court of Puntland sentenced journalist Kilwe Adan Farah to a prison sentence of three years, following a “sham” trial, according to the National Union of Somali Journalists (NUSOJ); while he was later pardoned, the action “revealed the extent that Puntland authorities would go to intimidate a journalist and suppress the voice of independent journalists”.⁶⁷¹ Detained journalists are frequently not treated in accordance with due process requirements.⁶⁷²

The governments of Somalia and Puntland have raided media houses to prevent or punish reporting.⁶⁷³ After an interview with an opposition group, police raided a radio station in Hirshabelle on 21 January 2022 and detained seven journalists there for six hours.⁶⁷⁴ In November 2021, Puntland’s Minister for Interior and Democratization suspended the programming of a popular independent radio station in a move which NUSOJ referred to as “an affront to independent journalism, media freedom and Puntland’s democratization initiative”.⁶⁷⁵ Federal and regional governments have particularly targeted journalists reporting on elections for arrest, detention and other forms of harassment.⁶⁷⁶ During the first part of

⁶⁷⁰ See UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, para. 36; UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 43; UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 48; UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, para. 46; UN Security Council, *Situation in Somalia*, 13 November 2020, S/2020/1113, www.ecoi.net/en/file/local/2041334/S_2020_1113_E.pdf, para. 40; UN Security Council, *Situation in Somalia*, 13 August 2020, S/2020/798, www.ecoi.net/en/file/local/2036555/S_2020_798_E.pdf, para. 50; UN Security Council, *Situation in Somalia*, 13 May 2020, S/2020/398, www.ecoi.net/en/file/local/2030188/S_2020_398_E.pdf, para. 46; UN Security Council, *Situation in Somalia*, 13 February 2020, S/2020/121, www.ecoi.net/en/file/local/2025872/S_2020_121_E.pdf, para. 50. The Somali Mechanism for Safety of Journalists documented 66 arbitrary arrests and detentions of journalists in 2021, a “significant spike compared to 2020”, largely because “of the series of protests and public anger over the election failures and delays”. SMSJ, *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, p. 17. See also, NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, pp. 8-9.

⁶⁷¹ NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 9, see also p. 8. Kilwe Adan Farah was arrested, held incommunicado for several months, then tried before a military court in closed hearings. Trying a civilian before a military court is illegal under the Puntland and Somalia Constitutions. A confidential source told the Working Group on Arbitrary Detention that the prosecutor said at a 11 January 2021 charge hearing that the journalist was “a bad critic against Puntland Government and that the only way the authorities can get revenge is to put [him] to the military court which will sentence him to death so that [he] will not criticize the State in the future”. The Working Group found that the government’s actions were “entirely punitive” and concluded: “The deprivation of liberty of Kilwe Adan Farah, being in contravention of articles 2, 3, 7, 8, 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 2, 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights, [was] arbitrary”. UN Human Rights Council, *Opinion No. 17/2022 Concerning Kilwe Adan Farah (Somalia)*, 31 May 2022, A/HRC/WGAD/2022/17, www.ohchr.org/sites/default/files/documents/issues/detention/opinions/session93/2022-08-04/A-HRC-WGAD-2022-17-SOM-AEV.pdf, paras 27, 59, 75, see also paras 9-31.

⁶⁷² “The CSOs are noting that the government has used the fight against terrorism to justify unlawful arrests and detention of innocent people. Among these people are journalists, people affiliated with political opposition and others that have voiced opinions that oppose or criticize the government. Also, many suspects endure pretrial detentions that are longer than the maximum periods allowed by law, are not put before a competent court within the first 48 hours from the moment they are arrested, and there are no complaint procedures in place to seek remedy for those affected.” Somalia Civil Society Organizations, *Universal Periodic Review Report*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js7_upr38_som_e_main.pdf, p. 5. “In several court proceedings in the Federal Member States, NUSOJ has observed that contrary to the presumption of innocence until proven guilty, the courts of the regional administrations have flipped this, assuming guilt and requiring the accused to prove their innocence. The courts tend to be partial, often ignoring evidence that favour the accused.” NUSOJ, *Between a Rock and Hard a Place: Journalists in Peril in Somalia*, 3 May 2021, www.nusoj.org/wp-content/uploads/2021/05/STATE-OF-MEDIA-FREEDOM-REPORT—3-May-2021-.pdf, p. 14. See also, UN Human Rights Council, *Opinion No. 17/2022 Concerning Kilwe Adan Farah (Somalia)*, 31 May 2022, A/HRC/WGAD/2022/17, www.ohchr.org/sites/default/files/documents/issues/detention/opinions/session93/2022-08-04/A-HRC-WGAD-2022-17-SOM-AEV.pdf, paras 64-70.

⁶⁷³ NUSOJ recorded four cases of attacks targeting media houses in 2021. NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 12. See also, SMSJ, *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, pp. 26-27; Amnesty International, “We Live in Perpetual Fear”: *Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.ecoi.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF, pp. 24, 29-32. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; CPJ, *Seven Somali Journalists Detained, Radio Station Raided after Interview with Opposition Group*, 28 January 2022, <https://cpj.org/2022/01/seven-somali-journalists-detained-radio-station-raided-after-interview-with-opposition-group/>.

⁶⁷⁴ All Africa, *Somalia: Seven Journalists Detained, Radio Station Raided after Interview with Opposition Group*, 28 January 2022, <https://allafrica.com/stories/202201300036.html>.

⁶⁷⁵ NUSOJ, *Puntland Must Protect Independent Media from Undue Interference*, says NUSOJ, 9 November 2021, www.nusoj.org/puntland-must-protect-independent-media-from-undue-interference-says-nusoj/. In September 2019 the Puntland authorities raided the offices of the same radio station, Radio Daljir, and threatened their journalists. RSF, *Somalia: Puntland’s Independent Journalists Are All Under Threat*, RSF Says, 24 September 2019, <https://rsf.org/en/news/somalia-puntlands-independent-journalists-are-all-under-threat-rsf-says>.

⁶⁷⁶ SJS, *State of Press Freedom in Somalia 2021: Silencing Journalists through Targeted Attacks, Restrictions and Censorship Amid Precarious Working Conditions*, 10 January 2022, <https://sjsynidicate.org/2022/01/10/state-of-press-freedom-in-somalia-2021/>.

2021, in the lead-up to presidential and parliamentary elections, Puntland authorities intimidated, arrested, harassed and arbitrarily detained journalists and media workers.⁶⁷⁷

In November 2021, based on data gathered by the Committee to Protect Journalists, it was noted that Somalia has been “the world’s worst country for unsolved killings of journalists for seven consecutive years.”⁶⁷⁸ The International Federation of Journalists noted in October 2021 that Somalia is the most dangerous country in Africa for journalists, with 58 journalists having been killed in the country since 2010.⁶⁷⁹ According to the Somali Journalists Syndicate (SJS), 2 journalists were killed, 3 seriously injured, 65 arbitrarily detained, and 7 media houses were raided during 2021.⁶⁸⁰ In October 2020, NUSOJ said it had documented 284 cases of attacks against journalists and media organizations for their work in the previous four years, noting also that the “biggest media challenge” in Somalia is the “continued killings of journalists with impunity every year.”⁶⁸¹ A special prosecutor was nominated in September 2020 to investigate the unsolved murders of journalists in Somalia following a court order imposed after a complaint by NUSOJ.⁶⁸²

Al-Shabaab has targeted journalists and media workers, killing two during 2021, including the director of Radio Mogadishu who was a vocal critic of the group.⁶⁸³ A veteran journalist who had previously received threats because of his critical reporting on Al-Shabaab was gunned down by two unidentified men on 2 March 2021 in Puntland.⁶⁸⁴ Al-Shabaab did not allow media outlets in territory they control to

⁶⁷⁷ Amnesty International, *Somalia: Authorities Must End Arbitrary Arrests and Persecution of Journalists in Puntland*, March 2021, www.amnesty.org/en/latest/news/2021/03/somalia-authorities-must-end-arbitrary-arrests-and-persecution-of-journalists-in-puntland-2/. Across the country, during 2021: “Somali media faced multiple serious violations such as persistent targeted assassinations, violence, and abuses. Journalists covering critical election stories and related protests faced repeated harassment, intimidation, arbitrary detention, arrests, and physical attacks.” SMSJ, *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, p. 12.

⁶⁷⁸ VOA, *Rights Group: Attacks on Somalia Journalists Go Unpunished*, 2 November 2021, www.voanews.com/a/rights-group-attacks-on-somali-journalists-go-unpunished-6297809.html. “Somalia remains the world’s worst country for unsolved killings of journalists, according to CPJ’s annual Global Impunity Index, which spotlights countries where members of the press are singled out for murder and the perpetrators go free.” CPJ, *Killers of Journalists Still Get Away with Murder*, 28 October 2021, <https://cpj.org/reports/2021/10/killers-of-journalists-still-get-away-with-murder/>.

⁶⁷⁹ IFJ, *Impunity: Somalia*, 27 October 2021, www.ifj.org/media-centre/news/detail/category/end-impunity-2021/article/impunity-somalia.html; Freedom House, *Freedom in the World 2021: Somalia*, 3 March 2021, www.econet.net/en/document/2069131.html; RSF, *Contribution by Reporters Without Borders (RSF), an NGO with Special Consultative Status, on Press Freedom and the Freedom to Inform in Somalia*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/rsf-rwb_upr38_som_e_main.pdf, p. 2. Fifteen have been killed since 2016. NUSOJ, *Submission by the National Union of Somali Journalists (NUSOJ) and the International Federation of Journalists (IFJ)*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js5_upr38_som_e_main.pdf, para. 12.

⁶⁸⁰ Somali Journalists Syndicate (SJS), *State of Press Freedom in Somalia 2021: Silencing Journalists through Targeted Attacks, Restrictions and Censorship Amid Precarious Working Conditions*, 10 January 2022, <https://sjsyndicate.org/2022/01/10/state-of-press-freedom-in-somalia-2021/>. See also, NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 18. “According to the Somali Journalists Syndicate (SJS), between January and April, security forces arrested at least 30 journalists on duty, forcibly detaining many others. [...] When antigovernment protests erupted in the capital in February and April concerning the impasse related to federal elections, FGS security forces arbitrarily arrested and detained journalists attempting to cover demonstrations. The SJS reported that Turkish-trained ‘Cheetah’ special police forces forcibly detained numerous journalists on February 18-19, in some cases at gunpoint, who were attempting to cover antigovernment protests in Mogadishu.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.econet.net/en/document/2071126.html.

⁶⁸¹ “Since the last review in 2016, there has not been a year that has passed without a journalist being killed in Somalia. Fifteen (15) journalists were murdered from 2016, instilling more fear in the hearts of working journalists and entrenching the culture of impunity of unpunished crimes against journalists.” NUSOJ, *Submission by the National Union of Somali Journalists (NUSOJ) and the International Federation of Journalists (IFJ)*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js5_upr38_som_e_main.pdf, paras 12, 14.

⁶⁸² NUSOJ, *Between a Rock and Hard a Place: Journalists in Peril in Somalia*, 3 May 2021, www.nusoj.org/wp-content/uploads/2021/05/STATE-OF-MEDIA-FREEDOM-REPORT---3-May-2021-.pdf, p. 17; RSF, *Contribution by Reporters Without Borders (RSF), an NGO with Special Consultative Status, on Press Freedom and the Freedom to Inform in Somalia*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/rsf-rwb_upr38_som_e_main.pdf, p. 2. However, the appointment “which was widely hailed by the entire media fraternity and human rights defenders, is yet to materialise into any action at all. More than a year later, the new special prosecutor’s office for crimes against journalists has not even begun any inquiries.” SMSJ, *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, p. 15.

⁶⁸³ Al-Shabaab shot Jamal Farah Adan in March 2021, and targeted Abdiaziz Mohamud Guled, the director of Radio Mogadishu, with a suicide bomb in November 2021. RSF, *Targeted Suicide Bombing Kills Leading Somali Journalist, Badly Injures Another*, 22 November 2021, <https://rsf.org/en/news/targeted-suicide-bombing-kills-leading-somali-journalist-badly-injures-another>. See also, BBC, *Somali Journalist Abdiaziz Mohamud Guled Killed in Suicide Attack*, 20 November 2021, www.bbc.com/news/world-africa-59352179. As of February 2020: “At least eight journalists [had been] killed in Somalia since 2017 when President Farmajo took office. Five of the journalists died as a result of Al-Shabaab attacks, two were targeted and killed by unidentified attackers and one was shot dead by a federal police officer in Mogadishu. Two of the journalists were killed in 2017, four in 2018 and two in 2019.” Amnesty International, *“We Live in Perpetual Fear”: Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.econet.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF, p. 19. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.econet.net/en/document/2071126.html.

⁶⁸⁴ Al-Shabaab later claimed responsibility for the killing. CPJ, *Somali Journalist Jamal Farah Adan Shot and Killed, Al-Shabaab Claims Responsibility*, 4 March 2021, <https://cpj.org/2021/03/somali-journalist-jamal-farah-adan-shot-and-killed-al-shabaab-claims-responsibility/>. See also, IFEX, *Freelance Journalist Jamal Farah Adan Gunned Down in the Street in Central Somalia*, 2 March 2021, <https://ifex.org/freelance-journalist-jamal-farah-adan-gunned-down-in-the-streets-of-central-somalia/>; IFJ, *Somalia: Journalist Killed in Targeted Attack in Puntland State*, 2 March 2021, www.ifj.org/media-centre/news/detail/category/press-releases/article/somalia-journalist-killed-in-targeted-attack-in-puntland-state.html.

broadcast news that was contrary to their interpretation of Islamic law and “[forbids] persons in areas under its control from listening to international media outlets.”⁶⁸⁵

Women journalists and women human rights defenders face additional vulnerabilities including sexual harassment and other forms of gender-based violence.⁶⁸⁶ Human rights violations and abuses against journalists by federal or regional authorities, or by Al-Shabaab, are committed with impunity.⁶⁸⁷

In light of the foregoing, UNHCR considers that human rights defenders, government critics and journalists who report on issues perceived to be sensitive by either State or non-State actors, are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their (imputed) political opinion or other relevant Convention ground. This includes journalists who have already been arrested, detained or charged with an offence in direct retaliation for their reporting.⁶⁸⁸

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

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

Somalia signed the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* in 2005.⁶⁸⁹ In July 2012, the Federal Government signed an Action Plan to end the recruitment and use of children in the national army.⁶⁹⁰ In 2019 the Federal Government “renewed its commitment to end the recruitment and use of child soldiers by signing a roadmap detailing measures and practical actions to prevent violations”.⁶⁹¹ Additionally, a draft Labour Code, awaiting

⁶⁸⁵ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁶⁸⁶ “The abuse and violence experienced by women journalists unfortunately feeds into a broader culture of gender inequality and gender-based violence in Somalia and significantly impacts the personal, emotional and professional trajectory of female journalists. In 2021, NUSOJ documented 16 cases of gender-based violence against female journalists.” NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 5. See also, SMSJ, *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, p. 29; NUSOJ, *Submission by the National Union of Somali Journalists (NUSOJ) and the International Federation of Journalists (IFJ)*, October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js5_upr38_som_e_main.pdf, paras 15-16; Defend Defenders, *Submission to the United Nations Universal Periodic Review: 38th Session of the UPR Working Group*, 15 October 2020, www.upr-info.org/sites/default/files/document/somalia/session_38_-_may_2021/js3_upr38_som_e_main.pdf, p. 5. “Several female journalists told Amnesty International that they no longer go to cover attack scenes because they fear being targeted for being women. Other female journalists said they face discrimination in the work place including being excluded from decision making and not being given enough employment benefits compared to their male counterparts.” Amnesty International, *“We Live in Perpetual Fear”: Violations and Abuses of Freedom of Expression in Somalia*, 13 February 2020, www.ecoi.net/en/file/local/2024685/AFR5214422020ENGLISH.PDF, p. 13.

⁶⁸⁷ “None of the serious violations, killings and violent attacks listed in this report has been investigated or prosecuted in a court of law. Impunity for crimes against the media in Somalia continues to encourage perpetrators to act with unhindered brutality.” SMSJ, *Journalists Safety and Media Freedom in Somalia*, June 2022, www.mediasupport.org/wp-content/uploads/2022/06/Journalists-Safety-and-Media-Freedom-in-Somalia.pdf, p. 12. “The biggest barrier to justice for journalists in Somalia is the pervasive climate of impunity that exists, meaning those responsible for violations against journalists do so knowing they will not be held to account for their actions.” NUSOJ, *Trail of Violence: Somali Journalists Bear the Brunt of Impunity*, 9 February 2022, www.nusoj.org/wp-content/uploads/2022/02/NUSOJ-State-of-the-media-report.pdf, p. 6.

⁶⁸⁸ When prosecution is used as a tool to target a person for a relevant Convention ground or to enforce a law which is not in conformity with accepted human rights standards, it may qualify as persecution. UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, www.refworld.org/docid/5cb474b27.html, paras. 57, 59-60.

⁶⁸⁹ OHCHR, *Status of Ratification Interactive Dashboard: Somalia*, accessed 25 August 2022, <https://indicators.ohchr.org/>.

⁶⁹⁰ “In the plan, the Somali Government commits to end and prevent recruitment of children in Somalia’s National Armed Forces; reintegrate all children released from the armed forces with the support of the UN; criminalize the recruitment of children through national legislation; and provide the UN with unimpeded access to military installation to verify the presence of children.” UN News, *At UN-Backed Meeting, Somalia Signs Action Plan to End Use of Child Soldiers*, 3 July 2012, <https://news.un.org/en/story/2012/07/414752-un-backed-meeting-somalia-signs-action-plan-end-use-child-soldiers>.

⁶⁹¹ UNSOM, *UN, Somalia Recommit to End the Recruitment and Use of Child Soldiers*, 30 October 2019, <https://unsom.unmissions.org/un-somalia-recommit-end-recruitment-and-use-child-soldiers>.

approval in the Upper House of Parliament, would prohibit the “forced or compulsory recruitment of children for use in armed conflict”.⁶⁹²

The Ministry of Defence Child Protection Unit (CPU) seeks to eradicate child recruitment and has successfully carried out screenings at bases for underage soldiers and trainings on child recruitment.⁶⁹³ However, the government has failed to fully implement the 2012 Action Plan, and inconsistent levels of control of the armed forces has hampered the prevention of child recruitment.⁶⁹⁴

Al-Shabaab uses forcible recruitment⁶⁹⁵ across Somalia, targeting children and using incentives, propaganda and threats as well as abductions and violence.⁶⁹⁶ Al-Shabaab pressures clan elders, families and communities to provide children for recruitment, with penalties for disobedience.⁶⁹⁷ Community members from Abal, Dondardiir and Faraatiyow in Bakool region reported in May and June 2021 that Al-Shabaab forced them to provide children who were between 12 and 15 years of age.⁶⁹⁸ After 8,000 families were displaced in Berdale district, Bay region in April 2021, some of the displaced families cited Al-Shabaab demands to provide children for recruitment as a reason for fleeing their homes.⁶⁹⁹ People who refuse requests to join Al-Shabaab or to provide others for recruitment may be

⁶⁹² US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁶⁹³ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, April 2022, www.ecoi.net/en/document/2071126.html.

⁶⁹⁴ US Department of State, *2020 Country Report on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html. “The government continued to implement the 2012 action plan to end the unlawful recruitment and use of children by the SNA; however, the FGS exercised inconsistent command and control of SNA forces.” US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁶⁹⁵ UNHCR understands forced recruitment to include a variety of forms of coercion which may include physical threats and/or violence, but also other forms of coercion through fear and intimidation or the use of cultural or social structures to apply significant pressure on an individual to join an organization or armed group.

⁶⁹⁶ “Al-Shabaab continued to scale up its recruitment and use of children in response to ongoing large-scale operations by the Somali National Army, AMISOM and international forces in several regions of the country, including Juba Dhexe, Juba Hoose, Shabelle Dhexe, Shabelle Hoose, Hiraan and Galmudug. There was a significant increase in the number of children recruited and used in areas under the control of Al-Shabaab.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 32. As of November 2021: “Data shows that Al Shabaab has recruited 6,843 children since 2016 and annual trends indicate a 300% increase in child recruitment and use over the past 5 years. This is strong evidence that the recruitment of children is now Al Shabaab policy.” UNICEF, *Grave Child Rights violations in Somalia*, 2 November 2021, www.unicef.org/somalia/press-releases/grave-child-rights-violations-somalia. “Men and boys are also targeted for rape, forceful recruitment and kidnapping and psychological abuse and trauma.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 99. See also, HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html; M. Ingiriis, *The Anthropology of Al-Shabaab: The Salient Factors for the Insurgency Movement’s Recruitment Project*, 3 February 2020, www.tandfonline.com/doi/abs/10.1080/09592318.2020.1713548?journalCode=fswi20; UNU, *Hybrid Conflict, Hybrid Peace*, 2020, <https://i.unu.edu/media/cpr.unu.edu/post/3895/HybridConflictSomaliaWeb.pdf>, p. 121; EASO, *COI Query: Information on Forced Recruitment by Al-Shabaab in the Government-Controlled Areas, Methods of Recruitment, Recruitment Procedure, Profiles of the Recruited, Consequences of Refusal to Join the Group*, 25 October 2019, www.ecoi.net/en/file/local/2019114/2019_10_25_EASO+COI+QUERY_SOMALIA_AL+SHABAAB_FORCED_RECRUITMENT_Q25.pdf.

⁶⁹⁷ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 123. “[O]n some occasions, the clan elders in Lower Jubba were ordered to provide a certain number of recruits for enrollment into al-Shabaab’s ranks. [...] ‘Abdullahi’, a senior clan elder in Kismayo, recalls how his brother, who was the clan’s sultan at that time, had to bring 200 recruits from his sub clans to al-Shabaab. In such cases, the elders strove to share this heavy burden as equally as possible between the different sub-clans under their responsibility.” M. Skjelderup, *Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012*, 7 August 2020, www.tandfonline.com/doi/full/10.1080/09592318.2020.1780686. See also, GWU, *Inside the Minds of Somalia’s Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, pp. 92-93; Borgen Project, *Child Soldiers in Somalia*, 10 October 2021, <https://borgenproject.org/child-soldiers-in-somalia/>; S. Santino Jr and E. Spoldi, *Children in Armed Conflict: A Human Rights Crisis in Somalia*, 16 March 2021, www.degruyter.com/document/doi/10.1515/gj-2020-0083/html; UN Security Council, *Children and Armed Conflict in Somalia*, 4 March 2020, S/2020/174, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf>, para. 22. Sometimes, the provision of a family member may be in lieu of paying the *zakat* tax. Danish Immigration Service, *South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees*, July 2020, www.justice.gov/eoir/page/file/1309016/download, p. 13. The penalties for disobedience include violence, forced eviction and the abduction of village and clan elders. “In March 2020, Al-Shabaab militants approached the elders and community leaders of eleven villages in Huddur District, Bakool region, and ordered the community to provide children to the group, including financial support for the children. Al-Shabaab also threatened that those who would not comply would have their properties evicted and would be expelled from the villages.” UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, p. 80.

⁶⁹⁸ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 123. Additionally: “From December 2019 throughout June 2020, the Panel documented a child recruitment campaign by Al-Shabaab in Bay, Bakool and Lower Shabelle. The investigation highlighted how Al-Shabaab targeted specific communities perceived to be ideologically distant from the group and aligned to the Federal Government of Somalia. The investigation also revealed how communities that resisted Al-Shabaab’s demands for children were subjected to attacks, abductions and forced displacement by the group over an extended period of time.” UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, p. 79.

⁶⁹⁹ “[I]n April 2021, more than 8,000 families were displaced in Berdale district of Bay region (South West State) due to Al-Shabaab demands on communities to avail their children for recruitment as fighters, forced taxation, kidnapping and destruction of properties.” Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, p. 6. “Communities have been increasingly defying orders by Al-Shabaab to provide children for recruitment and have opted to move children to other towns, leading to varying degrees of displacement and family separation.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 32.

“threatened and labelled as infidels who reject Islam and the Sharia law” or killed.⁷⁰⁰ Six elders were abducted by Al-Shabaab on 25 January 2021 after they failed to provide new recruits.⁷⁰¹ The Hiraal Institute reported in 2018 that residents of one central Somalia town bought children from poorer clans to provide to Al-Shabaab in lieu of providing children from their own village.⁷⁰²

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

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

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

⁷⁰⁰ Danish Immigration Service, *South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees*, July 2020, www.justice.gov/eoir/page/file/1309016/download, p. 13.

⁷⁰¹ ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁷⁰² “According to residents in AS-controlled territory, some clans have started buying children from poorer clans to take the place of their children. For instance, in one central Somalia AS-controlled town, residents were ordered to provide 40 children. The families that could afford to raised \$1,000 each to buy 13 children from southern Somalia to replace their children. This has in effect created a child slave trade, with the tacit approval of AS.” Hiraal Institute, *The Fighters Factory: Inside Al-Shabab’s Education System*, 15 May 2018, <https://hiraalinstitute.org/wp-content/uploads/2018/05/Education-in-Al-Shabab.pdf>.

⁷⁰³ Almost half of all abduction incidents documented worldwide by the Special Representative of the Secretary-General for Children and Armed Conflict from August 2020 to July 2021 “were attributed to armed groups in Somalia”. UN General Assembly, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, 26 July 2021, A/76/231, www.ecoi.net/en/file/local/2059410/N2120600.pdf, para. 6. “The recruiting method used by al-Shabaab varies from luring children with gifts and money to directly threatening them or their families. In addition, militants started abducting children by raiding schools, markets, playgrounds and crowded outdoor locations.” S. Santino Jr and E. Spoldi, *Children in Armed Conflict: A Human Rights Crisis in Somalia*, 16 March 2021, www.degruyter.com/document/doi/10.1515/gj-2020-0083/html. “Between August 2016 and September 2019, the country task force verified the abduction of 4,462 children (356 girls, 4,106 boys). It was verified that 98 per cent of all abductions were committed by Al-Shabaab”. UN Security Council, *Children and Armed Conflict in Somalia*, 4 March 2020, S/2020/174, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf>, para. 52.

⁷⁰⁴ “1,030 children (933 boys, 97 girls) were abducted by Al-Shabaab (1,012), clan militia (5) and unidentified perpetrators (13). Most children were abducted for recruitment and use (532), owing to alleged association with armed forces (104) and as a result of non-compliance with codes imposed by Al-Shabaab (131). Some were released (123) or escaped (35).” UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 154. During 2020, “1,430 children (1,348 boys, 82 girls) were abducted by Al-Shabaab (1,413), clan militia (9), unidentified perpetrators (7) and the Westland armed group (1). Children were abducted for recruitment and use (868), alleged association with armed forces (174) and non-compliance with Al-Shabaab-imposed codes (93). Some 136 children were released 52 escaped and 42 were rescued, whereas 1,168 remained held, 6 were killed and 26 are unaccounted for.” UN Security Council, *Children and Armed Conflict*, S/2021/437, 6 May 2021, [https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/113/09/PDF/N2111309.pdf](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/113/09/PDF/N2111309.pdf?OpenElement), para. 141. Specific examples of abductions for recruitment during 2021 include: Al-Shabaab abducted eight boys between the ages of 15 and 18 in Jowhar, Middle Shabelle on 26 September 2021, and thirty-five boys were abducted and forcibly recruited via attacks against schools in Hiraan and Bay regions during 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>; UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 124.

⁷⁰⁵ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, Garowe Online, *Somalia Forces Rescue Children in Raid on Al-Shabaab Camp*, 26 September 2020, www.garoweonline.com/en/news/somalia/somalia-forces-rescue-children-in-raid-on-al-shabaab-camp.

⁷⁰⁶ S. Santino Jr and E. Spoldi, *Children in Armed Conflict: A Human Rights Crisis in Somalia*, 16 March 2021, www.degruyter.com/document/doi/10.1515/gj-2020-0083/html. During 2021, Al-Shabaab “increasingly ordered communities to enrol children, predominantly boys, for religious studies at specific institutions that were either managed by the group or run by sympathizers. Children were often recruited from these religious studies institutions after undergoing indoctrination and military training.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 32.

⁷⁰⁷ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 124. “In Lower Jubba, as in other parts of al-Shabaab-controlled territories, recruitment mechanisms whereby locals were incorporated into the military apparatus or other parts of the organization were employed in a number of ways, for example through indoctrination and peer pressure in schools and mosques; often clan elders were not directly involved”. M. Skjelderup, *Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008-2012*, 7 August 2020, www.tandfonline.com/doi/full/10.1080/09592318.2020.1780686. Al-Shabaab attacks and closes schools which follow any unapproved curricula; on 27 October 2020, for example, Al-Shabaab “attacked and closed a primary school that was providing education to 195 children (115 boys, 80 girls) in Gedo Region after the new Government of Somalia curriculum, which Al-Shabaab has forbidden in areas under its control, had been provided to the school the previous week.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 46.

⁷⁰⁸ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 4.

⁷⁰⁹ UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 149. See also, UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 122, footnote 146. Between 6 November 2021 and 31 January 2022, the country task force reported that 289 children were recruited and used. UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 59.

frequently documented in areas where there is active conflict, illustrated in 2021 by spikes in child recruitment in Middle Shabelle, Gedo and Hiraaan.⁷¹⁰

During 2020, the United Nations documented “the recruitment and use of 1,716 children (1,655 boys, 61 girls)”.⁷¹¹ Children are recruited for support roles and also in combat, including as suicide bombers and human shields, planting explosives and carrying supplies or acting as guards.⁷¹² Children are, on average, 13.5 years old at the time of their recruitment.⁷¹³

In February 2022, the Protection Cluster in Somalia noted that “the actual extent of grave violations of children’s rights [including forced recruitment] is [expected to be] far higher than reported and verified.”⁷¹⁴

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

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

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

Asylum claims made by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including in relation to the examination of any exclusion considerations for former child soldiers.⁷¹⁵ Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.⁷¹⁶

⁷¹⁰ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 122. Al-Shabaab drastically scaled up child recruitment in 2017 and 2018 as a result of military operations by the SNA, AMISOM and international forces. UN Security Council, *Children and Armed Conflict in Somalia*, 4 March 2020, S/2020/174, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf>, para. 21.

⁷¹¹ Of these, 1,407 were recruited by Al-Shabaab; 168 by government security forces, including 101 by the Somali Police Force, 62 by the Somali National Army and 5 by the National Intelligence and Security Agency; 94 by regional forces, including Jubaland forces (36), Galmudug forces (31), Puntland forces (21), Jubaland police (3), Puntland police (2) and Galmudug police (1); and 47 by clan militia. UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 136. See also, S. Santino Jr and E. Spoldi, *Children in Armed Conflict: A Human Rights Crisis in Somalia*, 16 March 2021, www.degruyter.com/document/doi/10.1515/gj-2020-0083/html.

⁷¹² UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 136; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “These children [recruited by Al-Shabaab] planted explosive devices, acted as human shields, conducted assassinations and suicide attacks, gathered intelligence, and provided domestic services.” US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁷¹³ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 96.

⁷¹⁴ Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, p. 8. In May 2022, the UN Secretary-General noted that access constraints due to armed groups and the COVID-19 pandemic prevented data collection, and that the number of verified violations against children, including instances of recruitment, are “likely to be significantly higher.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 28.

⁷¹⁵ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)(2) and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html.

⁷¹⁶ The Paris Principles state: “Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles”. UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

7) Al-Shabaab Defectors

Al-Shabaab does not allow members to leave and the punishment for doing so is death.⁷¹⁷ A study of 32 Al-Shabaab defectors in a Disarmament, Rehabilitation, and Reintegration (DRR) centre in 2017 found that 70 per cent of defectors had received death threats from Al-Shabaab after leaving.⁷¹⁸ While Al-Shabaab may not pursue a low-level defector outside of areas it controls, it may still punish that defector if the person comes to the organization's attention or attempts to travel.⁷¹⁹ However, high-level and mid-level Al-Shabaab members reportedly fear defecting because Al-Shabaab would target them even outside of areas it controls.⁷²⁰ Al-Shabaab's intelligence services tracks those who leave the organization and has targeted and killed family members of defectors.⁷²¹

The government's overall approach to former members of Al-Shabaab who have defected or left Al-Shabaab has been ad-hoc, ranging from disarmament and rehabilitation to sentencing high-profile defectors in military courts to the death penalty.⁷²² UNSOM and the Federal Government, in partnership with other international actors including the International Organization for Migration (IOM), run disarmament programmes for low-risk Al-Shabaab defectors, and it is estimated that up to 3,000 people have been in the programmes since their establishment.⁷²³ By 2 December 2021, there were 337 male and 223 female ex-Al-Shabaab fighters in rehabilitation centres across Somalia.⁷²⁴

Children are reported to be arrested and prosecuted for their alleged association with Al-Shabaab, including by military tribunals.⁷²⁵ According to Human Rights Watch, children "as young as 14 have been sentenced to serve prison terms ranging from six years to life imprisonment" for their association with Al-Shabaab.⁷²⁶ During 2021, 195 children were detained for reason of their alleged association

⁷¹⁷ "The penalty for defecting is death. Al-Shabab has told me this penalty applies to anyone who leaves the group without permission, not just fighters." BBC, *Life after Al-Shabab: Driving a School Bus Instead of an Armed Pickup Truck*, 23 November 2020, www.bbc.com/news/stories-55016792. "[I]t is difficult to leave al-Shabab and extremely dangerous to try to defect. The group does not allow people living in its territory to readily leave either. Not only is there substantial risk to any individual attempting to leave the organization, but also to their family." GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 94.

⁷¹⁸ C. Taylor, T. Semmelrock and A. McDermott, *The Cost of Defection: The Consequences of Quitting Al-Shabaab*, 13 International Journal of Conflict and Violence, 2019, www.ijcv.org/index.php/ijcv/article/view/3122/pdf, p. 8.

⁷¹⁹ EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 28.

⁷²⁰ "AS members holding mid and high-ranking positions have varying degrees of confidence in the group and its ideals; they are however united in seeing the group as their only choice. [...] Their opinions do not translate to defection because, unlike low-level foot soldiers, defecting would mean they would be killed in areas controlled by a government unable to protect its own officials, let alone AS defectors." Hiraal Institute, *Al-Shabab's Military Machine*, December 2018, <https://hiraalinstitute.org/wp-content/uploads/2018/12/The-Al-Shabab-Military.pdf>.

⁷²¹ ACCORD, *Disengaging from Violent Extremism: The Case of Al-Shabaab in Somalia*, 24 June 2019, www.accord.org.za/conflict-trends/disengaging-from-violent-extremism/. "People who defect from al-Shabab are terrified the Amniyat will track them down. Defectors in a rehabilitation centre said the only way they could be safe from al-Shabab would be to flee Somalia." BBC, *Somalia's Frightening Network of Islamist Spies*, 27 May 2019, www.bbc.com/news/world-africa-48390166.

⁷²² Institute for Integrated Transitions and United Nations University, *The Limits of Punishment: Transitional Justice and Violent Extremism*, May 2018, <https://i.unu.edu/media/cpr.unu.edu/attachment/3129/4-LoP-Somalia-final.pdf>, p. 4.

⁷²³ IPI, *Protection Dilemmas Arising from the Reintegration of Former Combatants and the Impact of the Terrorist Designation*, January 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/2201_Protection-Dilemmas.pdf, p. 6.

⁷²⁴ There are centres in Mogadishu, Baidoa and Kismayo. UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 69.

⁷²⁵ "Notably, [the] Somali justice system has recently adopted a trend [...] where domestic courts aggressively prosecute recruited children after their exit from the armed groups. In the Somali judicial system, this allows the police to arrest and prosecute children for their involvement with al-Shabaab. This practice removes the children's right to be assisted and reintegrated into society, as it was declared by the national programme that stipulates the mandatory handover of released or escaped CAAFG [children associated with armed forces or groups] to UNICEF for rehabilitation within 72 h. Instead, former child combatants have been detained and sentenced to spend time in prison varying from six years to life. The military court also sentenced 10 children to death, violating the international norm that prohibits the execution of child criminals, to later commute the sentence on appeal." S. Santino Jr and E. Spoldi, *Children in Armed Conflict: A Human Rights Crisis in Somalia*, 16 March 2021, www.degruyter.com/document/doi/10.1515/gj-2020-0083/html. "International organizations continued to report some government forces arrested and detained children for their actual or alleged association with al-Shabaab and did not apply juvenile justice standards or adhere to international obligations." US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁷²⁶ "In October 2020, six teenage boys were arrested in Galkayo, in the Mudug region of Puntland state in Somalia, for alleged involvement with armed groups. Four of the boys were 15 at the time of the arrest. They were sentenced by a military court for involvement with armed groups. On January 31, 2022, the military court in Galkayo handed down the death penalty for four of the teenagers, then ages 16 to 18, while the two others, aged 16, were sentenced to 20 and 30-years imprisonment, respectively." HRW, *Submission to the Committee on the Rights of the Child Review of Somalia*, 14 April 2022, www.hrw.org/news/2022/04/14/submission-committee-rights-child-review-somalia.

with armed groups, a similar number as 2020.⁷²⁷ In 2019, the UN had documented 910 children who had been detained for their alleged association with an armed group in Somalia.⁷²⁸

Low and mid-level Al-Shabaab defectors must rely on clan networks to do so safely, as they may otherwise be handed over to NISA, which can result in a military trial and execution.⁷²⁹ The defection process is “non-transparent” and civilians, including those who performed non-violent tasks such as cooking or washing, “risk getting caught up in the screening process”; therefore, “even civilians who were only tangentially associated with Al-Shabaab risk being deemed high-risk and then facing the death penalty.”⁷³⁰ Al-Shabaab members are tried in military courts that advocates allege “violate basic fair trial standards”; trials are often hurried and may rely on confessions obtained while the suspect was in the custody of the intelligence services.⁷³¹

Women and children who have been associated with Al-Shabaab face ostracization and stigma, and in some cases have been expelled from their communities as spies.⁷³²

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

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

Asylum claims made by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including in relation to the examination of any exclusion considerations for former child soldiers.⁷³³ Where children associated with armed groups are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not only perpetrators.⁷³⁴

⁷²⁷ This included 192 boys and 3 girls. More than half were detained by the Somalia Police Force (101 children), while the remainder were detained by the Somali National Army (35), Jubbaland forces (20), Jubbaland police (9), Galmudug police (9), NISA (7), Puntland forces (6) Puntland police (6) and Galmudug forces (2). UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 150. During 2020: “212 children (211 boys, 1 girl) were detained for alleged association with armed groups by the Somali Police Force (127), the Somali National Army (40), Jubaland forces (27), Puntland forces (8), Galmudug forces (1), Jubaland police (4), Galmudug police (3) and Puntland police (2).” UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 137.

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

⁷²⁹ M. I. Shire, *Dialoguing and Negotiating with Al-Shabaab: The Role of Clan Elders as Insider-Partial Mediators*, 17 December 2020, <https://doi.org/10.1080/17531055.2020.1863099>. See also, GWU, *Inside the Minds of Somalia's Ascendant Insurgents*, March 2022, https://extremism.gwu.edu/sites/g/files/zaxdzs2191/fi/Al-Shabaab-IMEP_Bacon_March-2022.pdf, p. 109.

⁷³⁰ Institute for Integrated Transitions and United Nations University, *The Limits of Punishment: Transitional Justice and Violent Extremism*, May 2018, <https://i.unu.edu/media/cpr.unu.edu/attachment/3129/4-LoP-Somalia-final.pdf>, p. 4. On 27 June 2021, Puntland authorities carried out the death penalty by firing squad against 21 persons who had been convicted of being Al-Shabaab members. UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 43.

⁷³¹ HRW, *Submission to the Universal Periodic Review of Somalia*, October 2020, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8584&file=EnglishTranslation>, para. 2. See also, HRW, *Submission to the Committee on the Rights of the Child Review of Somalia*, 14 April 2022, www.hrw.org/news/2022/04/14/submission-committee-rights-child-review-somalia; VOA, *Al-Shabab Fears Somalia's Military Court, Judge Says*, 14 January 2022, www.voanews.com/a/al-shabab-fears-somalia-s-military-court-judge-says-6397204.html.

⁷³² Institute for Integrated Transitions and United Nations University, *The Limits of Punishment: Transitional Justice and Violent Extremism*, May 2018, <https://i.unu.edu/media/cpr.unu.edu/attachment/3129/4-LoP-Somalia-final.pdf>, p. 27.

⁷³³ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html.

⁷³⁴ See UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

8) Individuals Belonging to a Clan Engaged in Inter-Clan Conflicts, Including Blood Feuds

In Somalia, clans can be further divided into sub-clans and sub-sub-clans; the most basic clan unit is the *diya*⁷³⁵-paying group (also called *jilib*), which is collectively responsible for the blood debts of its members.⁷³⁶ Blood debts are commonly incurred when one *diya* group member murders a member of another *diya* group,⁷³⁷ but may also be engaged in cases of assault, theft or rape.⁷³⁸ The *diya* group of the perpetrator must pay just compensation to the *diya* group of the victim.⁷³⁹ If compensation is not provided, the victim's kin can exact revenge by killing the murderer or another member of the *diya*-paying group, which may trigger further claims for blood compensation and cycles of revenge killing.⁷⁴⁰ Innocent people become targeted in these blood feuds as members of the particular *diya* group.⁷⁴¹

Minority clans often do not have the capacity to exact revenge and are forced to seek protection through a more powerful clan.⁷⁴²

Inter-clan conflict and revenge killings have continued at high levels during 2020 and 2021.⁷⁴³ Political instability and competition over natural resources,⁷⁴⁴ as well as the effects of the COVID-19

⁷³⁵ *Diya* is Arabic for "blood compensation" or "blood price". *Mag* is the Somali word. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, 15 December 2009, www.refworld.org/docid/4b29f5e82.html, p. 8. See also, Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 6.

⁷³⁶ "En descendant dans la structure hiérarchique, on trouve encore, dans les clans nomades, le jilib, qui comprend quelques centaines ou milliers d'hommes et est appelé dans la littérature spécialisée « groupe qui paye le mag ou diya ». [...] Le jilib se compose de plusieurs familles (étendues) qui sont capables de payer solidairement le « prix du sang » en cas de meurtre d'un membre d'un autre jilib. C'est cette compensation qui est appelée mag ou diya." SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 8, see also pp. 23, 30-31, 36-37.

⁷³⁷ Not only murder but also "perceived acts of humiliation" can result in blood feuds and revenge killings. ACCORD, *Clans in Somalia: Report on a Lecture by Joakim Gundel, COI Workshop Vienna*, December 2009, www.refworld.org/docid/4b29f5e82.html, p. 21.

⁷³⁸ IDLO, *Unlikely Allies: Working with Traditional Leaders to Reform Customary Law in Somalia*, 2011, www.files.ethz.ch/isn/137064/WP1Somalia.pdf, p. 8.

⁷³⁹ "Diya-paying subclans usually consists of a few hundred to a few thousand men. The group should at least have the ability to pay the equivalent of one hundred camels, which is usually a fixed amount of penalties to the victim's family for a murder committed by any clan member." Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 7.

⁷⁴⁰ "Le non-paiement du mag/diya entraîne des conséquences, pouvant aller jusqu'au meurtre, de la part du clan lésé. Cette sorte de dissuasion réciproque assure en général que la compensation sera effectivement payée." SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, p. 36.

⁷⁴¹ On 12 February 2022, for example, a pregnant woman was shot and killed in the Galgaduud region in Galmudug as part of a clan dispute. Goobjoog News, *Expectant Woman Killed in Clan Feuds in Kahan-dhaalle, Galgaduud*, 12 February 2022, <https://goobjoog.com/english/expectant-woman-killed-in-clan-feuds-in-kahan-dhaalle-galgaduud/>. See also, BBC, *Somali Clans Secure Peace with Death Sentences and Hefty Fines*, 18 March 2018, www.bbc.com/news/world-africa-43450535. The people who are killed in revenge are normally supposed to be similarly situated to whoever was killed in the first group. EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 76.

⁷⁴² SEM, *Focus Somalie : Clans et minorités*, 31 May 2017, www.sem.admin.ch/dam/sem/fr/data/internationales/herkunftslander/afrika/som/SOM-clans-f.pdf.download.pdf/SOM-clans-f.pdf, pp. 40-41; Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 42. "For minority groups such as Bantu and others, the clan system offers little protection or opportunity, and instead has led to exclusion from mainstream social and political life." MGRI, *State of the World's Minorities and Indigenous Peoples 2014: Somalia*, 3 July 2014, www.refworld.org/docid/53ba8dd614.html. "The predominance of the clan system particularly impacts minority clan members, who experience more conflict related attacks on their households relative to majority clan members." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 23. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; Lifos, *Government and Clan System in Somalia*, 5 March 2013, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=38611>, pp. 31-32.

⁷⁴³ "Clan conflicts remain a major concern, particularly in Hiraan, Galmudug, Lower Shabelle, Middle Shabelle and Sool regions, where clan violence costs lives and livelihoods, and displaces families. Clan conflict in Galmudug and Hirshabelle escalated from November 2020 and continued into September 2021, especially in the Galgaduud region, and clan-based violence over political grievances and revenge killings hindered humanitarian movement and operations, as did armed clashes between local militias in the disputed areas of Sool and Sanaag, where the territorial dispute continues." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 16-17, see also p. 63.

⁷⁴⁴ "During the reporting period [from 16 December 2020 to 6 September 2021], the Panel [of Experts on Somalia] noted an increasing level of armed clan violence closely associated to competition over resources and power struggles and exacerbated by the ongoing electoral process in several Somali regions, particularly Galgaduud, Hiraan, Mudug, Sanaag and Bari." UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 31. Clan conflicts are "frequently [...] connected to access to resources (water, pasture) or land." EASO, *Somalia: Targeted Profiles*, 20 September 2021, <https://reliefweb.int/report/somalia/easo-country-origin-information-report-somalia-targeted-profiles-september-2021>, p. 77. See also The Hill, *The Violence in Somalia Needs to be Addressed*, 7 July 2021, <https://thehill.com/opinion/international/561870-the-violence-in-somalia-needs-to-be-addressed>.

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

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

a) Blood Feuds in Somaliland⁷⁵³

Clashes between Habar Yonis/Sa’ad Yonis and Habar Je’lo/Bi’de sub-clans in El Afweyne in the Sanaag region of Somaliland have persisted for many years.⁷⁵⁴ On 10 March 2020, following an

⁷⁴⁵ “Cases [of conflict-related sexual violence] attributed to unknown armed men and clan militias were due primarily to intensified clan attacks triggered by land-based clan disputes, as communities struggled with the impact of COVID-19 and other humanitarian crises.” UN Security Council, *Situation in Somalia*, 17 February 2021, S/2021/154, www.ecoi.net/en/file/local/2046029/S_2021_154_E.pdf, p. 10.

⁷⁴⁶ “Stakeholders reported an intensification and increase of armed conflict among clans and sub-clans over agricultural ownership, pasture and water resources, as well as revenge killings and struggles for political power, accounting for 199 casualties (133 civilian deaths and 66 injured). Inter-clan clashes in Jubbaland, Galmudug and South-West State resulted in civilian casualties and massive displacements. Revenge clan killings and atrocities were so serious that military interventions were required to separate the factions and reconciliation meetings were held among clan elders and local populations to defuse and mediate disputes.” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 23. Additionally, “[t]ensions and conflicts amongst clans escalate during droughts, floods and attacks by locusts, which heighten the need, especially among vulnerable rural communities, for arable land and access to water for domestic and agricultural use.” UN General Assembly, *Situation of Human Rights in Somalia*, 24 August 2020, www.undocs.org/A/HRC/45/52, p. 9. See also, The Guardian, *‘Nothing to Eat’: Somalia Hit by Triple Threat of Climate Crisis, Covid and Conflict*, www.theguardian.com/global-development/2021/aug/23/nothing-to-eat-somalia-hit-by-triple-threat-of-climate-crisis-covid-and-conflict.

⁷⁴⁷ “In addition to electoral violence, inter-clan conflict – driven by rivalries, land, property and resource control disputes – will continue to displace and affect households. These dynamics are closely interlinked with climate as inter-clan struggles over resources have been intensified by repeated climate shocks like drought and floods, which further reduce the availability of water and pastures.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 22.

⁷⁴⁸ There were also 22 kidnappings to force compensation for earlier killings. UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 32.

⁷⁴⁹ “These conflicts added instability and insecurity to already fragile areas and generated notable humanitarian consequences, including civilian casualties, destruction of civilian property, displacement and obstruction of humanitarian assistance. Al-Shabaab exploited clan divisions to serve its aims, particularly in Mudug and Hiraan, supporting specific clan interests and fuelling further violence.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 31. “Clan conflicts remain a major concern [...] Humanitarian programmes in the affected locations are often suspended until the conflict is resolved. On occasion, local humanitarian staff belonging to warring clans have been victimized or caught up in the conflict.” UN Security Council, *Letter Dated 12 October 2020*, 15 October 2020, S/2020/1004, www.undocs.org/S/2020/1004, p. 11. “Climate-related crises and clan-based conflicts are likely to trigger further displacement and put an additional strain on already vulnerable communities, particularly in disaster-prone locations, such as along Shabelle and Juba basins.” IOM, *Somalia Crisis Response Plan 2022*, 15 December 2021, https://crisisresponse.iom.int/sites/default/files/appeal/pdf/2022_Somalia_Crisis_Response_Plan_2022.pdf, p. 3. See also, OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 16.

⁷⁵⁰ “Revenge killings can go on for a long while; even after a break of some years, they can suddenly be taken up again”. EASO, *Somalia: Targeted Profiles*, 20 September 2021, <https://reliefweb.int/report/somalia/easo-country-origin-information-report-somalia-targeted-profiles-september-2021>, p. 78. “Even after reconciliation efforts have been successful, conflicts have the potential to reignite quickly over small or perceived provocations. For that reason, humanitarian organizations operating in the areas must be kept abreast of all incidents that can lead to clan conflicts, including those that may have occurred in past months or years, to avoid falling prey to the revenge cycle.” UN Security Council, *Letter Dated 12 October 2020*, 15 October 2020, S/2020/1004, www.undocs.org/S/2020/1004, p. 11.

⁷⁵¹ “Al-Shabaab employs several methods to control the population, influence political outcome and perpetuate a climate of fear across central and southern Somalia. Some of these methods include [...] exploitation of clan competition and use of divide-and-rule tactics to expand its influence.” UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, paras 31, 6, see also para. 31. “As part of its strategy to portray itself as a legitimate government, Al-Shabaab militants have often tried to solve local conflicts, thus projecting themselves as an alternative government.” At the same time: “Al-Shabaab often imposes strict measure on the local clans including the imposition of hefty fines for the death of its fighters when killed by clan militias. Clan representatives pay the fines [...] in exchange for their own safety and that of their families.” Garowe Online, *Clan Pays \$108,000 as Compensation for Deaths of Militants in Somalia*, 6 October 2021, www.garoweonline.com/en/news/somalia/clan-pays-108-000-as-compensation-for-deaths-of-militants-in-somalia.

⁷⁵² “[E]specially in politicized conflicts, near settlements are often spoiled by external interferences of those who may have an interest in the continued insecurity in an area or who feel one of the parties has taken the wrong political stance”. EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 78. See also, ACCORD, *Understanding Civil Militia Groups in Somalia*, 16 August 2016, www.accord.org.za/conflict-trends/understanding-civil-militia-groups-somalia/.

⁷⁵³ This section and the following sections cover some of the recent and ongoing intra-clan conflicts in Somaliland, Puntland and Somalia. This is not meant to be an exhaustive list of all inter-clan conflicts in Somalia. Because of the connection between clan militias and insecurity, it can be difficult to determine where a clan conflict with an administration, the security forces or Al-Shabaab has implications for blood feuds. But given the underpinning of the clan structure in Somali society, any conflict that causes casualties has the ability to cause claims for blood compensation and/or a cycle of revenge killings. For data on incidents related to blood feuds, see ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁷⁵⁴ “President Bihi’s administration [in Somaliland] has faced a recurrent inter-clan conflict in Ceel Afweyn, in Sanaag region, that pits two major branches of the Isaq clan – Bicido/Habar Jeclo and Saad Yonis/Habar Yonis – against each other. The conflict’s roots lie in a long-running Habar Jeclo versus Habar Yonis feud that intensified during the 2017 election, which Bihi, backed by a Habar Jeclo-led alliance, won.” ICG, *Averting War in Somalia*, 27 June 2018, www.crisisgroup.org/africa/horn-africa/somaliland/141-averting-war-northern-somalia.

agreement by traditional and religious leaders, the two rival sub-clans began an exchange of compensation for victims of the conflict.⁷⁵⁵

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

b) Blood Feuds in Puntland

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

c) Blood Feuds in South and Central Somalia

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

⁷⁵⁵ UN Security Council, *Situation in Somalia*, 13 May 2020, www.ecoi.net/en/file/local/2030188/S_2020_398_E.pdf, para. 33.

⁷⁵⁶ The compensation was to be paid in July 2021. The dispute also crossed into Ethiopia. EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 79.

⁷⁵⁷ "The bone of contention was a well. The fighting left 18 men dead, including 15 from the Ugaadhyahan sub-clan and 3 from the Jaama Siyaad [...]. Peace negotiations are ongoing (as of June 2021)." EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 79. See also, Somali Affairs, *Casualties in Clan Clashes in Sool*, 16 April 2021, www.somalifaffairs.com/news/somalia-casualties-in-clan-clashes-in-sool/; UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 32.

⁷⁵⁸ "As of June 2021, four men (two Dhulbahante and two Habar Je'lo) were killed." EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 80.

⁷⁵⁹ Puntland "extends as far south as the city of Galkayo in Galkayo District of Mudug Region. A clear dividing line in the city separates the Majeerteen dominated north from Habar Gedir-dominated south. The extent of Puntland territory east and west of Galkayo, however, is poorly demarcated and remains a potential flash point for conflict between the two traditionally strongest clan families in Somalia, the Hawiye and Darod." UN Security Council, *Report on Somalia of the Monitoring Group on Somalia and Eritrea*, 19 October 2015, www.undocs.org/S/2015/801, p. 55, see also p. 17. "On September 5 [2016], at least 15 persons were killed and 40 injured in clan fighting between the Sacad subclan of the Hawiye and the Omar Mahmoud subclan of the Darood in rural areas east of Galkayo town in Mudug Region". US Department of State, *Country Report on Human Rights Practices: Somalia*, 2016, www.ecoi.net/en/document/1394902.html, p. 38.

⁷⁶⁰ Some small clan conflicts were recorded between Majeerteen/Osman Mohamud and Majeerteen/Ugaadh Saleban in the Karkaar region, and Darood/Leelkase and Hawiye/Habar Gedir/Sa'ad clans clashed in northwest of Gaalkayo. EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 81.

⁷⁶¹ "Galkayo has a violent history of recurrent political and clan-based conflicts, which have limited the development of its full economic potential. [...] The border that runs through Galkayo—between Puntland and Galmudug states—has not always been there. It began as the un-marked boundary between warring clans, separating the city into a northern part dominated by the Majerteen clan family, and a southern part inhabited by members of the Hawiye." Rift Valley Institute, *Contested Commerce: Revenue and State-Making in the Galkayo Borderlands*, 2021, www.ecoi.net/en/file/local/2064876/RVI+2021.11.23+Contested+Commerce_0.pdf, pp. 5, 7. Militias from the two groups clashed on 25 July 2021 and 10 November 2021. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁷⁶² *All Africa, Somalia: Tension Runs High in Galgaduud, 6 Killed in Clan Clashes*, 11 December 2021, <https://allafrica.com/stories/202112120024.html>; EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 82. "Galmudug state has long had a reputation for perennial and sporadic violent clashes between clans. Damaging conflicts are widespread in the state. [...] Active conflicts concern eight current hotspots, namely: 1. Omar Mohamud (Majerten) vs Sa'ad (Habargadir) at Galkayo; 2. Wagardhac (Marehan) vs Sa'ad at Gelinsoor (Mudug); 3. Wagardhac vs Saleban at Gelinsoor (Mudug); 4. Ayanle (Ayr, Habargadir) vs Reer kooshin (Marehan) at Balanballe (Galgaduud); 5. Saleban (Habargadir) vs Yabar-Dhowra kec (Ayr) at Qalanqale (Galgaduud); 6. Marehan vs Ogaden at the Somalia-Ethiopia border; 7. Sa'ad vs Leelkase (Mudug); 8. Habar-aji (Ayr, Habargadir) vs Ali Madaxweyne (Hawaadle) (Hiiraan)". Interpeace, *Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead*, 5 February 2021, www.interpeace.org/wp-content/uploads/2021/02/2021-Galmudug_Report.pdf, pp. 26-7. "Galgaduud region is particularly notable for clan skirmishes owing to the harsh environment and competition for resources." UN Security Council, *Letter Dated 12 October 2020*, 15 October 2020, S/2020/1004, www.undocs.org/S/2020/1004, p. 11.

⁷⁶³ Habar Gedir militia members killed two civilians of the Marehan clan on 11 April 2022. A revenge killing by Habar Gedir clan militia took place on 16 March 2022, where they ambushed a vehicle of civilians from the Marehan clan group in Dhabad village, killing one. On 10 February 2022, members of a sub-clan of the Marehan clan killed a pregnant woman from the Habar Gedir-Saleban sub clan and injured several pastoralists. Militias of the two groups clashed on 1 February 2022, with 11 persons killed, and on 31 January 2022, with eight persons killed and eight injured. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁷⁶⁴ Interpeace, *Galmudug Reconciliation: Processes, Challenges, and Opportunities Ahead*, 5 February 2021, www.interpeace.org/wp-content/uploads/2021/02/2021-Galmudug_Report.pdf, p. 10.

In Hirshabelle, major clan grievances were sparked by the election of the new regional president on 11 November 2020.⁷⁶⁵ A reconciliation process between the Abdalla Aroni and Eli Oumar sub-clans was concluded by the Hirshabelle administration on 7 January 2021, with support from the United Nations.⁷⁶⁶ However, the dispute between the Hawadle clan and the Hirshabelle administration remains unresolved;⁷⁶⁷ on 30 December 2021 and 2 January 2022, clashes between the two forces killed 8 persons and injured 11 others.⁷⁶⁸

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

There are long-running clan conflicts in Lower Shabelle, particularly between Galjecel and Shanta Alemmod, with numerous fatalities recorded in 2020.⁷⁷⁰ In April 2020, fierce inter-clan clashes in Wanlaweyn led to civilian deaths and displacement.⁷⁷¹ Inter-clan continued throughout 2020 and 2021 in Lower Shabelle, despite interventions by State and federal authorities and reconciliation efforts mediated by clan elders and the local population.⁷⁷²

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

In Jubbaland, intermittent clashes resulted in more than 50 fatalities between 2 February and 2 April 2020; the clans agreed to a ceasefire on 11 April 2020.⁷⁷⁴

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

⁷⁶⁶ "The sub-clans agreed among other things to the payment of compensation and the release of persons detained in connection with a land dispute between both sub-clans." Ibid., p. 7.

⁷⁶⁷ "In the Hiraan Region of Hirshabelle State, mediation is continuing between disaffected members of the Hawadle clan and the Hirshabelle State administration, including by Hawadle politicians and elders." UN Security Council, *Situation in Somalia*, 11 November 2021, S/2021/944, <https://undocs.org/en/S/2021/944>, p. 2, see also p. 5.

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

⁷⁶⁹ Flooding in the region also contributed to displacement with over 32,000 persons displaced, about half from flooding and the rest from flooding and the clan conflict. Save the Children et. al., *Multi-Cluster Rapid Assessment on Clan Conflict and Flood in Beletweyne*, 27 May 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/multi-cluster_rapid_assessment_in_beletweyne_-_may_2021.pdf, pp. 2, 5. See also, EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 82; UN Security Council, *Situation in Somalia*, 19 May 2021, S/2021/485, www.ecoi.net/en/file/local/2052226/S_2021_485_E.pdf, para. 32.

⁷⁷⁰ EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 82; Garowe Online, *Inter-Clan Conflict Leaves Over 60 People Dead in Somalia*, 4 April 2020, www.garoweonline.com/en/news/somalia/inter-clan-conflict-leaves-over-60-people-dead-in-somalia. "Galjeel militias particularly targeted trade truck convoys and reportedly engaged in rape, looting, burning of homes and property, illegal checkpoints, and land grabbing." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁷⁷¹ HRW, *World Report 2021: Somalia*, 13 January 2021, www.ecoi.net/en/document/2043509.html. "In April 2020 conflict occurred between Galjecel and Shanta Alemmod clan militias over the control of illegal checkpoints in Wanlaweyn. The fighting spilled into neighboring villages, leaving at least 24 dead, including 20 civilians. There were reports that several victims were mutilated, and one person was reportedly burned alive." US Department of State, *2020 Country Reports on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html.

⁷⁷² "[At mid-2021], renewed conflict occurred among al-Shabaab, the Galjeel clan, and the Shanta Alemmod clan, as well as with the relatively weaker Mirifle subclans, around Wanlaweyn, Lower Shabelle." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, US Department of State, *2020 Country Reports on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html; EASO, *Somalia: Targeted Profiles*, 20 September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 82; UN Security Council, *Situation in Somalia*, 13 August 2020, www.ecoi.net/en/file/local/2036555/S_2020_798_E.pdf, para. 39.

⁷⁷³ See Africanews, *'Tense State' in Somalia Could Lead to Civil War: ICG*, 28 April 2021, www.africanews.com/2021/04/28/tense-state-in-somalia-could-lead-to-civil-war-icg/; France 24, *Somali Opposition Fighters Cordon Off Parts of Mogadishu as Political Feud Turns Violent*, 27 April 2021, www.france24.com/en/africa/20210427-somali-opposition-cordons-off-parts-of-mogadishu-as-political-feud-turns-violent; New York Times, *Gunfire Erupts in Mogadishu as Somalia's Political Feud Turns Violent*, 25 April 2021, www.nytimes.com/2021/04/25/world/africa/somalia-fighting.html; Reuters, *Somali Government Forces, Opposition Clash in Mogadishu over Election Protest*, 19 February 2021, www.reuters.com/article/us-somalia-politics-idUSKBN2AJ0M. See also, Institute for Peace and Security Studies, *The Somali Political Crisis Calls into Question its Transitional Plan*, 4 June 2021, <https://reliefweb.int/report/somalia/somali-political-crisis-calls-question-its-transitional-plan>.

⁷⁷⁴ UN Security Council, *Situation in Somalia*, 13 May 2020, S/2020/398, www.ecoi.net/en/file/local/2030188/S_2020_398_E.pdf, para. 35. See also, Garowe Online, *Inter-Clan Conflict Leaves over 60 People Dead in Somalia*, 4 April 2020, www.garoweonline.com/en/news/somalia/inter-clan-conflict-leaves-over-60-people-dead-in-somalia.

In light of the foregoing, UNHCR considers that persons involved in a blood or clan feud may, depending on the circumstances of the individual case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution.⁷⁷⁵ Depending on the specific circumstances of the case, family members, partners or other dependents of individuals involved in blood feuds may also be in need of international protection on the basis of their association with individuals at risk.

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

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

Al-Shabaab requires all persons in the territory they control to pay certain types of taxes, including on agricultural produce, vehicles, goods and livestock, as well as giving alms and making contributions to their fighters.⁷⁷⁶ The group operates approximately 100 road checkpoints across Somalia, where it taxes trucks and goods being transported.⁷⁷⁷ According to truck drivers in Somalia, they are unable to avoid taxation by taking different routes due to “the extensive network of informants who gather information for the group and instil fear in the population”; drivers who avoid taxation are reported and fined.⁷⁷⁸

Al-Shabaab targets business owners and businesses across Somalia, including in government-controlled territory, as well as Somali businesses based abroad, for tax payments and extortion.⁷⁷⁹ According to the Hiraal Institute, the group “taxes all major companies” and requires clans and businesses “to pay *Infaaq* [further contributions] when the local AS government is short in cash”.⁷⁸⁰ Al-Shabaab has infiltrated both Mogadishu and Kismayo ports and is able to obtain cargo manifests and levy taxes on shipped goods by contacting the business owners and making demands for payments.⁷⁸¹ As of October 2021, the Panel of Experts was investigating claims that Al-Shabaab had also began to tax professionals in Mogadishu including doctors, teachers and university professors.⁷⁸²

⁷⁷⁵ For further guidance see UNHCR, *UNHCR Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual's Membership of a Family or Clan Engaged in a Blood Feud*, 17 March 2006, www.refworld.org/docid/44201a574.html, paras 5-6 and 16-20; and UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, www.refworld.org/docid/3d36f23f4.html.

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

⁷⁷⁷ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 54.

⁷⁷⁸ *Ibid.*, para. 56.

⁷⁷⁹ *Ibid.*, paras 60-61.

⁷⁸⁰ Hiraal Institute, *A Losing Game: Countering Al-Shabab's Financial System*, October 2020, <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>, p. 1.

⁷⁸¹ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, paras 62-68.

⁷⁸² *Ibid.*, footnote 65.

People who refuse to pay taxes to Al-Shabaab face threats of punishment and violence.⁷⁸³ Non-compliance may also result in Al-Shabaab forcing a business to close.⁷⁸⁴ One civil servant reported that in “extreme” cases, Al-Shabaab may kill the person refusing to pay taxes.⁷⁸⁵ It has also been reported that Al-Shabaab may force families to give up their children for recruitment in lieu of the owed tax.⁷⁸⁶ Reportedly, Al-Shabaab “tortured residents in el-Baraf for offenses [including] failure to pay taxes”.⁷⁸⁷ Businesses and business owners in areas outside of Al-Shabaab’s reach are less likely to pay Al-Shabaab.⁷⁸⁸

The Islamic State in Somalia also extorts business owners in urban areas.⁷⁸⁹ For example, in January 2022, the Islamic State in Somalia demanded that taxes be paid to them in Mogadishu by traders in the city’s largest market Bakara and responded with violent attacks when traders refused; on 18 January 2022 the group targeted a trader with an explosive device, and on 24 January 2022 the group targeted two other traders with similar weapons.⁷⁹⁰ In response, merchants closed their stalls on 26 January 2022.⁷⁹¹

In January 2019 the Hirshabelle authorities arrested over ten businessmen who they accused of paying taxes to Al-Shabaab in Jowhar.⁷⁹²

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

⁷⁸³ “Persons who failed to comply with demands for *zakat* and resource donations faced credible threats of violence. In September [2020], al-Shabaab militants attacked local villagers in Galmudug State who had refused to contribute livestock and small arms, according to an international press report.” US Department of State, 2020 *Report on International Religious Freedom: Somalia*, 12 May 2021, www.ecoi.net/en/document/2051588.html. “Refusing to pay previously resulted in severe punishments that served as example to any individual considering defying these rules. Not knowing who an al-Shabaab member is, especially individuals associated to Amniyat (al-Shabaab’s intelligence) is sufficient to ensure compliance.” Italian Institute for International Political Studies, *Al-Shabaab, a Proto-State Replacing the State*, 12 May 2021, www.ispionline.it/en/publicazione/al-shabaab-proto-state-replacing-state-30364. “Paying of taxes to AS is not a voluntary endeavor [...] Fear and a credible threat to their lives is the only motivation that drives AS taxpayers. [...] The punishment, before any death threats are made, ranges from fining them hefty amounts to restricting their access to markets.” Additionally, “[Al-Shabaab’s] punitive operatives are active in almost all areas of Mogadishu, including the Villa Somalia neighborhood; most of Bosaso and Jowhar; and, to a lesser extent, much of Baidoa and Kismayo.” Hiraal Institute, *A Losing Game: Countering Al-Shabab’s Financial System*, October 2020, <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>, pp. 1, 2, 3. “Business owners stated that fears over business continuity and personal safety were key motivating factors in their compliance with Al-Shabaab’s demands.” UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 12. See also, The East African, *Mogadishu Traders Close Bakara Market Stalls over Illegal ‘Taxes’*, 28 February 2022, www.theeastafrican.co.ke/tea/news/east-africa/mogadishu-traders-close-bakara-market-stalls-3697288; Washington Post, *‘If I Don’t Pay, They Kill Me’: Al-Shabab Tightens Grip on Somalia with Growing Tax Racket*, 30 August 2019, <https://wapo.st/35zmBz8>.

⁷⁸⁴ “Individuals refusing to pay AS are forced to shut down their business, change their contact information, or flee the country.” Hiraal Institute, *A Losing Game: Countering Al-Shabab’s Financial System*, October 2020, <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>, p. 4.

⁷⁸⁵ Hiraal Institute, *A Losing Game: Countering Al-Shabab’s Financial System*, October 2020, <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>, p. 6. On 26 March 2022, Al-Shabaab abducted seven civilians in Mudug region after they refused to pay the *zakat* tax. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

⁷⁸⁶ Danish Immigration Service, *South and Central Somalia Security Situation, Forced Recruitment, and Conditions for Returnees*, July 2020, www.ecoi.net/en/file/local/2035712/South+and+Central+Somalia++Security+Situation+Forced+Recruitment+and+Conditions+for+Returnees.pdf, p. 13.

⁷⁸⁷ US Department of State, 2020 *Country Report on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html.

⁷⁸⁸ “Its punitive operatives are active in almost all areas of Mogadishu, including the Villa Somalia neighborhood; most of Bosaso and Jowhar; and, to a lesser extent, much of Baidoa and Kismayo. Consequently, businesses in areas where it is difficult for AS to operate are more likely to reject its demands to pay taxes. While the group calls and threatens businessmen in these areas, more are likely to reject their demands, especially if they have no business interest in AS areas or do not need to pass through them.” Hiraal Institute, *A Losing Game: Countering Al-Shabab’s Financial System*, October 2020, <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>, p. 2.

⁷⁸⁹ US Department of State, 2021 *Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁷⁹⁰ Critical Threats Project, *Africa File: Al Shabaab Surges Bombings amid Somali Political Crisis*, 28 January 2022, www.criticalthreats.org/briefs/africa-file/africa-file-al-shabaab-surges-bombings-amid-somali-political-crisis; The East African, *Mogadishu Traders Close Bakara Market Stalls over Illegal ‘Taxes’*, 28 January 2022, www.theeastafrican.co.ke/tea/news/east-africa/mogadishu-traders-close-bakara-market-stalls-3697288; Goobjoog News, *Traders in Somalia’s Largest Market Close Shops amid Unrelenting ISS Terror*, 25 January 2022, <https://bit.ly/3o4Jssp>; Goobjoog News, *Traders in Somalia’s Largest Market Close Shops amid Unrelenting ISS Terror*, 25 January 2022, <https://goobjoog.com/english/exclusive-traders-in-somalias-largest-market-close-shops-amid-unrelenting-iss-terror/>.

⁷⁹¹ The East African, *Mogadishu Traders Close Bakara Market Stalls over Illegal ‘Taxes’*, 28 January 2022, www.theeastafrican.co.ke/tea/news/east-africa/mogadishu-traders-close-bakara-market-stalls-3697288.

⁷⁹² US Department of State, *Country Report on Human Rights Practices 2019: Somalia*, 11 March 2020, www.ecoi.net/en/document/2026344.html.

10) Women and Girls

Somalia has yet to sign or ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁷⁹³ In 2019, Somalia adopted a Women's Charter, which "calls for full inclusion of women across the political, economic and social spectrum in Somalia" and support for women's rights, including a 50% quota for women in government positions.⁷⁹⁴ Somalia has taken limited steps to try and increase women's political participation in line with the Charter.⁷⁹⁵ However, women are frequently excluded from clan and government leadership structures.⁷⁹⁶

Women continue to face serious challenges to the full enjoyment of their economic, social, political and cultural rights.⁷⁹⁷ Discrimination against women is pervasive in Somali society.⁷⁹⁸ According to the Independent Expert on human rights in Somalia, "the situation of women in Somalia has been characterized by systemic violence."⁷⁹⁹

Girls, especially in rural areas, face barriers in accessing education.⁸⁰⁰ The majority of adult women are illiterate.⁸⁰¹ Women are disproportionately affected by Somalia's weak healthcare system.⁸⁰² In addition,

⁷⁹³ OHCHR, *Status of Ratification Interactive Dashboard: Somalia*, accessed 25 August 2022, <https://indicators.ohchr.org/>; UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 40; African Union, *List of Countries Which Have Signed, Ratified/Accessed to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, 16 October 2019, <https://bit.ly/3Cxf3l3>.

⁷⁹⁴ United Nations Development Programme (UNDP), *Women's Charter for Somalia Issued at Three Day Somali Women's Convention*, 8 March 2019, www.so.undp.org/content/somalia/en/home/presscenter/pressreleases/iwd-2019--delegates-at-three-day-somali-womens-convention-issue.html. See also, UN General Assembly, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21*, 26 February 2021, A/HRC/WG.6/38/SOM/1, www.ecoi.net/en/file/local/2048187/A_HRC_WG.6_38_SOM_1_E.pdf, para. 45; Somalia: Ministry of Women and Human Rights Development, *Somali Women's Charter*, 8 April 2019, www.mwhrd.gov.so/en/wp-content/uploads/2019/11/Somali-Womens-Charter-MoWHRD-April-8-2019-1.pdf, p. 1.

⁷⁹⁵ "UNSOM continued its efforts towards the implementation of a minimum quota of 30 per cent for the parliamentary representation of women in relation to the forthcoming elections. Women currently account for 24 per cent of the 329 members of the bicameral parliament, a number that falls short of the minimum 30 per cent quota. On 27 May [2021], the National Consultative Council reached an agreement in which leaders affirmed their support for the quota but did not communicate any guidelines or specify how the quota would be secured. [...] On 25 July [2021], the Prime Minister appointed a 13-member advocacy committee, with women accounting for 12 of the members, to advocate the attainment of the quota." UN Security Council, *Situation in Somalia*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, paras 28, 30. See also, UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 43.

⁷⁹⁶ "From the findings, interviewees reported that women are rarely given leadership roles under clan management, which compromises their societal status and accords men a high level of dominance that they use to restrict women's rights". USAID et al., *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 4. "In leadership, women are underrepresented in every major Somali institution, especially clans and in government." Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 8. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; United Nations Population Fund (UNFPA), *Let the Somali Women Lead*, 7 March 2021, <https://reliefweb.int/report/somalia/let-somali-women-lead>.

⁷⁹⁷ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁷⁹⁸ "Somalia is one of the most gender unequal countries in the world." Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 8. "Interviewees reported that women are considered inferior and therefore unable to take important roles in governance, limiting their access to social and economic opportunities, education, employment, health, business, credit and more." USAID et al., *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 18. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; I. Bangura, *Trapped in Violence and Uncertainty: Patriarchy, Women, and the Conflict in Somalia*, African Conflict & Peacebuilding Review 80-103 (2021), <https://muse.jhu.edu/article/794109>, pp. 97-98.

⁷⁹⁹ UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 39.

⁸⁰⁰ "Girls have been especially disadvantaged with more than 72% of women in rural areas of Somalia having never attended school." Additionally, the education system in Somalia has been "destroyed" by years of conflict, and only 20% of children are receiving primary education. World Bank, *Girls in Somalia to Benefit from Enhanced Access to Education*, 29 June 2021, www.worldbank.org/en/news/press-release/2021/06/29/girls-in-somalia-to-benefit-from-enhanced-access-to-education.

⁸⁰¹ "According to the UN-backed survey in 2006, the adult literacy rate for women in Somalia was estimated to be 26 per cent, up from 19 per cent in 2001." More recent data is not available. UNSOM, *Amina Abdi Ali: Improving Literacy among Somali Women*, 15 October 2020, <https://unsom.unmissions.org/amina-abdi-ali-improving-literacy-among-somali-women>. "[M]ore than 50% of women are unable to read or write". USAID et al., *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 17.

⁸⁰² "15.9 per cent of women do not have access to toilets and 32.3 per cent report no access to health facilities. This has significant implications for maternal health with only 32 per cent of births delivered with the assistance of a health professional and 21 per cent of births delivered at a health facility. In total, an estimated 1 out of 22 women is likely to die due to pregnancy or childbirth-related causes over the course of their lifetime." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 46, see also p. 86. "Women aged 15-49 reported numerous challenges in accessing healthcare during pregnancy and child delivery: 65 per cent reported lack of money; 62 per cent reported the distance to health facilities; and 42 per cent reported the need to obtain permission to access services". OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 35, see also p. 40.

women are discriminated against in their access to healthcare and procedures, with, for example, doctors refusing to perform “a caesarean section even if the women require it, if their husbands or village elders have not given them permission to undergo the surgery.”⁸⁰³ The rate of maternal deaths in Somalia is one of the highest in the world.⁸⁰⁴ Female-headed households are among the most vulnerable groups in Somalia.⁸⁰⁵

As noted above (see [Section II.A.1](#)), many people in Somalia rely on informal justice mechanisms, including Sharia courts and *Xeer*, which are only administered by men.⁸⁰⁶ Women may need to be accompanied by a man to “support their case, represent them, and accompany them to the courts” and some judges will not allow a woman to appear alone.⁸⁰⁷ Women face barriers in claiming inheritance in the formal and informal courts, and may be granted only a smaller inheritance or denied inheritance altogether.⁸⁰⁸

The clan system and customary law are built upon traditional and patriarchal structures which systematically exclude women.⁸⁰⁹ Within the clan, women are excluded from decision making processes and leadership positions.⁸¹⁰ Additionally, if a woman marries, she is likely to lose the protection of her clan of birth.⁸¹¹

In many places in Somalia, women may have no other option besides *Xeer* for resolving disputes or seeking justice; however, *Xeer* does not provide adequate protection for women and does not let women participate fully in the process.⁸¹² Women are not considered independent legal persons under

⁸⁰³ FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 7. “[...] many doctors in Puntland do not feel comfortable providing services to women without their husband’s permission”. Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 8.

⁸⁰⁴ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 50, 85.

⁸⁰⁵ Ibid, p. 40, 42, 84; OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, pp. 41, 43, 72, 92. “Somali women have borne the brunt of the war given the high levels of sexual and gender-based violence, displacement, and the lack of economic opportunities for female-headed households, especially in areas under the control of extremist groups.” FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 29.

⁸⁰⁶ “Only men administered sharia, which often was applied in the interests of men. According to sharia and the local tradition of blood compensation, anyone found guilty of the death of a woman paid to the victim’s family only one-half the amount required to compensate for a man’s death. The exclusion of women was more pronounced in al-Shabaab-controlled areas, where women’s participation in economic activities was perceived as anti-Islamic.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, Heritage Institute, *Rebuilding Somalia’s Broken Justice System*, 6 January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 28. A person’s clan affiliation and class are also likely to influence their ability to access formal or informal justice mechanisms. UK Aid et al., *Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas*, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 7.

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

⁸⁰⁸ “While formal law and sharia provide women the right to own and dispose of property independently, various legal, cultural, and societal barriers often prevented women from exercising such rights. By law girls and women could inherit only one-half the amount of property to which their brothers were entitled.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, USAID, *Pathways and Institutions for Resolving Land Disputes in Mogadishu*, January 2020, www.usaid.gov/sites/default/files/documents/1860/Access-to-land-rights-in-Somalia-research-report-March-20.pdf, p. 26.

⁸⁰⁹ Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, pp. 16-17. This also affects the political system in Somalia as it is based upon the clan system, leading to significant barriers to women’s political participation. Chr. Michelsen Institute, *Excluding Women: The Clanization of Somali Political Institutions*, 2020, www.cmi.no/publications/7277-excluding-women-the-clanization-of-somali-political-institutions.

⁸¹⁰ Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 7. “Entrenched and politicised, patriarchal clans exclude women (and other minority groups) from formal and customary leadership and decision-making roles.” Institute of Development Studies, *Strengthening gender equality in decision-making in Somaliland*, 4 February 2021, <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/16599>, p. 2. “Seeking justice [in the traditional justice system] is especially challenging for women, clan and ethnic minorities, IDPs and persons with disabilities because they are not represented in these decision-making fora.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 95.

⁸¹¹ Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 14.

⁸¹² “The widespread use and application of *Xeer* is not without concern, particularly in relation to gender equality and human rights. Aspects of *Xeer* custom may violate provisions of the Somali Provisional Constitution, particularly when it comes to the rights of women and other vulnerable groups.”

customary law, they are the responsibility of their father or husband.⁸¹³ Only a man can bring an action in customary law, as a result of which women who are not geographically close to any male relatives lack access to customary law mechanisms; women also “have no mandate to participate in decision making” under customary law.⁸¹⁴ Customary law prescribes that women can be used as part of the penalty to compensate a clan for a crime,⁸¹⁵ while the penalties for a crime committed against a woman are half that of a crime committed against a man.⁸¹⁶ Under customary law, a widow can be forced to marry a male relative of her deceased husband.⁸¹⁷

Additionally, in some areas, notably in Somaliland,⁸¹⁸ local ulamas apply Sharia law to disputes, operating as a distinct form of traditional justice, separate from Xeer,⁸¹⁹ although the lines between Sharia and customary law can be “blurred”.⁸²⁰ Ulamas are often consulted if family mediators or elders

IDLO, *Accessing Justice: Somalia's Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 8, see also pp. 9-10. See also, UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 14; Somali Women Development Centre / Sexual Rights Initiative, *Universal Periodic Review of Somalia: Joint Stakeholder Submission*, April 2021, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8619&file=EnglishTranslation>, paras 9-11, 22-23; USAID, *Gender Equality and Social Inclusion Guidelines*, July 2019, www.americanbar.org/content/dam/aba/directories/roli/somalia/roll-somalia-gender-equality-social-inclusion-guidelines-2019.pdf, p. 5; Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, pp. 12-17. For efforts to encourage the inclusion of women in the Xeer system, see IDLO, *DG Jan Beagle's Statement at Women Delivering Justice Side Event*, 18 March 2021, www.idlo.int/news/policy-statements/csw65-dg-jan-beagle-statement-women-delivering-justice-side-event; IDLO, *Accessing Justice: Somalia's Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, pp. 12-13.

⁸¹³ “Under Xeer, the customary law, a woman is not an independent legal person; she is always under the jurisdiction of others. Before marriage, she is the responsibility of her father. If the father of an unmarried woman dies, another relative, usually the paternal uncle, may substitute for the father until she is married. Once married, she falls under the jurisdiction of her husband.” FAO, *Customary Norms, Religious Beliefs and Social Practices that Influence Gender-Differentiated Land Rights*, accessed 25 August 2022, www.fao.org/gender-landrights-database/country-profiles/countries-list/customary-law/customary-norms-religious-beliefs-and-social-practices-that-influence-gender-differentiated-land-rights/en/?country_iso3=SOM. See also, USAID, *Gender Equality and Social Inclusion Guidelines*, July 2019, www.americanbar.org/content/dam/aba/directories/roli/somalia/roll-somalia-gender-equality-social-inclusion-guidelines-2019.pdf, p. 5; Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 13. However, this does vary by area. “[W]omen’s participation varies significantly across districts: from women not even being permitted to attend Xeer meetings in some districts to being recognized as elders in others.” IDLO, *Accessing Justice: Somalia's Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 10.

⁸¹⁴ Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 15, see also p. 13. “A key assumption [in Xeer] is an inherent unevenness in rights accorded to either gender: women’s membership in kinship-based social groupings is treated as of lesser importance compared to men. This exclusionary ethos also spills into the body of elders who are tasked with implementing, arbitrating and upholding. It is extremely difficult for women to gain access to this body. These underpinning assumptions have huge implications on how women approach issues of justice.” UK Aid et al., *Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas*, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 40.

⁸¹⁵ “[P]enalty rates stipulate that the diya-paying subclan will offer the victim’s clan about 100 camels as well as a bride. [...] Thus, the perpetrator’s sister may be forced to marry someone in the victim’s clan.” Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, pp. 5, 16. For more information on diya payments, see [Section III.A.8](#).

⁸¹⁶ Ibid. “The detrimental outcomes for women in some Xeer decisions are also widely recognized. These include persistent lack of justice for victims/survivors of rape, the practice of giving women in marriage as a form of compensation from a perpetrator’s family to a victim’s family, and the practice of exchanging women in marriage between clans to end conflict.” IDLO, *Accessing Justice: Somalia's Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 10.

⁸¹⁷ Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 16.

⁸¹⁸ “The primary departure from practices elsewhere is that the population in Somaliland tends to use shari’ah given its unequivocal verdict, rather than turning to elders for immediate de-escalation. Shari’ah is also able to resolve cases that cannot be settled through xeer, such as business, finance, and technology-related cases. Approximately 30% of all cases are resolved through shari’ah, which also takes pressure off statutory courts that are already overstrained.” Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 28.

⁸¹⁹ “Alongside the Xeer, Shari’a enjoys a powerful position in local communities across Somalia. Citizens seek out local Ulamas for legal opinions, and to address their claims and resolve disputes.” UK Aid et al., *Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas*, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 38. In measuring the use of traditional law across alternative dispute resolution centres, IDLO found that: “In Benadir, 83 per cent of all disputes were resolved using Xeer, while 7 per cent were resolved by a mix of both Xeer and sharia and only 1 per cent were resolved using only sharia. In 9 per cent of cases, the law applied was not specified in the case files. On the other hand, in Puntland, although Xeer prevails slightly (57 per cent), sharia was also quite commonly used across all types of disputes (34 per cent).” IDLO, *Accessing Justice: Somalia's Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 52.

⁸²⁰ “The three types of law cannot, however, be understood as clear-cut categories or distinct justice systems. The lines between Xeer, the formal justice system and Sharia law are blurred. There is neither harmonisation of the application of the three different systems nor a division in jurisdiction, which results in an ad hoc and highly subjective application of the laws.” Horizon Institute, *Seeking Justice for Rape in Somaliland: The Role and Limitations of the Criminal Justice System*, March 2018, www.thehorizoninstitute.org/usr/documents/publications/document_url/15/horizon-institute-s-report-on-prosecution-of-rape-cases-in-somaliland-march-2018.pdf, p. 7.

have been unable to resolve a dispute.⁸²¹ Xeer and Sharia may be invoked in different types of cases.⁸²² There is a perception that women can achieve better outcomes under local Sharia law than under Xeer.⁸²³

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

In 2018, a draft Sexual Offences Law was developed “following five years of wide-ranging consultations” and was submitted to Parliament after being unanimously endorsed by the Somali Council of Ministers; the bill was returned by Parliament for substantive amendments and to date has not been passed.⁸²⁴ In 2020, the Federal Parliament attempted to “replace the draft 2018 Sexual Offences Bill with a new draft bill on sexual intercourse-related crimes”,⁸²⁵ which a number of independent experts and special rapporteurs criticized as violating Somalia’s human rights obligations.⁸²⁶ As of March 2022, the bill has not been passed by parliament.⁸²⁷ Somalia does not have any laws which criminalize domestic violence, spousal rape or sexual harassment.⁸²⁸ In 2013, Somalia adopted a joint communiqué with the UN on the prevention of sexual violence, followed by a national action plan in 2014; in January 2022 the government adopted a new action plan for the continued implementation of the 2013 communiqué.⁸²⁹

Somaliland passed the Rape, Fornication and Other Related Offences Bill in August 2020, but the law has been criticized by women’s rights organizations as failing to “sufficiently protect survivors of rape

⁸²¹ Pact / ABA ROLI, *The Shari’ah in Somalia*, March 2020, www.usaid.gov/sites/default/files/documents/1860/Shariah-in-Somalia.pdf, p. 22.

⁸²² “Case files revealed that the only types of matters for which the use of sharia was prevalent were bodily harm cases, both minor and severe. Sharia was used in 13 out of 16 serious bodily harm cases, and 28 out of 51 minor injuries. Moreover, contrary to the traditional perception that sharia is the preferred legal route to adjudicate family and marital matters, only 13 per cent of total family maintenance, marital and other family disputes were resolved through sharia, making Xeer the primary legal framework used. Similarly, the majority of financial and business disputes and disputes related to land and immovable property were resolved through Xeer, with sharia being the framework applied in approximately only one quarter of financial and business disputes and one fifth of land and immovable property disputes and only in Puntland. In both regions, Xeer is the main legal framework applied for GBVAW matters, with 20 out of 26 cases resolved using Xeer, four using sharia and two using principles from both.” IDLO, *Accessing Justice: Somalia’s Alternative Dispute Resolution Centers*, 20 January 2021, www.idlo.int/fr/publications/accessing-justice-somalias-alternative-dispute-resolution-centers, p. 52.

⁸²³ “One religious leader from Baidoa concurred that women are disadvantaged by xeer, but not under shari’ah norms.” USAID, et al., *Alternative Dispute Resolution Initiatives in Somalia*, June 2020, www.americanbar.org/content/dam/aba/directories/roli/somalia/roli-adr-in-somalia-research-report-06-2020.pdf, p. 23. “Interviews for this research, however, suggest that women find it pragmatic and necessary to solicit local Ulamas for matters related to inheritance, and marriage and divorce-related disputes, all perceived to be clearly defined in Islamic jurisprudence. [...] Respondents have confirmed that in cases involving family disputes, such as those related to marriage, marital neglect or divorce, many women prefer Ulamas. From the perspective of many women, Ulamas are best positioned to address such family issues because they directly draw on widely agreed upon Islamic principles and traditions. Even more significantly, many women feel their cases can be efficiently resolved when well-respected Ulamas are involved.” UK Aid et al., *Towards Inclusive Justice: Women, Peace and Security and Access to Justice in Newly and Recently Recovered Areas*, January 2021, www.albanyassociates.com/wp-content/uploads/2021/05/Women-Peace-and-Security-Somalia-Research-Report.pdf, p. 39. See also, Lifos, *Somalia: The Position of Women in the Clan System*, 27 April 2018, <https://lifos.migrationsverket.se/dokument?documentAttachmentId=45863>, p. 15.

⁸²⁴ UN News, *Somalia: Draft Law a ‘Major Setback’ for Victims of Sexual Violence*, 11 August 2020, <https://news.un.org/en/story/2020/08/1070022>. “When the former minister of women and human rights development tabled a sexual offenses bill in 2018, religious clerics called for her to be criminally charged. She received political and other pressure in connection to the bill, which parliament has yet to take up for debate.” US Department of State, *2020 Country Report on Human Rights Practices: Somalia*, 30 March 2021, www.ecoi.net/en/document/2048104.html.

⁸²⁵ UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 40.

⁸²⁶ Ibid.; UN Security Council, *Conflict-Related Sexual Violence Report of the Secretary-General*, 30 March 2021, S/2021/312, www.ecoi.net/en/file/local/2049397/S_2021_312_E.pdf, para. 45; OHCHR, *Untitled Letter*, 1 September 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25523>. Among other things, the law would have reclassified “rape as a misdemeanour and remove[d] punishment for other serious sexual offences.” Plan International, *Concern Over Bill Normalising Violence against Girls and Women in Somalia*, 13 August 2020, <https://plan-international.org/news/2020-08-13-concern-bill-normalises-violence-against-girls-women-somalia>.

⁸²⁷ UNHCR interview with anti-GBV activists in Somalia. The 2022 UN Secretary-General’s report on Conflict-Related Sexual Violence, “urge[d] the Government to accelerate the adoption of the Sexual Offences Bill of 2018.” UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 48.

⁸²⁸ FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 7.

⁸²⁹ “In January 2022, the Government adopted a national action plan to implement the joint communiqué to address conflict-related sexual violence, though delays persist in enacting adequate legislation to prevent and address sexual violence.” UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 47. See also, All Survivors Project, *Universal Periodic Review of Somalia*, 2021, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8623&file=EnglishTranslation>, para 16; FGS / UN, *Joint Communiqué of the Federal Republic of Somalia and the United Nations on the Prevention of Sexual Violence*, 7 May 2013, www.un.org/ruleoflaw/files/Somalia%20Joint%20Communique%20SVC%20May%202013.pdf.

and punish perpetrators”.⁸³⁰ An extensive Sexual Offences Law was passed in 2016 in Puntland; however, the law is not fully implemented.⁸³¹

Gender-based violence against women and girls in Somalia remains widespread,⁸³² with the overall number of cases suffering from “severe underreporting”.⁸³³ Reported cases were often taken to informal justice mechanisms, including Xeer or Sharia courts, instead of being prosecuted via the formal justice system.⁸³⁴ GBV increased during the COVID-19 pandemic, and there was a “marked increase” in the number of reported rapes in 2020.⁸³⁵ A July 2020 assessment showed an increase of “283 percent in Federal Member States (FMS) and 767 percent in Somaliland” of calls to GBV helplines.⁸³⁶ Domestic violence is the most commonly reported type of GBV.⁸³⁷

Women and girls in Somalia are subjected to conflict-related sexual violence by “clan militias and Al-Shabaab, the Somali Police Force, the Somali National Army, regional forces and unknown armed elements.”⁸³⁸ Al-Shabaab uses sexual violence as a tool to “subjugate areas under its de facto control.”⁸³⁹ In 2021, UNSOM verified conflict-related sexual violence perpetrated against 19 women, one man, 306 girls and one boy, primarily “attributed to unidentified perpetrators, Al-Shabaab and clan militia”.⁸⁴⁰ Girls were subjected to rape and to forced marriage.⁸⁴¹ Customary law approaches to rape

- ⁸³⁰ Strategic Initiative for Women in the Horn of Africa, *Joint Statement: The Sexual Offences Bill Must Be Urgently Revived*, 26 February 2021, <https://sihanet.org/joint-statement-the-sexual-offences-bill-must-be-urgently-revived/>. See also, Open Democracy, *Religious Backlash Threatens Somaliland’s Progressive Rape Law*, 19 August 2022, www.opendemocracy.net/en/5050/somaliland-rape-law-backlash/.
- ⁸³¹ According to the Attorney General of Puntland, as of September 2020, many judges continued to issue sentences based on the Penal Code or the Criminal Procedure Code. UNFPA, *Enforcing the Sexual Offences Law in Puntland*, 23 September 2020, <https://somalia.unfpa.org/en/news/enforcing-sexual-offences-law-puntland>.
- ⁸³² “The Gender-Based Violence Information Management System (GBVIMS) reports that 76 per cent of GBV survivors are internally displaced, and 97 per cent are women and girls.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 35, see also pp. 99-101. “Sexual violence is at epidemic proportions in Somalia.” Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 8.
- ⁸³³ “[W]eak State authority, clan protection for alleged perpetrators and victim-blaming contributed to severe underreporting.” UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 46. See also, FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 7. “Sexual violence in Somalia is underreported owing to stigmatization, risk of reprisals, lack of accountability and the absence of adequate support services for survivors.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 43.
- ⁸³⁴ “Reports of sexual violence increased significantly compared with the previous reporting period, fuelled by intensified clashes among clans related to land-based disputes and the fragile security situation in settlements for internally displaced persons. [...] [M]ost reported cases continued to be handled according to *xeer*, a system of customary practices that focus on the clan rather than the needs and rights of the survivor.” UN Security Council, *Conflict-Related Sexual Violence*, 30 March 2021, S/2021/312, www.ecoi.net/en/file/local/2049397/S_2021_312_E.pdf, para. 44. See also, UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 43. “Customary approaches in dealing with violence against women typically involve making ‘arrangements’ between the clans of the victim and the rapist.” FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 7. “The government did not effectively enforce the law [which criminalizes rape]”. US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. In Somaliland, the Attorney General directed prosecutors and judges to not accept customary law arrangements for rape cases in 2014; however, according to research this has had only a slight impact on the handling of rape cases. Horizon Institute, *Seeking Justice for Rape in Somaliland: The Role and Limitations of the Criminal Justice System*, March 2018, www.thehorizoninstitute.org/usr/documents/publications/document_url/15/horizon-institute-s-report-on-prosecution-of-rape-cases-in-somaliland-march-2018.pdf, pp. 2-4. “A more recent occurrence is gang rape, in which multiple perpetrators rape one victim. Under *xeer*, this allows the compensation to be split between the families or clans of the perpetrators, which effectively results in more lenient punishment and has invited criticism of *xeer* as almost incentivizing such sexual assault.” PACT / ABA ROLI, *Access to Justice Assessment Tool: Baseline Study in Somaliland*, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, p. 16.
- ⁸³⁵ The number of reported rapes in 2020 was 871, compared to 651 in 2019. UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 41. See also, UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, pp. 8-9; UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, pp. 3, 6, 7.
- ⁸³⁶ UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 7.
- ⁸³⁷ “IPV has consistently remained the highest reported incidence of GBV by the GBVIMS in Somalia”. UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 11.
- ⁸³⁸ UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 22. See also, UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 46; UN Security Council, *Children and Armed Conflict*, 6 May 2021, A/75/873, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 139.
- ⁸³⁹ UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 46.
- ⁸⁴⁰ “Government security and police forces, as well as Puntland forces and Jubbaland forces, were also implicated.” *Ibid.*, para. 46.
- ⁸⁴¹ Between 1 October 2019 to 30 September 2021, the UN Secretary-General recorded violations that included: “rape (455), attempted rape (130), forced marriage (79), sexual harassment (26) and sexual assault (21)” against 478 girls and 4 boys. UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 41.

include forcing the victim to marry the perpetrator.⁸⁴² There are reports that families may force unmarried adolescent girls to have abortions.⁸⁴³

Displaced women and girls are particularly vulnerable to GBV,⁸⁴⁴ as are women and girls with disabilities,⁸⁴⁵ and women from minority clans.⁸⁴⁶ Reportedly, divorced and widowed women are also more vulnerable to GBV because they work outside the home and due to societal perceptions that they are looking for a husband.⁸⁴⁷ Survivors of GBV are stigmatized,⁸⁴⁸ and reportedly fear social and familial exclusion, abandonment and poverty.⁸⁴⁹ In some cases, perpetrators have published photos of survivors as a form of cyber violence, resulting in stigmatization and, in at least one case, suicide.⁸⁵⁰

- ⁸⁴² "Under the traditional resolution mechanism in Somalia, individual perpetrators are rarely punished, rather the clans or families of perpetrators pay fines to the clans or families of survivors. Occasionally, survivors are forcibly married to their abusers as part of traditional resolution." UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 43. See also, USAID et al., *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, pp. 8, 17. "According to the United Nations Human Rights Council (UNHRC), rape or domestic violence is treated as a civil dispute, often resolved through either the payment of money or a forced marriage between the victim and the perpetrator." FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 7.
- ⁸⁴³ UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 12.
- ⁸⁴⁴ "Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the settlements." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 38, 99-100; UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 7; UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, www.ecoi.net/en/document/2038753.html, p. 29; Seventy-five per cent of reported incidents in 2020 were from displaced communities. UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 6. "Rape and attempted rape often occurred in camps for internally displaced persons". UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 41.
- ⁸⁴⁵ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. "According to the FGD participants, women and girls with disabilities – be it physical, mental or intellectual – are often perceived to be more vulnerable to GBV, as they may be unable to defend themselves, communicate effectively or report cases of exploitation, sexual harassment and abuse." UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 7.
- ⁸⁴⁶ "[I]n the case of sexual assault, adolescent girls (12-17), women, IDPs, minority clans, and girls (0-11) were reported to be the most affected." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 35. See also p. 99. "Women from minority clan communities are particularly vulnerable to forms of GBV." OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 40.
- ⁸⁴⁷ "FGD participants noted that divorced and/or widowed women are particularly vulnerable to violence, as they are forced to work to meet the basic needs of their families. [...] Other community perceptions of divorced and/or widowed women include them being open to any invitation to a romantic/sexual relationship with hopes of it leading to marriage." UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 6.
- ⁸⁴⁸ "Shame and stigma can permanently taint the lives of women and girls who have experienced sexual violence and damage their prospects for marriage in Somalia." Ibid., p. 13. In Somaliland: "Social stigma silences SGBV survivors and their families, with many rape crimes resolved through customary compensation or marriage". Institute of Development Studies, *Women's and Girls' Experiences of Security and Justice in Somaliland*, 3 February 2021, <https://bit.ly/3u77o0f>. "Victims of rape and their families face stigmatizing and ostracizing within their own communities and discrimination based on the attribution of 'impurity'." Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 12, see also p. 13. See also, SIDRA, *Rape: A Rising Crisis and Reality for the Women in Somalia*, June 2019, https://media.africaportal.org/documents/Sidra_Abuse.pdf, p. 3, see also pp. 1, 5. "Survivors suffered from subsequent discrimination based on the attribution of 'impurity'." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. "In Somalia, a woman residing in a displacement camp was gang raped in 2020 by nine men, some of them uniformed, while collecting firewood. She became pregnant as a result of the rape and gave birth, exacerbating the stigma she faced and worsening her level of economic insecurity, which led to depression and a deterioration in her physical health owing to multiple injuries sustained during the rape." UN Security Council, *Women and Girls Who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict*, 31 January 2022, S/2022/77, https://reliefweb.int/sites/reliefweb.int/files/resources/S_2022_77_E.pdf, para. 9.
- ⁸⁴⁹ "FGD participants noted that women and girls who have experienced sexual violence may not seek support or help, because they fear stigmatization and shaming, in addition to fearing the rejection by their families." UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 14. "[W]eak or sometimes nonexistent community and legal sanctions against rape have further worsened the situation heightening the levels of stigmatization among survivors who have nowhere to turn to but their families and communities. Social exclusion, expulsion from the family, abandonment and deepening poverty have been cited as likely consequences facing victims and survivors of rape leaving them with limited life choices." Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 22. "Survivors of GBV, reported as 77 per cent of IDPs and 20 per cent from the host community, face fear of reprisals, stigmatization and difficulties accessing safe and appropriate services". OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 74. See also, I. Bangura, *Trapped in Violence and Uncertainty: Patriarchy, Women, and the Conflict in Somalia*, *African Conflict & Peacebuilding Review* 80-103 (2021), <https://muse.jhu.edu/article/794109>, pp. 90-92; PACT / ABA ROLI, *Access to Justice Assessment Tool: Baseline Study in Somaliland*, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, pp. 22-23.
- ⁸⁵⁰ FGD experts noted this "new modality" of harassment and violence, and GBV experts in Puntland noted this as a "new trend". UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, pp. 11-12.

There are a “limited” number of operational shelters for GBV survivors in Somaliland and Puntland; however, shelters are rarer in the rest of the country.⁸⁵¹ Survivors are frequently unable to access specialized care.⁸⁵² According to OCHA, the COVID-19 pandemic “further shrunk service provision and access for [GBV] survivors”.⁸⁵³

Women face difficulties in holding perpetrators accountable due to Somalia’s overlapping formal and informal legal systems.⁸⁵⁴ In some cases, police have been “reluctant to investigate” GBV.⁸⁵⁵ In 2021, the commander of Garowe Central Police Station and three police officers physically attacked a female police officer, the head of the Sexual and Gender-Based Violence and Child Protection Unit, for investigating registered sexual violence cases.⁸⁵⁶ The officers were never prosecuted and the regional police commissioner prevented the female officer from investigating cases further or visiting police stations.⁸⁵⁷ Survivors are often unable to access services; lack of awareness, discrimination, lack of confidence in the justice system, stigma and fear of reprisals prevent survivors from reporting GBV or holding perpetrators accountable.⁸⁵⁸

⁸⁵¹ UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 8. “Challenges persist in accessing dedicated healthcare services and justice for survivors of GBV, due to limited availability and discrimination.” OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 25. “In 2021, the United Nations supported one-stop centres, such as the Baahikoob Centre in Somaliland, which has provided support to 226 survivors of rape.” UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 47.

⁸⁵² “Overall, women and girls who are survivors of Sexual and Gender-Based Violence (SGBV) face significant challenges in accessing competent health services that may respond to their needs in a dignified manner. Health providers struggle to have appropriate training and resources to care for GBV survivors or provide clinical management of rape, potentially putting survivors at even more risk. Facilities often lack confidential spaces in which to examine and counsel survivors, and referral services, including mental health and psychosocial support, are often difficult to access, especially from rural areas.” OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 40, see also pp. 25, 41. See also, UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, pp. 17-18, see also, p. 26.

⁸⁵³ OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 88. “Furthermore, out of the 318 service providers surveyed, 83 per cent noted that they suffered a 1-20 per cent reduction in capacity; three percent indicated a 21-40 per cent reduction; eight per cent indicated a 41-60 per cent reduction; four per cent indicated a 61-80 per cent reduction; and two per cent indicated more than a 80 per cent reduction in capacity [...] The FGDs conducted by GBV experts for this report affirmed that there was a reduction in service provision [during the COVID-19 pandemic].” UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 17.

⁸⁵⁴ “[...] stakeholders report that women struggle to access justice both for sexual violence cases and on other issues because of Somalia’s overlapping plural legal system, which does not favour women.” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 42. Additionally, the country lacks sufficient infrastructure for prosecuting cases of GBV. Only one hospital provided medical certificates in cases of rape, but the gender-based violence centre there was reportedly closed by the Police Commissioner of Benadir on 13 September 2020. The centre had also provided “urgent multisectoral and holistic services to survivors of gender-based violence, including clinical management of rape, health care, psychosocial support and legal counselling.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 52.

⁸⁵⁵ Additionally: “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.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁸⁵⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 46.

⁸⁵⁷ “Those seeking to investigate assault cases and hold perpetrators accountable sometimes faced violence and possible sexual assault themselves. For example, on March 23, four police officers, including the commander of Garowe Central Police Station, physically assaulted and beat the head of the Sexual and Gender-Based Violence and Child Protection Unit in Garowe. The female officer was reviewing the sexual violence cases registered at the police station, and the commander reportedly accused her of interference. A male police officer was also assaulted for trying to assist her. Authorities arrested the alleged perpetrators but released them the same day, and authorities later suspended the investigation into the incident. The Nugaal region police commissioner also reportedly prevented the female officer from further investigating rape cases and prohibited her from visiting police stations in Garowe.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁸⁵⁸ “Many victims will not report rape and sexual violence because they lack confidence in the justice system, are unaware of available health and justice services or cannot access them, and fear reprisal and stigma should they report violence. As a result, women and young girls face what the UN’s independent expert on human rights in Somalia refers to as ‘double victimization’— first the rape or sexual violence itself, then failure of the authorities to provide effective justice or medical and social support.” Sidra Institute, *Breaking the Silence: A Contextual Analysis of the Barriers, Laws and Policies to Safe Abortion Following Rape in Puntland, Somalia*, May 2021, https://sidrainstitute.org/wp-content/uploads/2021/05/Research-Report_Breaking-the-Silence_SIDRA-SGJ_Blue-2-1.pdf, p. 8. See also, OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 101. “Due to a lack of awareness, and limited access to justice institutions and stigma, women often face challenges in accessing justice systems to realize their rights.” UNSOM, *UN Women Partners with Somaliland Legal Group for Empowerment of Women*, 4 February 2021, <https://reliefweb.int/report/somalia/un-women-partners-somaliland-legal-group-empowerment-women>. “Survivors faced considerable obstacles accessing necessary services, including health care, psychosocial support, and justice and legal assistance; they also faced reputational damage and exclusion from their communities.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

b) Survivors and Those at Risk of Forced Marriage⁸⁵⁹

Forced marriage⁸⁶⁰ occurs frequently in Somalia and is driven by cultural expectations and norms, as well as familial and communal pressure.⁸⁶¹ Due to its nature, and the position that women have in Somali society, it is impossible to quantify the prevalence of forced marriage, which is likely underreported.⁸⁶² Forced marriage is more common in rural settings than in urban areas.⁸⁶³ Women and girls subjected to forced marriage suffer from increased physical and mental health risks, increased vulnerability to abuse and GBV and decreased educational opportunities.⁸⁶⁴

The government of Somalia has not effectively addressed forced marriage of women and girls either in law or in practice.⁸⁶⁵ Reliance on customary law and Sharia law in Somalia may also undermine efforts to prevent forced marriage.⁸⁶⁶ As also noted above, women who are raped may be expected or forced to marry the perpetrator.⁸⁶⁷ As a result, women may not report other types of GBV out of fear of forced marriage.⁸⁶⁸ Some women in forced marriages are unable to leave for fear they will lose custody of their children.⁸⁶⁹ Disabled women are at higher risk of forced marriage, as well as GBV.⁸⁷⁰

⁸⁵⁹ For information on early marriage, see [Section III.A.11.d.](#)

⁸⁶⁰ Most women are married under the age of 18 and most marry in arranged marriages. The differences between a forced marriage and an arranged marriage can be subtle in Somalia, and it is important to acknowledge the cultural and social factors and various types of coercion that may be involved. See M. Otieno, *Al-Shabaab and Forced Marriage in Somalia: Beliefs, Practices and Interventions*, June 2019, www.researchgate.net/publication/334731397_Al-Shabaab_and_Forced_Marriage_in_Somalia_Beliefs_Practices_and_Interventions, pp. 76-77; Landinfo, *Report Somalia: Marriage and Divorce*, 14 June 2018, www.ecoi.net/en/file/local/2013990/Report-Somalia-Marriage-and-divorce-14062018-2.pdf, pp. 9-10. The following customary law mechanisms could result in forced marriage: "dumal, or the forced marriage of a widow to a male relative of her deceased husband; higsian, or the forced marriage of the sister of a deceased wife to the widower; and godobtir, or the forced marriage of a girl into an aggrieved clan as part of a diya payment." Centre for Humanitarian Dialogue, *Stateless Justice in Somalia: Formal and Informal Rule of Law Initiatives*, July 2005, https://media.africportal.org/documents/Stateless_Justice_in_Somalia.pdf, p. 38.

⁸⁶¹ PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 7. See also, REACH, 2021 *Joint Multi-Cluster Needs Assessment (JMCNA) Bulletin Key Findings*, March 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/REACH_SOM_Bulletin_JMCNA_March2022.pdf, p. 3; M. Otieno, *Al-Shabaab and Forced Marriage in Somalia: Beliefs, Practices and Interventions*, June 2019, www.researchgate.net/publication/334731397_Al-Shabaab_and_Forced_Marriage_in_Somalia_Beliefs_Practices_and_Interventions, pp. 77-78. "Early and forced marriage continue to be pervasive in Somalia especially within the context of prevailing poverty and the perceptions around the value of girls versus boys in families and communities. Girls are usually married at early age because of the need for families to ensure social and economic security. Women are traditionally valued according to their ability to procreate. Marriage provides the platform for women and young girls to demonstrate this value to society to retain the privilege of respect and recognition as a mother of children. Early marriage is perceived to be both a cultural and a religious requirement in Somalia as there continues to be a lack of consensus among key stakeholders (religious and Government actors) on the age of marriage/maturity." UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 12.

⁸⁶² PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 10, see also pp. 7-8. Additionally, information on forced marriages in Al-Shabaab held territory is unavailable, although forced marriage does occur, and many marriages to Al-Shabaab fighters, although seemingly voluntary, take place in "the shadow of powerful parental pressure and clan expectations". ICG, *Women and Al-Shabaab's Insurgency*, 27 June 2019, www.ecoi.net/en/file/local/2011897/b145-women-and-al-shabaab_0.pdf, p. 8.

⁸⁶³ "In Somalia, forced marriages are said to be 43% more rampant among pastoral communities than among urban dwellers." PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 8, see also p. 7, 12, 14.

⁸⁶⁴ PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 7; Somali Women Development Centre / Sexual Rights Initiative, *Universal Periodic Review of Somalia: Joint Stakeholder Submission*, 2021, [www.sexualrightsinitiative.com/sites/default/files/resources/files/2020-12/UPR38%20Somalia%20SWDC%20and%20SRI.pdf](https://sexualrightsinitiative.com/sites/default/files/resources/files/2020-12/UPR38%20Somalia%20SWDC%20and%20SRI.pdf), para. 17; V. Sharma, A. Amobi, S. Tewolde, N. Deyessa and J. Scott, *Displacement-Related Factors Influencing Marital Practices and Associated Intimate Partner Violence Risk Among Somali Refugees in Dollo Ado, Ethiopia: A Qualitative Study*, 14 Conflict and Health, 7 April 2020, <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-020-00267-z>. "Based on cultural norms, most adolescent girls who became pregnant either were not in school or dropped out due to motherhood duties." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁸⁶⁵ PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 19.

⁸⁶⁶ "There is disharmony between the norms in national law and traditional justice; in fact, one seems to advocate what the other opposes. For instance, under xeer, if a man forcibly takes a girl into his house, has intercourse with her and gets her pregnant, he is able to present himself to the girl's parents with a marital claim as the baby's father; on the contrary, under Somalia's constitution, this would be considered a criminal violation." PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 13.

⁸⁶⁷ "Some men have reportedly taken advantage of traditional laws, leading to a tremendous increase in rape cases as a foundation for forced marriage." PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 17. "[R]ape or domestic violence is treated as a civil dispute, often resolved through either the payment of money or a forced marriage between the victim and the perpetrator." FAO, *National Gender Profile of Agriculture and Rural Livelihoods*, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/NATIONAL%20GENDER%20PROFILE%20Somalia.pdf>, p. 7. See also, PACT / ABA ROLI, *Access to Justice Assessment Tool: Baseline Study in Somaliland*, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, p. 16.

⁸⁶⁸ Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, p. 4.

⁸⁶⁹ "Interviewees elaborated that in circumstances where men divorce their wives, xeer norms maintain that their children must remain in the custody of the father. This is meant to compel women to remain in wedlock even when their marriage is not working." PACT / ABA ROLI, *Case Studies on Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 14.

⁸⁷⁰ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

Forced marriage also frequently happens in the context of abductions by Al-Shabaab.⁸⁷¹ In areas controlled by Al-Shabaab, women and girls between the ages of 14 and 20 are often forced to marry Al-Shabaab fighters, and such marriages may occur when families or communities are unable to meet demands of Al-Shabaab for money or other services.⁸⁷² Even when not forced under threat of physical violence, women and girls may feel unable to refuse marriage to an Al-Shabaab fighter; widows of Al-Shabaab fighters are pressured to remarry within the group.⁸⁷³ Al-Shabaab uses the promise of marriage as a way to recruit young men.⁸⁷⁴ Reportedly, Al-Shabaab forces Bantu women into marriage as a form of sexual slavery.⁸⁷⁵

In July 2020, Al-Shabaab occupied mosques and madrasas in Markad in Sanag region and demanded that local women married members of the group.⁸⁷⁶ After local elders resisted, Al-Shabaab arrested three elders, causing the displacement of over 60 households.⁸⁷⁷

c) Survivors and Those at Risk of Female Genital Mutilation (FGM) as well as Those Who Have Resisted Having FGM Performed on Them or a Family Member

While the 2012 Constitution prohibits FGM, the practice is not criminalized and is not addressed in the Penal Code.⁸⁷⁸ The authorities in Somalia and Somaliland are working on drafting a bill to criminalize FGM.⁸⁷⁹ In June 2021, the President of Puntland and his cabinet approved for submission to the

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- ⁸⁷¹ "Al-Shabaab continues to enslave an indeterminate number of young girls and exploit them in forced marriage and sexual servitude." US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html. On 23 March 2020, "a girl, approximately 15 years old, was abducted and forcibly married to an Al-Shabaab member in Shabelle Dhexe." UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 50. "Forced marriage often occurred in the context of abductions of girls by Al-Shabaab. For instance, on 26 May 2017, two Al-Shabaab fighters abducted and forcefully married two girls aged 15 and 16 in Ceel Buur district of Galguduud Region. The abduction occurred after both girls and their parents rejected the marriage proposals made by the group." UN Security Council, *Children and Armed Conflict in Somalia*, 4 March 2020, S/2020/174, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf>, para. 45. "Cases of abduction for the forced marriage and rape of 34 girls [in 2018] were attributed to members of Al-Shabaab. Internally displaced women and girls from marginalized groups are at particularly high risk." UN Security Council, *Conflict-Related Sexual Violence*, 29 March 2019, S/2019/280, www.ecoi.net/en/file/local/2006897/S_2019_280_E.pdf, para. 73.
- ⁸⁷² "The organization forced marriages on girls and women between the ages of 14 and 20 in villages under its control. The families of the girls and young women generally had little choice but to acquiesce or face violence." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. "Al-Shabaab continued to subjugate areas under its de facto control, with girls being abducted, raped and forcibly married to Al-Shabaab elements when their families were unable to meet extortion demands." UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 46. "Al-Shabaab forcibly married 79 girls to its fighters [from 1 October 2019 to 30 September 2021]." UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 41.
- ⁸⁷³ "Neither women's agency in marrying into Al-Shabaab nor the benefits of such unions should be exaggerated. First, many Al-Shabaab brides are under eighteen, and marry under strong parental pressure. Indeed, some of the girls recruited for marriage are as young as twelve, a practice widespread in impoverished rural Somalia and not restricted to Al-Shabaab. Even older women may feel constrained in their choice because they or their parents fear persecution should they oppose a match to an Al-Shabaab commander or fighter. Some clans may also pressure, or even compel, women to marry militants in order to curry favour with Al-Shabaab or because the movement demands it of them. Militants' widows face strong pressure to remarry within the movement; partly this is driven by the group's ethos of collective responsibility to wives of fallen fighters, and partly to avoid widows, especially of commanders, from sharing intelligence with the government." ICG, *Women and Al-Shabaab's Insurgency*, 27 June 2019, www.ecoi.net/en/file/local/2011897/b145-women-and-al-shabaab_0.pdf, pp. 8-9.
- ⁸⁷⁴ "In areas under its control, al-Shabaab arranged compulsory marriages between its soldiers and young girls and used the lure of marriage as a recruitment tool for its soldiers." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. "For the movement, marriage is not just the God-ordained way of life but a tool for recruitment and advancing socio-political interests. The group promises male recruits enhanced access to wives and greater social mobility". ICG, *Women and Al-Shabaab's Insurgency*, 27 June 2019, www.ecoi.net/en/file/local/2011897/b145-women-and-al-shabaab_0.pdf, p. 7.
- ⁸⁷⁵ L. J. Benstead and D. Van Lehman, *Two Classes of "Marriage": Race and Sexual Slavery in Al-Shabaab-Controlled Somalia*, *The Journal of the Middle East and Africa* (2021), <https://doi.org/10.1080/21520844.2021.1923998>, p. 17. See also Section III.A.4.a.
- ⁸⁷⁶ UN Security Council, *Letter Dated 28 September 2020*, 28 September 2020, S/2020/949, www.ecoi.net/en/file/local/2039997/S_2020_949_E.pdf, para. 136.
- ⁸⁷⁷ Ibid.
- ⁸⁷⁸ The Constitution of Somalia (2012) [...] sets out under Article 15(4) that: Circumcision of girls is a cruel and degrading customary practice, and is tantamount to torture. The circumcision of girls is prohibited. [...] There is currently no national legislation in Somalia that expressly criminalises and punishes the practice of FGM [female genital mutilation]." 28 Too Many, *Somalia: The Law and FGM*, July 2018, [www.28toomany.org/static/media/uploads/Law%20Reports/somalia_law_report_\(july_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/somalia_law_report_(july_2018).pdf), p. 3.
- ⁸⁷⁹ "It will provide for criminal liability of parents, family members and any other individuals who: Perform FGM; Instruct or incite others to subject a woman or girl to FGM; Fail to report the risk or occurrence of FGM; Legislation should explicitly state that accomplices to the practice of FGM shall be subject to the same punishment as the practitioner." Legal Action Worldwide, *Female Genital Mutilation (FGM)*, 5 October 2021, www.legalactionworldwide.org/where-we-work/somalia/female-genital-mutilation-fgm/?accept-cookies. Noted in the UPR outcomes for Somalia: "The Ministry of Women and Human Rights Development had developed a bill that would criminalize all types of female genital mutilation and had focused on educating different communities on its harmful effects and how to work with the Federal Government in order to eliminate that harmful traditional practice." UN General Assembly, *Report of the Working Group on the Universal Periodic Review*, 7 July 2021, <https://undocs.org/en/A/HRC/48/11>, para. 18. On 1 February 2022, the Somaliland Parliament approved the Children's Act, which Plan International called a "a significant and vital step forwards towards eliminating [FGM]", while noting that Somaliland should approve "the national FGM/C policy [...], which explicitly sets out a commitment to ending this harmful practice". Plan International, *Somaliland's Children's Act Is First Step Towards Ending FGM/C*, 1 February 2022, <https://plan-international.org/news/2022/02/01/somalilands-childrens-act-is-first-step-towards-ending-fgm-c/>.

parliament a bill that would criminalize FGM.⁸⁸⁰ Islamic scholars in both Puntland and Somaliland have issued religious edicts (“*fatwa*”) banning FGM.⁸⁸¹ There is no evidence that anyone has been prosecuted for performing FGM in Somalia.⁸⁸²

The rate of FGM in Somalia, including in Puntland and Somaliland, remains extremely high; according to the Somali Health and Demographic Survey 2020, 99 per cent of women between the ages of 15 and 49 had undergone FGM, most while under the age of 10.⁸⁸³ More than 58 per cent of women in both urban and rural settings had undergone the most extreme forms of FGM.⁸⁸⁴ FGM is deeply rooted in traditional Somali culture, with the vast majority of the population believing that it should continue or is a religious requirement.⁸⁸⁵ Since FGM is perceived as a religious requirement and as a practice that makes a girl more eligible for marriage, refusal or evasion of the practice can have serious social consequences for a child and for their families, including exclusion and marginalization.⁸⁸⁶ Reportedly, school closures due to the COVID-19 pandemic also led to an increase in female genital mutilation.⁸⁸⁷

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

- ⁸⁸⁰ VOA, *Somalia's Puntland Moves to Ban Female Genital Mutilation*, 11 June 2021, www.voanews.com/a/africa_somalias-puntland-moves-ban-female-genital-mutilation/6206903.html; UNFPA, *UNFPA Somalia Congratulates Puntland for Passing a Bill that Prohibits Female Genital Mutilation (FGM)*, 10 June 2021, <https://reliefweb.int/report/somalia/unfpa-somalia-congratulates-puntland-passing-bill-prohibits-female-genital-mutilation>. A previous bill was approved the President of Puntland in 2014; however, it does not appear to have been implemented or passed by Parliament. See 28 Too Many, *Somalia: The Law and FGM*, July 2018, [www.28toomany.org/static/media/uploads/Law%20Reports/somalia_law_report_\(july_2018\).pdf](http://www.28toomany.org/static/media/uploads/Law%20Reports/somalia_law_report_(july_2018).pdf), p. 3; UNFPA, *Puntland Intensifies the Fight against GBV*, 29 December 2014, <https://somalia.unfpa.org/en/news/puntland-intensifies-fight-against-gbv>.
- ⁸⁸¹ “In November 2013, Puntland Islamic scholars declared a ‘Fatwa’ calling for a ‘complete stopping’ of all types of FGM”. UNFPA, *Accelerating the Abandonment of Female Genital Mutilation in Somalia*, undated, <https://somalia.unfpa.org/sites/default/files/pub-pdf/GoodPracticeonFGMinSomalia.pdf>, p. 2. The fatwa issued in Somaliland pertained specifically to “any circumcision that is contrary to the religion which involves cutting and sewing up”, and stated that any girl who underwent so-called “Pharaonic FGM” (the worst form of FGM, see also footnote 884) would be eligible for compensation and the person who performed the practice would be punished. However, it is not clear how or whether this fatwa has been enforced, as it does not have legal effect without accompanying legislation. Reuters, *Village by Village, the Quest to Stop Female Genital Cutting in Somaliland*, 29 August 2019, www.reuters.com/article/us-somaliland-women-fgm-idUSKCN1VJ0C8. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; The Guardian, *Somaliland Set to Ban FGM but Activists Fear New Law Will Fall Short*, 23 February 2018, www.theguardian.com/global-development/2018/feb/23/somaliland-ban-female-genital-mutilation-activists-fear-law-will-fall-short; Reuters, *Somaliland Issues Fatwa Banning Female Genital Mutilation*, 7 February 2018, www.reuters.com/article/us-somalia-fgm-fatwa-idUSKBN1FR2RA.
- ⁸⁸² In 2018, a girl died during a FGM procedure, leading to public statements from the Attorney General that they would prosecute the case. However, no charges were ever filed. US Department of State, *Country Report on Human Rights Practices 2018: Somalia*, 13 March 2019, www.ecoi.net/en/document/2004190.html; Reuters, *Somalia's First FGM Prosecution 'Hampered' by Victim's Parents*, 23 August 2018, www.reuters.com/article/us-somalia-fgm-prosecution/somalias-first-fgm-prosecution-hampered-by-victims-parents-idUSKCN1L824R.
- ⁸⁸³ Current mothers report that their daughters are undergoing FGM at later ages, with 76 per cent of daughters between 10 and 14 having undergone FGM. Somalia National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, 2020, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf, pp. xxx, 212-214. “Girls in Somalia are generally circumcised when they are between 10 and 14 years old, marking a shift from the previous generation where girls were circumcised between the ages of five and nine.” Danish Immigration Service, *Somalia: Female Genital Mutilation*, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, p. 1.
- ⁸⁸⁴ The Somali Health and Demographic Survey defined three types of FGM, with the most extreme being “pharaonic”, meaning: “Excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening; or all other procedures that involve pricking, piercing, stretching; or incising of the clitoris and/or labia; introduction of corrosive substances into the vagina to narrow it. [...] Most women aged 15-49 in urban (58 percent), rural (66 percent) and nomadic (72 percent) areas have undergone the worst form of FGM/C —the Pharaonic type.” Somalia National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, 2020, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf, pp. 212-213, see also p. 214.
- ⁸⁸⁵ “Overall, 76 percent of women believe that female circumcision should continue, while 19 percent believe that the practice should be stopped. The percentage of women who believe that the practice needs to be continued is almost similar among women in urban areas (70 percent) and in rural areas (76 percent), and highest among nomadic women (83 percent).” Somalia National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, 2020, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf, p. 215. “Hence, according to the [SHDS] figures, there are no regional differences in the prevalence of FGM and the distribution of type of FGM practiced in Somalia.” Danish Immigration Service, *Somalia: Female Genital Mutilation*, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, p. 7.
- ⁸⁸⁶ If a girl is not cut, her family members and local community will know, and she risks being seen as unclean, being forbidden from praying or performing other religious practices, and not being eligible for marriage or otherwise stigmatised. Danish Immigration Service, *Somalia: Female Genital Mutilation*, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, pp. 13-14.
- ⁸⁸⁷ “Reports received by the Independent Expert also suggest that the incidence of female genital mutilation and cutting have also increased; nurses reported receiving higher than normal requests for such procedures during school closures, and traditional practitioners have reportedly been knocking on doors to offer their services. Stakeholders report that in July 2020, 20 girls were allegedly subjected to the practice, leading, in some cases, to serious injuries that required hospitalization.” UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 41. See also, OCHA, *2021 Humanitarian Needs Overview: Somalia*, 9 March 2021, www.ecoi.net/en/file/local/2046960/20200903_HNO_Somalia.pdf, p. 84.
- ⁸⁸⁸ Danish Immigration Service, *Somalia: Female Genital Mutilation*, February 2021, www.ecoi.net/en/file/local/2046605/COI_notat_somalia_FGM_feb.pdf, pp. 1, 17.

d) Summary

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

- a) Women at risk of gender-based violence;
- b) Women at risk of forced marriage, and women who were forced into marriage and who have escaped;
- c) Women at risk of FGM and women who have resisted having FGM performed on them or a family member.⁸⁸⁹

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

- a) Survivors of gender-based violence;⁸⁹⁰
- b) Survivors of FGM.⁸⁹¹

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

11) Children

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

⁸⁸⁹ UNHCR, *Guidance Note on Claims Relating to Female Genital Mutilation*, May 2009, www.refworld.org/docid/4a0c28492.html. In 2021, the Committee on the Rights of the Child (CRC) found that Denmark failed to adequately consider the best interests of the child where a mother had claimed that her daughter would be subjected to FGM upon return to Somalia and that she could not prevent it as a single mother. The CRC found that the children's best interest could not be made dependent upon the mother's ability to resist social pressure, noting the extremely high rate of FGM in Somalia. CRC, *R.H.M. (on behalf of Y.A.M.) v Denmark*, communication No. 83/2019, 4 February 2021, CRC/C/86/D/83/2019, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DNK/CRC_C_86_D_83_2019_32386_E.pdf, paras 8-9. An earlier case from the CRC noted that the evaluation of when a child is at risk for a harmful practice such as FGM should use the principle of precaution, and when "reasonable doubts exist that the receiving State cannot protect the child against such practices, State parties should refrain from returning the child." CRC, *I.A.M. (on behalf of K.Y.M.) v Denmark*, communication No. 3/2016, 25 January 2018, CRC/C/77/D/3/2016, www.refworld.org/docid/5a7dd3284.html, para. 11.8(c).

⁸⁹⁰ For guidance on victims of past persecution, see by analogy: UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, www.refworld.org/docid/5cb474b27.html, para. 136; and UNHCR, *Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses)*, 10 February 2003, www.refworld.org/docid/3e50de6b4.html, para. 20.

⁸⁹¹ For guidance on continuing forms of harm for women who have already suffered a form of FGM, see UNHCR, *Guidance Note on Claims Relating to Female Genital Mutilation*, May 2009, www.refworld.org/docid/4a0c28492.html, paras 13-15.

⁸⁹² See, in particular, *Sections III.A.6 (Children Exposed to Underage and Forced Recruitment)*, *III.A.10 (Women and Girls)*, *III.A.12 (Survivors of Trafficking and Persons at Risk of Being Trafficked)* and *III.A.14 (Persons Living With Disabilities (PLWD) and Persons Living with HIV)*.

⁸⁹³ Somalia is among the top five countries with the highest number of grave violations against children. UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 5. Grave violations against children are defined in international law as: recruitment and use of children, killing or maiming of children, sexual violence against children, attacks against schools or hospitals, abduction of children, denial of humanitarian access. Office of the SRS for Children and Armed Conflict, *The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation*, November 2013, https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf, p. 9. "From 6 November 2021 to 31 January 2022, the country task force on monitoring and reporting on grave violations of children's rights verified 767 grave violations affecting 635 children (467 boys and 168 girls), seven attacks on schools and one attack on a hospital. A total of 289 children were recruited and used, 220 were abducted, 182 were victims of killing and maiming and 68 were subjected to rape and other forms of sexual violence. Of the violations, 510 (66.5 per cent) were attributed to Al-Shabaab, 114 (14.9 per cent) to unknown armed elements, 39 (5.1 per cent) to clan militia, 4 (0.5 per cent) to Ahl al-Sunna wal-Jama'a, 1 (0.1 per cent) to Westland militia and 99 (12.9 per cent) to federal and state security forces." UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 59.

and the systematic denial of education.⁸⁹⁴ Moreover, the protracted conflict in Somalia and recurrent natural disasters including drought and flooding have disproportionately impacted the lives of Somali children, and resulted in cyclical displacement.⁸⁹⁵

Over the past decade the FGS has taken steps towards safeguarding the rights of children in law and policy.⁸⁹⁶ In 2015 Somalia ratified the Convention on the Rights of the Child (CRC).⁸⁹⁷ However, Somalia has yet to fully incorporate the CRC into its national laws.⁸⁹⁸ In May 2022, the UN Secretary-General called on Somalia to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child, as well as “fast-track the endorsement of the child rights bill”, adopt the 2018 sexual offences bill, endorse the juvenile justice bill, and “ensure that all legislation pertaining to children and sexual violence is in line with the country’s international human rights commitments, including regarding the age of majority.”⁸⁹⁹ Somaliland’s Parliament approved the Children’s Act on 1 February 2022, which “sets out children’s rights so they are consistent with the United Nations Convention on the Rights of the Child, its Optional Protocols and the Constitution of Somaliland”.⁹⁰⁰

Children are disproportionately affected by the conflict in Somalia.⁹⁰¹ During 2021, the UN verified 200 conflict-related deaths and 593 injuries of children, with the vast majority of cases attributable to unidentified perpetrators and Al-Shabaab.⁹⁰² Between 1 August 2016 and 30 June 2021, the Country Task Force on Monitoring and Reporting (CTFMR) “verified 21,560 violations against 18,079 children

⁸⁹⁴ See, generally, UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, paras 25-28; US Department of State, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html; UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, paras 21-22, 44-47; UN General Assembly, *Compilation on Somalia: Report of the Office of the United Nations High Commissioner for Human Rights*, 26 February 2021, A/HRC/WG.6/38/SOM/2, www.ecoi.net/en/file/local/2048188/A_HRC_WG.6_38_SOM_2_E.pdf, paras 58-60.

⁸⁹⁵ “In many ways, the Somali crisis is a children’s crisis. Children constituted the majority - 67 per cent - of the 573,000 people who were newly internally displaced between January and August 2021.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 35, see also pp. 38, 46-47, 80-82, 90.

⁸⁹⁶ For an overview of measures taken by Somalia up until mid-2019, see Committee on the Rights of the Child, *Initial Report Submitted by Somalia under Article 44 of the Convention, Due in 2017*, 16 October 2019, CRC/C/SOM/1, www.ecoi.net/en/file/local/2018728/G1930787.pdf.

⁸⁹⁷ UNICEF, *Unicef and Partners Call for the Passage of the Child Rights Bill*, 20 November 2020, www.unicef.org/somalia/press-releases/unicef-and-partners-call-passage-child-rights-bill. “The CRC is the mostly widely ratified global treaty in the world,” said Werner Schultink, UNICEF Somalia Representative. “The cornerstone of this treaty is to recognize that anyone under the age of 18 is a child and their right to protection from all forms of abuse is clearly articulated.” UNICEF, *As the Fifth Anniversary of Somalia’s Ratification of the Convention on the Rights of the Child Approaches, Protection Violations Against Children Continue to Rise*, 21 September 2020, www.unicef.org/somalia/press-releases/fifth-anniversary-somalias-ratification-convention-rights-child-approaches. Prior to Somalia’s ratification of the CRC, children’s rights in Somalia were governed by the Provisional Constitution (with an emphasis on conflict resolution and recovery and less on child rights) and the Pre-Provisional constitution from the 1960s. Committee on the Rights of the Child, *Initial Report Submitted by Somalia under Article 44 of the Convention, Due in 2017*, 16 October 2019, CRC/C/SOM/1, <https://undocs.org/CRC/C/SOM/1>, paras 21, 32-33.

⁸⁹⁸ “Notwithstanding the progress made, Somalia’s international obligations under the Convention on the Rights of the Child have not yet been fully incorporated into the national legal system. [...] Legal ambiguities persist regarding the definition of a child between the Provisional Federal Constitution, which stipulates a child as anyone under 18 years of age, and the regional constitutions of Puntland and of Southwest State, both of which define a child as anyone below the age of 15.” UN Security Council, *Children and Armed Conflict in Somalia*, 4 March 2020, S/2020/174, <https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf>, para. 64. See also, UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, paras 53-63.

⁸⁹⁹ As of May 2022, the child rights bill remained pending at the parliamentary level. UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 87. Somalia signed the Optional Protocol to the CRC on 16 September 2005. The drafting process for the Child Rights Bill started in November 2017. UNICEF, *Federal Government of Somalia Launches its Child Rights Bill Drafting Process*, 16 November 2017, <https://reliefweb.int/report/somalia/federal-government-somalia-launches-its-child-rights-bill-drafting-process-enso>. While the Somali Cabinet approved the Sexual Offences Bill in 2018, in 2020 Parliament drafted a new bill that would permit child and forced marriage. Reuters, *Outrage as Somali Parliament Drafts Law Permitting Child, Forced Marriages*, 11 August 2020, www.reuters.com/article/us-somalia-women-rights-idUSKCN257200. See Section III.A.11.d below.

⁹⁰⁰ Plan International, *Somaliland’s Children’s Act Is First Step Towards Ending FGM/C*, 1 February 2022, <https://plan-international.org/news/2022/02/01/somalilands-childrens-act-is-first-step-towards-ending-fgm-c/>.

⁹⁰¹ “Children continued to be disproportionately affected by suicide attacks, VBIED [vehicle-borne improvised explosive device] complex attacks, crossfire, land mines and airstrikes that resulted in death and injuries. CTFMR [Country Task Force on Monitoring and Reporting] documented the killing and/or maiming of 2,657 children (1,967 boys, 690 girls) [from 1 January 2017 to 31 December 2019].” UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, para. 80.

⁹⁰² UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 151.

(3,291 girls / 14,788 boys) of which the majority were attributed to Al-Shabaab.”⁹⁰³ The full extent of violations against children is likely higher than documented or verified.⁹⁰⁴

According to the Population Estimation Survey of 2013-2014, 45.6 per cent of the Somali population is below the age of 15;⁹⁰⁵ an estimated 4.9 million children need humanitarian assistance.⁹⁰⁶ According to October 2021 estimates, between August 2021 and July 2022, 1.2 million children under five were expected to face acute malnutrition, including “213,400 who are likely to be severely malnourished.”⁹⁰⁷

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

Children, primarily girls, are vulnerable to gender-based violence in Somalia.⁹⁰⁸ During 2020 and 2021, the UN verified cases of rape, attempted rape, forced marriage, sexual harassment and sexual assault against children.⁹⁰⁹ 2021 saw a rise in cases of rape and sexual assault committed against girls by parties to the conflict.⁹¹⁰ Displaced girls are particularly vulnerable to rape and sexual assault by armed groups and government soldiers.⁹¹¹ Perpetrators included the Somali National Armed Forces, the Somali Police, Jubbaland forces and police, Puntland police, Al-Shabaab, clan militia, and otherwise unidentified armed elements.⁹¹²

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

⁹⁰³ Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, p. 8. Between 1 October 2019 and 30 September 2021, there were “8,042 grave violations against 6,501 children (5,108 boys, 1,393 girls).” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 25. “Between 1 January 2017 and 31 December 2019, CTFMR documented 10,654 grave violations affecting 13,857 children (11,708 boys, 2,149 girls). The number of children affected by grave violations increased from 5,242 in 2017 to 5,656 in 2018 and decreased to 2,959 in 2019. The increase in 2018 could be attributed in part to Al Shabaab’s recruitment drive. The decrease could also be linked to the movement of children and their families from Al Shabaab-controlled areas to government-controlled areas to avoid forced child recruitment by Al Shabaab, coupled with large-scale operations by AMISOM and the SNA targeting Al Shabaab.” UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, para. 73.

⁹⁰⁴ Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, p. 8. “Owing to access constraints, in particular to areas under the control of Al-Shabaab, and other constraints on monitoring and reporting, the information contained in the present report does not represent the full extent of grave violations committed against children in Somalia, with the actual number of violations likely to be significantly higher.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 28.

⁹⁰⁵ UNFPA and Federal Government of Somalia, *Population Estimation Survey for the 18 Pre-war Regions of Somalia, Data for a Better Tomorrow*, October 2014, <https://somalia.unfpa.org/sites/default/files/pub-pdf/Population-Estimation-Survey-of-Somalia-PESS-2013-2014.pdf>, pp. 42, 47. “Somalia is a country of young people where 72% of its population is less than 30 years of age and about 58% aged 20 years or less.” Horn Population Research & Development, *Vulnerability Assessment in Somalia*, September 2020, www.unicef.org/somalia/media/2381/file/Somalia-vulnerability-assessment-MoLSA-September-2020.pdf, p. 23.

⁹⁰⁶ Children make up 64% of persons in need of humanitarian assistance in Somalia. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 4-5.

⁹⁰⁷ Ibid., p. 50.

⁹⁰⁸ UN Security Council *Conflict-Related Sexual Violence*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, para. 46. “While there has been an expansion in services to support victims of abuse, sexual violations against children continue at an alarming rate and there is little or no opportunity to seek justice. As an example, findings reported by UNICEF child protection partners showed that from January 2020 to June 2020 there has been a 25 per cent increase in reported cases of gender-based violence (GBV) against women and girls in Somalia compared to the same period the year before.” UNICEF, *As the Fifth Anniversary of Somalia’s Ratification of the Convention on the Rights of the Child Approaches, Protection Violations Against Children Continue to Rise*, 21 September 2020, www.unicef.org/somalia/press-releases/fifth-anniversary-somalias-ratification-convention-rights-child-approaches.

⁹⁰⁹ UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 152; UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 41; UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 139.

⁹¹⁰ “According to CTFMR, there is an increase in reported sexual assault against girls by parties to the conflict, rising from an average of 23 reported cases per month in 2020 to 27 cases monthly in 2021 during the same period. The highest cases of rape and sexual violence were reported in conflict and IDP communities in Bakool, Middle Juba, Gedo, Bay, Middle Shabelle and Hiraaan.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 97.

⁹¹¹ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “The highest cases of rape and sexual violence were reported in conflict and IDP communities in Bakool, Middle Juba, Gedo, Bay, Middle Shabelle and Hiraaan.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 97.

⁹¹² Ibid.

pornography.⁹¹³ Between 1 October 2019 and 30 September 2021, the UN Secretary-General found that perpetrators enjoyed impunity in 90 per cent of cases of sexual violence against children.⁹¹⁴

b) Children at Risk of Underage Recruitment⁹¹⁵

According to OCHA, “[w]hile national and state level initiatives exist to prevent and end recruitment, killing, and maiming of children [...] recruitment appears to be increasing [in 2021]”.⁹¹⁶ The vast majority of underage recruitment in Somalia is attributable to Al-Shabaab.⁹¹⁷ Recruited children have been used as human shields and suicide bombers, have been forced to plant explosives, to spy, and to carry ammunition and supplies for fighters.⁹¹⁸ Children have been recruited as young as eight years old.⁹¹⁹ Children in need, children in already vulnerable situations, and children from minority clans may be more vulnerable to underage recruitment.⁹²⁰ State forces, including the SNA and FMS armed forces, also recruit and use children.⁹²¹ In addition, during 2020 a Jubbaland brigade was reported to forcibly recruit children.⁹²²

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

c) Children at Risk of Child Labour

Somalia has made some strides to tackling child labour, including by ratifying the Worst Forms of Child Labour Convention, establishing a Labour Inspectorate, and “creat[ing] an office for the Senior Advisor on Child Labour to lead the drafting and implementation of a National Action Plan to address the worst forms of child labour.”⁹²³ The Provisional Constitution does not set a minimum age for employment, and it is not clear whether any older laws concerning the age of employment could be enforced.⁹²⁴ A pre-1991 Labour Code provided that a child must be 15 to be employed, but it is not enforced.⁹²⁵ The Somali

⁹¹³ US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html. “Child abuse and rape of children were serious problems, and there were no known efforts by the government or regional governments to combat child abuse.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁹¹⁴ “Accountability for sexual violence remained very low. In 48 cases, perpetrators were arrested, and 33 cases (5 per cent) were resolved traditionally, [...] while for the remaining 620 cases (90 per cent), the perpetrators remained at large.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 42.

⁹¹⁵ See also [Section III.A.6](#).

⁹¹⁶ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 96-97.

⁹¹⁷ Between 1 October 2019 and 30 September 2021, the UN verified the “recruitment and use of 2,852 children (2,752 boys, 100 girls), as young as 10 years old” with Al-Shabaab responsible for “the recruitment and use of 2,259 children (2,181 boys, 78 girls), representing 80 per cent of all cases.” UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 29. Between 1 January 2017 and 31 December 2019: “A total of 4,371 children (4,020 boys, 351 girls) were verified as victims of abduction, with Al Shabaab being responsible for 98 per cent of all cases.” UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, p. 5. See also, UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 136; UN Security Council, *Children and Armed Conflict*, 9 June 2020, www.ecoi.net/en/file/local/2031779/15-June-2020_Secretary-General_Report_on_CAAC_Eng.pdf, para. 13.

⁹¹⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁹¹⁹ “Al-Shabaab continued forcibly to recruit children as young as eight years old for combat.” Ibid.

⁹²⁰ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 96-97; US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html. During 2021, the following federal and regional forces recruited children: “government security forces (138) (Somali Police Force (75), Somali National Army (60) and National Intelligence and Security Agency (3)); regional forces (73) (Puntland forces (26), Jubbaland forces (21), Galmudug forces (14), Galmudug police (5), Jubbaland police (2), “Somaliland” forces (2), Hirshabelle police (2) and Puntland police (1))”. UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 149. See also, UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, para. 29. During 2020: “The United Nations verified the recruitment and use of [...] children [...] by [...] government security forces, including the Somali Police Force (101), the Somali National Army (62) and the National Intelligence and Security Agency (5); regional forces, including Jubaland forces (36), Galmudug forces (31), Puntland forces (21), Jubaland police (3), Puntland police (2) and Galmudug police (1); and clan militia (47).” UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 136.

⁹²¹ “There is evidence that a brigade of the Jubaland Security Forces, commanded by Abdirashid Janan, forcibly recruited children.” US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹²² US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹²³ “It is unclear whether laws enacted prior to the 1991 civil war are still in effect in Somalia. However, in 2014, Parliament issued a public statement citing some pre-1991 laws, which suggests that the FGS continued to recognize relevant historic laws. Although the Provisional Constitution of 2012 does not provide a minimum age for employment, the 1972 Labor Code establishes age 15 as the minimum age for work.” US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹²⁴ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

Police Force is “understaffed and undertrained” and therefore lacks “the capacity to investigate or enforce laws on the worst forms of child labor.”⁹²⁶

Child labour is widespread, and children in Somalia are subjected to some of the worst forms of child labour.⁹²⁷ Children work in herding, agriculture, household labour, breaking rocks into gravel, as street vendors and as “transporters of cigarettes and khat on the streets”.⁹²⁸ According to OCHA, the most common forms of child labour in Somalia include “recruitment by armed forces, begging in extreme heat, selling goods in the market, and working as ‘house help’, with the latter largely affecting girls who migrate to towns for this work.”⁹²⁹ An estimated 9.5 per cent of children aged between 5-14 in Puntland and 13.2 per cent in Somaliland are working, whilst an additional 4.7 per cent (Puntland) and 6.6% (Somaliland) combine working and school.⁹³⁰ It is estimated that half of all children between ages 5 and 14 from Central and Southern Somalia are employed.⁹³¹

The driving factors that compel children to take up employment include poverty, conflict, displacement and the State’s inability to provide universal access to education and to enforce prohibitions on child labour.⁹³² School closures in 2020 and 2021 due to the COVID-19 pandemic, and the generally low rate of school attendance, have led to an increase in child labour in Somalia.⁹³³ Somali children are vulnerable to trafficking for labour, both inside Somalia and abroad, and into sex trafficking.⁹³⁴

d) Children at Risk of Child Marriage⁹³⁵

According to the Provisional Somali Constitution, “no marriage shall be legal if one or both have not reached the age of maturity”.⁹³⁶ The Provisional Constitution defines a child as being less than 18 years old.⁹³⁷ The government does not enforce these provisions, and during 2020 there were “no known efforts by the government or regional authorities to prevent child, early, and forced marriage.”⁹³⁸

Child marriage continues to be widely practised throughout Somalia and disproportionately impacts young girls; according to the Somali Health and Demographic Survey conducted by the Somalia National Bureau of Statistics, sixteen per cent of Somali women aged 20-49 reported that they were married before the age of 15, and an additional thirty-four per cent were married before the age of 18.⁹³⁹ Early marriage as a “practice prevents young girls from realizing their full potential in life, limiting their physical, psychological and economic development. Early marriage often results in early childbearing,

⁹²⁶ US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹²⁷ Incidence of child labour is difficult to track as the government does not have a mechanism for reporting child labour or child work. Additionally, “Somalia also lacks a countrywide birth registration system, further complicating efforts to identify victims of child labor.” US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html. For a definition of the worst forms of child labor, see International Labour Organization, *The Worst Forms of Child Labour*, accessed 25 August 2022, www.ilo.org/pec/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang-en/index.htm.

⁹²⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁹²⁹ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 97.

⁹³⁰ US Department of Labor, *2020 Findings on the Worst Forms of Child Labour: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹³¹ “It is estimated that half of all children between the of ages 5 and 14 from central and southern Somalia are subjected to child labour. Even in the more stable regions of Puntland and Somaliland, a quarter of the child population are employed, which negatively affects their right to health and education. Child labour is reported at 55.5 per cent of both camp and urban communities”. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 97.

⁹³² Protection Cluster, *Summary Report on Child Protection Assessment: Protection Risks Faced by Children Affected by both Conflict and Drought in Cadale District, Middle Shebelle Region*, 31 October 2021, <https://reliefweb.int/report/somalia/summary-report-child-protection-assessment-september-2021-protection-risks-face>, pp. 21-22; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 38; US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹³³ UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 44.

⁹³⁴ See Section III.A.12.

⁹³⁵ For definitions of child marriage and early marriage, both of which are used in this profile, please see UN General Assembly, *Preventing and Eliminating Child, Early and Forced Marriage*, 2 April 2014, A/HRC/26/22, www.refworld.org/docid/53999c1b4.html, para. 5. For further information on forced marriage, see Section III.A.10.b.

⁹³⁶ Federal Government of Somalia, *The Somali Provisional Constitution*, 1 August 2021, www.refworld.org/pdfid/51b6d0c94.pdf, Article 28.

⁹³⁷ Ibid., Article 29. See also, Committee on the Rights of the Child, *Initial Report Submitted by Somalia under Article 44 of the Convention, Due in 2017*, 16 October 2019, CRC/C/SOM/1, www.ecoi.net/en/file/local/2018728/G1930787.pdf, para. 151.

⁹³⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁹³⁹ Somalia: National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf, p. 73.

which has a detrimental effect on the health of both the mother and child.”⁹⁴⁰ School closures related to restrictions due to the COVID-19 pandemic led to an increase in the number of child marriages in Somalia.⁹⁴¹

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

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

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

e) Children at Risk of Systematic Denial of Access to Education

An estimated 4.2 million children do not attend school, out of 6 million school-aged children countrywide, with girls and displaced children less likely to attend school due to additional barriers.⁹⁵⁰ School closures and the severe economic and social impacts of the COVID-19 pandemic have further hampered

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

⁹⁴¹ Save the Children, *Covid-19: School Closures Put Decades of Gains for Somali Children at Risk*, 13 July 2020, www.savethechildren.net/blog/covid-19-school-closures-put-decades-gains-somali-children-risk. See also, OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 49.

⁹⁴² “The majority” [of women married as children] are girls with little or no formal education from low-income families who cannot afford to send their children to school.” Additionally: “Displaced children also face a range of protection concerns, including forced marriage, family separation, and sexual assault.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 38, 49. Also: “Early and forced marriage continue to be pervasive in Somalia especially within the context of prevailing poverty and the perceptions around the value of girls versus boys in families and communities.” UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 12. See also, Protection Cluster, *Somalia Protection Monitoring System: South Central and Puntland - Summary of Findings*, 9 August 2021, <https://reliefweb.int/report/somalia/somalia-protection-monitoring-system-south-central-and-puntland-summary-findings-june>, p. 1.

⁹⁴³ Somalia National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf.

⁹⁴⁴ “Hafsa was married off at 13 by her father to a man who paid \$100. She and her mother say she was beaten and raped for two years before they convinced him to divorce her. ‘The man just slept with me, beating me always,’ she said, sitting by her mother, who clutches her daughter tightly. ‘I regretted I was born.’ Reuters, *Uproar after Somali Lawmaker Presents Bill to Legalise Child Marriage*, 20 August 2020, www.reuters.com/article/us-somalia-child-marriage-idUSKBN25G0VK. “Girls are usually married at early age because of the need for families to ensure social and economic security.” UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 12.

⁹⁴⁵ “Women are traditionally valued according to their ability to procreate. Marriage provides the platform for women and young girls to demonstrate this value to society to retain the privilege of respect and recognition as a mother of children. Early marriage is perceived to be both a cultural and a religious requirement in Somalia as there continues to be a lack of consensus among key stakeholders (religious and Government actors) on the age of marriage/maturity”. UNFPA, *Overview of Gender-Based Violence in Somalia*, 5 March 2021, https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf, p. 12. A survey of 104 persons in Garowe found that 85 per cent believed that it was traditional to marry off your children, even without their consent. Expanding Access to Justice, *Case Studies of Forced Marriage in Somalia*, April 2021, www.eajprogram.org/scholarships/Publication8.pdf, p. 13.

⁹⁴⁶ UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, p. 12.

⁹⁴⁷ “In areas under its control, al-Shabaab arranged compulsory marriages between its soldiers and young girls and used the lure of marriage as a recruitment tool for its soldiers.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. See also, UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, p. 90; ICG, *Women and Al-Shabaab’s Insurgency*, 27 June 2019, www.crisisgroup.org/africa/horn-africa/somalia/b145-women-and-al-shabaabs-insurgency.

⁹⁴⁸ The Guardian, “‘A Race Against Time’ the New Law Putting Somalia’s Children at Risk of Marriage”, 3 September 2020, www.theguardian.com/global-development/2020/sep/03/a-race-against-time-the-new-law-putting-somalias-children-at-risk-of-marriage.

⁹⁴⁹ UN Security Council, *Conflict-Related Sexual Violence*, 30 March 2021, S/2021/312, www.ecoi.net/en/file/local/2049397/S_2021_312_E.pdf, para. 45.

⁹⁵⁰ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 80. “In many areas children did not have access to schools. [Many] [...] remained out of school due to barriers such as poverty in rural areas, lack of security, exorbitant school fees, and competing household and labor demands. [...] Girls faced additional obstacles such as early marriage and low prioritization of girls’ education, leading to even lower attendance. IDP children had much lower rates of attendance than nondisplaced children.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

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

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

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

f) Summary

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

- a) Children at risk of violence, including gender-based violence;
- b) Children at risk of the worst forms of child labour,⁹⁶⁰ including:
 - i. Children from areas where Al-Shabaab engages in forced recruitment, including by means of abduction;
 - ii. Human trafficking;⁹⁶¹
- c) Children at risk of harmful traditional practices, including:
 - i. Child, early and forced marriage (including girls who were forced into marriage and who have escaped);

⁹⁵¹ Save the Children, *COVID-19: School Closures Put Decades of Gains for Somali Children at Risk*, 13 July 2020, www.savethechildren.net/blog/covid-19-school-closures-put-decades-gains-somali-children-risk. See also, OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 80-81; UNFPA, *Voices: Somalia*, September 2021, https://somalia.unfpa.org/sites/default/files/pub-pdf/voices_from_somalia_report_sept_2021.pdf, pp. 27-28.

⁹⁵² OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 80.

⁹⁵³ "Girls are mostly affected as they face socio-cultural norms which severely restrict their mobility; combined with safety concerns and supply-related challenges (such as a lack of trained female teachers or gender-segregated latrines), these barriers limit their access to education." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 81. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

⁹⁵⁴ "Despite ongoing efforts to strengthen government institutions, the Ministry of Education continues to have limited capacity and outreach to deliver basic education services for IDPs, children living in areas with ongoing conflict and other challenging circumstances [...]. The increase of children in need of education assistance in 2022 is attributed to the increased population, COVID-19 pandemic, economic deterioration, ongoing environmental shocks and conflict." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 80. See also, Inter Press Service, *Education Cannot Wait Investments Transform Children's Lives in Somalia*, 8 June 2021, www.ipsnews.net/2021/06/education-cannot-wait-investments-transform-childrens-lives-in-somalia/.

⁹⁵⁵ UN Security Council, *Children and Armed Conflict in Somalia*, 16 May 2022, S/2022/397, www.ecoi.net/en/file/local/2076558/N2235204.pdf, paras 44-46; UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, para. 55; UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 59; UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 22; Global Coalition to Protect Education from Attack, *Education Under Attack 2020, 2020*, https://reliefweb.int/sites/reliefweb.int/files/resources/eua_2020_full.pdf, pp. 104-105.

⁹⁵⁶ UN Security Council, *Children and Armed Conflict*, 23 June 2022, S/2022/493, www.ecoi.net/en/file/local/2075706/N2234471.pdf, para. 153. "In 2020, 54 attacks on education facilities were reported with incidents including killing, abduction and threats against teachers, destruction, and looting." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 81. See also, UN Security Council, *Children and Armed Conflict*, 6 May 2021, S/2021/437, www.ecoi.net/en/file/local/2058874/A_75_873_E.pdf, para. 140. Between 1 January 2017 and 31 December 2019, there were "204 cases of attacks against schools and 34 attacks on hospitals, mostly in Galgaduud, Middle Shabelle, Lower Shabelle, Middle Juba, Bay, Hiran, Lower Juba, Banadir, Togdheer, and Gedo regions." UNSOM / OHCHR, *Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia*, 2 October 2020, https://unsom.unmissions.org/sites/default/files/protection_of_civilians_report.pdf, para. 75.

⁹⁵⁷ "Concurrent shocks such as drought and floods adversely affect children's learning. An estimated 408,000 (45 per cent girls) school-going children are affected by the ongoing drought conditions in the country, which are expected to continue to March 2022. Similarly, the Gu floods in May 2021 closed 12 schools in Jowhar, affecting more than 6,000 learners." OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 80.

⁹⁵⁸ See Section III.A.14.

⁹⁵⁹ "Pastoralist communities, which account for approximately 25 percent of Somalia's population, face additional impediments to education, as their nomadic existence makes static schools impractical. The primary enrollment rate for nomadic or pastoralist children was 3.1 percent. Children and youth among these groups are considered at high risk of exploitation or recruitment into armed groups like al-Shabaab." US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹⁶⁰ ILO, *Worst Forms of Child Labour Convention*, C182, www.refworld.org/docid/3ddb6e0c4.html, Art. 3.

⁹⁶¹ On trafficking, see Section III.A.12.

- ii. Girls at risk of FGM, and girls who have resisted having FGM performed on them;⁹⁶²
- d) Children who are accused by the FGS or FMS security or police services as being associated with Al-Shabaab or another armed group, including survivors of forced recruitment by Al-Shabaab.

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

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

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

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

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

Somalia is not a party to the United Nations Convention against Transnational Organized Crime⁹⁶⁷ or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children⁹⁶⁸ and "lack[s] a comprehensive legal framework to address human trafficking".⁹⁶⁹ The 1962 Penal Code criminalizes slavery and similar situations in Article 455, the transferring or purchase of slaves in Article 457, forcing another person into prostitution in Article 408 and the forcing of another person into compulsory labour in Article 464.⁹⁷⁰ The Provisional Constitution prohibits "slavery, servitude,

⁹⁶² Female Genital Mutilation (FGM) is a cultural practice that primarily affects children. See [Section III.A.10.c](#).

⁹⁶³ For guidance on victims of past persecution, see by analogy: UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, April 2019, www.refworld.org/docid/5cb474b27.html, para. 136; and UNHCR, *Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses)*, 10 February 2003, www.refworld.org/docid/3e50de6b4.html, para. 20.

⁹⁶⁴ For guidance on continuing forms of harm for women who have already suffered a form of FGM, see UNHCR, *Guidance Note on Claims Relating to Female Genital Mutilation*, May 2009, www.refworld.org/docid/4a0c28492.html, paras 13-15.

⁹⁶⁵ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html, para. 30.

⁹⁶⁶ *Ibid.*, para 64.

⁹⁶⁷ United Nations Treaty Collection, *United Nations Convention against Transnational Organized Crime: Status of Ratification*, accessed 25 August 2022, <https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XVIII/XVIII-12.en.pdf>; UN General Assembly, *United Nations Convention against Transnational Organized Crime*, 8 January 2001, A/RES/55/25, www.refworld.org/docid/3b00f55b0.html.

⁹⁶⁸ United Nations Treaty Collection, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime: Status of Ratification*, accessed 25 August 2022, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-12-a&chapter=18; UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, www.refworld.org/docid/4720706c0.html.

⁹⁶⁹ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁷⁰ Somalia, *Somalia: Penal Code*, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, art. 408, 455, 457 and 464. "Article 455 criminalized slavery, prescribing penalties of five to 20 years' imprisonment. Article 464 criminalized forced labor, prescribing penalties of six months to five years' imprisonment. Article 457 criminalized the transferring, disposing, taking possession, or holding of a person and prescribed penalties of three to 12 years' imprisonment. All these penalties were sufficiently stringent. Article 408(1) criminalized compelled prostitution of a person through violence or threats, prescribing penalties of two to six years' imprisonment, which were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape." US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

trafficking, or forced labour for any purpose” in Article 14, and the use of children in armed conflict in Article 29(6).⁹⁷¹ In 2016 the Federal Government established a High-Level Task Force for Migration Management with a technical task force for human trafficking and smuggling;⁹⁷² however, the task force was inactive as of 2021.⁹⁷³

While Somaliland and Puntland have gone further than the Federal Government of Somalia and attempted to create legal frameworks to prosecute and prevent human trafficking, they have failed to implement the relevant laws.⁹⁷⁴ In Somaliland, a law on human trafficking was endorsed in September 2017 and passed by Parliament in January 2022, but is pending the President’s signature.⁹⁷⁵ In Puntland, a human trafficking legislative framework was ratified in November 2017 but has yet to be implemented.⁹⁷⁶ The governments of Somalia, Somaliland and Puntland have failed to adequately respond to human trafficking, and during 2021 only demonstrated “minimal efforts in all regions on prosecution, protection, and prevention of human trafficking.”⁹⁷⁷

The data on trafficking in Somalia is sparse and challenging to authenticate, as a result of which understanding the “trends and victims” is difficult.⁹⁷⁸ In 2020, a report by a coalition of Somali civil society organizations supported by the IOM-led Better Migration Management Program looked at 206 route submissions by participating organizations.⁹⁷⁹ The most frequently documented origin and route destinations included: “(1) Ethiopia to Yemen, with Somalia as transit location, (2) Somalia to Italy, (3) Somalia to South Africa, (4) Somalia to Germany, (5) Ethiopia to Saudi Arabia, with Somalia as transit location, and (6) Somalia to Saudi Arabia.”⁹⁸⁰ In addition the most common “industries of exploitation” included domestic work, followed by agriculture, construction, commercial sex and begging.⁹⁸¹ Forced labour was the “most commonly cited type of abuse or exploitation [...], followed by physical violence and sexual violence.”⁹⁸²

Complicity of government employees in trafficking and corruption inhibit law enforcement actions on human trafficking.⁹⁸³ Additionally, law enforcement agencies lack capacity to enforce laws related to human trafficking or child labour.⁹⁸⁴ While the Somalia Police Force has a unit dedicated to investigating human

⁹⁷¹ Federal Republic of Somalia, *Provisional Constitution*, 1 August 2012, www.refworld.org/docid/51b6d0c94.html, art. 14, 29(6).

⁹⁷² “[...] the High Level Task Force is complemented by two technical Task forces for Human Trafficking and Smuggling and for Return and Readmission.” IOM, *UN Migration Agency Meets with Somalia’s Inter Ministerial Task Force for Migration Management*, 26 May 2017, www.iom.int/news/un-migration-agency-meets-somalias-inter-ministerial-task-force-migration-management.

⁹⁷³ “The government maintained a ministerial-level task force, chaired by the Ministry of Internal Security, focused on migration issues, which included a working group on human trafficking; however, the group was inactive during the reporting period. [...] Additionally, the government did not report if the Ministry of Women and Human Rights technical task force, which included a working group on human trafficking and migration, continued to function, after reports indicated the group’s inactivity in the previous reporting period. US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁷⁴ Ibid.; Borgen Project, *Examining Human Trafficking in Somalia*, 8 January 2021, <https://borgenproject.org/human-trafficking-in-somalia/>.

⁹⁷⁵ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁷⁶ Ibid. See also, IOM, IOM, *EU Engage Somali Communities to Combat Human Trafficking, Gender-Based Violence*, 17 February 2017, <https://reliefweb.int/report/somalia/iom-eu-engage-somali-communities-combat-human-trafficking-gender-based-violence>.

⁹⁷⁷ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁷⁸ Candle of Hope Foundation (COHF), IIDA Women’s Development Organisation and Voices of Somaliland Minority Women Organization (VOSOMWO), *Human Trafficking and Risky Migration Routes: Data Insights from Somali Civil Society Organisations*, 2021, <https://bit.ly/3xyzGCp>, p. 7. [hereafter COFH et al., *Human Trafficking and Risky Migration Routes: Data Insights from Somali Civil Society Organisations*, 2021, <https://bit.ly/3xyzGCp>].

⁹⁷⁹ Ibid., p. 4

⁹⁸⁰ Ibid. “Traffickers exploit victims from Somalia and neighboring countries along cross-border routes, mirroring migration flows: a northern route to Europe via Libya; an eastern route to Europe via Turkey; a direct southern path to Kenya, Tanzania, or South Africa; and a path from south-central Somalia through Puntland onward to Yemen via the Bab el-Mandeb strait.” US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html. “Somalia is also a transit country for migrants from throughout the Horn, most notably Ethiopians, who pay smugglers to take them by boat to Yemen. Networks that span from Ethiopia to Saudi Arabia facilitate a mass movement of thousands of people every month through Somali territory, profiting from those who seek to work in labour markets in the Arabian Peninsula and the Persian Gulf region. Within these flows, abuse and extortion are perpetrated both by those who facilitate migrant journeys and by other actors who specialise exclusively in trafficking.” Expertise France et al., *Somalia Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa*, September 2017, www.expertisefrance.fr/documents/20182/234347/AMMI+-+Country+Report+-+Somalia.pdf/1779e55a-791d-42fa-ba0a-949739bf9c08, p. 2.

⁹⁸¹ COFH, et al., *Human Trafficking and Risky Migration Routes: Data Insights from Somali Civil Society Organisations*, 2021, <https://bit.ly/3xyzGCp>.

⁹⁸² Ibid.

⁹⁸³ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁸⁴ “The SPF [Somali Police Force] remained understaffed and undertrained, and lacked the capacity to investigate or enforce laws on the worst forms of child labor. Generally, criminal enforcement authorities lack the capacity and resources to fully implement laws that are technically in force.” US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html. “Law enforcement, prosecutorial personnel, and courts remained understaffed and undertrained and lacked capacity to effectively enforce anti-trafficking laws.” US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

trafficking, it did not report any investigations during 2020 or 2021.⁹⁸⁵ The Attorney General's office did report 30 prosecutions and the conviction of 9 traffickers, the first reported convictions since 2018.⁹⁸⁶ Puntland authorities reported only two prosecutions for trafficking-related offenses during 2020, despite identifying over 300 potential victims.⁹⁸⁷ Law enforcement regularly detains survivors for immigration violations.⁹⁸⁸

Traffickers recruit via deception including through social media and travel agencies; Al-Shabaab more commonly uses force and coercion.⁹⁸⁹ Displaced women, and children, are particularly vulnerable to being trafficked into domestic service or sexual exploitation.⁹⁹⁰ Somali men are targeted by traffickers for forced labour, including to Gulf states for construction or farming.⁹⁹¹ Some men and women who are smuggled abroad may then be trafficked or exploited.⁹⁹² In some cases, families in Somalia may be targeted for exploitation or asked to pay exorbitant ransoms for their family members.⁹⁹³

Children may be trafficked for the purposes of sexual exploitation and forced marriage,⁹⁹⁴ particularly in areas controlled by Al-Shabaab; children are also trafficked abroad into forced street begging.⁹⁹⁵ Children have also been trafficked for the purpose of being recruited, trained and used in military operations by Al-Shabaab;⁹⁹⁶ and have been recruited and used by all parties to the conflict, including in combat and for purposes of sexual exploitation.⁹⁹⁷ Children who are engaged in child labour in informal situations are vulnerable to being trafficked, including abroad.⁹⁹⁸ In some cases, Somali families have reportedly given their children to family or clan connections who have exploited them for forced labour or sex trafficking.⁹⁹⁹

Restrictions related to the COVID-19 pandemic, including the closure of international borders, led to an increase in international human trafficking from Somalia.¹⁰⁰⁰ Survivors of human trafficking lack access to specialized resources or services.¹⁰⁰¹ Survivors of human trafficking who have experienced sexual

⁹⁸⁵ US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html. The unit had also not conducted any investigations in 2019, compared to 43 in 2018. US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁸⁶ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁸⁷ Puntland reported that it had identified 324 potential trafficking victims during 2020. US Department of State, *2021 Trafficking in Persons Report: Somalia*, June 2021, www.ecoi.net/en/document/2055128.html.

⁹⁸⁸ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁸⁹ Along with "deception, infiltration of *madrassas* and mosques, [...] harassment of clan elders or family members, school raids, and abductions". Ibid. See also, US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹⁹⁰ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html. "IDPs, including children, remain acutely vulnerable to sex trafficking and forced labor." US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹⁹¹ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁹² See, for example, IOM, *How a Trafficked Somali Migrant Was Rescued in Libya*, 23 January 2015, www.iom.int/news/how-trafficked-somali-migrant-was-rescued-libya.

⁹⁹³ "According to one official in Somaliland who spoke with families who had paid them, ransoms typically range between USD 4,000 and USD 6,000, but can be as high as USD 10,000." Expertise France et al., *Somalia Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa*, September 2017, www.expertisefrance.fr/documents/20182/234347/AMMi+-+Country+Report+-+Somalia.pdf/1779e55a-791d-42fa-ba0a-949739bf9c08, p. 14.

⁹⁹⁴ During 2020: "In Puntland, hundreds of children allegedly were exploited in forced labor or sex trafficking." US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹⁹⁵ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁹⁶ Ibid. "In 2020, Somalia recorded one of the world's highest number of child abductions by non-state actors. State and non-state armed groups recruited 1,716 children during the reporting period. Non-state armed group al-Shabaab, which forcibly recruited children as young as age 8 into its ranks, committed a majority of these violations, recruiting 1,407 children in 2020." US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

⁹⁹⁷ For more information on child recruitment and use, please see Section III.A.6.

⁹⁹⁸ US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

⁹⁹⁹ Ibid.

¹⁰⁰⁰ US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html.

¹⁰⁰¹ "Resources to assist victims of human trafficking were limited to government-operated Migrant Response Centers in Bosaso, Hargeisa, and Mogadishu." US Department of Labor, *2020 Findings on the Worst Forms of Child Labor: Somalia*, 29 September 2021, www.ecoi.net/en/document/2061975.html. These centres are "not dedicated solely to trafficking victims and [provide] services broadly for the vulnerable transiting migrant population." Additionally, the Somali "government reported that referrals to [the Migrant Response Centers] were minimal due to decreased resources at MRCs, such as staffing and service availability, because of pandemic-related funding cuts." US Department of State, *2021 Trafficking in Persons Report: Somalia*, June 2021, www.ecoi.net/en/document/2055128.html. See also, US Department of State, *2022 Trafficking in Persons Report: Somalia*, 29 July 2022, www.ecoi.net/en/document/2077592.html.

violence face discrimination and stigma.¹⁰⁰² Women trafficked by Al-Shabaab face discrimination and stigma due to their association with the group.¹⁰⁰³

In light of the foregoing, UNHCR considers that people in particular socio-economic circumstances that create vulnerabilities to trafficking may, depending on the individual circumstances of the case, be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of non-State actors for reasons of their membership of a particular social group or other relevant Convention grounds, combined with a general inability of the State to provide protection from such persecution. Individuals falling into the risk profile include survivors of trafficking who may be in a position of heightened vulnerability to being re-trafficked.¹⁰⁰⁴

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

The 1962 Penal Code,¹⁰⁰⁵ which entered into force in 1964 and remains in effect, criminalizes same-sex sexual acts.¹⁰⁰⁶ However, in practice application of the Penal Code is limited.¹⁰⁰⁷ As also noted above,¹⁰⁰⁸ likely the vast majority of criminal and civil cases are settled outside of the formal justice system by means of informal justice mechanisms.¹⁰⁰⁹ It is not clear how informal justice mechanisms, including *xeer* courts and Sharia law as applied by local ulamas, may treat persons of diverse SOGI.¹⁰¹⁰ In areas controlled by Al-Shabaab, strict interpretations of Sharia law may be applied, including the death penalty for consensual same-sex sexual acts.¹⁰¹¹ On 10 January 2017, Al-Shabaab executed an adult man and a 15-year-old boy after they admitted to an Al-Shabaab court having been caught having sex, which according to an Al-Shabaab official was the second time that the group had executed persons accused of homosexuality.¹⁰¹²

¹⁰⁰² See Section III.A.10.a.

¹⁰⁰³ "In Somalia, the United Nations, together with civil society organizations, conducted household surveys in Baidoa, Kismaayo and Mogadishu, and determined that over 2,600 women who had escaped, been rescued or defected from Al-Shabaab remained in urgent need of support. The specific stigma of a perceived affiliation with a terrorist group can dramatically affect the lives of survivors and their children, reducing their prospects for social acceptance, integration and economic survival." UN Security Council, *Women and Girls Who Become Pregnant as a Result of Sexual Violence in Conflict and Children Born of Sexual Violence in Conflict*, 31 January 2022, S/2022/177, https://reliefweb.int/sites/reliefweb.int/files/resources/S_2022_77_E.pdf, para. 8.

¹⁰⁰⁴ UNHCR, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07, www.refworld.org/docid/443679fa.html.

¹⁰⁰⁵ The Penal Code applies in South and Central Somalia, Somaliland and Puntland, although in Somaliland any provisions "which are contrary to the fundamental rights and freedoms of the individual and to Islamic Sharia" are not applied under Article 130 of the Somaliland constitution. Somalia, *Penal Code*, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, pp. 1-2. The 1964 Penal Code is being reviewed by the Government of Somalia, however, the review has "been ongoing for more than five years without any significant progress" and was postponed again in 2021 until 2022. UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, paras 30, 70(b).

¹⁰⁰⁶ "Whoever has carnal intercourse with a person of the same sex shall be punished, where the act does not constitute a more serious crime, with imprisonment from three months to three years. Where the act committed is an act of lust different from carnal intercourse, the punishment imposed shall be reduced by one third". Penal Code, Art. 409. See also, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia: Global Legislation Overview Update*, December 2020, https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, pp. 75-78.

¹⁰⁰⁷ "In 1962, [...] Somalia adopted a penal code that criminalised consensual same-sex sexual behaviour with up to three years of imprisonment. This provision remains officially in force in South and Central Somalia to date. However, application of the Somali Penal Code in these areas is reported to be scarce and inferior in power to traditional law." ILGA, *State-Sponsored Homophobia: Global Legislation Overview Update*, December 2020, https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 76.

¹⁰⁰⁸ See, for example, the discussion of the use of Sharia law in Somalia in Section III.A.3, and the discussion of *Xeer* and customary legal justice in Section II.A.

¹⁰⁰⁹ "In the absence of effective and reliable statutory courts, an alternative dispute resolution (ADR) mechanism is rapidly growing across the country. By some estimates, more than 80% of all civil and criminal cases in Somalia [including Somaliland] are settled through a traditional *Xeer* system, which is seen as effective, fast and compliant with Shariah law." Heritage Institute, *Rebuilding Somalia's Broken Justice System: Fixing the Politics, Policies and Procedures*, January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 4, see also p. 28.

¹⁰¹⁰ ILGA, *State-Sponsored Homophobia: Global Legislation Overview Update*, December 2020, https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 76.

¹⁰¹¹ As also noted in Section III.A.3, Al-Shabaab runs a parallel justice system based on Sharia law for both civil and criminal cases, and even some persons in government-controlled territory seek out their courts, especially as a makeshift appellate court, as these courts are seen as "fast and efficient". Heritage Institute, *Rebuilding Somalia's Broken Justice System: Fixing the Politics, Policies and Procedures*, January 2021, www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf, p. 27.

¹⁰¹² Radio Dalsan, *BREAKING Al-Shabaab Executes First Somali Gay Couple*, 10 January 2017, <https://en.radiodalsan.com/49964/2017/01/breaking-al-shabaab-executes-first-somali-gay-couple/>; Reuters, *Somali Islamists Kill Man and Teenager for Gay Sex, Another Man for Spying*, 10 January 2017, www.reuters.com/article/us-somalia-execution-idUSKBN14U27G.

There is a general lack of information on the treatment of individuals of diverse SOGI by State actors and members of society, because of pervasive social taboos concerning same-sex sexual relations and social stigma.¹⁰¹³ No organizations in Somalia work with persons of diverse SOGI, likely “due to the fact that the heavy stigma associated with homosexuality prevents the topic from having any place in the public sphere”.¹⁰¹⁴ A lesbian woman in 2016 fled abroad after learning that her family was planning to kill her because of her sexual orientation.¹⁰¹⁵ A gay man who was found with his partner in Somaliland in 2019 fled the country after being told that his family was preparing to kill him.¹⁰¹⁶ Underground communities of persons of diverse SOGI reportedly exist but are secretive in order to stay safe.¹⁰¹⁷ Persons of diverse SOGI may be sent to rehabilitation centres or camps for conversion therapy or Islamic reeducation.¹⁰¹⁸

In light of the criminalization of same-sex sexual activity¹⁰¹⁹ in both formal and informal justice mechanisms and the strong social taboos, UNHCR considers that individuals of diverse SOGI are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution at the hands of State or non-State actors for reasons of their membership of a particular social group, since they do not conform or are perceived not to conform to prevailing legal, religious and social norms. They may also be in need of international protection on the basis of other relevant Convention grounds, with their sexual orientation and/or gender identity likely to cause additional vulnerability to persecution for reason of such grounds, as well as restricted access to protection.

- ¹⁰¹³ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; Landinfo, *Somalia: Situation for Homosexuals*, 16 June 2021, <https://landinfo.no/wp-content/uploads/2021/08/Query-response-Somalia-Situation-for-homosexuals-16062021.pdf>, p. 1. See also, S. L. Hunt, J. J. Connor, A. Ciesinski, C. Abdi, and B. E. Robinson, *Somali American Female Refugees Discuss Their Attitudes toward Homosexuality and the Gay and Lesbian Community*, 20(5) *Culture, Health & Sexuality* (2018), https://repository.up.ac.za/bitstream/handle/2263/62581/Hunt_Somali_2018.pdf, pp. 6-13. “Thousands of homosexual men and women in Somalia keep their sexual orientation a closely guarded secret in the knowledge that bringing it out into the open would attract potential retribution from al-Shabaab, the Islamist terror group, or armed gangs. [...] Being gay in Somalia is ‘just not acceptable’, says Leyla Hussein, the London-based Somali founder of women’s rights group Daughters of Eve. ‘There are a lot of gay Somali women, but they will never come out. They don’t even come out to their own families.’” The Independent, *Young Somali Activist Sentenced to Death for Being a Lesbian*, 31 January 2016, www.independent.co.uk/news/world/africa/young-somali-activist-sentenced-death-being-lesbian-a6844216.html.
- ¹⁰¹⁴ Landinfo, *Somalia: Situation for Homosexuals*, 16 June 2021, <https://landinfo.no/wp-content/uploads/2021/08/Query-response-Somalia-Situation-for-homosexuals-16062021.pdf>, p. 1. See also the accounts of Somali-Americans regarding social attitudes and norms in their diaspora communities, such as The Guardian, *‘White Queers Are Really Good at Erasing Us’: The Lives of LGBTQ Somali-Americans*, 3 August 2017, www.theguardian.com/world/2017/aug/03/lgbtq-somali-americans-minnesota-homophobia-trump. Somali participants in a study in Sweden stated that they remained closeted because they were most afraid of their families, then their relatives, and then the Somali community and other immigrants, which the author concluded means that “according to the majority of Somalis, homosexuality doesn’t exist in the minds of Somalis” and “if the participants reveal their sexuality, not only are they shaming themselves but also disrupt their family’s dignity and honour”. Lund University, *‘You Have to Choose Between Habaar or Duco’: A Case Study of Swedish Muslim Gay Men of Somali Origin*, 2021, <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=9040498&fileId=9040499>, p. 49, see also pp. 35-38, 41. “There remained a pervasive social stigma against same-sex relationships [...] severe societal stigma [prevents] LGBTQI+ individuals from making their sexual orientation or gender identity known publicly.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.
- ¹⁰¹⁵ The Independent, *Young Somali Activist Sentenced to Death for Being a Lesbian*, 31 January 2016, www.independent.co.uk/news/world/africa/young-somali-activist-sentenced-death-being-lesbian-a6844216.html. See also, ILGA, *Our Identities under Arrest*, 15 December 2021, https://ilga.org/downloads/Our_Identities_Under_Arrest_2021.pdf, pp. 100-101.
- ¹⁰¹⁶ BBC, *‘Don’t Come Back, They’ll Kill You for Being Gay’*, 28 July 2020, www.bbc.com/news/stories-53438112.
- ¹⁰¹⁷ “Mali, having lived in Mogadishu, Somalia for roughly three years, discussed his experience living as a queer man in a country that criminalizes homosexuality and other LGBTQ identities. Somalis and Somali residents who are caught engaging in queer activities can face prison time and even the death penalty. [...] [Mali said] ‘once you get caught with any ‘sinful act,’ it could be very dangerous. Pretty much people have tried to stay underground and they’re very discreet about what they do for safety purposes’.” Philadelphia Gay News, *A Very Queer Somali Life*, 27 May 2020, <https://epgn.com/2020/05/27/a-very-queer-somali-life/>.
- ¹⁰¹⁸ “[I]n 2019, Afro Queer podcast reported the case of a Somali-American queer woman named ‘K’ who travelled to Mogadishu to visit her family in Somalia. After a few weeks, she was interned by her father in a ‘rehabilitation facility’ where people are sent to receive ‘an Islamic education’ geared to get rid of behaviour that is deemed ‘culturally unacceptable’. These facilities provide a ‘return to the culture’ for people who need to be reintegrated to their culture. She was beaten up, chained and left uncommunicated.” (citing to a podcast episode). ILGA, *Curbing Deception: A World Survey on Legal Regulation of So-Called “Conversion Therapies”*, February 2020, https://ilga.org/downloads/ILGA_World_Curbing_Deception_world_survey_legal_restrictions_conversion_therapy.pdf, pp. 29-30. See also, BBC, *‘Don’t Come Back, They’ll Kill You for Being Gay’*, 28 July 2020, www.bbc.com/news/stories-53438112; BBC, *Ex-Muslims: The American Who Fled ‘Gay Conversion’ in Africa*, 26 February 2018, www.bbc.com/news/world-us-canada-43066082; The Itacan, *Escaping Gay Conversion Therapy in Kenya*, 7 February 2018, <https://theithacan.org/opinion/escaping-gay-conversion-therapy-in-kenya/>. “Anecdotal information indicated that some families sent children they suspected of being homosexual to reform schools in the country or forced them to enter heterosexual marriages but reporting on conversion therapy largely stayed out of the public sphere. There were no known actions to investigate or punish those complicit in abuses.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.
- ¹⁰¹⁹ See UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afc2.html, paras 26-29.

Individuals who are perceived to be of diverse SOGI by State or non-State actors are similarly likely to be in need of international refugee protection on the same grounds.

Individuals of diverse SOGI cannot be expected to change or conceal their orientation or identity in order to avoid persecution.¹⁰²⁰ Furthermore, the existing criminal sanctions for consensual same-sex sexual acts in Somalia constitute a bar to state protection for individuals of diverse sexual orientations and/or gender identities, including where persecutory acts are perpetrated by non-State actors such as family or community members.¹⁰²¹

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

Somalia signed the Convention on the Rights of People with Disabilities in 2018 and ratified it in August 2019.¹⁰²² In December 2018, Somalia passed the National Disability Organization Bill, and launched a National Disability Agency in July 2021.¹⁰²³ The Provisional Constitution states that all citizens “shall have equal rights and duties before the law” regardless of, *inter alia*, “disability”, and mandates non-discrimination on the part of the Somali state.¹⁰²⁴ The Ministry of Women and Human Rights Development has developed a road map for 2020-2023 on the inclusion of persons with disabilities in Somalia.¹⁰²⁵ No law prohibits discrimination against persons with disabilities by private actors.¹⁰²⁶

While the prevalence of disabilities in Somalia is difficult to determine because of the lack of data, decades of conflict and lack of access to healthcare has likely resulted in a rate of disability which is “higher than the global estimate of 15 per cent of the population”.¹⁰²⁷ A study covering the 146 IDP sites in Kismayo found that 20 per cent of respondents were persons with disabilities.¹⁰²⁸ Some of the causes of disability in Somalia include, *inter alia*, landmines and explosive remnants of war, the collapse of the Somali health system, poor pregnancy-related healthcare and the high prevalence of FGM.¹⁰²⁹

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

¹⁰²¹ For further guidance on applications for refugee status from individuals of diverse sexual orientations and/or gender identities, see UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afc2.html. See also, Court of Justice of the European Union, *A, B, C v. Staatssecretaris van Veiligheid en Justitie*, C-148/13 to C-150/13, 2 December 2014, www.refworld.org/docid/547d943da.html.

¹⁰²² Disability Rights Fund, *One Year On: Somalia's Commitments to Persons with Disabilities Signify a Return to the International Human Rights System*, 2019, <https://disabilityrightsfund.org/one-year-somalias-commitments-persons-disabilities-signify-return-international-human-rights-system/>. See also, OHCHR, *Status of Ratification: Interactive Dashboard*, accessed 25 August 2022, <https://indicators.ohchr.org/> (sorted for Somalia). For the full text of the Convention, see UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 24 January 2007, www.refworld.org/docid/45f973632.html.

¹⁰²³ See Somalia: Senate, *National Disability Organization Bill*, accessed 25 August 2022, https://senate.gov.so/bill_tracker/act-on-the-formation-of-national-disability-authority/; UNSOM, *On International Day of Persons with Disabilities, the UN Calls for Increased Recognition of Persons with Disabilities*, 3 December 2021, <https://reliefweb.int/report/somalia/international-day-persons-disabilities-un-calls-increased-recognition-persons>; Somali Disability Empowerment Network, *Federal Government of Somalia Disregards the Formation of the Somali National Disability Agency*, 7 September 2020, www.somalidisability.org/federal-government-of-somalia-disregards-the-formation-of-the-somali-national-disability-agency/.

¹⁰²⁴ “All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law. [...] The State must not discriminate against any person on the basis of age, race, colour, tribe, ethnicity, culture, dialect, gender, birth, disability, religion, political opinion, occupation, or wealth.” Federal Government of Somalia, *Provisional Constitution*, 1 August 2012, www.refworld.org/docid/51b6d0c94.html, Art. 11(1) and 11(2).

¹⁰²⁵ Federal Government of Somalia: Ministry of Women and Human Rights Development, *Inclusion of Persons with Disabilities and Disability Rights in Somalia, Road Map 2020-2023*, 2020, <https://mwhrd.gov.so/en/wp-content/uploads/2020/09/Disability-Roadmap-2020-2023-1.pdf>.

¹⁰²⁶ “The law does not discuss discrimination [against persons with disabilities] by nongovernmental actors.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

¹⁰²⁷ UNSOM, *On International Day of Persons with Disabilities, the UN Calls for Increased Recognition of Persons with Disabilities*, 3 December 2021, <https://reliefweb.int/report/somalia/international-day-persons-disabilities-un-calls-increased-recognition-persons>. “It is likely that persons with disabilities in Somalia add up to as much as 15-20 per cent or more of the population (around 1.5 million). On average each family has at least one member with a disability.” Swedish International Development Cooperation Agency (Sida), *Disability Rights in Somalia*, 2014, <https://sidase-wp-files-prod.s3.eu-north-1.amazonaws.com/app/uploads/2021/05/07125817/rights-of-persons-with-disabilities-somalia.pdf>, p. 1. The Humanitarian Needs Overview derives statistics related to disability by using a WHO global estimate (15%) and applying that to the population size in Somalia. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 81. See also, Institute of Development Studies, *Knowledge, Evidence, and Learning for Development, Disability in Somalia*, 19 January 2018, <https://gsdrc.org/publications/disability-in-somalia/>, pp. 4-6.

¹⁰²⁸ UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 47.

¹⁰²⁹ Institute of Development Studies, *Knowledge, Evidence, and Learning for Development, Disability in Somalia*, 19 January 2018, <https://gsdrc.org/publications/disability-in-somalia/>, p. 6.

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

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

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

¹⁰³⁰ “The Independent Expert regrets the lack of tangible progress in the daily lives of persons with disabilities, who continue to suffer from multiple forms of discrimination, both in the private and public spheres, including societal stigma, barriers and exclusion.” Somali Disability Empowerment Network, *Somalia: COVID-19 and How Its Affecting People with Disabilities*, 8 April 2020, www.somalidisability.org/somalia-covid-2019-and-how-its-affecting-people-with-disabilities/. See also, US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

¹⁰³¹ United Nations Somalia, *Common Country Analysis 2020*, September 2020, https://somalia.un.org/sites/default/files/2020-09/UN%20Somalia%20Common%20Country%20Analysis%202020_3.pdf, p. 49.

¹⁰³² “Government responses to such reports remained inadequate.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “The socio-economic vulnerability faced by PWDs [persons with disabilities] opens them to gross abuse and infringement on their fundamental human rights. [...] Almost 90% of PWDs reported facing injustices in the course of their lifetime. Analysis indicates that these injustices are grounded in discrimination which is both structural and social.” Somali Disability Empowerment Network, *People with Disability Livelihood Assessment Survey: Report in Somalia 2019*, 29 February 2020, www.somalidisability.org/wp-content/uploads/2020/02/SODEN-Report-2019-updated2.pdf, p. 9. “A few of the key informants highlighted that children, women, and persons with disabilities are less safe than others due to physical vulnerability or the lack of information on who to contact in situations of insecurity or where help is based on clan affiliations.” Protection Cluster, *IDP and Host Community Consultations*, September 2020, <https://bit.ly/3sllfQr>, p. 7.

¹⁰³³ UNSOM, *On International Day of Persons with Disabilities the UN Calls for Increased Recognition of Persons with Disabilities*, 3 December 2021, <https://reliefweb.int/report/somalia/international-day-persons-disabilities-un-calls-increased-recognition-persons>; United Nations Somalia, *Common Country Analysis 2020*, September 2020, https://somalia.un.org/sites/default/files/2020-09/UN%20Somalia%20Common%20Country%20Analysis%202020_3.pdf, p. 49. “Many [persons with disabilities] rely on special services for their daily survival. Their needs are amplified during challenging times, the majority of persons with disabilities live in rural areas where access to basic services is limited. Many depend on family support and in some instances begging to get sustenance.” Horn Population Research & Development (HPRD), *Vulnerability Assessment in Somalia*, September 2020, www.unicef.org/somalia/media/2381/file/Somalia-vulnerability-assessment-MoLSA-September-2020.pdf, p. 45.

¹⁰³⁴ Somali Disability Empowerment Network, *People with Disability Livelihood Assessment Survey: Report in Somalia 2019*, 29 February 2020, www.somalidisability.org/wp-content/uploads/2020/02/SODEN-Report-2019-updated2.pdf, pp. 2-6. “Availability and access to appropriate health care for persons living with a disability, estimated to be at least 15 per cent of the population, remain dramatically insufficient.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 86. “In addition, participants indicated that common places such as markets, schools, and community centres should put in place PwD-friendliness amenities like ramps and construct latrines that are easily accessible to PwDs.” NRC, *Amplifying the Voices of Displacement Affected Communities*, 20 October 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/amplifying-the-voices-of-dacs_exec-summary.pdf, p. 5.

¹⁰³⁵ OCHA, *Somalia Humanitarian Bulletin*, August 2021, www.ecoi.net/en/file/local/2060139/August+21+bulletin+Final.pdf, p. 4; Somali Disability Empowerment Network, *People with Disability Livelihood Assessment Survey: Report in Somalia 2019*, 29 February 2020, www.somalidisability.org/wp-content/uploads/2020/02/SODEN-Report-2019-updated2.pdf, pp. 3-4.

¹⁰³⁶ According to the organization, “their inability to get work is not because of their inability to perform but rather the negative mind-set against PWDs that still is pervasive across Somali society.” Somali Disability Empowerment Network, *People with Disability Livelihood Assessment Survey: Report in Somalia 2019*, 29 February 2020, www.somalidisability.org/wp-content/uploads/2020/02/SODEN-Report-2019-updated2.pdf, p. 7.

¹⁰³⁷ “A recent assessment confirmed that 40 per cent of females and 75 per cent of males with disability never collected water for their households due to distance and in-accessibility of water points and rely on neighbors and children to collect water for them.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 109.

¹⁰³⁸ “Domestic violence and forced marriage were prevalent practices affecting persons with disabilities. Women and girls with disabilities faced an increased risk of rape and other forms of gender-based violence, often with impunity, due to perceptions that their disabilities were a burden to the family or that such persons were of less value and could be abused.” US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

burden.¹⁰³⁹ Women may be targeted for gender-based violence because they are disabled.¹⁰⁴⁰ Women and girls with disabilities face additional challenges in accessing education.¹⁰⁴¹

Children with disabilities are stigmatized as they are seen as a burden upon a family, and some people perceive children with disabilities as bad luck, bringing drought and poverty.¹⁰⁴² Disability is “sometimes thought to be a punishment from Allah, sometimes a blessing or teaching, and sometimes a form of protection for the community.”¹⁰⁴³ Children with disabilities “face challenges to access an inclusive learning environment” and have difficulty accessing education.¹⁰⁴⁴

Children and IDPs with disabilities are some of the most vulnerable persons in Somalia.¹⁰⁴⁵ Persons with disabilities are frequently unable to access humanitarian assistance.¹⁰⁴⁶ This includes food assistance and has likely resulted in persons with disabilities experiencing higher levels of food insecurity.¹⁰⁴⁷ Displaced persons with disabilities face additional vulnerabilities, including eviction and insecure housing.¹⁰⁴⁸ In the event of a natural disaster, such as flooding, people with disabilities and their families face additional challenges to ensure their safety, access to appropriate assistance, and long-term solutions.¹⁰⁴⁹ People with disabilities have been disproportionately affected by the COVID-19

¹⁰³⁹ In some cases, “the families of women and girls with disabilities force them into marriage, often to older and/or abusive men, in a bid to rid themselves of the perceived burden of having a disabled child.” Amnesty International, *Somalia: Prioritise Protection for People with Disabilities*, 12 March 2015, www.amnesty.org/en/wp-content/uploads/2021/05/AFR5211662015ENGLISH.pdf, p. 6.

¹⁰⁴⁰ “Women and girls with disabilities do not only suffer violence including rape and other forms of sexual violence in the context of domestic and family life. Their disability can often lead perpetrators to view them as vulnerable targets, increasing the risk of being raped or other forms of sexual violence.” Amnesty International, *Somalia: Prioritise Protection for People with Disabilities*, 12 March 2015, www.amnesty.org/en/wp-content/uploads/2021/05/AFR5211662015ENGLISH.pdf, pp. 7-8.

¹⁰⁴¹ “Girls with disabilities, girls in farming and nomadic communities living in rural and remote areas, pregnant girls and girls in camps for internally displaced persons and refugees face compounded forms of discrimination that hamper their access to education.” UN General Assembly, *Situation of Human Rights in Somalia*, August 2020, A/HRC/45/52, www.ecoi.net/en/file/local/2038295/A_HRC_45_52_E.pdf, para. 62. See also, International Institute for Environment and Development, *Finding Shelter in Mogadishu: Challenges for Vulnerable Groups*, February 2020, <https://pubs.iied.org/sites/default/files/pdfs/migrate/10883IIED.pdf>.

¹⁰⁴² “Among persons with disabilities, children are especially vulnerable and report a very high level of unmet needs: a recent rapid assessment found that 62 per cent of caregivers reported that communities still view children with disabilities as people who cannot contribute to the family welfare, while 34 per cent reported that communities view children with disabilities as a sign of bad luck, with community members believing that children with disabilities bring drought and poverty not only to the family but the whole community.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 46, see also pp. 97. “Sixty-two percent of support persons reported that communities still view children with disabilities as people who cannot contribute to the family welfare, while 33.7% reported that communities view children with disabilities as a sign of bad luck, with community members believing that children with disabilities bring drought and poverty not only to the family but the whole community. Insults and abuse from the community also betray the inherent deep structural negative attitudes.” Save the Children, *A Rapid Assessment of the Status of Children With Disabilities in Somalia*, 2020, https://resourcecentre.savethechildren.net/pdf/rapid-assessment-children-with-disabilities-in-somalia_report_fa_digital-1-1_1.pdf, p. 9.

¹⁰⁴³ Institute of Development Studies, *Knowledge, Evidence, and Learning for Development, Disability in Somalia*, 19 January 2018, <https://gsdrc.org/publications/disability-in-somalia/>, p. 9.

¹⁰⁴⁴ “[C]hildren living in IDP camps are particularly vulnerable to protection risks due to limited provision of services and poor living conditions. [...] it is estimated that 463,042 of the 3 million children in need of education are school aged children living with disabilities. Children with disabilities are significantly affected and face challenges to access an inclusive learning environment. Recent reports identified prevalent negative attitudes towards children with disabilities by teachers and parents, and structural challenges that hinder these children to access an inclusive learning environment.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 81.

¹⁰⁴⁵ “Children with disabilities are among the most vulnerable, marginalized groups within Somali society because of the attitudinal, environmental, and institutional barriers they face.” Additionally: “Persons living with disabilities face tremendous barriers in accessing services with 35 per cent of IDP sites citing that PLWDs face severe impediments in accessing humanitarian services.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 97, 78, see also pp. 46-47, 54, 81, 96. Displaced persons with disabilities “experience additional abuse due to perceptions of their increased vulnerability as a result of being disabled.” Amnesty International, *Somalia: Prioritise Protection for People with Disabilities*, 12 March 2015, www.amnesty.org/en/wp-content/uploads/2021/05/AFR5211662015ENGLISH.pdf, p. 4.

¹⁰⁴⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 41, 46, 78.

¹⁰⁴⁷ “People with disabilities in Somalia are often overlooked or have limited access to humanitarian assistance, including food assistance. [...] Given the inequalities people with disabilities face in Somalia, and the inaccessibility of humanitarian assistance for them, their levels of food insecurity are likely to be disproportionately high.” ACAPS, *Somalia: Food Security*, 16 November 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/20211116_acaps_briefing_note_somalia_food_security.pdf, p. 5.

¹⁰⁴⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

¹⁰⁴⁹ “Surveyed IDPs with disabilities had difficulty accessing food, clean water, and toilet facilities, and participating in community life. They cited the distance to services, the inaccessibility of services, and the fear of violence or harassment as the main reasons for these challenges.” IDMC, *Impacts of displacements: Flood Displacement in Beledweyne Somalia*, October 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/2021.10.21_IDMC_Impacts%20of%20Displacement_Somalia.pdf, p.14.

pandemic and have often been left out of or inadequately included in community responses and prevention measures.¹⁰⁵⁰

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

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

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

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

¹⁰⁵⁰ CARE International, *Caresom Rapid Gender Analysis*, August 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/CARESOM-Rapid-Gender-Analysis-Report-August-2021.pdf>, p. 17; OCHA, *Somalia Covid-19 Impact Update No. 16*, February 2021, www.ecoi.net/en/file/local/2046727/Covid+Impact+report_16.pdf, p. 8. “The COVID-19 pandemic has exacerbated mental distress as people living in vulnerable circumstances, including the elderly and persons with disabilities, are separated from their caregivers due to quarantine and isolation requirements.” OCHA, *Somalia Covid-19 Impact Update No. 14*, November 2020, www.ecoi.net/en/file/local/2042604/Somalia+-+COVID-19+Impact+Update+No.+14+%28November+2020%29.pdf.

¹⁰⁵¹ The New Humanitarian, *Inside Somalia's Mental Health Emergency*, 26 June 2019, www.thenewhumanitarian.org/news-feature/2019/06/26/somalia-mental-health-emergency; Borgen Project, *Addressing Effects of Mental Health in Somalia*, 14 December 2018, www.borgenmagazine.com/addressing-effects-of-mental-health-in-somalia/. “It is estimated that the prevalence of mental health disorders in Somalia is higher than in other low-income and war-torn countries (one person out of three is or has been affected by some kind of mental illness). There are many determinants that explain the high rate: overall insecurity (such as displacement and violence), war traumas, poverty, unemployment and substance abuse.” WHO, *A Situation Analysis of Mental Health in Somalia*, October 2010 <https://reliefweb.int/report/somalia/situation-analysis-mental-health-somalia>, p. 8.

¹⁰⁵² As of 2019: “Somalia ha[d] only five WHO-recognised mental health centres – basic at best – and just three psychiatrists for the entire country.” The New Humanitarian, *Inside Somalia's Mental Health Emergency*, 26 June 2019, www.thenewhumanitarian.org/news-feature/2019/06/26/somalia-mental-health-emergency.

¹⁰⁵³ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; Borgen Project, *Addressing Effects of Mental Health in Somalia*, 14 December 2018, www.borgenmagazine.com/addressing-effects-of-mental-health-in-somalia/.

¹⁰⁵⁴ HRW, *Chained Like Prisoners; Abuses Against People With Psychosocial Disabilities in Somaliland*, 29 July 2015, www.hrw.org/report/2015/10/25/chained-prisoners/abuses-against-people-psychosocial-disabilities-somaliland. “Chain containment of the mentally ill is widespread across the country, as families are often unaware of how to treat their loved ones. WHO estimates that 90% of patients who do find treatment were chained up at least once in their lifetime.” Princeton Public Health Review, *An Overlooked Consequence of Civil War: Mental Illness in Somalia*, August 2017, <https://pphr.princeton.edu/2017/08/24/an-overlooked-consequence-of-civil-war-mental-illness-in-somalia-and-the-somali-diaspora/>. “Families regularly chain children with disabilities with caregivers indicating that the practice is necessary to protect the children from harm such as car accidents, falling into pits/trenches, discrimination, physical and sexual abuse, hurting other people or being hurt.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 46.

¹⁰⁵⁵ HRW, *Chained Like Prisoners; Abuses Against People With Psychosocial Disabilities in Somaliland*, 29 July 2015, www.hrw.org/report/2015/10/25/chained-prisoners/abuses-against-people-psychosocial-disabilities-somaliland.

¹⁰⁵⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “Many people in Somalia believe that HIV/AIDS is a disease for people who have committed bad deeds. Extensive stigma and discrimination against people living with HIV/AIDS adversely affects both people's willingness to be tested and their adherence to ART [antiretroviral therapy].” Somalia National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, 2020, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf, p. 178.

¹⁰⁵⁷ Somalia National Bureau of Statistics, *The Somali Health and Demographic Survey 2020*, 2020, www.nbs.gov.so/wp-content/uploads/2021/09/SHDS-Report-2020_Updated.pdf, p. 178.

¹⁰⁵⁸ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

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

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

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

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

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

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

a) Refugee Status under UNHCR's Broader Mandate Criteria

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

¹⁰⁵⁹ See UNHCR Executive Committee, *Conclusion on the Provision on International Protection Including through Complementary Forms of Protection*, No. 103 (LVI) – 2005, 7 October 2005, www.refworld.org/docid/43576e292.html.

¹⁰⁶⁰ As regards regional instruments, see the refugee definitions contained in the 1969 OAU Convention, Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html and in the Cartagena Declaration, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html. Complementary forms of protection include subsidiary protection under Article 15 of the 2011 Qualification Directive. EU, *Qualification Directive*, 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>.

¹⁰⁶¹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, p. 137, www.refworld.org/docid/3be01b964.html and UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations Treaty Series, Vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

¹⁰⁶² UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fdb49d.html; UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

¹⁰⁶³ See for example UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html, p. 3; UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

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

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

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

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

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

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

¹⁰⁶⁴ UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html.

¹⁰⁶⁵ In interpreting the meaning of the term public order (*ordre public*) in the context of permitted limitations on the human rights enumerated in the International Convention on Civil and Political Rights, the UN Commission on Human Rights stated: "The expression 'public order (*ordre public*)' as used in the Covenant may be defined as the sum of rules which ensure the functioning of society or the set of fundamental principles on which society is founded. Respect for human rights is part of public order (*ordre public*)."¹⁰⁶⁶ UN Commission on Human Rights, *The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*, 28 September 1984, www.refworld.org/docid/4672bc122.html, paras 22-24.

¹⁰⁶⁶ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html. The definition of the term "refugee" as contained in Article I of the 1969 OAU Convention has been incorporated into Article I of the Bangkok Principles on the Status and Treatment of Refugees (Bangkok Principles). See Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees)*, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi, www.refworld.org/docid/3de5f2d52.html.

In the context of the 1969 OAU Convention, the phrase “events seriously disturbing public order” encompasses situations of conflict or violence that threaten civilians’ lives, freedom or security, as well as other serious disruptions of the public order.¹⁰⁶⁷ For the same reasons as above, UNHCR considers that areas of Somalia that are affected by active conflict between government-affiliated forces and Al-Shabaab, as well as areas of Somalia that are under the full or partial control of Al-Shabaab (see map on [page 10](#) for the situation as of September 2021) should be regarded as areas affected by events seriously disturbing public order. Consequently, UNHCR considers that individuals originating from such areas and who have been found not to meet the criteria of the 1951 Refugee Convention may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

c) Refugee Status under the Cartagena Declaration

Somali asylum-seekers who seek international protection in any of the countries that have incorporated the Cartagena Declaration on Refugees (“Cartagena Declaration”) into their national legislation may qualify for refugee status on the grounds that their lives, safety or freedom have been threatened by generalized violence, internal conflict, massive violation of human rights or other circumstances that have seriously disturbed public order.¹⁰⁶⁸

Following similar considerations as for UNHCR’s broader mandate criteria and the 1969 OAU Convention (Sections [III.B.1.a](#) and [III.B.1.b](#)), UNHCR considers that individuals originating from areas in Somalia affected by active conflict between pro-government forces and Al-Shabaab, or from areas under the full or partial control of Al-Shabaab (see map on [page 10](#) for the situation as of September 2021), and who have been found not to meet the criteria of the 1951 Refugee Convention, may be in need of international protection under the terms of the Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order, either in the form of direct or indirect consequences of conflict-related violence, or as a result of serious and widespread human rights abuses committed by Al-Shabaab in areas under their effective control.

2) Eligibility for Subsidiary Protection under the EU Qualification Directive

Somalis who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for believing that they would face a real risk of serious harm in Somalia.¹⁰⁶⁹ In light of the information presented in [Section II.D](#) of this document, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds of a real risk of the relevant forms of

¹⁰⁶⁷ On the meaning of the phrase “events seriously disturbing public order” in the 1969 OAU Convention, see Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in the Context of Individual Refugee Status Determination*, January 2013, www.refworld.org/docid/50fd3edb2.html; Alice Edwards, “Refugee Status Determination in Africa”, 14 *African Journal of International and Comparative Law* 204-233 (2006); UNHCR, *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On*, April 2005, ISSN 1020-7473, www.refworld.org/docid/4ff168782.html.

¹⁰⁶⁸ *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html, Section III.3. Although the Cartagena Declaration is included in a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see: UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html, paras 61-85.

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

serious harm (death penalty¹⁰⁷⁰ or execution; or torture or inhuman or degrading treatment or punishment), either at the hands of the State or its agents, or at the hands of Al-Shabaab or the Islamic State.¹⁰⁷¹

Equally, in light of the fact that Somalia continues to be affected by a non-international armed conflict¹⁰⁷² and in light of the information presented in Sections II.C, II.D, II.E and II.F of this document, applicants originating from or previously residing in conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.

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

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

¹⁰⁷⁰ The death penalty is authorized and regularly used in Somalia's military courts, including in South and Central Somalia, Puntland and Somaliland. Courts have sentenced persons to death for espionage, for belonging to Al-Shabaab, and for rape and murder. The trials of spies and Al-Shabaab members have been conducted without due process guarantees, including bypassing the statutory 30 day appeal period, and in "unfair trials". UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 26. See also, World Coalition Against the Death Penalty, *Somalia*, accessed 25 August 2022, <https://worldcoalition.org/pays/somalia/>; Advocates for Human Rights / World Coalition against the Death Penalty, *Somalia: Stakeholder Report for the United Nations Universal Periodic Review*, 15 October 2020, www.upr-info.org/sites/default/files/document/2021-07/js2_upr38_som_e_main.pdf; Federal Government of Somalia, *Somalia: Penal Code*, 3 April 1964, www.refworld.org/docid/4bc5906e2.html, Arts 184-186, 190, 196, 198-201, 204-206, 221-223, 329, 334 and 335, 434, 436. Sharia law, which is placed above the constitution and is considered the primary law across Somalia, also prescribes the death penalty for certain offenses including, in some cases, same-sex sexual conduct. See HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. Al-Shabaab uses the death penalty on, *inter alia*, spies and persons accused of witchcraft, blasphemy or adultery. See Section III.A.3.

¹⁰⁷¹ It should be noted that where applicants face a real risk of such treatment for reason of a 1951 Convention ground, they should be accorded refugee status under the Convention (unless they are to be excluded from the benefit of protection under the Refugee Convention under Article 1.F); only where there is no nexus between the risk of serious harm and one of the Convention grounds should the applicant be accorded subsidiary protection. RULAC, *Non-International Armed Conflict in Somalia*, accessed 25 August 2022, www.rulac.org/browse/conflicts/non-international-armed-conflict-in-somalia.

¹⁰⁷² See, UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html.

¹⁰⁷³ See Court of Justice of the European Union, *Elgafaji v. Staatssecretaris van Justitie, C-465/07*, 17 February 2009, www.refworld.org/docid/499aaee52.html, where the Court of Justice of the European Union held (at para. 43) that the existence of a serious and individual threat to the life or person of an applicant "can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict taking place [...] 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 presence on the territory of that country or region, face a real risk of being subject to that threat."

C. Internal Flight, Relocation or Protection Alternative

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), also referred to as internal protection alternative,¹⁰⁷⁵ is contained in the UNHCR *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*.¹⁰⁷⁶

An assessment of the possibility of relocation requires an assessment of the relevance as well as the reasonableness of the proposed IFA/IRA.¹⁰⁷⁷ In cases where a well-founded fear of persecution has been established in some localized part of the country of origin, the determination of whether the proposed internal flight or relocation area is an appropriate alternative for the individual concerned requires an assessment over time, taking into account not only the circumstances that gave rise to the risk feared, and that prompted flight from the area of origin, but also whether the proposed area provides a safe and meaningful alternative in the future. The personal circumstances of the individual applicant and the conditions in the area of relocation need to be considered.¹⁰⁷⁸

If an IFA/IRA is considered in asylum procedures, a specific area of proposed relocation must be identified, and all relevant general and personal circumstances regarding the relevance and reasonableness of the proposed area of relocation for the applicant must be considered. A proposed area of relocation will only be relevant when practically, safely and legally accessible to the applicant, and where the applicant would not face a risk of persecution.¹⁰⁷⁹ A proposed area of relocation will only be reasonable if the applicant can "lead a relatively normal life without facing undue hardship".¹⁰⁸⁰ The applicant must be given an adequate opportunity to respond to the purported relevance and reasonableness of the proposed IFA/IRA.¹⁰⁸¹

The guidance provided in this Section applies to IFA/IRA assessments in the context of determinations of the need for international refugee protection under the 1951 Convention (Section III.A), UNHCR's broader mandate criteria (Section III.B.1.a), and the Cartagena Declaration (see Section III.B.1.c). The guidance provided in this Section also applies to internal protection assessments under Article 8 of the Qualification Directive.¹⁰⁸² The consideration of possible internal relocation is not generally relevant to the determination of refugee status under Article I(2) of the OAU Convention (Section III.B.1.b).¹⁰⁸³

Sections III.C.1 and III.C.2 provide general guidance on applying the criteria of relevance and reasonableness to a proposed area of IFA/IRA in Somalia. Section III.C.3 provides relevant considerations where the proposed area of IFA is Mogadishu, Section III.C.4 provides guidance for where the proposed area of IFA is Garowe and Section III.C.5 provides guidance for where the proposed area of IFA is Hargeisa.

¹⁰⁷⁵ EU, *Qualification Directive*, 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>, Article 8.

¹⁰⁷⁶ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html (hereafter: UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html).

¹⁰⁷⁷ In relation to applications for international protection in EU Member States, Article 8 of the 2011 Qualification Directive applies. It includes both a relevance and reasonable test. 2011 Qualification Directive, Article 8.

¹⁰⁷⁸ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7. In relation to applications for international protection in EU Member States, see also Article 8(2) of the 2011 Qualification Directive, which provides that "Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant".

¹⁰⁷⁹ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7(I).

¹⁰⁸⁰ Ibid., para. 7(II).

¹⁰⁸¹ Ibid., para. 6.

¹⁰⁸² 2011 Qualification Directive, Article 8.

¹⁰⁸³ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 5. See also, UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, www.refworld.org/docid/583595ff4.html, para. 60. Article I(2) of the 1969 Convention extends the refugee definition to "every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (emphasis added). Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.unhcr.org/refworld/docid/3ae6b36018.html, art. I(2). The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention.

1) Relevance Analysis

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

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

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

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

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

1. Where the applicant has a well-founded fear of **persecution at the hands of the State or its agents, there is a presumption that consideration of an IFA/IRA is not relevant.**¹⁰⁸⁴
2. Where the applicant has a well-founded fear of **persecution at the hands of members of society as a result of harmful traditional practices and religious norms of a persecutory nature** (see for example Sections [III.A.2](#), [III.A.8](#), [III.A.10](#), [III.A.11](#), [III.A.13](#) and [III.A.14](#)), the endorsement of such norms and practices by large segments of society needs to be taken into account as a factor that weighs against the relevance of an IFA/IRA. Coupled with the fact that the Somali State cannot be considered as an actor of protection against human rights abuses by non-State actors (see [Section II.D](#)), UNHCR considers that **there is a presumption that consideration of an IFA/IRA in these cases is not relevant.**
3. In cases where **the agent of persecution is Al-Shabaab or Islamic State**, decision-makers must consider whether the persecutor is likely to pursue the applicant in the proposed area of relocation.¹⁰⁸⁵ Given the wide geographic reach of Al-Shabaab, in particular, coupled with the fact that the Somali State cannot be considered as an actor of protection against human rights abuses by non-State actors (see [Section II.D](#)), a viable IFA/IRA may not be available to individuals at risk of being targeted by Al-Shabaab.

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

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

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

¹⁰⁸⁴ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 7.I.b, 13-14.

¹⁰⁸⁵ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 7.I.c, 15-17.

¹⁰⁸⁶ *Ibid.*, para. 20.

“a person with an established fear of persecution for a 1951 Convention reason in one part of the country cannot be expected to relocate to another area of serious harm. If the claimant would be exposed to a new risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination, an internal flight or relocation alternative does not arise, irrespective of whether or not there is a link to one of the Convention grounds. The assessment of new risks would therefore also need to take into account serious harm generally covered under [broader refugee criteria or] complementary forms of protection.”¹⁰⁸⁷

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

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

In cases where an area of Somalia has been identified that is not excluded as a relevant IFA/IRA on the basis of considerations under I, II and III above, **it would still need to be assessed whether the proposed area of IFA/IRA is practically, safely and legally accessible to the individual.**¹⁰⁸⁸ In the context of Somalia, this requires assessing the concrete prospects of accessing the proposed area of relocation, specifically with regards to documentation.¹⁰⁸⁹

2) Reasonableness Analysis

a) The Applicant's Personal Circumstances

Whether an IFA/IRA is “reasonable” must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including their age, ethnicity, gender, health, disability, family situation and relationships, as well as their educational and professional background.¹⁰⁹⁰ In the context of Somalia’s clan-based society, clan membership and clan protection are important factors, along with the existence of a more immediate network that could assist the person to establish a life in the proposed area of relocation.¹⁰⁹¹

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

The particular circumstances of children as well as the legal obligations of States under the Convention on the Rights of the Child—in particular the obligations to ensure that the best interests of the child are a primary consideration in all decision-making affecting children and to give due weight to the views of the child in light of his or her age and maturity—need to be taken into account

¹⁰⁸⁷ Ibid.

¹⁰⁸⁸ Ibid., para. 7.1.a.

¹⁰⁸⁹ For example, decision makers should take into account that persons not originating from Somaliland who arrive in Somaliland from Puntland or South and Central Somalia must possess a passport or national ID and will be required to pay a 15 USD entry fee for a visa upon arrival. UNHCR Information, June 2022. See also, IRB, *Somalia: Entry and Exit Requirements at Land Borders and Airports, including Documentation Required; Whether There Are Checkpoints for Domestic and International Travel; Whether There Are Travel Agencies that Facilitate Travel within and outside Somalia (2018–August 2020)*, 3 September 2020, <https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458173&pls=1>.

¹⁰⁹⁰ UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative”*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 25-26.

¹⁰⁹¹ “One source spoke to people who had returned to Somalia without a network. Their only option was to resettle in an IDP or squatter camp, but as these camps are often controlled by gatekeepers who charges a fee for newcomers, they could not afford to enter the camp. Hence, they were left to themselves.” Danish Immigration Service, *South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees*, July 2020, www.justice.gov/eoir/page/file/1309016/download, p. 16.

in assessing the reasonableness of an IFA/IRA involving children.¹⁰⁹² Adjudicators need to give due consideration to the fact that what is considered merely inconvenient for adults may constitute undue hardship for a child.

These considerations take on additional importance in relation to unaccompanied and separated children.¹⁰⁹³

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

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

b) Safety and Security

A proposed area of IFA/IRA would only be reasonable if the applicant is able to live in the proposed area in safety and security, free from danger and risk of injury.¹⁰⁹⁴ These conditions must be durable, not illusory or unpredictable.¹⁰⁹⁵ In this regard, the volatility and fluidity of the armed conflict in Somalia must be taken into consideration. Any assessment of a proposed IFA/IRA should take into account the information presented in [Section II.C](#) of these Guidelines, as well as further reliable, up-to-date information about the security situation in the proposed area of relocation.

c) Respect for Human Rights and Economic Survival

For a proposed IFA/IRA to be reasonable, the applicant must be able to exercise his or her basic human rights in the area of relocation, and the applicant must have possibilities for economic survival in dignified conditions.¹⁰⁹⁶ In this regard, the assessment of the reasonableness of a proposed IFA/IRA must give particular attention to:

- (i) access to shelter in the proposed area of relocation;
- (ii) the availability of basic infrastructure and access to essential services in the proposed area of relocation, such as potable water and sanitation, health care and education;
- (iii) the presence of livelihood opportunities; or in the case of applicants who cannot be expected to provide for their own livelihood (for example elderly applicants), proven and sustainable support to enable access to an adequate standard of living.¹⁰⁹⁷

¹⁰⁹² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations Treaty Series, Vol. 1577, p. 3, www.refworld.org/docid/3ae6b38f0.html, Article 3(1); UN Committee on the Rights of the Child (CRC), *General Comment No. 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* (Art. 3, Para. 1), 29 May 2013, CRC/C/GC/14, www.refworld.org/docid/51a84b5e4.html, paras 75-76.

¹⁰⁹³ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 53-57.

¹⁰⁹⁴ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 27.

¹⁰⁹⁵ Ibid.

¹⁰⁹⁶ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 28-30.

¹⁰⁹⁷ "Refugee returnees from Kenya reported limited employment opportunities in the southern and central sections of the country, consistent with high rates of unemployment throughout the country." US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html.

In relation to (i) – (iii) above, in the specific context of Somalia the importance of the availability of and access to social and clan networks cannot be overstated.¹⁰⁹⁸ In this regard, the presence of members of the same clan or religious or ethnic background as the applicant in the proposed area of relocation cannot by itself be considered evidence that the applicant would be able to benefit from meaningful support from such communities; rather, such support would generally require specific pre-existing social relations connecting the applicant to individual members of the clan or religious or ethnic community in question.¹⁰⁹⁹ Moreover, even where such pre-existing relations exist, an assessment should be made whether the members of this network are both willing and able to provide genuine support to the applicant in practice, against the background of Somalia's precarious humanitarian situation, the low developmental indicators, and the wider economic constraints affecting large segments of the population.

Additionally, UNHCR notes the dire situation of IDPs in Somalia in both urban and rural areas, as described in Sections II.E and II.F. IDPs have higher rates of food insecurity and malnutrition, are more vulnerable to climate-related shocks (including the ongoing drought), do not have the same access to livelihoods as host communities, are often forced to rely on temporary and unstable labour opportunities and are often dependent upon humanitarian aid.¹¹⁰⁰ Most IDPs reside in informal camps where they do not have land tenure and where they are vulnerable to forced eviction.¹¹⁰¹ Women and girls who are displaced are at higher risk of GBV.¹¹⁰² Displaced children are vulnerable to child marriage and child labour.¹¹⁰³ Because IDPs do not have access to clan protection in their place of relocation, even in cases where they would have had such protection in their home areas, they lack access to both formal and informal justice mechanisms.¹¹⁰⁴ These concerns also apply to returning refugees, who also lack access to basic services, are unable to obtain stable employment, often report insufficient income and remain in poverty.¹¹⁰⁵ Urban IDP populations are generally in a worse situation than other urban communities that have not experienced displacement.¹¹⁰⁶

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

¹⁰⁹⁸ Personal and clan connections and networks are instrumental in providing access to employment and livelihoods across Somalia. "[J]obs are mostly acquired through connections and word-of-mouth within networks. This is exacerbated by small companies' reliance on clan relatives/friends/elders to identify candidates". USAID, *Somalia Youth Assessment*, January 2020, www.usaid.gov/sites/default/files/documents/1860/USAID-Somalia-Youth-Assessment.pdf, p. 14. "Until today, 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." EASO, *Somalia: Targeted Profiles*, September 2021, www.ecoi.net/en/file/local/2060580/2021_09_EASO_COI_Report_Somalia_Targeted_profiles.pdf, p. 59.

¹⁰⁹⁹ "One source stated that the broader clan network is often of little meaningful help as they themselves often live difficult lives. Members of the same clan will look favourably on the returnees, but they seldom have the financial capacity to help returned family members resettle into society. The source argued that in many cases it is only the close relatives who will help returnees." Danish Immigration Service, *South and Central Somalia: Security Situation, Forced Recruitment, and Conditions for Returnees*, July 2020, www.justice.gov/eoir/page/file/1309016/download, p. 16.

¹¹⁰⁰ World Bank, *Somalia Urbanization Review: Fostering Cities as Anchors of Development*, 2021, <https://openknowledge.worldbank.org/handle/10986/35059>, p. 125; ACAPS, *Somalia: Food Security*, 16 November 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/20211116_acaps_briefing_note_somalia_food_security.pdf, p. 4; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 7, 18, 38, 39, 42, 83, 91.

¹¹⁰¹ Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, pp. 5, 9, 17; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 7, 38, 77-78, 107.

¹¹⁰² HRW, *Submission to the Committee on the Rights of the Child Review of Somalia*, 14 April 2022, www.hrw.org/news/2022/04/14/submission-committee-rights-child-review-somalia; Protection Cluster, *Protection Analysis Update*, February 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/SOM_PAU_Somalia-Protection-Analysis_Feb2022.pdf, pp. 4-5, 15; OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 97.

¹¹⁰³ Protection Cluster, *Summary Report on Child Protection Assessment: Protection Risks Faced by Children Affected by both Conflict and Drought in Cadale District, Middle Shebelle Region*, 31 October 2021, <https://reliefweb.int/report/somalia/summary-report-child-protection-assessment-september-2021-protection-risks-face>, pp. 21-22;

¹¹⁰⁴ OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 39, 95, 103.

¹¹⁰⁵ UNHCR, *Somalia Post Return Monitoring Snapshot*, May 2021, <https://data2.unhcr.org/en/documents/details/87491>.

¹¹⁰⁶ "Within cities, urban IDPs are consistently worse-off than other urban households. They have less access to electricity, tap water, improved sanitation, improved housing, and dwelling ownership compared to non-IDP urban households. Moreover, urban IDPs suffer from lower enrolment, literacy, and employment rates. They also tend to live further away from primary schools and food markets. Thus, urban IDPs are worse off than the rest of the urban population as they have likely become deprived of their former livelihoods, assets, social networks due to displacement and they have more limited access to services. Moreover, they are at an educational disadvantage as well, which may prevent them from finding good jobs. Accordingly, without any concerted support, urban IDPs are likely to remain worseoff across many dimensions compared to other urban households". World Bank, *Somalia Urbanization Review: Fostering Cities as Anchors of Development*, 2021, <https://openknowledge.worldbank.org/handle/10986/35059>, p. 49.

importance and lack of access to such networks often results in a lack of protection and an inability to access society.

3) Internal Flight or Relocation Alternative in Benadir/Mogadishu¹¹⁰⁷

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

a) The Relevance of Mogadishu as an IFA/IRA

In any assessment of the relevance of Mogadishu as a proposed IFA/IRA—particularly whether the applicant would face a real risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination—a decision-maker must take into account the overall security situation as it affects Mogadishu, including in the form of attacks by Al-Shabaab.¹¹⁰⁸ Al-Shabaab “instil[s] fear through assassinations and the use of improvised explosive devices and mortar attacks in key cities and towns such as Mogadishu, Baidoa, Galkayo and Jowhar.”¹¹⁰⁹ From 1 January 2021 to 1 August 2022, ACLED recorded 904 incidents of battles, explosions/remote violence and violence against civilians in Mogadishu, causing 857 fatalities.¹¹¹⁰ From 16 December 2020 to 6 September 2021, the Panel of Experts documented “270 incidents attributed to Al-Shabaab in the 17 districts of Benadir Region [...], including assassinations, hit-and-run attacks on government positions and grenade, improvised explosive device and mortar attacks.”¹¹¹¹

Al-Shabaab’s illicit taxation network stretches into Mogadishu and targets a variety of professions, persons and businesses.¹¹¹² The group is able to operate in all areas of Mogadishu, and occasionally carries out recruitment drives in Mogadishu.¹¹¹³ People in Mogadishu reportedly perceive the police as corrupt and ineffective and do not trust them to protect them from Al-Shabaab.¹¹¹⁴

UNHCR notes that civilians who partake in day-to-day economic and social activities in Mogadishu are exposed to a risk of falling victim to a violent attack in the city.¹¹¹⁵ Such activities include travelling to

¹¹⁰⁷ As noted above (see Section II.B.2.b), the city of Mogadishu coincides with the administrative region of Benadir.

¹¹⁰⁸ “Al-Shabaab continued to carry out targeted attacks through suicide bombings in Mogadishu. On 11 November [2021], a suicide vehicle-borne improvised explosive device targeted an AMISOM convoy in the Wadajir district. At least three bystanders were killed in the incident. On 20 November [2021], a person-borne improvised explosive device targeted a private vehicle transporting the Director of Radio Mogadishu and the Director of the Somali National Television. On 25 November [2021], a suicide vehicle -borne improvised explosive targeted the private company Safelane (a Mine Action Service contractor) while it was travelling in a convoy escorted by the United Nations-contracted security company Duguf. At least eight civilian bystanders died, including minors, and 20 people were injured. Two Duguf escort members suffered minor shrapnel injuries.” UN Security Council, *Situation in Somalia*, 8 February 2022, S/2022/101, www.ecoi.net/en/file/local/2068141/S_2022_101_E.pdf, para. 20. See also, BBC, *Somalia and Al-Shabab: The Struggle to Defeat the Militants*, 24 August 2022, www.bbc.com/news/world-africa-62644935; UN Security Council, *Situation in Somalia*, 13 May 2022, S/2022/392, www.ecoi.net/en/file/local/2073538/N2233663.pdf, paras 13-16; UN General Assembly, *Situation of Human Rights in Somalia*, 14 July 2021, A/HRC/48/80, www.ecoi.net/en/file/local/2058956/A_HRC_48_80_E.pdf, para. 13. “Al-Shabaab continue to pose a significant threat to security by launching regular direct and asymmetric attacks, especially in Mogadishu and in newly recovered areas.” OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 63.

¹¹⁰⁹ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, para. 6.

¹¹¹⁰ Despite Mogadishu’s relatively small size geographically, this made up 22.1 per cent of the incidents of battles, explosions/remote violence and violence against civilians recorded in all of Somalia. ACLED, *Data Export Tool*, accessed 25 August 2022, <https://acleddata.com/data-export-tool/>.

¹¹¹¹ The Panel recorded 678 attacks which occurred outside Mogadishu, plus 143 attacks on supply routes, so about 25 per cent of the attacks which occurred during this time period occurred in Mogadishu. UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, pp. 51-53.

¹¹¹² See Section III.A.9. “Monthly tax collected by the group amount to at least \$15M, more than half of which comes from Mogadishu. [...] Based on how widespread the group’s taxation is, and how much more depth it has compared to the FGS and the FMSs in southern Somalia, we assess that this amount is a very conservative estimate. [...] AS taxes are equal in value to, or more, than the FGS and FMSs in southern Somalia.” Hiraal Institute, *A Losing Game: Countering Al-Shabab’s Financial System*, October 2020, <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>, pp. 5, 10.

¹¹¹³ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, pp. 3, 18.

¹¹¹⁴ Ibid., pp. 19-20, 22.

¹¹¹⁵ See BBC, *Somalia and Al-Shabab: The Struggle to Defeat the Militants*, 24 August 2022, www.bbc.com/news/world-africa-62644935; BBC, *Somalia: At Least Six Killed in Mogadishu Attack near Beach*, 22 April 2022, www.bbc.com/news/world-africa-61196325; US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; VOA, *Terror Attacks Surge as Elections Drag in Somalia*, 15 February 2022, www.voanews.com/a/terror-attacks-surge-as-elections-drag-in-somalia/6442966.html; Aljazeera,

and from a place of work, travelling to hospitals and clinics, or travelling to school; livelihood activities that take place in the city's streets, such as street vending; as well as going to markets, mosques and other places where people gather.¹¹¹⁶

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

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

b) The Reasonableness of Mogadishu as an IFA/IRA

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

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

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

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

Several Civilians and Soldiers Killed in Mogadishu Suicide Attack, 14 September 2021, www.aljazeera.com/news/2021/9/14/several-civilians-and-soldiers-killed-in-mogadishu-suicide-attack. "The security situation in Mogadishu remains volatile as it continues to be a focus of targeted attacks and assassinations by Al-Shabaab, primarily against the authorities and the militaries. The highest risk to civilians is being in the wrong place at the wrong time. Incidents involving vehicle-borne improvised explosive devices (IEDs) and small arms and light weapons are often reported to occur in the city". UNHCR, *Area of Return Information Brochure: Mogadishu*, 2020, https://help.unhcr.org/wp-content/uploads/sites/29/2021/06/17061619/UNHCR_AreaReturnBrochure_Mogadishu_2020.pdf, p. 2. "Civilians experience the impact of IEDs as collateral damage, not being the primary or intended target. Urban areas like Banadir and Bay regions have also recorded relatively higher IED incidents, being hubs for their respective governments, and where anti-government elements make regular attempts to attack government installations and security forces." OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 104.

¹¹¹⁶ "Many civilian victims of various bomb attacks in the centre of Mogadishu are people who sell small items and food along the streets". Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 26.

¹¹¹⁷ Somalia National Bureau of Statistics, *Somali Health and Demographic Survey Benadir Report 2020*, www.nbs.gov.so/wp-content/uploads/2021/07/Benadir-Regional-Report-SHDS_2020.pdf, pp. 161-162.

¹¹¹⁸ Air travel is available to most major cities, but it is prohibitively expensive for the vast majority of the Somali population. Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 29.

¹¹¹⁹ World Bank, *Somalia Urbanization Review: Fostering Cities as Anchors of Development*, 2021, <https://openknowledge.worldbank.org/handle/10986/35059>, pp. 36, 39.

¹¹²⁰ Ibid., p. 39.

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

¹¹²² World Bank, *Somalia Urbanization Review: Fostering Cities as Anchors of Development*, 2021, <https://openknowledge.worldbank.org/handle/10986/35059>, p. 45.

¹¹²³ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 3, see also p. 30.

in Mogadishu.¹¹²⁴ While Mogadishu is not as segregated by clan as other areas of Somalia, clan membership is still significant and members of the Hawiye clan hold the most power; minority groups and persons of other clans face exclusion and discrimination.¹¹²⁵

Forced evictions of displaced persons are a significant problem in Mogadishu in particular; 85 per cent of the evictions recorded by OCHA between August 2019 and October 2022 occurred in Mogadishu, of which the majority occurred in Kahda and Daynile districts.¹¹²⁶ IDPs in urban areas face “the constant risk of secondary displacement due to forced evictions.”¹¹²⁷ In IDP camps in Mogadishu, gatekeepers regulate access to the site and the receipt of humanitarian aid, “usually taking a cut of between 10 to 30 percent of the aid IDPs receive”.¹¹²⁸ Out of 2.97 million IDPs in Somalia, 904,000 live in Mogadishu, with an additional 19,347 refugee returnees; this is the highest concentration of displaced people in Somalia.¹¹²⁹ The population of Mogadishu is estimated to be 2.68 million people, with 1.88 million persons in need of humanitarian assistance.¹¹³⁰

During 2021, influxes of newly displaced persons in Mogadishu caused severe shortages of water in IDP camps.¹¹³¹

Many people cannot afford to send their children to school in Mogadishu, as even public schools charge fees.¹¹³² Additionally, health services are generally insufficient and of a low quality, in addition to being expensive.¹¹³³ IDPs and the poor in Mogadishu struggle to access health services in particular due to cost of transport and navigating security checkpoints.¹¹³⁴ Livelihoods in Mogadishu are scarce and

¹¹²⁴ “Over a quarter (26 per cent) of the people in need are located in Banadir because the area is densely populated with 2.7 million people, of which 904,000 are IDPs.” OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 94. See also, Danish Refugee Council, *The Long Walk to Mogadishu: Thousands of Drought-Affected IDPs Flee to The City*, 11 April 2022, <https://drc.ngo/it-matters/current-affairs/2022/4/drought-in-somalia-thousands-of-drought-affected-idps-flee-to-the-city/>; M. Jelle, J. Morrison, H. Mohamed, R. Ali, A. Solomon and A.J. Seal, *Forced Evictions and Their Social and Health Impacts in Southern Somalia: A Qualitative Study in Mogadishu Internally Displaced Persons (IDP) Camps*, 14(1) *Global Health Action*, 2021, www.tandfonline.com/doi/pdf/10.1080/16549716.2021.1969117, p. 4-7; Amnesty International, *Somalia: Internally Displaced People Surviving by “the Grace of God” Amidst COVID-19*, 21 July 2020, www.amnesty.org/en/latest/news/2020/07/somalia-internally-displaced-people-surviving-by-the-grace-of-god-amidst-covid19/.

¹¹²⁵ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, pp. 4, 38-45. See also, EASO, *Somalia: Security Situation*, September 2021, https://euaa.europa.eu/sites/default/files/publications/2021_09_EASO_COI_Report_Somalia_Security_situation_new_AC.pdf, pp. 87-89.

¹¹²⁶ “By the end of August 2021, 92,042 persons had been evicted across Somalia. According to the Eviction Information Portal, there has been a rising trend of evictions in 2021, peaking in June with 18,278 people evicted. Most cases reported were forced evictions with a minority of cases (only 8) being lawful. Evictions are still dominated by landowners needing their land though the motives are unclear, followed by development of the land. Banadir continues to be the epicenter of forced evictions with 77,487 cases.” OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 102, see also p. 107. “Private persons with claims to land, as well as government authorities, for example, regularly pursued the forceful eviction of IDPs in Mogadishu.” US Department of State, 2021 *Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html. “Tens of thousands of internally displaced people were forcibly evicted, notably in Mogadishu.” HRW, *World Report 2022: Somalia*, 13 January 2022, www.ecoi.net/en/document/2066476.html. See also, M. Jelle, J. Morrison, H. Mohamed, R. Ali, A. Solomon and A.J. Seal, *Forced Evictions and Their Social and Health Impacts in Southern Somalia: A Qualitative Study in Mogadishu Internally Displaced Persons (IDP) Camps*, 14(1) *Global Health Action*, 2021, www.tandfonline.com/doi/pdf/10.1080/16549716.2021.1969117, p. 4.

¹¹²⁷ OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 102.

¹¹²⁸ “There are believed to be some 130 to 140 gatekeepers in Mogadishu alone – many of them women – managing single or multiple IDP sites.” OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 30, 94.

¹¹²⁹ UNHCR, *Somalia Situation: Population of Concern to UNHCR*, 2 March 2022, www.ecoi.net/en/file/local/2068851/RB_Situations_Somalia_220131.pdf; OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 29.

¹¹³⁰ OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, pp. 56, 94.

¹¹³¹ OCHA, 2022 *Humanitarian Response Plan: Somalia*, December 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/2022_Somalia_HRP.pdf, p. 90.

¹¹³² Information available to UNHCR, as cited in Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 31.

¹¹³³ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, p. 31. “Overall, only 19 per cent of districts in Somalia have sufficient health facilities, with at least one facility per 12,000 persons. [...] The health facilities in Banadir, the district with the highest population of about 2.7 million, attend an average of about 39,000 people per facility.” OCHA, 2022 *Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 86.

¹¹³⁴ “Health workers in Mogadishu said many security checkpoints on the city’s main roads limited people’s ability, especially the poor and those in the IDP camps, to access COVID-19 emergency centres. The majority of IDPs and the poor cannot afford the cost of transport to reach these health facilities, and even for those who can mobilize resources for transport, navigating through security checkpoints is difficult.” Amnesty International, *“We just Watched Covid-19 Patients Die”: Covid-19 Exposed Somalia’s Weak Healthcare System but Debt Relief Can Transform It*, 18 August 2021, www.ecoi.net/en/file/local/2058478/AFR524602021ENGLISH.pdf, p. 15. “Access to health care remains dangerously low in the country [...] There is only one government hospital in the capital, Mogadishu, and people often have to seek health care services at a private health facility and pay out of their own pocket very high amounts for their own treatment. Only a few people can afford these services, thereby leading to high child and maternal mortality.” OHCHR, *Somalia: UN Expert Warns Health Care Standards “Dangerously Low”*, 5 April 2022, www.ohchr.org/en/press-releases/2022/04/somalia-un-expert-warns-health-care-standards-dangerously-low.

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

c) Conclusion

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

4) Internal Flight or Relocation Alternative in Garowe

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

a) The relevance of Garowe as an IFA/IRA

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

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

b) The Reasonableness of Garowe as an IFA/IRA

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

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

¹¹³⁵ Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, pp. 32-33.

¹¹³⁶ In Mogadishu: "Information on livelihoods and access to jobs indicates the continued inability of IDPs to integrate into local labour markets, and a continued lack of data to support evidence-based policies and programmes." Regional Durable Solutions Secretariat (ReDSS), *Somalia: Solutions Analysis Update 2019*, 13 May 2019, <https://regionaldss.org/wp-content/uploads/2019/10/FINAL-SA.pdf>, p. 51, see also p. 53. "IDPs – particularly women and girls continue to be among the most vulnerable in Somalia living in precarious conditions, often facing exclusion and marginalisation and having limited social support networks, livelihood opportunities and coping mechanisms available." Intermedia Development Consultants, *The Durable Solutions Initiative in Somalia: Evaluation Report*, October 2020, www.aramis.admin.ch/Default?DocumentID=67514, p. 42.

¹¹³⁷ "People who have been forced to flee internally have poor possibilities to earn a living. They are not members of local communities, so they have no networks that could help them find a job." Additionally: "Generally speaking, friendship and clan networks are extremely important in Mogadishu." Finnish Immigration Service, *Somalia: Fact-Finding Mission to Mogadishu in March 2020*, 7 August 2020, www.ecoi.net/en/document/2047285.html, pp. 33-34.

¹¹³⁸ UN Security Council, *Letter Dated 5 October*, 6 October 2021, S/2021/849, www.ecoi.net/en/file/local/2062553/S_2021_849_E.pdf, pp. 57-58.

Particularly relevant in this regard is the fact that the IDP population makes up over one-third of the population of Garowe,¹¹³⁹ with 53,541 IDPs in 26 sites across the city as of May 2022.¹¹⁴⁰ The relocation of IDPs from improvised camps to dedicated areas on the outskirts of Garowe has “totally dislocated” them from the city.¹¹⁴¹ While these sites have improved conditions for IDPs and offer better access to humanitarian aid, their relocation far from the city “exacerbates segregation and poverty.”¹¹⁴² The humanitarian situation of IDPs in Garowe remains precarious.¹¹⁴³ IDPs in Garowe face rising food insecurity alongside a rise in the price of water and the price of the minimum food expenditure basket as of February 2022.¹¹⁴⁴ In Jowle, a major IDP camp in Garowe, focus group participants reported that water access was difficult and time consuming.¹¹⁴⁵ Sanitation and hygiene are inadequate in IDP settlements in Garowe,¹¹⁴⁶ and IDPs lack access to healthcare.¹¹⁴⁷ IDPs in Garowe generally work in informal employment or day labour.¹¹⁴⁸ Displaced women in Jowle camp are at risk of GBV, which curtails their ability to work and travel freely.¹¹⁴⁹ Additionally, land tenure in Garowe and in the IDP camps in Garowe remains an issue; in July 2021, 9,000 IDPs in Jowle camp were given two weeks to vacate their houses by the landowner.¹¹⁵⁰

- ¹¹³⁹ German Agency for International Cooperation (GIZ), *Promoting the Economic and Social Participation of Extremely Poor Households*, 2021, www.giz.de/en/worldwide/96302.html.
- ¹¹⁴⁰ UNHCR, *CCCM Cluster Somalia: Verified IDP Sites in Garowe as of May 2022*, 18 May 2022, <https://data2.unhcr.org/en/documents/details/92800>. See also, UN Security Council, *Situation in Somalia: Report of the Secretary-General*, 10 August 2021, S/2021/723, www.ecoi.net/en/file/local/2058501/S_2021_723_E.pdf, para. 53.
- ¹¹⁴¹ World Bank, *Somalia: Urbanization Review*, 2020, <http://hdl.handle.net/10986/35059>, p. 74.
- ¹¹⁴² Ibid.
- ¹¹⁴³ REACH, *Detailed Site Assessment (DSA): Garowe district, Nugaal region, Somalia*, 7 April 2022, <https://reliefweb.int/report/somalia/detailed-site-assessment-dsa-garowe-district-nugaal-region-somalia-march-2022>, pp. 2-5. Speaking of multiple IDP settlements across Puntland: “In terms of food security, coping with food shortages has become all too common and families are adjusting their consumption by reducing their daily intake, eating just once or twice a day.” KAALO / OXFAM, *Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia*, April 2021, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/rr-puntland-state-somalia-gender-analysis-290421-en.pdf>, p. 7.
- ¹¹⁴⁴ “The price of a 200-liter drum of potable water ranged from 10 to 75 percent above the five-year average in most of the main towns in February, with even steeper increases of 110 and 140 percent recorded in Xudur of Bakool Region and Garowe of Nugaal Region, respectively. [...] According to household survey responses, food constitutes around 70-85 percent of IDP households’ expenditures, and the cost of the minimum expenditure basket in key reference markets rose 15-50 percent above the five-year average with the highest increases recorded in Garowe (32 percent) and Baidoa (51 percent).” FEWS NET, *Historic Multi-Season Drought Leads to Emergency (IPC Phase 4), with Risk of Further Deterioration*, February 2022, <https://fewsn.net/east-africa/somalia/food-security-outlook/february-2022>. See also, FAO, *Somalia Faces Risk of Famine (IPC Phase 5) as Multi-Season Drought and Soaring Food Prices Lead to Worsening Acute Food Insecurity and Malnutrition*, 8 April 2022, <https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia-Updated-IPC-and-Famine-Risk-Analysis-Technical-Release-8-Apr-2022.pdf>, p. 2. “The IDP men in Jowle restated the food shortage and said that even with what is available, low wages and high food prices leave few options. There is no meat, only rice and vegetables.” KAALO / OXFAM, *Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia*, April 2021, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/rr-puntland-state-somalia-gender-analysis-290421-en.pdf>, p. 42.
- ¹¹⁴⁵ “The main challenges in Jowle are that the water points are remote, there is no wheelbarrow to transport water, and the water availability is inconsistent.” KAALO / OXFAM, *Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia*, April 2021, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/rr-puntland-state-somalia-gender-analysis-290421-en.pdf>, p. 32.
- ¹¹⁴⁶ 79 percent of IDP sites in Garowe have less than 1 latrine per 50 individuals, the minimum sanitary standard. OCHA, *2022 Humanitarian Needs Overview: Somalia*, October 2021, www.ecoi.net/en/file/local/2062935/2022+Somalia+HNO.pdf, p. 110, see also p. 42. “The FGDs with IDP residents in Jowle also mentioned that there are no latrines and they do not have sanitation facilities such as solid waste management bags, only plastic bags.” Also: “The Jowle IDP community is noteworthy, as the men in the FGD stated there are no toilets at all, as the landowner from whom the settlement land is rented refused them consent to dig toilets and wells.” KAALO / OXFAM, *Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia*, April 2021, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/rr-puntland-state-somalia-gender-analysis-290421-en.pdf>, p. 32.
- ¹¹⁴⁷ A REACH survey between December 2020 and March 2021 found that 40% of IDP sites had no access to healthcare facilities and 26% of them lacked access to nutrition services in Garowe district. REACH, *Detailed Site Assessment (DSA): Garowe district, Nugaal region, Somalia*, 20 June 2021, www.ecoi.net/en/document/2054958.html, p. 2.
- ¹¹⁴⁸ EASO, *Somalia: Key Socio-Economic Indicators*, September 2021, https://coi.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Key_socio_economic_indicators.pdf, p. 70. “In terms of gendered livelihoods, in the IDP communities (Bulo Migis, Bariga Bosaaso, Al Khayraat, and Jowle), all the family members work in casual labour activities within the camp.” KAALO / OXFAM, *Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia*, April 2021, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/rr-puntland-state-somalia-gender-analysis-290421-en.pdf>, p. 7.
- ¹¹⁴⁹ “All [focus group participants] noted that men and teenage boys perpetrate the violence, and in Jowle bus drivers were also identified as culprits. Due to rising sexual assault cases in the community and town, the women’s IDP FGDs stated that they could not allow their girls to work, even in other houses providing domestic labour or laundry services.” KAALO / OXFAM, *Gender Analysis of the Impact of Recent Humanitarian Crises on Women, Men, Girls, and Boys in Puntland State in Somalia*, April 2021, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621186/rr-puntland-state-somalia-gender-analysis-290421-en.pdf>, p. 58.
- ¹¹⁵⁰ “Puntland Ministry of Interior’s IDPs Department stated that the landowner had asked 1,500 displaced families (9,000 people) in Jowle IDP settlements in Garowe town (Nugaal region) to vacate the site within two weeks.” OCHA, *Somalia: Humanitarian Bulletin*, July 2021, www.ecoi.net/en/file/local/2058109/Somalia_Humanitarian_Bulletin_July+2021_Final.pdf. “Garowe[s] increase in urbanization has made land a highly valuable and contested commodity. Land tenure in Garowe, and Puntland State in general, has become highly insecure. Land grabbing, lack of official documentation, displacement and returnees of diaspora have contributed to mismanagement and lack of tenure security.” UN Habitat, *Garowe: Urban Profile*, May 2019, https://unhabitat.org/sites/default/files/documents/2019-07/garowe_city_profile.pdf, p. 20.

Puntland is mostly populated by the Majerteen/Harti sub-clan of the Darood.¹¹⁵¹ The most powerful group in Garowe is the Isse Mahmoud sub-clan of the Majerteen, and members of the religious, political or social elite, as well as persons working for the government, come from this sub-clan.¹¹⁵² However, members of other clans are able to work and find employment in Garowe, although unemployment is high, at 39 per cent as of 2019, with youth unemployment reported to be particularly high.¹¹⁵³ The situation is exacerbated by continued influxes of IDPs from southern Somalia and the fact that livestock workers are compelled to move to urban areas due to difficult climatic conditions that are further worsened by climate change.¹¹⁵⁴ IDPs who “do not belong to Puntland by patrilineal descent” are reported to struggle in Garowe, with “little humanitarian aid offered to them”.¹¹⁵⁵ Reportedly, people in Puntland mistrust persons from the Rahanweyn clans as they are “perceived as clan groups with highest support for Al-Shabaab and are, therefore, often particularly targeted by security forces.”¹¹⁵⁶

Restrictions related to the COVID-19 pandemic had severe economic consequences for Puntland, where the GDP decreased by 18 per cent in the first half of 2020.¹¹⁵⁷ A government survey published in December 2020 found that over a quarter of households in Garowe had a member who lost income since the start of the pandemic.¹¹⁵⁸ Forty-five per cent of interviewees in Garowe believed that early marriage had risen since March 2020, and 63 per cent of households reported physical violence in the home.¹¹⁵⁹

c) Conclusion

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

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

5) Internal Flight or Relocation Alternative in Hargeisa

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

¹¹⁵¹ Danish Institute for International Studies, *The Experiential Limits of the State: Territory and Taxation in Garoowe, Puntland*, 2017, https://pure.diiis.dk/ws/files/1210329/DIIS_WP_2017_7.pdf, pp. 13-14.

¹¹⁵² EASO, *Somalia: Key Socio-Economic Indicators*, September 2021, https://coi.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Key_socio_economic_indicators.pdf, p. 58.

¹¹⁵³ Ibid., p. 68; UN Habitat, *Garowe: Urban Profile*, May 2019, https://unhabitat.org/sites/default/files/documents/2019-07/garowe_city_profile.pdf, p. 12.

¹¹⁵⁴ EASO, *Somalia: Key Socio-Economic Indicators*, September 2021, https://coi.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Key_socio_economic_indicators.pdf, p. 68; UN Habitat, *Garowe: Urban Profile*, May 2019, https://unhabitat.org/sites/default/files/documents/2019-07/garowe_city_profile.pdf, p. 12.

¹¹⁵⁵ EASO, *Somalia: Key Socio-Economic Indicators*, September 2021, https://coi.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Key_socio_economic_indicators.pdf, p. 69.

¹¹⁵⁶ Ibid., p. 57.

¹¹⁵⁷ “A study commissioned by Puntland Ministry of Planning and Ministry of Finance in April this year predicted that Puntland’s GDP will decline by 18 percent during the first half of 2020.” Puntland State of Somalia, *COVID-19 Socio-Economic Impact Assessment: Puntland*, 30 December 2020, https://somalia.unfpa.org/sites/default/files/pub-pdf/puntland_covid-19_draft_report_-30dec20.pdf, p. 13. See also, Heritage Institute, *The Economic Impacts of COVID-19 on Somalia*, November 2020, <https://heritageinstitute.org/wp-content/uploads/2021/01/The-economic-impacts-of-Covid-19-on-Somalia.pdf>, pp. 5, 8.

¹¹⁵⁸ Puntland State of Somalia, *COVID-19 Socio-Economic Impact Assessment: Puntland*, 30 December 2020, https://somalia.unfpa.org/sites/default/files/pub-pdf/puntland_covid-19_draft_report_-30dec20.pdf, p. 14.

¹¹⁵⁹ Ibid., pp. 21-22.

a) The relevance of Hargeisa as an IFA/IRA

In any assessment of the relevance of Hargeisa as a proposed IFA/IRA, decision-makers must take into account documentation and visa requirements.¹¹⁶⁰ Somali citizens not originating from Somaliland must have a Somali ID card to enter Somaliland through the land border with Puntland. To enter Somaliland through a Somaliland airport, Somali nationals not originating from Somaliland must be in possession of a Somali passport and require a visa.¹¹⁶¹ For long-term stay, all non-Somaliland citizens are required to get a residence permit.¹¹⁶² Officials with the FGS have been prohibited from entering Somaliland.¹¹⁶³

IDP profiling in 2015 and 2018 found low numbers of Somalis from South and Central Somalia in IDP camps in Hargeisa.¹¹⁶⁴ Additionally, Somaliland has deported Somalis not originating from Somaliland to South and Central Somalia; notably, on 2 and 3 October 2021, Somaliland authorities “forcibly evicted, rounded up and transferred over 7,000 men, women and children from Las Anod town and its surrounding areas in the Sool region to locations in Puntland”, after claiming that the people concerned, some of whom had lived in Somaliland for twenty years, were “non-locals”.¹¹⁶⁵

b) The Reasonableness of Hargeisa as an IFA/IRA

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

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

Particularly relevant in this regard is the situation of IDPs in Hargeisa. IDPs in Hargeisa fear eviction and suffer from land insecurity.¹¹⁶⁶ What jobs are available are low-wage and some IDPs are forced to beg on the street.¹¹⁶⁷ IDP camps suffer from “crimes, water shortages, poor sanitation, lack of health facilities and absence of schools.”¹¹⁶⁸ IDP camps lack basic necessities including access to water and

¹¹⁶⁰ See Somaliland, *Somaliland Immigration Law* (Law No. 72/1995), 27 November 1995, www.somalilandlaw.com/Somaliland_Immigration_Law_1995_Eng_Finalweb1.pdf, Articles 4-12.

¹¹⁶¹ Somaliland Immigration, *Changes of Visa Process*, 10 March 2019, www.slimmigration.com/uncategorized/news/changes-regarding-the-requirements-of-visa-process-and-applications/; Somaliland Sun, *Somaliland: State Issues New Security and Immigration Directives*, 1 February 2016, <https://somalilandsun.com/somaliland-state-issues-new-security-and-immigration-directives/>. Persons not originating from Somaliland who arrive in Somaliland from Puntland or South and Central Somalia can pay a 15 USD fee for an entry visa upon arrival. Information available to UNHCR. See also, IRB, *Somalia: Entry and Exit Requirements at Land Borders and Airports, Including Documentation Required; Whether There Are Checkpoints for Domestic and International Travel; Whether There Are Travel Agencies That Facilitate Travel Within and Outside Somalia (2018–August 2020)* [SOM200233.E], 3 September 2020, www.ecoi.net/en/document/2039973.html; Somaliland Sun, *Somalia Bans its Citizens from Acquiring Somaliland Visas, Confiscates Two*, 29 October 2018, <https://somalilandsun.com/somalia-bans-its-citizens-from-acquiring-somaliland-visas-confiscates-two/>.

¹¹⁶² Somaliland Sun, *Somaliland: State Issues New Security and Immigration Directives*, 1 February 2016, <https://somalilandsun.com/somaliland-state-issues-new-security-and-immigration-directives/>.

¹¹⁶³ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html

¹¹⁶⁴ In 2018, a survey of 76 residents by the Somaliland Human Rights Center in the Istanbul camp found that only 6 per cent had fled from South and Central Somalia. Somaliland Human Rights Center, *Hargeisa's Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 5. A larger survey conducted by UNHCR in 2015, covering 71,753 persons across 14 settlements, found that only 121 IDPs in the settlements were from South and Central Somalia (with an additional 263 Somalis from South and Central Somalia who lived out of the settlements). UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 17.

¹¹⁶⁵ Amnesty International, *The State of the World's Human Rights: Somalia 2021*, 29 March 2022, www.ecoi.net/en/document/2070229.html. See also, The East African, *Somaliland Cites 'Security Reasons' for Deporting Somalis*, 7 October 2021, www.theeastafrican.co.ke/tea/news/east-africa/somaliland-cites-security-reasons-for-deporting-somalis-3576276. At least 1000 of the deported individuals were from the Rahanweyn clan. Somaliland Human Rights Center, *Annual Report of the Human Rights Center*, 2 February 2022, <http://hrcsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf>, p. 27.

¹¹⁶⁶ Somaliland Human Rights Center, *Hargeisa's Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 6; UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, pp. 5, 26. As of July 2022, the Norwegian Refugee Council had reported 2,914 evictions in Hargeisa during 2022. There were 2,556 evictions during 2021. NRC, *Eviction Information Portal*, accessed 25 August 2022, <https://evictions.nrcsystems.net/>.

¹¹⁶⁷ Somaliland Human Rights Center, *Annual Report of the Human Rights Center*, 2 February 2022, <http://hrcsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf>, p. 26; Human Rights Centre, *Hargeisa's Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 6.

¹¹⁶⁸ Somaliland Human Rights Center, *Hargeisa's Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 7.

appropriate sanitation facilities.¹¹⁶⁹ Residents of Istanbul camp, for example, have to travel a long distance to Hargeisa in order to work.¹¹⁷⁰

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

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

IDPs from South and Central Somalia may also face difficulties accessing State services; in 2015, UNHCR found that nine percent of IDPs from South and Central Somalia reported having difficulties accessing municipal offices in Hargeisa, compared to only one percent of Somaliland IDPs and members of the host communities, with “discrimination being [reported as] the main reason for the difficulties”.¹¹⁷⁷

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- ¹¹⁶⁹ Somaliland Human Rights Center, *Annual Report of the Human Rights Center*, 2 February 2022, <http://hrcsomaliland.org/wp-content/uploads/2022/02/Annual-report-2021.pdf>, pp. 24-25. “Nonetheless, it remains an everyday struggle to sustain services. The inability to predict and regularise access to basic services is connected to the need to pay. This is required for all services, for instance, to maintain toilets by organising sewage-disposal and to be able to deposit garbage.” K. Stuvøy, J. Bakonyi and P. Chonka, *Precarious Spaces and Violent Site Effects: Experiences from Hargeisa’s Urban Margins*, 21(2) Conflict, Security and Development (2021), www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1920230, p. 167.
- ¹¹⁷⁰ Ibid., pp. 24, 26. Somaliland Human Rights Center, *Hargeisa’s Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 6. There are other settlements that have been resettled from inside the city to the outskirts, and these persons also may struggle to access livelihoods given their reduced geographic proximity to the city. K. Stuvøy, J. Bakonyi and P. Chonka, *Precarious Spaces and Violent Site Effects: Experiences from Hargeisa’s Urban Margins*, 21(2) Conflict, Security and Development (2021), www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1920230, p. 170.
- ¹¹⁷¹ Somaliland Human Rights Center, *Hargeisa’s Unrecognized IDPs*, 2018, <http://hrcsomaliland.org/wp-content/uploads/2018/07/HRC-Draft-IDPs-report-1.pdf>, p. 12. See also, UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 4.
- ¹¹⁷² UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 4.
- ¹¹⁷³ UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 33.
- ¹¹⁷⁴ PACT / ABA ROLI, *Access to Justice Assessment Tool: Baseline Study in Somaliland*, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, pp. 20, 22, 25; UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 32.
- ¹¹⁷⁵ “With regards to reporting security problems, the data highlights that while target groups originating from Somaliland, when reporting, tend to use a mix of local authorities and clan elders, IDPs from south-central Somalia report incidents to police and authorities. This can be explained by the fact that in a place where traditional justice systems still hold an importance in local social affairs and extended family and clan affiliation is an essential source of protection, SC IDPs in Hargeisa who lack such vital clan protection and connections use formal justice mechanisms instead of customary ones for that reason. Where formal justice mechanisms are weak or have access constraints, access to justice for SC-IDPs will be severely constrained.” UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 32.
- ¹¹⁷⁶ US Department of State, *2021 Country Report on Human Rights Practices: Somalia*, 12 April 2022, www.ecoi.net/en/document/2071126.html; PACT / ABA ROLI, *Access to Justice Assessment Tool: Baseline Study in Somaliland*, 2020, www.eajprogram.org/research/AJAT_SL_Report.pdf, pp. 23-26. See also, *Section II.D.2*.
- ¹¹⁷⁷ UNHCR, *Internal Displacement Profiling in Hargeisa*, December 2015, www.jips.org/uploads/2018/10/Profiling-Report-Somalia-Hargeisa-2015.pdf, p. 32.

The Isaaq clan remains the most numerous and powerful clan in Somaliland, and neighborhoods in Hargeisa are organized along subclan lines.¹¹⁷⁸ Refugee returnees, displaced persons from Somaliland and South and Central Somalia and minority groups tend to live in settlements in Hargeisa.¹¹⁷⁹ Reportedly, this can make it difficult for a person to purchase property “if one is from the wrong lineage.”¹¹⁸⁰ Groups that are socially marginalized, including displaced persons, are “highly disadvantage[d]” by “land management and hybrid judicial processes” in Hargeisa.¹¹⁸¹

The most recent poverty estimates for Somaliland are from 2015, with an estimated urban rate of poverty at 29.7 per cent and an estimated rural rate of poverty at 37 per cent.¹¹⁸²

c) Conclusion

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

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

D. Exclusion Considerations

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

Exclusion considerations may arise in the cases of Somali asylum-seekers with certain backgrounds and profiles, including persons who have been engaged in the hostilities and armed conflict.¹¹⁸³

¹¹⁷⁸ K. Stuvøy, J. Bakonyi and P. Chonka, *Precarious Spaces and Violent Site Effects: Experiences from Hargeisa’s Urban Margins*, 21(2) Conflict, Security and Development (2021), www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1920230, pp. 162-163; World Bank, *Somalia: Urbanization Review*, 2020, <http://hdl.handle.net/10986/35059>, p. 23.

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

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

¹¹⁸¹ K. Stuvøy, J. Bakonyi and P. Chonka, *Precarious Spaces and Violent Site Effects: Experiences from Hargeisa’s Urban Margins*, 21(2) Conflict, Security and Development (2021), www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1920230, p. 163.

¹¹⁸² World Bank, *Somaliland: Poverty Assessment*, June 2015, <https://microdata.worldbank.org/index.php/catalog/2818/download/39898>, p. 5.

¹¹⁸³ See for example, Global Centre for the Responsibility to Protect, *Somalia: Populations at Risk*, 5 April 2022, www.globalr2p.org/countries/somalia/ and the UN Secretary-General’s reports on Somalia, available at <https://unsom.unmissions.org/secretary-generals-reports>.