Home Office

Somalia
Country of origin information report

COI service
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Preface

i This Country of Origin Information (COI) report has been produced by the COI Service, Home Office, for use by officials involved in the asylum/human rights determination process. The report provides background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 26 June 2013. The report was issued on 5 August 2013.

ii The report is compiled wholly from material produced by a wide range of external information sources published in English. All information in the report is attributed throughout the text to the original source material which is made available to those working in the asylum/human rights determination process.

iii The report aims to provide a compilation of extracts of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a comprehensive survey of all issues that may arise in asylum and human rights claims. Officials are recommended to examine the original source material for further detail.

iv The structure and format of the report reflects the way it is used by Home Office decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues arising in asylum and human rights claims are usually covered within a dedicated section but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the report.

v The information included in this report is limited to that which can be identified from source documents. While the report aims to provide a range of information on topics relevant to asylum and human rights claims, it is not always possible to obtain the information on all issues. For this reason it is important to note that information included in the report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the report is a collation of material produced by a number of information sources. In compiling the report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, statistics given in different source documents sometimes vary and these are simply quoted as per the original text. The term ‘sic’ has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this report was issued.

viii This report and the accompanying source material are public documents. All COI reports are published on the Home Office website and the great majority of the source material for the report is available in the public domain. Where the source documents identified in the report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI reports are published on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be published if there is a particular operational need. Home Office officials also have access to an information request service for matters not covered by the report or where an update on a particular issue may be required.

x In producing this report, COI Service has sought to provide an accurate, up to date, balanced, and impartial compilation of the available source material. Any comments regarding this report or suggestions for additional source material are very welcome and should be submitted to Home Office as below.

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Independent Advisory Group on Country Information

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI reports and other country of origin information material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work, the IAGCI reviews the content of selected Home Office COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored the Home Office's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews

xiii Please note: it is not the function of the IAGCI to endorse any Home Office material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In

such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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1. Security situation (2012 to June 2013)

Overview

1.01 Jane's Sentinel Security Risk Assessment, Somalia, (JSCRA), Security, updated 10 April 2013, summarised the security situation as:

- 'Somalia faces a number of threats to its security ranging from clan militias to pirate groups to radical Islamist groups. The country is a base for active terrorist operations being conducted in concert with Somali insurgents. Successful terrorist operations in Somalia also have negative security implications for regional states.
- Ethiopia completed its officially declared withdrawal from Somalia in January 2009. However, Ethiopian forces continued to conduct military operations against radical Islamist groups inside Somalia, especially in border areas, before overtly intervening once again in late 2011.
- The newly selected government, radical Islamist groups and a range of other opposition factions with different agendas are fighting for control of central and southern Somalia. Mogadishu came under [the then Transitional Federal Government] TFG control after Al Shabab retreated from the city. During offensive operations in 2011 TFG forces were able to open new fronts against Shabab in the Gedo and Jubba regions, taking territory around the towns of Luuq and Garbaharey. The towns of Baidoa, Afmadow, Afgooye and Marka all fell to the African Union Mission in Somalia (AMISOM) and allied government forces in the first eight months of 2012. The recent Shabab losses though have led to a greater incidence of asymmetric (terrorist and guerilla) tactics against government forces.' [1]

1.02 The US State Department 2012 Country Report on Human Rights Practices, Somalia, published 19 April 2013, covering events of 2012 (USSD 2012 report) noted that:

'Fighting during the year involving the TFG/government, its allied forces, and African Union (AU) forces against al-Shabaab resulted in the death and injury of civilians and caused the displacement of many others.…Fighting between Somali forces killed civilians…Al-Shabaab's use of mortar attacks in Mogadishu and improvised explosive devices (IED) injured or killed civilians during the year. Al-Shabaab also attacked public markets, killed humanitarian workers and other civilians, and carried out attacks on government officials.…International forces and fighting between international forces and al-Shabaab killed civilians.' [2]

1.03 The Human Rights Watch World Report 2013, published on 31 January 2013 and covering events of 2012 (HRW 2013 report) stated, with regard to the security situation in south and central Somalia that:

'Somalia's long-running armed conflict continues to leave civilians dead, wounded, and displaced in large numbers. Although the Islamist armed group al-Shabaab lost ground

[1] Jane's Sentinel Security Assessment, Somalia, Security, updated 10 April 2013, Available in hard copy on request
[2] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1g, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 24 June 2013

in 2012, abandoning control of key towns such as Beletweyne, Baidoa, and the strategic port city of Kismayo, it continues to carry out attacks and targeted killings, including in the capital, Mogadishu.…Civilians continue to be killed and wounded by crossfire, particularly during infighting between TFG forces over control of roadblocks, and by improvised explosive devices and grenade attacks primarily by al-Shabaab fighters. Al-Shabaab carried out several high-profile suicide attacks in Mogadishu including one on September 20 that killed at least 18 people, including three journalists.' [3]

1.04 The UN Security Council's Report of the Secretary General, published on 31 May 2013 and covering events of 16 January 2013 to 15 May 2013, (UNSC Report May 2013) stated that: 'The security situation remained fragile during the reporting period. Despite some improvements in Mogadishu, Al-Shabaab continued to launch asymmetrical attacks on soft targets using terrorist tactics that often resulted in civilian casualties. Targeted killings and attacks were routinely reported. The number of incidents involving improvised explosive devices rose in 2013 in comparison with 2012.' [4]

For information about TFG forces and opposition groups such as Al Shabaab see Security forces and Non-state armed groups respectively. Also see Internally Displaced Persons for information on the consequences of the conflict on civilians.

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Protagonists

1.05 Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security, updated 10 April 2013 stated:

'Somalia faces a number of threats to its security ranging from clan militias to pirate groups to radical Islamist groups. The country is a base for active terrorist operations being conducted in concert with Somali insurgents. Successful terrorist operations in Somalia also have negative security implications for regional states.…The newly selected government, radical Islamist groups and a range of other opposition factions with different agendas are fighting for control of central and southern Somalia.' [5]

1.06 A European Union Press release dated 19 March 2013 noted that:

'AMISOM is an African Union-led mission [composed of Kenyan, Ugandan, Burundian, Sierra Leonean and Djiboutian troops], mandated by the UN Security Council. Its initial mandate includes the provision of support to dialogue and reconciliation in Somalia, the protection of key infrastructure (e.g. government buildings and Mogadishu International Airport) to enable the Transitional Federal Institutions (TFIs) - whose mandate expired in August 2012 when the Federal Government of Somalia was established to carry out their functions. The mandate also includes support to the implementation of the National

[3] Human Rights Watch, World Report 2013, Somalia, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 24 June 2013
[4] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 11, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013
[5] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security, updated 10 April 2013, available in hard copy on request

Security and Stabilisation plan, and to disarmament and stabilisation efforts, as well as the facilitation of humanitarian operations.' [6]

1.07 IRIN reported on 13 May 2013 that: 'Somalia's armed forces comprise some 20,000 soldiers, defined as those fighting Al-Shabab, including militias not formally integrated into the military. But only around 13,000 soldiers receive regular financial payments, most of which are paid by the international community.' [7] The FCO noted in a press release dated 30 April 2013 that the Somali National Forces (SNF) are fighting alongside AMISOM in Somalia.[8] AMISOM stated that as of 15 April 2013, they had trained almost 400 SNF troops.[9]

1.08 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'Representatives of an international agency, Mogadishu, explained that there are approximately 17,000 AMISOM [troops] deployed in S/C Somalia, including in Mogadishu. The AMISOM forces are deployed in four different sectors in S/C Somalia, and each sector comprises the following AMISOM forces (see also maps of control in S/C Somalia, Annexes 3, 4, 5 and 6):

'Sector 1, Benadir, Lower and Middle Shabelle regions: Burundian and Ugandan forces.

'Sector 2, Kismayo and Jubbaland, i.e. Upper and Lower Juba regions: Kenyan and Sierra Leonean forces.

'Sector 3, Bay, Bakool and parts of Gedo region: Burundian and Ugandan forces.

'Sector 4, Parts of Hiraan region, including Belet Weyne: Djiboutian forces.'

'The representatives of the international agency, Mogadishu, explained that the [Somali National Government] SNG has approximately 21,000 SNAF soldiers deployed throughout S/C Somalia. 12,000 of these are getting their salaries from a US funded project. They are paid 100 US $ per month. This is taking place in the regions of Benadir, Middle and Lower Shabelle.' [10]

1.09 The Council on Foreign Relations noted in a Backgrounder article dated 5 February 2013 that:

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[6] European Union, EU support to continue improving security in Somalia, 19 March 2013, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136289.pdf Date accessed 15 July 2013

[7] IRIN, Analysis: Somali security sector reform, 13 May 2013, http://www.irinnews.org/report/98028/analysis-somali-security-sector-reform Date accessed 15 July 2013

[8] Foreign and Commonwealth Office, Somalia conference aims: Armed forces, 30 April 2013, https://www.gov.uk/government/news/somalia-conference-aims-armed-forces Date accessed 15 July 2013

[9] AMISOM, 96 Somali Army Officers Graduate from AMISOM Training Course, 15 April 2013, http://amisom-au.org/2013/04/96-somali-army-officers-graduate-from-amisom-training-course/ Date accessed 15 July 2013

[10] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p35, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

'Al-Shabaab, or "The Youth," is an al-Qaeda-linked militant group and U.S.-designated Foreign Terrorist Organization fighting for the creation of a fundamentalist Islamic state in Somalia. The group, also known as Harakat al-Shabaab al-Mujahideen, and its Islamist affiliates once held sway over Mogadishu and major portions of the Somali countryside, but a sustained African Union military campaign in recent years has forced the group's retreat from most major towns, including its former stronghold in the southern port of city of Kismayo. In early 2013, many experts believe al-Shabaab, facing both internal and external pressures, is greatly weakened. Still, others warn the group remains a threat in a politically volatile, war-torn state.' [11]

For information about the protagonists in the conflict and human rights violations committed by the various groups, read Security forces and Non-state armed groups.

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Trends and statistics in security-related incidents and casualties

Recording and reporting of data

1.10 No international observers are allowed in areas controlled by Al Shabaab and in other areas there is no systematic reporting of violations. Figures and estimates vary considerably between sources over the number and type of casualties, reflecting difficulties in monitoring and documenting incidents in a conflict situation. The variation also reflects differences in methodological approach for collecting and interpreting data, and extrapolating estimates. Therefore statistics on the number of incidents, fatalities and casualties should be considered a guide to actual numbers.

The International Institute for Strategic Studies' Armed Conflict Database (IISS ACD) note, regarding their data generally, that:

'Fatality statistics [on their website] relate to military and civilian lives lost as a direct result of an armed conflict. The figures relate to the country of the main location of conflict. For some conflicts no reliable statistics are available. Estimates of conflict fatalities often vary considerably according to the source. In some cases, overall fatality figures are revised in light of new information. Changes in fatality figures may therefore occur both as a result of such revisions and due to an increase in fatalities.' [12]

The Armed Conflict Location and Events Dataset website (ACLED) have data that is '… derived from a variety of sources including reports from developing countries and local media, humanitarian agencies, and research publications' [13], and a guide to using their information (including how it is gathered) is available on their website.

[11] Council on Foreign Relations, Backgrounder: Al Shabaab, 5 February 2013, http://www.cfr.org/somalia/al-shabaab/p18650 Date accessed 25 June 2013
[12] International Institute for Strategic Studies, Armed Conflict Database, Definitions: Fatalities, undated, https://acd.iiss.org/en/about/definitions Date accessed 17 July 2013
[13] Armed Conflict Location and Events Dataset, About ACLED, undated, http://www.acleddata.com/about-acled/ Date accessed 17 July 2013

Numbers of fatalities and casualties

1.11 ACLED compiled data claiming that there were 3323 reported fatalities in conflict in Somalia in total for 2012. [14] The International Institute for Strategic Studies, Armed Conflict Database, (IISS ACD) Somalia, Human Security, undated, accessed on 24 June 2013, estimated that there were 2151 fatalities in 2012 for the whole country (as compared to 1950 in 2011). The same source stated that:

'The open conflict between al-Shabab and pro-government forces resulted in more than 2,151 reported deaths in 2012, although the true figure is likely to be considerably higher. Advances in the fighting against the al-Shabab insurgency in south Somalia, particularly in and around the strategically important port city of Kismayo, have triggered widespread population displacement in the region. The distribution of aid in areas controlled by al-Shabab also suffered as the group cracked down further on aid agencies.' [15]

1.12 The HRW 2013 report noted that: 'According to the World Health Organization (WHO), between January and late September, four hospitals in Mogadishu treated 5,219 casualties, with 118 dying from weapon-related injuries.' [16]

[14] Armed Conflict Location and Events Dataset, Data: Africa, undated http://www.acleddata.com/data/africa/ Date accessed 17 July 2013
[15] International Institute for Strategic Studies, Armed Conflict Database, Somalia, Human security developments, 2012, Available in hard copy on request
[16] Human Rights Watch, World Report 2013, Somalia, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 24 June 2013

Trends in violence (2009 to 2013)

1.13 The Armed Conflict Location and Events Dataset website (ACLED) produced the following graph of reported numbers of events and fatalities for the period of 2009 until March 2013 covering the whole country in their Country Report on Somalia, published in April 2013 [17].

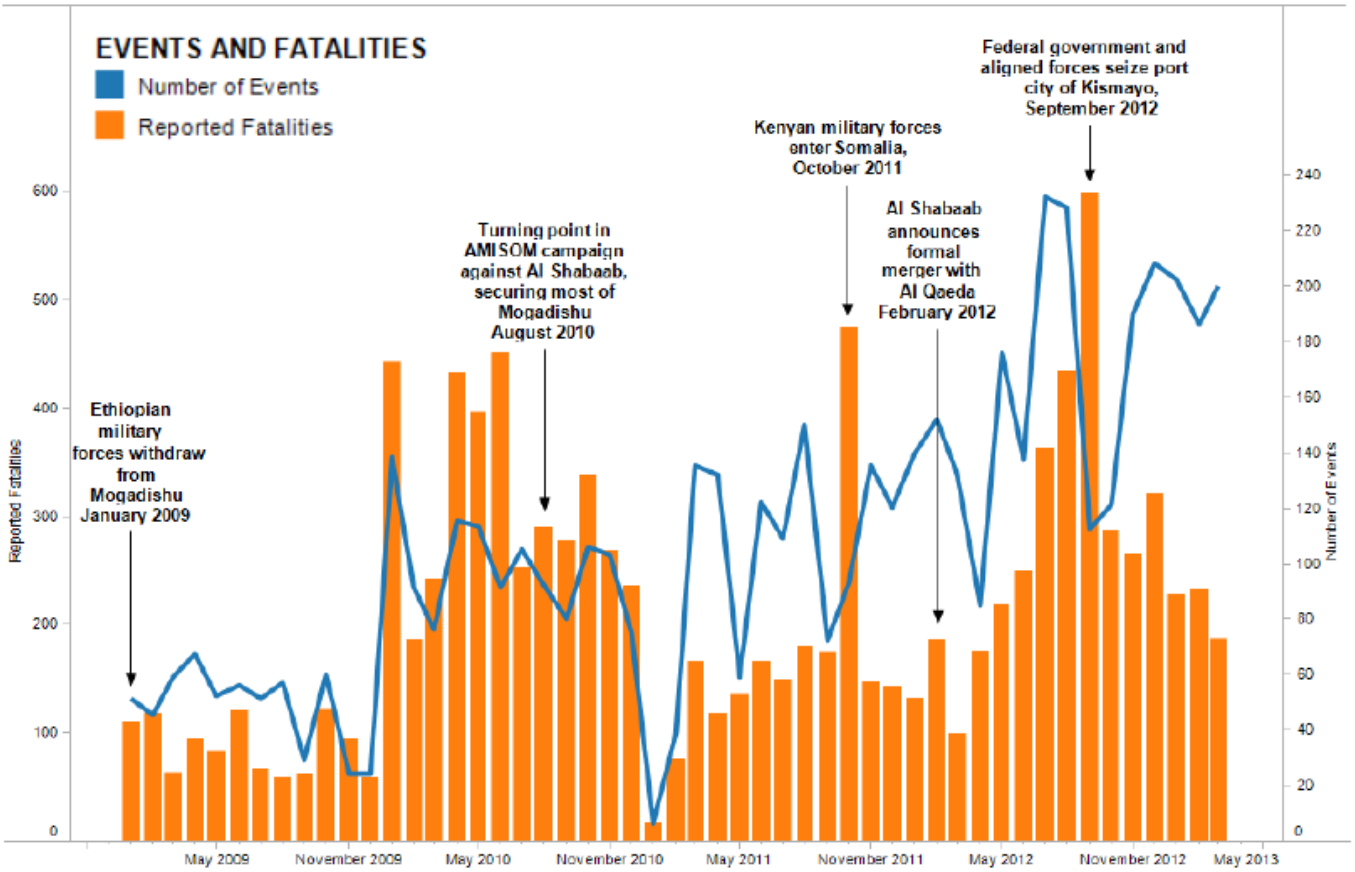

Figure 1: Conflict Events and Reported Fatalities, Somalia, 2009 - March 2013.

Note: ACLED define a politically violent event as a 'single altercation where often force is used by one or more groups for a political end, although some instances – including protests and non-violent activity- are included to capture the potential pre-cursors or critical junctures of a conflict.' [18]

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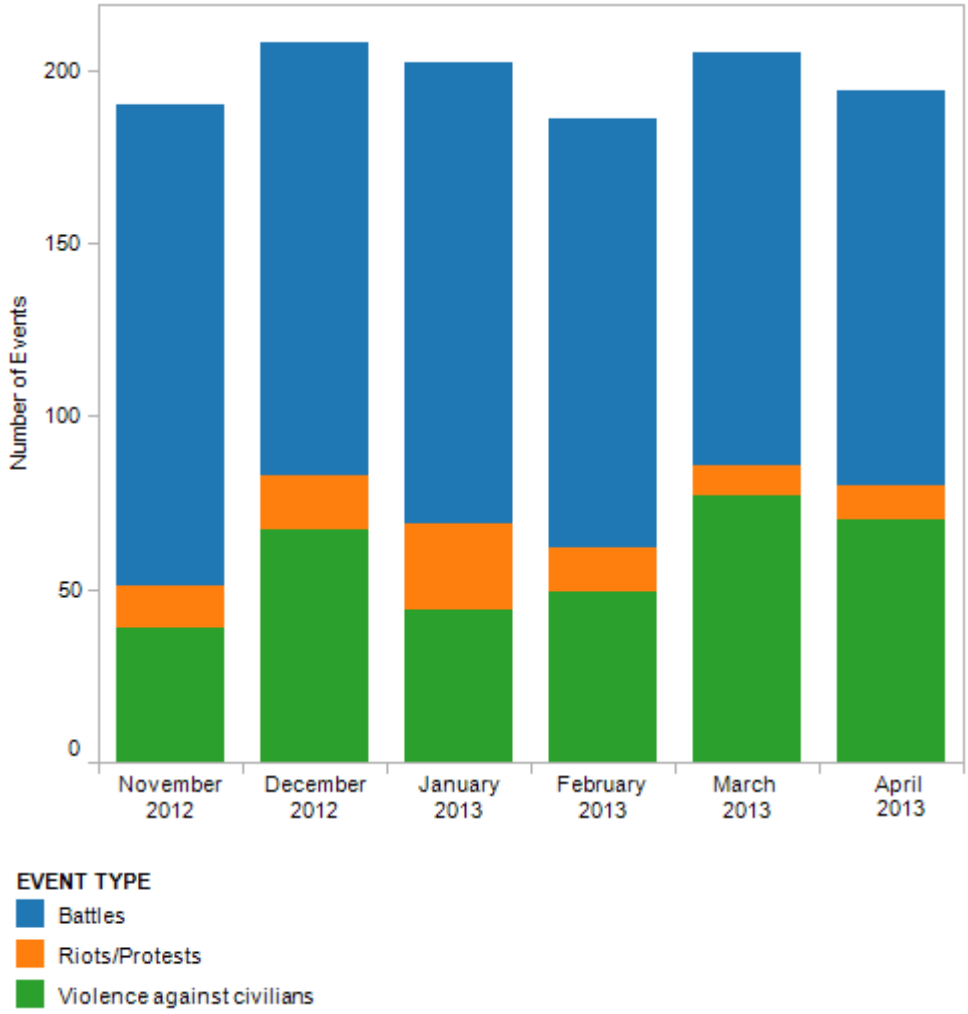
[17] Armed Conflict Location and Events Dataset, Country Report: Somalia, April 2013, http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf Date accessed 24 June 2013

[18] Armed Conflict Location and Events Dataset, User Guide, undated, p3, http://www.acleddata.com/wp-content/uploads/2012/ACLED-user-guide.pdf Date accessed 17 July 2013

Type and nature of violence

1.14 Armed Conflict Location and Event Dataset (ACLED) Conflict Trends (No.14): Real-time analysis of African Political Violence, May 2013 contained the following graph illustrating types of conflict events (see paragraph 1.15 for definitions of events) in Somalia from November 2012 to April 2013 [19]:



1.15 ACLED give the following definitions of events[20]:

Event	Definition
Battle-No Change of Location Control	A battle where control of the contested location does not change. This is the most common event. If the government controls an area, fights with rebels and wins, this is the correct code. If rebels control a location and maintain control after fighting with government forces, this is the correct code. If two rebel groups are fighting and the group

[19] Armed Conflict Location and Event Dataset (ACLED), Conflict Trends (No.14): Real-time analysis of African Political Violence, May 2013, http://www.acleddata.com/wp-content/uploads/2013/05/ACLED-Conflict-Trends_No-14_May-2013.pdf Date accessed 24 June 2013

[20] Armed Conflict Location and Events Dataset, User Guide, undated, p5, http://www.acleddata.com/wp-content/uploads/2012/ACLED-user-guide.pdf Date accessed 17 July 2013

	in control of the location retains its authority, this is the correct code.
Battle- Rebel Control Location	A battle where rebels win control of location. This is the correct code if, after fighting with another force, a rebel group acquires control. If two rebel groups fight and the group that did not begin with control acquires it, this is the correct code.
Battle- Government Regains Control	A battle in which the government regains control of a location. This event type is used solely for government re-acquisition of control.
Rioting/Protesting	Protest describes a group involved in a public meeting against a government institution. Rioting is a violent, unorganized form of protest. The actors involved are noted as 'protestors (country)' or 'rioters (country).
Violence Against Civilians	Violence against civilians occurs when any armed group attacks unarmed civilians within a larger conflict. Rebels, governments, and militias can all commit violence against civilians. This is the only event that involves civilians.

1.16 The UN Human Rights Council's Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari, dated 22 August 2012 and covering events between September 2011 and July 2012 (UNIE report August 2012) noted that: 'The withdrawal of Al-Shabaab from Mogadishu [in August 2011] represented a significant political and security development that had a direct bearing on the human rights situation in Somalia. The cessation of traditional warfare was almost immediately reflected in a change in the type of injuries treated at the main medical facilities in Mogadishu.' [21]

1.17 The US State Department 2012 Country Report on Human Rights Practices, Somalia, published 19 April 2013, covering events of 2012 (USSD 2012 report) noted that:

'Fighting during the year involving the TFG/government, its allied forces, and African Union (AU) forces against al-Shabaab resulted in the death and injury of civilians and caused the displacement of many others.…Fighting between Somali forces killed civilians…Al-Shabaab's use of mortar attacks in Mogadishu and improvised explosive devices (IED) injured or killed civilians during the year. Al-Shabaab also attacked public markets, killed humanitarian workers and other civilians, and carried out attacks on

[21] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, paragraph 19, 22 August 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accessed 24 June 2013

government officials.…International forces and fighting between international forces and al-Shabaab killed civilians.' [22]

1.18 The Human Rights Watch World Report 2013, Somalia, published on 31 January 2013, observed that:

'Civilians continue to be killed and wounded by crossfire, particularly during infighting between TFG forces over control of roadblocks, and by improvised explosive devices and grenade attacks primarily by al-Shabaab fighters. Al-Shabaab carried out several high-profile suicide attacks in Mogadishu including one on September 20 [2012] that killed at least 18 people, including three journalists…Civilians were killed and wounded as a result of indiscriminate fire by TFG forces and allied militias. On March 21 [2012], following a hand grenade attack on TFG-allied militia, the militia responded by opening fire on civilians in Baidoa, killing at least six.' [23]

1.19 The Armed Conflict Location and Events Dataset website (ACLED) noted the following on al Shabaab tactics in their Country Report on Somalia, published in April 2013:

'Since 2012, the group has been formally aligned to Al Qaeda, thereby definitively preventing any possible role in a negotiated resolution. Tactically, the group has also evolved: during periods of relatively uncontested control over territory, there were limited reports of Al Shabaab engaging in targeted violence against civilians. While conscious that this dearth of event data may be in part a function of limited information and access to Al Shabaab territories, there is also evidence from the mounting levels of violence in areas where the group is under strain that its relationship with populations in its jurisdiction has shifted. Specifically, arrests, detention and executions of non-combatants for alleged spying within Al Shabaab territory have increased, as have guerrilla-style tactics on both military and civilian targets, including hit-and-run attacks; remote and improvised explosive devices; and suicide bombings in territories which have been recently seized from Al Shabaab.

'This evolution in tactics reflects the group's reduced organisational capacity: Al Shabaab could no longer mount the kind of sustained campaign it employed when it was expanding its territorial control, nor when it was defending its positions in and around Mogadishu as recently as 2010 / 2011. With reduced forces and capacity, however, the group can still have a significant destabilising effect. When Ethiopian forces temporarily withdrew from Hudur in March 2013, Al Shabaab was prepared and in position to retake the town quickly, facilitated by the group's sustained – though low-level – presence and activity. More generally, if the federal government is to establish itself as the legitimate authority in these newly seized regions, it must quickly deliver a peace dividend to populations who have lived through persistent and reinforcing crises of conflict and food security in the past three years.

'The group has also evolved territorially: while the federal government has made significant progress in formally ousting Al Shabaab authorities throughout the South Central region, Al Shabaab operatives and aligned militants remain active in recently

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[22] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1g, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 24 June 2013

[23] Human Rights Watch, World Report 2013, Somalia, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 24 June 2013

seized territory (as discussed above) and in the capital, Mogadishu. While Al Shabaab attacks and fatalities in the capital have been declining since the AMISOM-led campaign to regain the capital they continue to be a presence in Heliwa, Yaqshid, Wardighley and Daynile areas in particular.' [24]

1.20 The Economist Intelligence Unit country report on Somalia, generated on 24 June 2013, noted that 'Areas nominally under state control have continued to face frequent guerrilla attacks, orchestrated by al-Shabab. In mid-April [2013] a series of deadly bomb and gun attacks in the capital, Mogadishu, left at least 30 people dead.' [25] The same report also noted that:

'On June 19th [2013] Islamist militants detonated a car bomb outside the main UN compound in the capital and forced their way in, where a gun battle with security guards lasted more than 90 minutes…The relative ease with which al Shabab can still strike at high profile and theoretically well guarded targets in the capital is a serious concern for the government, and weakens its hopes for a rapid return to economic normality in Somalia.' [26]

For information on trends in specific areas, please see the below sections.

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[24] Armed Conflict Location and Events Dataset, Country Report: Somalia, April 2013, p2-3, http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf Date accessed 24 June 2013
[25] Economist Intelligence Unit, Country Report: Somalia, 24 June 2013, p2, available in hard copy on request
[26] Economist Intelligence Unit, Country Report: Somalia, 24 June 2013, p12, available in hard copy on request

Security situation by region

1.21 The Armed Conflict Location and Events Dataset website (ACLED) reported the following for the period of 1997 until March 2013 in their Country Report on Somalia, published in April 2013 [27]:

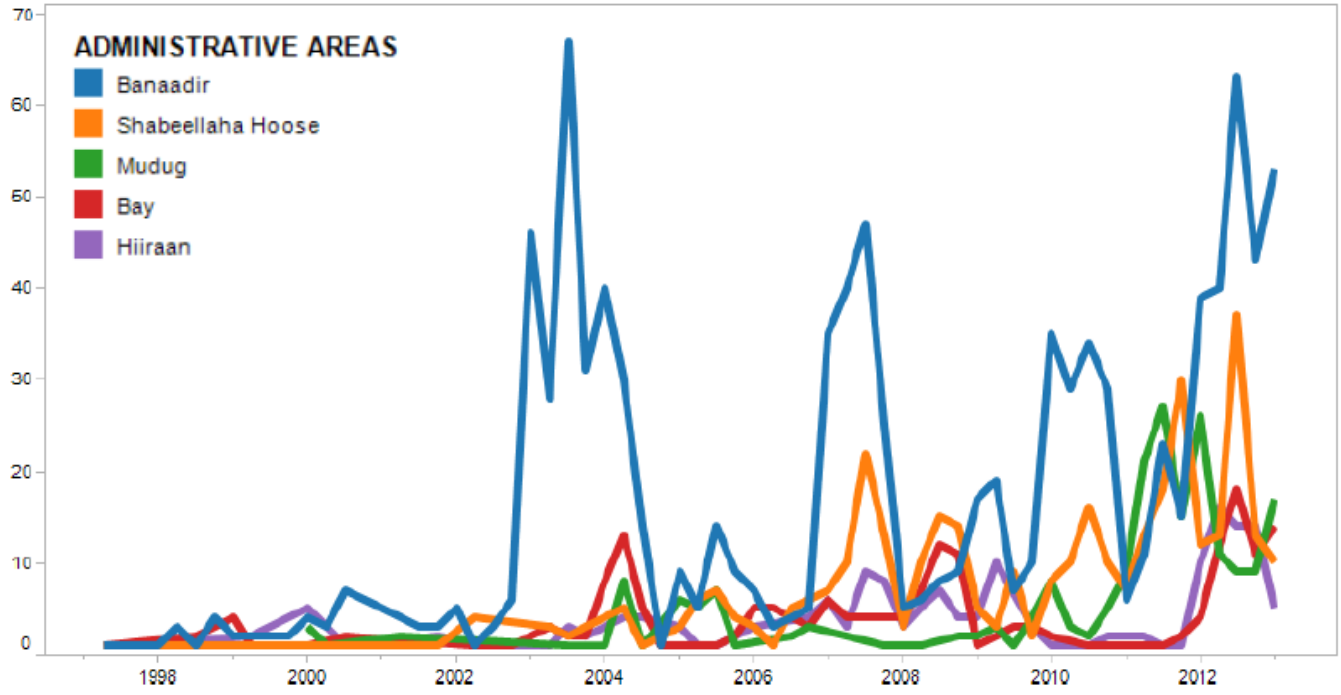

Figure 5: Violent Conflict Events in Top 5 Most Violent Regions, Somalia, 1997 - 2013.

The International Crisis Group's CrisisWatch database gives an overview of incidents in Somalia.

South and central Somalia

1.22 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'…AMISOM forces are deployed in four different sectors in S/C Somalia, and each sector comprises the following AMISOM forces (see also maps of control in S/C Somalia, Annexes 3, 4, 5 and 6):

'Sector 1, Benadir, Lower and Middle Shabelle regions: Burundian and Ugandan forces.

'Sector 2, Kismayo and Jubbaland, i.e. Upper and Lower Juba regions: Kenyan and Sierra Leonean forces.

'Sector 3, Bay, Bakool and parts of Gedo region: Burundian and Ugandan forces.

[27] Armed Conflict Location and Events Dataset, Country Report: Somalia, April 2013, http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf Date accessed 24 June 2013

'Sector 4, Parts of Hiraan region, including Belet Weyne: Djiboutian forces..Regarding the liberated/recovered areas of S/C Somalia the representatives of an international agency, Mogadishu, stated that these areas cannot be considered as totally safe.

'When asked why AMISOM does not move forward more quickly the representatives of an international agency, Mogadishu, explained that it is important to realize that AMISOM has limitations in terms of capacity and resources, AMISOM has to ensure that the SNG is ready to deploy its police forces and military in order to fill in the security vacuum that will follow from the ousting of al-Shabaab in areas previously under its control. In addition it is also an issue to establish local administrations in newly recovered areas. This is crucial in order to avoid or contain potential power struggles.…UNDSS, Nairobi, explained that AMISOM and SNAF get support from the population in the areas they are moving into, i.e. liberating from al-Shabaab. However, the general experience is that when AMISOM and SNAF arrive the local population are a little scared and hesitant as they are not sure of what will happen. They may think that AMISOM will withdraw and that al-Shabaab will be back again soon. However, after a two to three of months when people see that AMISOM and the SNAF is there to stay and that they are able to provide security, they turn completely supportive. This has happened in Belet Weyne, Baidoa, Luuq, Merka, Jowhar, Afgoye, Kismayo and Afmadow, and in all other locations under control of AMISOM and SNAF in S/C Somalia.

'People living in areas controlled by al-Shabaab are generally fed up with it, and want to get rid of al-Shabaab. For instance, in Bulo Burti people demonstrated openly for the first time against al-Shabaab because of increased taxation, and this discontent is now spreading in other areas controlled by al-Shabaab. From a military point of view, it is difficult for UNDSS to understand why AMISOM and SNAF are not proceeding to take more territory from al-Shabaab. For instance, it should now be easy to take Jalalaqsi and Bulo Burti, and then open the road from Mogadishu via Jowhar to Belet Weyne, a move that would utterly weaken al-Shabaab.' [28]

1.23 The Armed Conflict Location and Events Dataset website (ACLED) noted the following in their Country Report on Somalia, published in April 2013:

'As of early 2013, the federal government and aligned forces had re-taken all major urban centres in South-Central Somalia, with Al Shabaab relocating its headquarters to the town of Jilib in Middle Juba, and retaining control over largely rural areas.

'In discussing Somalia, analysts often draw on themes of state failure and "ungoverned space" in relation to areas outside the federal government's control. Event data analysis reveals that the spatiality of governance is actually far more complex than this received wisdom suggests. Figure 2 illustrates areas of Al Shabaab activity or presence (violent or non-violent) between 2010-2012, and highlights territory in which battles between Al Shabaab and other conflict actors occurred. These conflict actors include federal government and aligned forces (AMISOM, Ethiopian and Kenyan militaries), as well as militias such as Ahlu Sunna Wal Jamaa and other localised militant units which contested Al Shabaab control in a given location.

[28] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p35, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

'The figure clearly illustrates the expansion of federal government and aligned forces' reach over time, but the earliest image of 2010 reveals that even before the intensified assault on Al Shabaab positions outside Mogadishu, the group was already engaging in sporadic conflict with local actors. As battles are coded in ACLED as clashes between armed groups, these engagements attest to challenges to actors' monopoly on force in a given territory. In this way, this dynamic reveals the contested nature of power and governance within Somalia, rather than its absence or vacuum more generally.' [29]

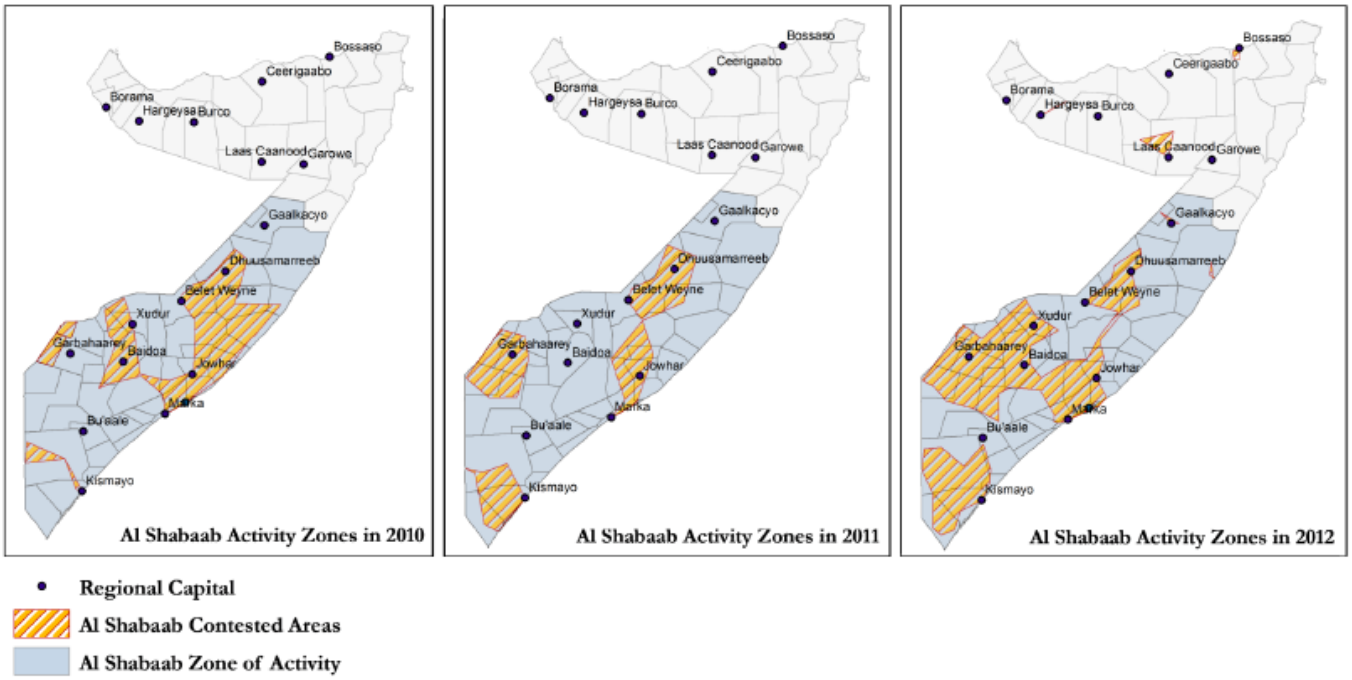

Figure 2: Map of Al Shabaab Activity Zones and Areas of Contested Activity, Somalia, 2010 - 2012.

1.24 The UNSC Report May 2013 stated that:

'In southern and central Somalia, Government and affiliated forces took control of several villages near Marka (Shabelle Hoose) and of Buurhakaba (Bay) on 14 and 27 February respectively, and by April they recovered the Luuq-Baidoa-Afgooye-Mogadishu road from Al-Shabaab insurgents. Meanwhile, forces of the African Union Mission in Somalia (AMISOM) completed operations to establish control of the 240-km Mogadishu-Baidoa road. However, the areas of Baidoa (Bay), Beledweyne (Hiraan), Kismaayo (Juba Hoose) and Xuddur (Bakool) controlled by the Federal Government suffered attacks almost on a weekly basis, and on 12 February an off-duty United Nations guard was injured. A mortar attack on Kismaayo airport, on 29 April and 1 May respectively, led to the relocation of most United Nations personnel out of the city. There was a particularly high incidence of attacks in the Afgooye and Marka areas and insurgents also continued to threaten and harass civilians and aid workers operating there. Al-Shabaab adopted a low profile in Shabelle Dhexe and Galguduud, but continued to control much of these territories.

[29] Armed Conflict Location and Events Dataset, Country Report: Somalia, April 2013, p2, http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf Date accessed 24 June 2013

'The most significant security development outside Mogadishu occurred in Xuddur (Bakool) following the withdrawal of Ethiopian and Somali forces on 17 March. The town was quickly retaken by Al-Shabaab, and at least one civilian was killed and several others were arrested. The seizure of Xuddur marked the insurgents' first territorial gain in several months and demonstrated the challenge of maintaining control over recovered areas.' [30]

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Mogadishu

1.25 The Armed Conflict Location and Events Dataset website (ACLED) reported the following al Shabaab related incidents for Banaadir region (in which Mogadishu is located) for the period of 2010 until March 2013 in their Country Report on Somalia, published in April 2013 [31]:

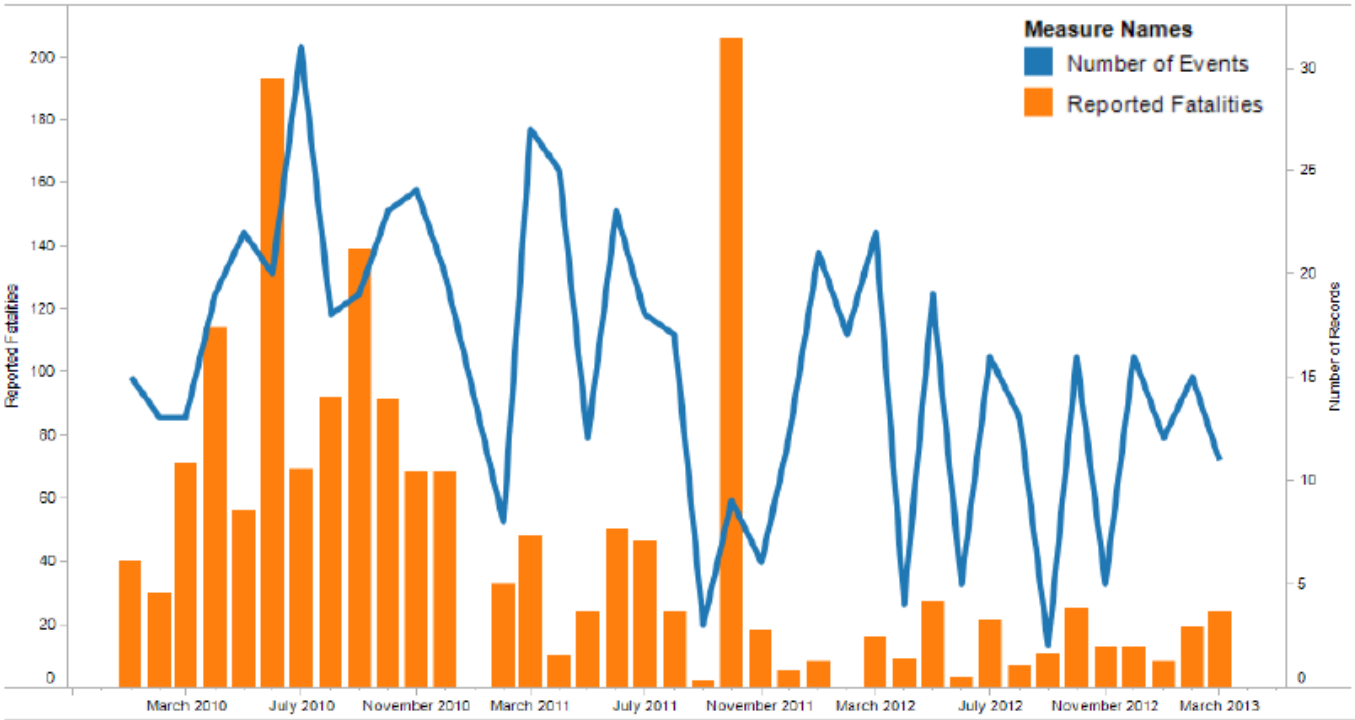

Figure 3: Al Shabaab Events and Reported Fatalities, Banaadir Region, Somalia, 2010 - March 2013.

1.26 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'Regarding armed conflict UNDSS, Mogadishu, explained that despite al-Shabaab's partial combat withdrawal from Mogadishu in August 2011 this withdrawal was only completed by the end of May 2012. Since then there have been no more al-Shabaab troops holding fixed combat positions in Mogadishu, but there continue to be underground al-Shabaab cells and terrorism. The district of Daynile was the last district of Mogadishu to be liberated from al-Shabaab. Since then, i.e. end of May 2012, there

[30] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 13-14, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013
[31] Armed Conflict Location and Events Dataset, Country Report: Somalia, April 2013, http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf Date accessed 24 June 2013

were approximately six weeks of calmness and no fighting in Mogadishu. However, following this period there have been armed attacks again, against targets in the city's outlying districts such as security forces' patrols and police stations. Al-Shabaab undertakes these hit and run attacks with small arms and occasionally slightly heavier weapons like rocket-propelled grenades (RPGs). Al-Shabaab is not trying to retake Mogadishu, not even the outlying districts of the city, but it instead uses the attacks as a form of harassment and as a reminder of its presence …Concerning security for the people of Mogadishu, an international NGO (B), Mogadishu, explained that there has been an improvement since al-Shabaab left the city [in August 2011]. Looking back, the city was divided into two parts with one part controlled by al-Shabaab and one controlled by the Somalia government and the international forces. During this time, people suffered a lot of hardship, it was difficult for people to move around and they had to adapt to different sets of rules when they moved from one sector to another. Fighting along the frontline caused many casualties.

'These days there are no armed struggle and no frontline [in Mogadishu], people can move freely around in the city and people have moved back from the Afgoye corridor and from elsewhere.

'However, according to the international NGO (B), Mogadishu, there are still threats in the city. Different kind of improvised explosives, hand grenade attacks and assassinations create fear among people, and al-Shabaab still has influence that affects people's lives. Checkpoints have been removed, but when people are moving around, they must constantly be careful. For example, since people started to go to Lido beach there have been two attacks there, one car bomb and one suicide bomber. On the other hand, there are clear improvements. For instance, before October last year, people did not dare to go to Bakara market, today they are going.

'Al-Shabaab can hit anywhere in Mogadishu, according to an international NGO (B), Mogadishu. However, its influence is stronger in some parts of the city than in others. Al-Shabaab's influence is most noticeable in Suqahoiaha (Hurriwa district), in the northern part of Daynile, the Industrial Road area and at the Bakara market. This is the reason why people think twice before they go to these areas. Nevertheless, al-Shabaab members can be found everywhere, and you cannot identify an al-Shabaab by the way he is looking.…The international NGO (B), Mogadishu, explained that the influence of al-Shabaab in Mogadishu is not visible, but it is able to undertake attacks all over the city. That is why people avoid saying or doing things that can provoke al-Shabaab. Al-Shabaab mainly targets:

- Government officials
- African Union Mission in Somalia (AMISOM)
- People working for international organisations
- People they suspect to be spying on them for the government

'Thus, people think about their own movements, and they try not to be in the wrong place at the wrong time.' [32]

[32] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p5-7, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

1.27 The UNSC Report May 2013 noted that:

'Despite some improvements in Mogadishu, Al-Shabaab continued to launch asymmetrical attacks on soft targets using terrorist tactics that often resulted in civilian casualties. Targeted killings and attacks were routinely reported. The number of incidents involving improvised explosive devices rose in 2013 in comparison with 2012. On 24 January, for example, a device hit a convoy carrying two United Nations personnel, who were unharmed. Incidents such as the suicide bombings targeting Prime Minister Shirdon in Villa Somalia on 29 January and the head of the National Security Intelligence Agency for Banadir, which killed 10 people on 18 March, showed Al-Shabaab's continued intent and capability to attack government and soft targets.

'On 14 April, more than 30 people died in a complex attack perpetrated by Al-Shabaab on a regional court house. The attack, which involved multiple gunmen and bombs, was the deadliest to date in Mogadishu in 2013. On the same day, a vehicle likely to be that of a suicide bomber hit a Turkish aid agency convoy. On 25 April, a Deputy State Attorney was murdered in Mogadishu, while, on 5 May, a suicide vehicle that targeted a Qatari delegation travelling in a ministerial convoy killed over 10 people.' [33]

1.28 The Economist Intelligence Unit country report on Somalia, dated 24 June 2013, noted that 'In mid-April [2013] a series of deadly bomb and gun attacks in the capital, Mogadishu, left at least 30 people dead.' [34] The same report also noted that:

'On June 19th Islamist militants detonated a car bomb outside the main UN compound in the capital and forced their way in, where a gun battle with security guards lasted more than 90 minutes. Reports from the scene, which is just a few hundred metres from Mogadishu's international airport, where thousands of troops from the African Union Mission in Somalia (AMISOM) are based, indicated that 22 people had died in the attack, including seven insurgents, seven civilians and four foreign UN security staff … It follows a mortar attack on the presidential palace in Mogadishu on June 16th, which was also claimed by al Shabab. The relative ease with which al Shabab can still strike at high profile and theoretically well guarded targets in the capital is a serious concern for the government, and weakens its hopes for a rapid return to economic normality in Somalia.' [35]

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Kismayo, Lower Juba and Gedo regions and 'Jubaland'

1.29 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'UNDSS, Nairobi, explained that after al-Shabaab had left Kismayo 30 September 2012 the Ras Kamboni militia in cooperation with Kenyan forces took control of Kismayo. Just after this happened the Kenyan contingent was incorporated into AMISOM, so now the area is under control of AMISOM.

[33] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 11-12, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013
[34] Economist Intelligence Unit, Country Report: Somalia, 24 June 2013, p2, available in hard copy on request
[35] Economist Intelligence Unit, Country Report: Somalia, 24 June 2013, p12, available in hard copy on request

'UNDSS, Nairobi, explained that since October 2012 there is an anti-al-Shabaab alliance controlling the area between Dhobley, Afmadow, Kismayo, Ras Kamboni, Buur Gabo, Badaade, and up to Dadaab in Kenya.

'Immediately after the take-over of Kismayo, the Ras Kamboni militia established an interim administration in the city headed by the Ras Kamboni leader Ahmed Madobe… During the initial stage after the take-over of Kismayo, the town was more or less a ghost town. However, since January 2013, people have returned in large numbers, the markets have opened and trucks are busy, so the town is back to normal activity. Also new buildings are constructed, which have not happened for some years. And not least, the population of the town has increased substantially, maybe ten times since the takeover. Refugees are also returning from Dadaab Refugee Camp in Kenya, and business people are taking the business activity to a higher level since the embargo is not working, which it did when al-Shabaab controlled the town.

'The security for the people of Kismayo is now relatively good. However, there is a potential threat because of the high presence of militias. The main militias are the ones of the Marehan and of the Ogaden clans. The main Ogaden militia is the Ras Kamboni militia, which is trained, equipped, paid and completely under command and control of Kenyan forces deployed in Somalia. Finally, there is a militia loyal to the Somali government. This latter is badly equipped and has been without payment. However, it is the only militia that is opposing the Ras Kamboni militia. SNAF and the pro-SNG militia are controlling the northern part of the city, and Kenyan troops are between them and the Ras Kamboni militia to avoid clashes between the two forces.

'The Ras Kamboni militia has control in the port, where also Kenyan troops are present. The three most important types of goods handled in the port are charcoal, sugar and cement.' [36]

1.30 The Armed Conflict Location and Events Dataset website (ACLED) reported in their Country Report on Somalia, published in April 2013:

'Various degrees of autonomy and independence have been de facto tolerated in Somalia over the past two decades, with the North-Western Somaliland and North-Eastern Puntland regions being the most adamant in dis-tancing themselves from the centralising agenda of the Mogadishu government. However, there are comparable agendas arising in the South-Central region, most notably in the Southern 'Jubaland' area incorporating the port city of Kismayo…Kenya would undoubtedly reap benefits from the establishment of a secure 'buffer zone' along its north-eastern border through a semi-autonomous proxy regime in Jubaland. However, while this aligns with the objectives of some actors in the region, Kenya may find itself aggravating cleavages with both local militias and political interests, and the federal government in Mogadishu.' [37]

[36] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p38-39, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

[37] Armed Conflict Location and Events Dataset, Country Report: Somalia, April 2013, http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf Date accessed 24 June 2013

1.31 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'UNDSS explained that it recently had met with Madobe, the head of the Ras Kamboni militia. Madobe had stated that Jubbaland would declare independence on 23 April 2013 – meaning that the State of Jubbaland would no longer be part of the Somali federation, but be an independent state like Somaliland. Relevant in this connection, is that Madobe recently had been in Nairobi for talks with the newly elected leadership of Kenya. However, what was discussed and agreed on during these talks, UNDSS had no information.

'Representatives of an international agency, Mogadishu, had not heard of rumors that a Jubbaland administration would declare independence from Somalia and found it most unlikely that this would take place.

'There is no consensus among the different parties in the three regions, Lower and Middle Juba and Gedo that constitute Jubbaland concerning its position towards the SNG in Mogadishu. But there are clearly those who want independence, headed by Madobe, and those who want to be part of the Somali federation. UNDSS added that 450 Marehan troops trained in Gedo region [by Kenya] were likely instructed by the SNG to go to Kismayo to attempt to disrupt the Jubbaland Conference. Some info received indicates that the group, on its way to Kismayo, went through al-Shabaab controlled territory and were hosted by al-Shabaab.' [38]

1.32 Garowe Online stated on 15 May 2013 that:

'Some 500 delegates the Jubaland state formation conference in Kismayo have elected Sheikh Ahmed "Madobe" Mohamed Islam as the first president of Jubaland State of Somalia, even as Somali Prime Minister Abdi Farah Shirdon appointed a task force for Jubaland, Garowe Online reports.

'Local communities allocated amongst themselves the 500 delegates to represent the various communities and districts of Lower Jubba, Middle Jubba and Gedo regions that have united to form Jubaland. The Jubaland state formation process has been underway since early 2011….The election committee announced that Sheikh Ahmed Madobe won in a landslide, with 480 votes, according to sources in Kismayo.' [39]

1.33 The Critical Threats website noted in a reported dated 10 June 2013 that:

'Despite the withdrawal of al Shabaab from Kismayo in September 2012, the Somali federal government has been unable to appoint a local administration that exercises control of the city and surrounding areas. Clan militias that had fought on the side of the government against al Shabaab are divided over who will control the port city now, but are also unwilling to turn control over to the government itself. Instead, local powerbrokers have been engaged in negotiations as to the constitution of the Kismayo (and Jubbaland) administration that would, in effect, override any decision made by the

[38] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p39, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

[39] Garowe Online, Somalia - Ahmed Madobe Elected First President of Jubaland in Landslide Victory, 15 May 2013, http://allafrica.com/stories/201305160045.html Date accessed 24 June 2013

federal government. Clan interests, particularly those of the Ogaden and Marehan clans, are driving these negotiations. In the meantime, de facto control has fallen to Ahmed Madobe's Ras Kamboni Brigade, which has exhibited its monopoly of force in Kismayo by either refusing to provide security for or even preventing the entry of visiting federal government officials.' [40]

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Merka and Brava, Lower Shabelle, and Jowhar, Middle Shabelle

1.34 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'UNDSS, Nairobi, explained that Merka is strongly controlled by AMISOM and SNAF. However, al-Shabaab is staging small scale hit and run attacks there, like the ones they do in Mogadishu, throwing hand grenades and assassinating people. Nevertheless, these kinds of actions are now going down.

'The same goes for Jowhar in Middle Shabelle, which is even better than Merka security wise. However, al-Shabaab is not able to attack Merka or Jowhar militarily. Since the summer offensive 2011, al-Shabaab has not had capacity for such operations. Al-Shabaab is now back to its roots as a militia, and is no longer able to stage large-scale military operations.…The international NGO (A), Nairobi, added that the city of Brava as well as areas of the southern part of Lower Shabelle are controlled by al-Shabaab. It was added that al-Shabaab uses the seaport of Brava, but its port is only suitable for smaller boats.

'Concerning the presence of al-Shabaab in Lower Shabelle Peter Klansoe, [Danish Refugee Council] DRC, explained that al-Shabaab controls approximately 50% of the rural areas in the southern part of Lower Shabelle. The cities and the main roads in this area are however controlled by AMISOM and the SNAF. Al-Shabaab's control in Lower Shabelle is based on fear and suppression, and the fact that no one is fighting against it.' [41]

Bay, Bakool and Hiraan

1.35 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that: 'Representatives of an international agency, Mogadishu, explained that there are AMISOM troops as well as Ethiopian troops in Baidoa. However, there is limited cooperation between AMISOM and Ethiopia.' [42] The UNSC report May 2013 stated that:

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[40] Critical Threats, Challenges to America's Counterterrorism Strategy in Somalia, 10 June 2013, http://www.criticalthreats.org/somalia/zimmerman-challenges-americas-counterterrorism-strategy-somalia-june-10-2013 Date accessed 26 June 2013

[41] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p40-41, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

[42] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p42,

'The most significant security development outside Mogadishu occurred in Xuddur (Bakool) following the withdrawal of Ethiopian and Somali forces on 17 March [2013]. The town was quickly retaken by Al-Shabaab, and at least one civilian was killed and several others were arrested. The seizure of Xuddur marked the insurgents' first territorial gain in several months and demonstrated the challenge of maintaining control over recovered areas.' [43]

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Puntland/Somaliland

Puntland

1.36 The UNSC Report May 2013 stated that:

'In "Puntland", the surge of Al-Shabaab attacks late in 2012 continued into 2013. Insurgents regularly undertook attacks, including the first suicide bombing in north Gaalkacyo on 11 February. Repeated threats against "Puntland", discoveries of explosives, and reports of insurgents' movements were all indicative of Al-Shabaab's increased capacity and intent in the region and its disturbing presence in nearby "Galmudug". Criminal acts, including some linked to actions of undisciplined Government elements, clan disputes and political tensions continued to disrupt security in "Puntland" and "Galmudug".' [44]

1.37 The report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), published on 13 July 2012, noted that:

'Al-Shabaab's expansion northwards, as documented in the July 2011 report of the Monitoring Group (S/2011/433), entered a new phase in February 2012, with the announcement in February 2012 that the "Mujahidiin of the Golis Mountains", formerly headed by Mohamed Sa'iid "Atom", had formally joined Al-Shabaab. Yasiin Khalid Osman "Kilwe", a close associate of Al-Shabaab "Amir" Ahmed Abdi Godane, declared himself the new leader of the group. Meanwhile, the Monitoring Group observed a steady influx of Al-Shabaab fighters from southern Somalia and the expansion of Al-Shabaab operations in Puntland, notably to the south of the port town of Bosaaso'. [45]

Somaliland

1.38 The UNSC Report May 2013 stated that 'Early in 2013, "Somaliland" experienced a flurry of anti-Al-Shabaab activity amid United Kingdom and United States warnings of a terrorist threat to westerners, but there was no attack. Instead, the dispute over Sool, Sanaag and Cayn remained "Somaliland's" main destabilizing factor and continued to

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http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 June 2013

[43] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 14, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013

[44] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 16, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013

[45] UN Security Council, Report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), 13 July 2012, p15, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20544.pdf Date accessed 24 June 2013

result in periodic armed clashes between "Somaliland" and "Khatumo", a disputed area at the border region.' [46]

For further information on the effects of the security situation, please see Internally displaced persons.

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2. Security forces

This section should be read in conjunction with Security situation and Non-state armed groups.

Overview

2.01 Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security and Foreign Forces, updated 24 October 2012, reported that:

'Somalia lacked an effective central government in the decades following the overthrow of the Siad Barre regime in 1991. Over the years, local clan militia groups provided a semblance of policing. These groups were loosely controlled by whoever could pay them a regular salary. Their paymasters were typically traditional clan elders, sharia (Islamic law) courts, businessmen, or warlords. When the militias were not paid in the past, they traditionally turned to banditry or piracy. The lack of a central government with effective, nationwide police and security forces meant that Somali-based pirates have been free to prey on international shipping.

'Progress has been made in re-establishing central government control but major challenges and difficulties remain. In August 2012 a new Somali federal parliament convened, and a new 'caretaker' federal government was sworn in, replacing the Transitional Federal Government (TFG) which had operated since 2004, with international recognition and foreign assistance. In September, the parliament elected a President, Hassan Sheik Mohamud. The new government has its own armed forces, police force and intelligence agency - entities that had operated under the TFG. With the aid of AMISOM forces, Somali National Forces have made progress against the powerful Al Qaeda-linked Shabab militia which, by late 2012, had been pushed out of major urban areas. Kenya Defence Forces (KDF) troops, now part of AMISOM, seized the port city of Kismaayo in late September 2012 expelling Shabab fighters from what was seen as their last urban stronghold. Nevertheless, there is still a major threat from Shabab extremists.' [47]

South and central Somalia

Police

[46] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 17, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013

[47] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security and Foreign Forces, updated 24 October 2012, available in hard copy on request

2.02 The US State Department 2012 Report on Human Rights Practices in Somalia, published on 19 April 2013 and covering events of 2012 (USSD 2012 Report), noted that:

'Police forces fell under a mix of regional administrations and the TFG/government. The national police force was under the jurisdiction of the Ministry of Interior. The overall police commandant was appointed by the president. The TFG slowly expanded its presence outside of Mogadishu as al-Shabaab was forced out or left the towns of Afgoye, Balad, and Merka in Lower Shabelle Region.

'Two separate police forces operated in Mogadishu, one under the control of the TFG government and the other under the Benadir regional administration. At year's end, the federal police force was present in seven of the 16 districts of Mogadishu. Police officers in Mogadishu often owed their positions largely to clan and familial links rather than to government authorities.' [48]

2.03 JSCRA, Somalia, Security and Foreign Forces, updated 24 October 2012, stated that:

'The Transitional Federal Government (TFG) has been building up the strength of the Somali Police Force (SPF) based in Mogadishu with international assistance. It is proposed that the force will have a strength of 10,000. A police training team arrived in Mogadishu in 2009 under the auspices of the African Union's peace support body AMISOM (African Union Mission in Somalia) to help with training the police force. A police school has been operating in Mogadishu and senior officers have also been trained in Uganda. In June 2010, AMISOM announced plans to train 500 Somali officers in Djibouti. During 2010, more than 900 Somali police personnel completed training in Ethiopia, under a programme financed by the German government - although German media reports claimed they subsequently deserted. It was reported in the latter part of 2011 that more than 3,000 police officers had been trained under a programme supported and assisted by the UN, EU, AMISOM and others. The structure of the force includes a Criminal Investigation Department. The Police Commissioner is General Sharif Shekuna Maye.

'The United Nations Development Programme (UNDP) has supported the rehabilitation of police stations, the training of a Special Police Unit and traffic police.' [49]

2.04 The UN Security Council's Report of the Secretary General, published on 31 May 2013 and covering events of 16 January 2013 to 15 May 2013, (UNSC Report May 2013) stated that:

'The Somali police forces established a presence in a number of newly liberated areas, including Marka, Afgooye, Wanlaweyn (Shabelle Hoose) and Baidoa. However, the lack of sufficient logistics posed a serious challenge to further deployment. With the donation from the Government of Japan to the Trust Fund in Support of the Somali Transitional Security Institutions, equipment and logistical support will be provided to the Ministry of the Interior and National Security, and to the police forces. With United Nations support, the Ministry developed a four-year strategic action plan to build a civilian police service.

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[48] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 24 June 2013

[49] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security and Foreign Forces, updated 24 October 2012, available in hard copy on request

During the reporting period, UNPOS organized police driver training and provided advisory support to the training of 1,000 Somali "rapid deployment force" personnel in the reduction of arms and ammunition in circulation in Mogadishu and for clearing illegal checkpoints. AMISOM facilitated the training of 206 officers in Djibouti on public order management.' [50]

2.05 The USSD 2012 report noted that:

'Police were generally ineffective in the south and central regions. With the expulsion of al-Shabaab from many of the larger towns, local police duties fell to SNA troops and allied militia. Command and control of federal police was limited, and the police forces lacked the basic infrastructure and logistical support needed to become more effective…Police generally failed to prevent or respond to societal violence, as local residents preferred to use community-based reconciliation mechanisms to resolve conflicts' [51]

National Security Services

2.06 JSCRA, Somalia, Security and Foreign Forces, updated 24 October 2013, stated that there is a National Security Agency (NSA) in Somalia:

'The NSA, also known as the National Security Services, is an intelligence/security agency operating under the federal government, and is the successor to an agency that operated under Somalia's Siad Barre regime which was overthrown in 1991. Apart from collection and analysis of intelligence, the NSA also has an immigration control function and a counter-terrorism role. It gathers intelligence at home and abroad, monitoring political and military developments in countries in the region. The NSA is responsible, through its director, to the TFG president. The agency has been supported financially by the US and other foreign governments.

'In line with the agency's counter-terrorism and internal security roles, NSA agents make arrests and detain suspects. The agency became embroiled in controversy in March 2011 when it arrested two local journalists after a radio station carried a report critical of TFG president, Sheikh Sharif Sheikh Ahmed - the journalists were later released.

'According to August 2011 US media reports, the NSA operates a basement prison at its Mogadishu headquarters, where prisoners suspected of being members of the Islamist terrorist group, Shabab, or of having links to the group, are held. US agents from the CIA, and French agents embedded with AMISOM, are reported to have joined with Somali operatives in interrogating some prisoners held at the centre. CIA agents are also said to advise and train NSA personnel. The director of the NSA is Ahmed Moallim Fiqi, a former Somali ambassador to Sudan.

'The NSA is organised on the basis of a number of divisions that cover specific areas of responsibility. Internal Division gathers intelligence on political, economic, social and

[50] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 27, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013
[51] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013

security issues. External Division gathers foreign intelligence, and also intelligence on organised crime. Operations Division is responsible for operational support in the collection of intelligence; the director of this division is also responsible for managing the agency's intelligence assets. Other divisions include Analysis and Production; Information and Communications Technology; and Administration. There is also a Diplomatic Branch, headed by an ambassador. The National Intelligence Academy has the role of training newly-recruited intelligence officers.' [52]

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African Union Mission to Somalia (AMISOM) and the Somali National Forces

2.07 JSCRA, Somalia, Armed Forces, updated on 7 March 2013, noted that Somalia has not had formal national armed forces since the overthrow of of Major General Siad Barre by the United Somali Congress (USC) on 27 January 1991. In March 2007, AMISOM was initially deployed to Somalia and fought alongside Ethiopian soldiers against the Union of Islamic Courts (UIC). The TFG raised an army of 10 000 Somalis by mid-December 2006 in response to the UIC's victory, and continued to call for militia fighters after the UIC fell. After Ethiopian troops withdrew in 2009, AMISOM deployed soldiers to fill the security vacuum. AMISOM's mandate has been repeatedly extended, and they currently have a force of 17 731 soldiers, including 4664 Kenya troops who has entered the country in October 2011. In March 2013, the UN Security Council voted to partially lift the arms embargo that was in place on Somalia, allowing the government to purchase light weapons including small arms and rocket-propelled grenades for the ongoing fight against al Shabaab. [53]

2.08 IRIN reported on 13 May 2013 that: 'Somalia's armed forces comprise some 20,000 soldiers, defined as those fighting Al-Shabab, including militias not formally integrated into the military. But only around 13,000 soldiers receive regular financial payments, most of which are paid by the international community.' [54]

Reform and training of Somali national forces

2.09 The UNSC Report May 2013 stated that:

'Security sector reform has been identified by President Mohamud as the "priority of priorities". During the second London Conference on Somalia held on 7 May [2013], the Federal Government presented its draft national security plan framework, and called for urgent support for the Somali National Army and strategic action plans for the policing and justice sector. With the financial support of the Peacebuilding Fund, UNDP, UNPOS and the United Nations Support Office for AMISOM (UNSOA) conducted mapping exercises in four recovered areas. The project aims at helping the Government to assess the security environment and will support the development of security sector programmes.

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[52] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security and Foreign Forces, updated 24 October 2012, available in hard copy on request
[53] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Armed Forces, updated 7 March 2013, available in hard copy on request
[54] IRIN, Analysis: Somali security sector reform, 13 May 2013, http://www.irinnews.org/report/98028/analysis-somali-security-sector-reform Date accessed 15 July 2013

'Meanwhile, the annual training programme for the Somali national forces began on 21 January with command courses for 80 officers and non-commissioned officers. The last intake of recruits, who were trained by the European Union training mission in Uganda, completed the course in February, and 554 new recruits returned to Somalia. Commencing in April, the training mission conducted specialist training to develop specialized military capabilities. On 15 May, the training mission established a permanent presence in Mogadishu and opened full training operation in Mogadishu. By the end of 2013, all its courses are expected to be given in Mogadishu; the full complement of mentors and trainers (16) for Phase I of the deployment is expected to be in Mogadishu by the end of July 2013. The United Nations, through the Military Technical Working Group and in concert with the Federal Government, continued to support coordination of capacity-building efforts.' [55]

2.10 IRIN reported on 13 May 2013 that: 'Somalia's government has stressed that it wants to take control of the country's security. An ambitious National Security and Stabilization Plan (NSSP), adopted last August, outlines plans to rebuild Somalia's armed forces and national security programme, reform the police and judiciary, and roll out a modern coastguard. Leaders hope to build a professional army of 28,000 within three years, at a cost of some $160 million, while also doubling police numbers to 12,000.' [56]

For information about security and policing in areas beyond the Somali National Government's control (i.e. most areas outside of Mogadishu) in southern and central Somalia see also Abuses by non-government armed groups.

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Puntland

2.11 JSCRA, Somalia, Security and Foreign Forces, updated 24 October 2012, stated that:

'In the self-declared autonomous area of Puntland there are a range of security forces. The Puntland Police Force (PPF) is responsible for law and order in the civil community, and receives support from the United Nations Development Programme. It is estimated to have a strength of about 1,500. As part of the police force there is a Special Protection Unit (SPU), with a strength of about 270. The PPF also has a counter-terrorism role…The Puntland Intelligence Agency and Security Force (PIASF) was set up with support from the US government in 2002 and is the enclave's main intelligence and counter-terrorism agency, and deploys a small armed force.

'The Puntland Maritime Police Force (PMPF) is under the control of the Puntland president. The stated mission of the PMPF is to disrupt pirate havens, secure the distribution of humanitarian assistance and enforce navigation laws as well as coastal fishing laws. Training was provided for a period by a private security contractor at a training camp near Boosaaso, with funding from foreign sources. The PMPF is reported to have a strength of more than 1,000 personnel. The PMPF project suffered a setback when it was criticised by the UN Monitoring Group on Somalia and Eritrea, which said Puntland's government could use the force as a militia against its political enemies. The

[55] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 25-26, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 25 June 2013
[56] IRIN, Analysis: Somali security sector reform, 13 May 2013, http://www.irinnews.org/report/98028/analysis-somali-security-sector-reform Date accessed 15 July 2013

PMPF has gradually expanded its presence along Puntland's Indian Ocean coast. While it would be extremely difficult for the PMPF to successfully assault and recapture hijacked ships, it has made some headway against the pirates. In mid-2012 the PMPF cut off supply lines to two hijacked ships, forcing a pirate gang to move them. The episode showed that the PMPF is capable of conducting land operations that make it difficult for pirates to get supplies from coastal communities.' [57]

2.12 The report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), published on 13 July 2012, noted that:

'In 2011, Saracen's training camp near Bosaaso became the best-equipped military facility in Somalia after AMISOM bases in Mogadishu. The Sterling Corporate Services base today includes a modern operational command centre, control tower, airstrip, helicopter deck and about 70 tents, which can host up to 1,500 trainees.

'Thanks to this massive initiative, the Puntland Maritime Police Force is now a well equipped elite force, over 1,000 strong, with air assets used to carry out ground attacks, which operates beyond the rule of law and reports directly to the President of Puntland. This private army disingenuously labelled a "counter-piracy" force, has been financed by zakat contributions mainly from high-ranking officials from the United Arab Emirates, including the Crown Prince of Abu Dhabi and Deputy Supreme Commander of the United Arab Emirates Armed Forces Sheikh Mohammed bin Zayed Al Nahyan. The Government of the United Arab Emirates, however, has officially denied any involvement in the project.' [58]

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Somaliland

2.13 JSCRA, Somalia, Security and Foreign Forces, updated 27 October 2011, stated that:

'There is a police force in the self declared autonomous region of Somaliland known as the Somaliland Police Force (SLPF). The force receives assistance from the United Nations Development Programme (UNDP) under the latter's Rule of Law and Security programme. The strength of the SLPF was previously estimated to be about 5,000; a more recent estimate indicates a figure of about 3,000. The force has a Criminal Investigation Department, with a particular role in counter-piracy operations. It was reported in August 2006 that the UK had agreed to assist in strengthening the police force's law enforcement capabilities, as well as overhauling the Somaliland Immigration Department, in order to assist Somaliland in countering the threat of terrorism. In 2010, Somaliland police officers were receiving training from British officers at the Ethiopian Federal Police Academy. In addition to the police force and an army, there is an intelligence service known as the Somaliland National Intelligence Agency (SNIA) which comes directly under the control of the president. The SNIA has a counter-terrorism role, and its structure includes the Immigration Department. There is a Custodial Corps, under the minister of justice, which deploys about 1,540 armed guards at various prisons. A modern new prison at Hargeysa, partly financed by Norway, was formally

[57] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security and Foreign Forces, updated 24 October 2012, available in hard copy on request

[58] UN Security Council, Report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), 13 July 2012, p22, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20544.pdf Date accessed 25 June 2013

inaugurated in early 2011, and has been housing Somali pirates captured by international forces in the Gulf of Aden and Indian Ocean.

'Of particular interest to non-government organisations (NGOs) in Somaliland is a unit of the police known as the Special Protection Unit (SPU). The unit was set up to protect the premises and staff of international NGOs and diplomatic missions. The 400-strong unit, which is supported by the UNDP, provides round-the-clock security, as well as night time security patrols and armed escorts for staff travelling in Somaliland. Among the inmates are individuals who were convicted in the Seychelles of piracy and then transferred to Hargeysa.' [59]

2.14 JSCRA, Somaliland, updated 31 January 2013, noted the following with regard to Somaliland's armed forces:

'Incorporation of former militiamen into the Somaliland forces has been a means for the government to provide employment, although the country's relative fragility and the absence of other economic opportunities have prevented it from making any cutbacks in their size. In 2008, the security budget was USD7.8 million, equivalent to 49 per cent of the total Somaliland budget of USD16.1 million (UN figures). Somaliland's own estimates of their armed forces vary. While foreign minister, Edna Adan Ismael claimed that Somaliland had 20,000 men under arms, although this inflated number probably included clan militia that can be mobilised but which have limited fighting capacities outside their own local regions. During the 2004 confrontation with Puntland, the then minister of defence claimed that the Somaliland army was 7,000 strong, a more likely figure.' [60]

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Human rights violations committed by Somali National Government, Puntland and Somaliland security forces

For information about abuses committed in areas of Somalia under (the de facto) control of non-government armed groups see Abuses by non-government armed groups.

2.15 The report of a Danish-Norwegian fact-finding mission to Nairobi and Mogadishu, April-May 2013, published on 8 May 2013, stated that: 'According to UNDSS, Mogadishu, it is not uncommon for al-Shabaab fighters to wear the uniforms of the Somali National Armed Forces (SNAF) in order to infiltrate the city.' [61]

2.16 The UNSC Report May 2013 noted that:

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[59] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security and Foreign Forces, updated 24 October 2012, available in hard copy on request

[60] Jane's Sentinel Country Risk Assessment (JSCRA), Somaliland, updated 31 January 2013, available in hard copy on request

[61] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p8, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 25 June 2013

'Abuses by undisciplined elements of the Somali National Security Forces against civilians were also reported during the period, although these are said to have decreased in recent times. Government forces were also alleged to have participated in numerous extrajudicial killings in Mogadishu in March. Longstanding clan enmity between local militias and government troops led to several fatal clashes on 22, 25 and 28 March in Marka, while disputes over political control caused strife in Kismaayo and to a lesser extent in Baidoa.' [62]

2.17 The USSD 2012 Report noted that:

'The TFG and its allied militias, persons in uniform, Puntland and Somaliland forces, al-Shabaab, pirates, and unknown assailants committed arbitrary killings. Civilians were killed in armed clashes, and humanitarian workers were also targeted and killed. During the year 18 journalists were killed. Impunity remained the norm.

'There were reports the TFG, as well as authorities in Puntland and Somaliland, committed arbitrary or unlawful killings.' [63]

2.18 The same report further noted that: 'As in previous years, there were media reports troops fired on civilians and engaged in arbitrary arrests and detention, extortion, looting, and harassment.' [64]

Indiscriminate use of force

2.19 The UN Human Right's Council's Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, published on 22 August 2012, noted that:

'The end of active combat in Mogadishu brought improvement to the situation of civilians living in the capital. The number of weapon-related casualties had decreased significantly as against those of 2011, when in May alone 1,590 people were admitted to Mogadishu hospitals with weapon-related injuries, 735 cases being children under 5 years. Against this, the number of casualties stood at about 500 people in the course of the month of January 2012, with 43 cases involving children under the age of 5.

'The prohibition of direct fire and the identification of no-fire zones by AMISOM also contributed to the reduction of civilian casualties. The introduction of a civilian casualty tracking cell by AMISOM was expected to contribute to a further reduction.…Outside Mogadishu, military operations by Ethiopian and Kenyan forces reportedly caused civilian casualties. One example was an airstrike conducted on Jilib, where, at the end of October 2011, a missile hit a camp for internally displaced persons, killing five people, including a woman and three children, and injuring 45. Kenyan forces denied responsibility for the incident, while Médecins Sans Frontières, which was present at the location and treated the wounded, publicly attributed the incident to Kenyan actions.' [65]

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[62] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 15, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 25 June 2013
[63] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1a, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 24 June 2013
[64] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013
[65] UN Human Rights Council, Report of the Independent Expert on the situation

2.20 The Human Rights Watch Annual Report 2013, published on 31 January 2013 and covering events of 2012 (HRW 2013 report) noted that 'Civilians continue to be killed and wounded by crossfire, particularly during infighting between TFG forces over control of roadblocks…Civilians were killed and wounded as a result of indiscriminate fire by TFG forces and allied militias. On March 21 [2012], following a hand grenade attack on TFG-allied militia, the militia responded by opening fire on civilians in Baidoa, killing at least six.' [66]

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Arbitrary arrest and detention

2.21 The US State Department '2012 Country Report on Human Rights Practices in Somalia', published 19 April 2013, covering events of 2012 (USSD 2012 report) stated that:

'The [Transitional National Charter] TFC provided and the provisional federal constitution provides for arrested persons to be brought before judicial authorities within 48 hours. Pre-1991 codified law required warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification to arrestees of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections. However, adherence to these procedural safeguards was rare. There was no functioning bail system or equivalent. Authorities did not provide indigents a lawyer. They did not hold suspects under house arrest. Security force members and corrupt judicial officers, politicians, and clan elders were able to use their influence to have detainees released.' [67]

2.22 The USSD 2012 report stated that: 'The [Transitional Federal Charter] TFC prohibited arbitrary detention. The provisional federal constitution also prohibits illegal detention. The TFG security forces and allied militias, Somaliland and Puntland authorities, and al-Shabaab arbitrarily arrested and detained persons.' [68]

2.23 The USSD 2012 report further noted that: 'TFG, Somaliland, and Puntland authorities arbitrarily arrested and detained numerous persons, including persons accused of terrorism and of supporting al-Shabaab. Authorities frequently used allegations of al-Shabaab affiliation to justify arbitrary arrests…Puntland authorities conducted sweeps without warrants to arrest youths they perceived as suspicious, as did governmental forces in Mogadishu.' [69]

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of human rights in Somalia, Shamsul Bari, 22 August 2012, paragraph 50-51, 54, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accessed 24 June 2013

[66] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013

[67] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1d, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013

[68] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013

[69] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013

2.24 The Human Rights Watch report, 'Hostages of the Gatekeepers', published on 29 March 2013, noted that:

'When displaced people have tried to protest [about abuses] they have often faced reprisals [from the Somali national security forces]…In certain camps, notably in Badbaado in the latter half of 2011, IDPs who spoke out against abuses such as sexual violence or diversion of food aid were sometimes arrested by militia or other security forces. The militia of the district commissioner, Moallin Abdullahi Ali Nur, temporarily detained some protesters in makeshift jails…Such restrictions on efforts by displaced people to mobilize and protest are not limited to Badbaado…Displaced people seeking to publicly demonstrate have also been arbitrarily arrested by government security forces.' [70]

2.25 The HRW 2013 report noted that: 'Government-affiliated forces and allied militias… arbitrarily detained civilians, particularly men, during security operations. Between mid-January and mid-March in Beletweyne, In late May, TFG forces including the National Security Agency (NSA) arbitrarily arrested and detained hundreds of men and boys following the takeover of Afgooye.' [71]

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Torture, ill-treatment and extra-judicial killings

2.26 The HRW 2013 report noted that: 'Government-affiliated forces and allied militias committed targeted killings and summary executions in towns recently vacated by al-Shabaab…the Shabelle Valley State (SVS) forces that are allied to the TFG and other militias committed at least seven summary executions…' and that, 'Targeted killings of civilians, notably journalists, increased in areas controlled by the Somali authorities. Fifteen journalists were killed in 2012, which the Transitional Federal Government (TFG) failed to investigate.' [72]

2.27 The UNSC Report May 2013, noted that: 'Abuses by undisciplined elements of the Somali National Security Forces against civilians were also reported during the period [of 16 January 2013 to 15 May 2013], although these are said to have decreased in recent times. Government forces were also alleged to have participated in numerous extrajudicial killings in Mogadishu in March.' [73]

Treatment of IDPs

2.28 The HRW 2013 report noted that: 'TFG forces and allied militias committed a range of abuses against internally displaced persons (IDPs) in Mogadishu, including rape, looting of food aid from IDP camps, and arbitrary arrests and detentions.' [74]

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[70] Human Rights Watch, Hostages of the Gatekeepers, 28 March 2013, p51-52, http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf Date accessed 25 June 2013
[71] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013
[72] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013
[73] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, paragraph 15, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 24 June 2013
[74] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013

2.29 The Human Rights Watch report, 'Hostages of the Gatekeepers', published on 29 March 2013, noted that:

'Throughout [July 2011 to November 2012] members of displaced communities in Mogadishu faced serious human rights abuses including rape, beatings, ethnic discrimination, restricted access to food and shelter, restrictions on movement, and reprisals when they dared to protest their mistreatment. The most serious abuses were committed by various militias and security forces, often affiliated with the government, operating within or near camps and settlements for the displaced. Frequently these militias were linked or controlled by managers, or "gatekeepers" as they are known, of the IDP camp.' [75]

See also IDPs for further information on general treatment of IDPs.

Impunity

2.30 The USSD 2012 report noted that: 'In the south and central regions, Puntland, and Somaliland, abuse by police and militia members was rarely investigated, and the culture of impunity remained a problem.' [76] The Human Rights Watch report, Hostages of the Gatekeepers, published on 29 March 2013, noted that:

'In his September 16, 2012 inaugural address the new Somali president, Hassan Sheikh Mohamud, identified security as one of his main priorities. Improving security and equally important, developing professional and accountable security forces, is clearly critical in any effort to protect IDPs—and Somali citizens more broadly. On November 25, 2012, President Hassan Sheikh also publicly committed to hold to account government forces responsible for abuses, including rape, although he said that the death penalty would be applied. A commitment to end impunity is a positive step towards ensuring justice for victims and deterring future abuses, but the new Somali government should place a moratorium on executions with a view to abolishing the death penalty, and instead focus on improving the quality of police response and investigations, as well as the functioning of the judiciary. In February 2013 the prime minister set up a human rights task force reportedly to examine issues of sexual violence and attacks on the media; the exact mandate and role of the task force is unclear.

'While the president and some other senior officials seem committed to changing the culture of impunity and ending the denial of abuses by security forces, some parts of the government, particularly the police, appear reluctant to change.' [77]

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3. Non-state armed groups

[75] Human Rights Watch, Hostages of the Gatekeepers, 28 March 2013, p3-4, http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf Date accessed 25 June 2013
[76] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013
[77] Human Rights Watch, Hostages of the Gatekeepers, 28 March 2013, p60-61, http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf Date accessed 25 June 2013

This section should be read in conjunction with Security situation and Security forces.

Armed groups

3.01 Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security, updated 10 April 2013 stated: 'Somalia faces a number of threats to its security ranging from clan militias to pirate groups to radical Islamist groups. The country is a base for active terrorist operations being conducted in concert with Somali insurgents. Successful terrorist operations in Somalia also have negative security implications for regional states.' [78]

Al Shabaab

3.02 The US State Department's Country Reports on Terrorism 2012, published on 30 May 2013 and covering events of 2012, (USCT 2012 report) noted that al Shabaab are also referred to as: 'The Harakat Shabaab al-Mujahidin; al-Shabab; Shabaab; the Youth; Mujahidin al-Shabaab Movement; Mujahideen Youth Movement; Mujahidin Youth Movement'.[79]

3.03 The Council on Foreign Relations noted in a Backgrounder article dated 5 February 2013 that:

'Somalia, one of the most impoverished countries in the world, has seen a number of radical Islamist groups come and go in its decades-long political tumult. The group analysts cite as al-Shabaab's precursor, and the incubator for many of its leaders, is Al-Ittihad Al-Islami (aka Unity of Islam), a militant Salafi extremist group that peaked in the 1990s after the fall of the Siad Barre military regime (1969-1991) and the outbreak of civil war…Al-Shabaab, or "The Youth," is an al-Qaeda-linked militant group and U.S.-designated Foreign Terrorist Organization fighting for the creation of a fundamentalist Islamic state in Somalia. The group, also known as Harakat al-Shabaab al-Mujahideen, and its Islamist affiliates once held sway over Mogadishu and major portions of the Somali countryside, but a sustained African Union military campaign in recent years has forced the group's retreat from most major towns, including its former stronghold in the southern port of city of Kismayo. In early 2013, many experts believe al-Shabaab, facing both internal and external pressures, is greatly weakened. Still, others warn the group remains a threat in a politically volatile, war-torn state.' [80]

3.04 The USCT Report 2012 noted that:

'Al-Shabaab continued to control large sections of rural areas in the middle and lower Juba regions, as well as Bay and Bakol regions, and augmented its presence in northern Somalia along the Golis Mountains and within Puntland's larger urban areas. Areas under al-Shabaab control provided a permissive environment for the group to train operatives, including foreign fighters, and plot attacks. The ability of Somali federal, local, and regional authorities to prevent and preempt al-Shabaab terrorist attacks remained limited.

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[78] Jane's Sentinel Country Risk Assessment (JSCRA), Somalia, Security, updated 10 April 2013, available in hard copy on request
[79] US Department of State, Country Reports on Terrorism 2012, Chapter 6, 30 May 2013, http://www.state.gov/j/ct/rls/crt/2012/209989.htm Date accessed 25 June 2013
[80] Council on Foreign Relations, Backgrounder: Al Shabaab, 5 February 2013, http://www.cfr.org/somalia/al-shabaab/p18650 Date accessed 25 June 2013

'International terrorists remained in Somalia and continued to mount operations within Somalia and in neighboring countries, particularly Kenya. Al-Shabaab suffered from internal leadership disputes while Ahmed Abdi aw-Mohamed struggled to maintain control over the group's factions. On September 23 [2012], Hisbul Islam (HI) announced its split from al-Shabaab; HI is a violent Islamist extremist movement headed by Sheikh Hassan Dahir Aweys, who joined al-Shabaab and became a "spiritual advisor" in December 2010.' [81]

For information on the actions of al Shabaab between January and June 2013, please see the ACCORD chronology of events, dated 10 June 2013.

Clan militias

3.05 The Critical Threats website noted in a reported dated 10 June 2013 that:

'Despite the withdrawal of al Shabaab from Kismayo in September 2012, the Somali federal government has been unable to appoint a local administration that exercises control of the city and surrounding areas. Clan militias that had fought on the side of the government against al Shabaab are divided over who will control the port city now, but are also unwilling to turn control over to the government itself. Instead, local powerbrokers have been engaged in negotiations as to the constitution of the Kismayo (and Jubbaland) administration that would, in effect, override any decision made by the federal government. Clan interests, particularly those of the Ogaden and Marehan clans, are driving these negotiations. In the meantime, de facto control has fallen to Ahmed Madobe's Ras Kamboni Brigade, which has exhibited its monopoly of force in Kismayo by either refusing to provide security for or even preventing the entry of visiting federal government officials.

'Both of Somalia's neighbors have historically backed separate clan militia forces to take control of Kismayo, and these lines of support appear to continue today…Kenya has thrown its support behind Ahmed Madobe, empowering him against al Shabaab under the so-called Jubbaland initiative, which sought to create a buffer zone between al Shabaab and Kenyan territory. Madobe's success would bolster the Ogaden clan in the region. This is a concern for Ethiopia, which has attempted to put down an Ogadeni rebellion whose supporters fight under the name of the Ogadeni National Liberation Front (ONLF) in its ethnically-Somali, and oil-rich, Ogaden region bordering Somalia. To stymie Ogadeni dominance in southern Somalia, Ethiopia has reportedly been subtly backing Marehan clan leader, and a long-time Ethiopian ally, Barre Hirale. Kenya and Ethiopia have each publicly denied these reports, and have instead issued statements in support of Somalia's federal government. Current reporting indicates that revenue from the Kismayo port is not going to the government, however, but is being distributed in part to the Kenyan troops present in the city under the peacekeeping mission and to Ahmed Madobe's Ras Kamboni Brigade' [82]

See also: Security situation and Ethnic groups.

[8182] Critical Threats, Challenges to America's Counterterrorism Strategy in Somalia, 10 June 2013, http://www.criticalthreats.org/somalia/zimmerman-challenges-americas-counterterrorism-strategy-somalia-june-10-2013 Date accessed 26 June 2013

[82] Critical Threats, Challenges to America's Counterterrorism Strategy in Somalia, 10 June 2013, http://www.criticalthreats.org/somalia/zimmerman-challenges-americas-counterterrorism-strategy-somalia-june-10-2013 Date accessed 26 June 2013

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Human rights violations by armed groups

For details of recent significant acts of violence committed by the various armed groups see Security situation, Recent developments: Security situation and Latest news above. For a guide to the areas that are controlled by armed groups, please see the International Crisis Group map.

3.06 The USCT report 2012 noted that:

'In 2012, al-Shabaab and other violent extremists conducted suicide attacks, remote-controlled roadside bombings, kidnappings, and assassinations of government officials, journalists, humanitarian workers, and civil society leaders throughout Somalia. Many killings were beheadings, stonings, or other horrific public events designed to instill fear and obedience in communities. Other al-Shabaab attacks targeted government and foreign convoys. For example, on December 14, al-Shabaab attacked an AMISOM convoy with a car bomb in Mogadishu, which an al-Shabaab spokesman claimed was an attempt to target individuals they believed were American.

'Al-Shabaab also conducted several attacks against Puntland security forces and their outposts on the foothills of the Golis Mountains, which run along the Puntland-Somaliland border, to include skirmishes in December which left over 30 dead or wounded.' [83]

3.07 The Human Rights Watch Annual Report 2013, published on 31 January 2013 and covering events of 2012 (HRW 2013 report) noted that: 'Al-Shabaab continued to apply an extreme form of Islamic law in areas under its control, restricting the movement of people in need of humanitarian assistance or seeking to flee fighting in Kismayo.' [84]

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Torture, ill-treatment and executions

3.08 The Amnesty International Annual Report 2013, published on 23 May 2013, noted that: 'Al-Shabab factions continued to torture and unlawfully kill people they accused of spying or not conforming to their own interpretation of Islamic law. They killed people in public, including by stoning, and carried out amputations and floggings. They also imposed restrictive behavioural codes on women and men.' [85]

3.09 The Human Rights Watch Annual Report 2013, published on 31 January 2013 and covering events of 2012 (HRW 2013 report) noted that: 'Al-Shabaab committed serious abuses such as targeted killings, beheadings, and executions…On July 22, 2012, in the coastal town of Merka, al-Shabaab publicly executed three men it accused of being Western spies.' [86]

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[83] US Department of State, Country Reports on Terrorism 2012, Chapter 2, 30 May 2013, http://www.state.gov/j/ct/rls/crt/2012/209979.htm Date accessed 25 June 2013
[84] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013
[85] Amnesty International, Annual Report 2013, Somalia, 23 May 2013, http://www.amnesty.org/en/region/somalia/report-2013#section-132-3 Date accessed 25 June 2013
[86] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013

3.10 The USSD 2012 report gave examples of torture used by al Shabaab as punishment:

'There were several cases throughout the year of al-Shabaab abusing and imposing harsh punishment on persons in areas under its control.

'For example, on January 10, al-Shabaab arrested and tortured more than 20 businessmen on the outskirts of Mogadishu. The businessmen were reportedly arrested and tortured after they refused to comply with extortion demands.…There were also reports of al-Shabaab stoning to death couples accused of adultery and sex outside of marriage. In October al-Shabaab stoned to death a woman in Jamame, Lower Juba, after an al-Shabaab court found her guilty of having sex outside of marriage.' [87]

3.11 The same report also noted that:

'Al-Shabaab continued to commit frequent killings during the year. This included politically motivated killings that targeted those affiliated with the TFG; attacks on humanitarians, NGO employees, and foreign peacekeepers; killings of prominent peace activists, community leaders, clan elders, and their family members for their roles in peace building; and beheadings of persons it accused of spying for and collaborating with Somali national forces and affiliated militia.' [88]

3.12 The report of a Danish-Norwegian fact-finding mission to Nairobi and Mogadishu, April-May 2013, published on 8 May 2013, stated that: 'When asked if al-Shabaab tracks down defectors in Mogadishu UNDSS, Mogadishu, reiterated that most al-Shabaab attacks are targeted attacks and they do include the killing of al-Shabaab defectors.' [89]

Targets of attacks

3.13 The report of a Danish-Norwegian fact-finding mission to Nairobi and Mogadishu, April-May 2013, published on 8 May 2013, stated that:

'An international NGO (B), Mogadishu explained that individuals, who are targeted by al-Shabaab, belong mainly to the following groups:

- Former al-Shabaab members who have deserted (this is most common)
- [Somali National Army] SNA-soldiers
- Police
- Members of the government
- Members of Parliament (MPs)
- People associated with the government or AMISOM, who could even be a person just running a small shop near a government office.

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[87] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1c, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 26 June 2013

[88] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1a, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 26 June 2013

[89] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p13, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 25 June 2013

'When asked why journalists are not included in the above mentioned list, the international NGO (B) explained that in fact there has not been a single case where al-Shabaab has taken responsibility of the killing of journalists…An international NGO (C), Nairobi, emphasized that it is al-Shabaab's strategy to attack SNG institutions, especially the courts. However, it must be emphasized that it is also al-Shabaab's strategy to attack the international community in Mogadishu.

'According to UNDSS, Mogadishu, there are persons who have been executed by al-Shabaab for not paying Zakat (an Islamic tax) to it.

'According to Hakan Bilgin, IMC, the vast majority of attacks [by al-Shabaab in Mogadishu] are not directed against civilians, but extremist groups [al-Shabaab] will probably continue its actions with or without civilian casualties.' [90]

3.14 The USCT report 2012 noted that: 'In 2012, al-Shabaab and other violent extremists conducted suicide attacks, remote-controlled roadside bombings, kidnappings, and assassinations of government officials, journalists, humanitarian workers, and civil society leaders throughout Somalia…Other al-Shabaab attacks targeted government and foreign convoys.'[91]

For further information on how certain groups are affected by al Shabaab's human rights violations, please see Women, Children and Freedom of speech and media. See also Judiciary, Targeting of TFG officials and supporters and Security situation.

Arbitrary arrest and detention

3.15 The USSD 2012 report stated that '…on January 10, al-Shabaab arrested and tortured more than 20 businessmen on the outskirts of Mogadishu. The businessmen were reportedly arrested and tortured after they refused to comply with extortion demands.' [92] The same report noted that: 'Al-Shabaab arrested elders attempting to participate in the federal roadmap process. In the Hiraan and Shabelle regions, it arrested more than 100 traditional elders it suspected of intending to participate in the selection process for national constituent assembly delegates and parliamentarians. Most of the elders were released after two to three weeks in custody.' [93]

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[90] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p13-14, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 25 June 2013
[91] US Department of State, Country Reports on Terrorism 2012, Chapter 2, 30 May 2013, http://www.state.gov/j/ct/rls/crt/2012/209979.htm Date accessed 25 June 2013
[92] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 1c, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013
[93] US Department of State, 2012 Report on Human Rights Practices, 19 April 2013, section 2d, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 25 June 2013

Forced recruitment

3.16 The HRW 2013 Report noted that: 'Al-Shabaab has targeted children for recruitment…' [94] The report of a Danish-Norwegian fact-finding mission to Nairobi and Mogadishu, April-May 2013, published on 8 May 2013, stated that:

'UNDSS [stated] that there are fewer reports recently of al-Shabaab undertaking forced recruitment in S/C Somalia, but that does not necessarily mean there is less forced recruitment, though some clans are increasingly unwilling to support al-Shabaab.

'A UN agency, Nairobi, stated that forced recruitment to al-Shabaab only occurs in areas controlled by al-Shabaab. Thus, forced recruitment does not occur in Mogadishu now.' [95]

For further information on the use of children by all parties to the conflict, please see Child soldiers.

Clan militias

3.17 The US State Department 2012 Country Report on Human Rights Practices, Somalia, published 19 April 2013, covering events of 2012 (USSD 2012 report) stated that: 'Fighting between clans, particularly over water and land resources, resulted in killings and displacement. There were also reports of revenge killings. Authorities investigated very few cases, and there were no reports any investigations resulted in formal action by local justice authorities.' [96]

3.18 Human Rights Watch reported on 26 June 2013 that:

'Rival clan militias fighting in Kismayo, Somalia, earlier this month caused an unknown number of civilian casualties in apparently indiscriminate attacks on civilian buildings.

'The United Nations reported that at least 31 civilians were killed and 38 more wounded during the fighting on June 7 and 8, 2013, which erupted after weeks of mounting tension over control of the lucrative port. Casualty figures are conflicting because the dead and wounded were taken to different locations across the city, and information regarding the status of the casualties is limited.' [97]

For further information on sexual and gender-based violence, please see Women: Violence against women. For more information on the situation for various clan groups and minorities, please see Ethnic groups.

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[94] Human Rights Watch, Annual Report 2013, 31 January 2013, http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 25 June 2013

[95] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p13, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 25 June 2013

[96] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1a, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 26 June 2013

[97] Human Rights Watch, Somalia: Civilians Killed in Kismayo Clashes, 26 June 2013, http://www.hrw.org/news/2013/06/25/somalia-civilians-killed-kismayo-clashes Date accessed 26 June 2013

4. Judiciary, arrest rights and prison conditions, and use of the death penalty

Judiciary

4.01 The Freedom House 'Freedom in the World report 2012: Somalia', published on 4 June 2012, noted that:

'There is no judicial system functioning effectively at the national level. The [Transtional Federal Authority] TFA passed a law to implement Sharia (Islamic law) in 2009, but the government has been unable to implement the legislation. In reality, authorities administer a mix of Sharia and traditional Somali forms of justice and reconciliation. The harshest codes are enforced in areas under the control of the Shabaab, where people convicted of theft or other minor crimes are flogged or have their limbs amputated, usually in public.' [98]

4.02 The UN Human Right's Council's Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, published on 22 August 2012, noted that:

'The Independent Expert conveyed his concern to the President about the practice of the appointment and dismissal of judges, which, left to the exclusive discretion of the executive and the legislature, was likely to affect the independence of the judiciary. He hoped that measures would be taken to ensure that such decisions were taken in consultation with an independent legal authority. He suggested the involvement of the High Judicial Council in reviewing and recommending appointments and the dismissal of judicial officers. He also appealed to the President to consider abolishing the death penalty or at least to commit to a moratorium on all executions, in keeping with the commitments made by Somalia during the universal periodic review.' [99]

4.03 The US State Department (USSD) '2012 Country Report on Human Rights Practices, Somalia' (USSD 2012 report) published on 19 April 2013 noted that: 'Traditional clan elders mediated conflicts throughout the country. Clans frequently used traditional justice, which was swift. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals.' [100]

4.04 The UN Human Right's Council's Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, published on 22 August 2012, noted that:

'The regional authorities continued to take progressive steps towards strengthening the justice and security sectors. In June 2011, the Ministry of Justice launched, with the support of UNDP, a national justice strategy, which sought to harmonize traditional law (Xeer), religious law (sharia) and formal justice policy, to strengthen the capacity of the

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[98] Freedom House, Freedom in the World 2012 - Somalia, 4 June 2012, http://www.freedomhouse.org/report/freedom-world/2012/somalia Date accessed 17 December 2012

[99] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 22 August 2012, paragraph 38 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accessed 17 December 2012

[100] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

judiciary and to ensure their independence in conformity with human rights standards. It led to the dismantlement of the regional committees, which had caused serious human rights violations in the past.' [101]

See Ethnic groups for more information about the clan system, customary law and how justice may be sought through informal mechanisms.

South and central Somalia

4.05 The USSD 2012 report stated that:

'The [Transitional Federal Charter] TFC provided for an independent judiciary. The provisional federal constitution states, "the judiciary is independent of the legislative and executive branches of government." The civilian judicial system remained largely nonfunctioning in the south and central regions. The provisional federal constitution calls for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first instance. Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of traditional and customary law, Sharia, and the penal code of the pre-1991 Siad Barre government.

'Civilian judges were often afraid to try cases for safety reasons, leaving the majority of civilian cases to be tried in military court. As of September mobile courts, under a pilot project funded by the UN, were hearing approximately 200 cases a month. These courts were introduced in districts where judges were not physically safe.' [102]

4.06 The USSD 2012 also noted that:

'The provisional federal constitution states, "every person has the right to a fair public hearing by an independent and impartial court or tribunal, to be held within a reasonable time." According to the provisional federal constitution, persons enjoy the right to a presumption of innocence; to be informed promptly of the reason for arrest or detention in a language which he or she understands; to be brought before a competent court within 48 hours of the arrest; to choose, and to consult with, a legal practitioner and for the state to provide a legal practitioner if he or she cannot afford one; and not to be compelled to self-incriminate. The provisional constitution does not address trial by jury, access to government-held evidence, confronting witnesses, or whether someone can appeal against a court's ruling. Most rights relating to trial procedures were not respected in practice.' [103]

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[101] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 22 August 2012, paragraph 39 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accesed 17 December 2012

[102] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013

[103] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013

Judicial procedures in areas occupied by al Shabaab

4.07 The USSD 2012 report noted that: 'There was no functioning formal judicial system in al-Shabaab-controlled areas. In Sharia courts defendants generally were not given the right to defend themselves, produce witnesses, or be represented by an attorney.' [104]

See also Human rights violations by armed groups for further details on al Shabaab punishments.

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Puntland

4.08 The USSD 2012 report noted that: 'In Puntland there were reports the administration intervened in and influenced cases, particularly those involving journalists. Despite these courts having some functionality, they lacked the capacity to provide equal protection under the law.' [105]

4.09 The same report further noted that:

'In Puntland clan elders resolved the majority of cases using customary law known as "Xeer." Those with no clan representation in Puntland were subject to the administration's more formalized judicial system.

'On May 13, authorities in Puntland sentenced to death Farah Mohamud Yusuf, the self-declared president of "Ras Asyer" state located in Puntland territory. Puntland also sentenced 10 others to life in prison. None of the accused was present at the closed-door trial or allowed to present evidence and witnesses in their defense. Puntland's president later pardoned the convicted.' [106]

Somaliland

The Somaliland Constitution outlines the requirements for the judiciary, and Somaliland Law outlines the structure of the judicial system.

4.10 The USSD 2012 report stated that:

'In Somaliland functional courts existed, although there was a serious shortage of trained judges and legal documentation upon which to build judicial precedent. There was reportedly widespread interference in the judicial process by officials. International NGOs reported local officials often interfered in legal matters and the public order law was often invoked to detain and incarcerate persons without trial.

'On June 11, the most senior Hargeisa court magistrate was shot while returning home. The shooting was believed to be connected to a corruption case in which the judge issued prison sentences to three former Somaliland officials arrested in March for allegedly misappropriating food aid. Somaliland officials were suspected of interfering in

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[104] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013
[105] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013
[106] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013

the case in favor of the ruling. One of the convicted officials' brothers confessed to organizing the assassination and claimed the assassins had fled to Mogadishu. A Somaliland court of appeals reversed the sentence for two of the convicted former officials on October 10; the two were released from prison the same day.' [107]

4.11 The same report further stated that:

'In Somaliland defendants generally enjoyed a presumption of innocence, the right to a public trial, and the right to be present and consult with an attorney in all stages of criminal proceedings. Defendants could question witnesses, present witnesses and evidence, and have the right to appeal. Somaliland provided free legal representation for defendants who faced serious criminal charges and were unable to hire a private attorney, and had a functioning legal aid clinic. However, there were alleged instances of political and executive interference in the determination of high-profile political and security cases. A July 2011 Somaliland Ministry of Justice and UNODC study found 70 percent of prison inmates in the region were sentenced by a first instance court without the opportunity to appeal their convictions.

'In May Somaliland forces arrested 28 civilians accused of attacking a military base in Hargeisa over a land dispute. The morning after their arrest, a military court sentenced 17 to death, released three, postponed the trial of another three due to injuries incurred during the incident, and sentenced five to life in prison. On May 19, Special Representative of the UN Secretary General Augustine Mahiga urged the immediate transfer of the cases to a civil criminal court and encouraged Somali authorities to ensure fair trial rights were respected in a new trial. The Somaliland Human Rights Commission and the University of Hargeisa's law department petitioned the Somaliland Supreme Court to have the cases retried in civilian court; the Supreme Court had not responded by year's end. The detainees remained in prison at year's end.' [108]

4.12 The Freedom House report, 'Freedom in the World 2012: Somaliland', published on 6 June 2013 and covering events of 2012, noted that:

'The judiciary is underfunded and lacks independence, while the Supreme Court is largely ineffective. Somaliland has approximately 100 judges, most of whom do not have formal legal training. Somaliland's constitution allows for three legal systems, based on Sharia (Islamic law), civil law, and customary law. Upon taking office, Silanyo pledged to strengthen the independence of the judiciary and release all prisoners who had not been charged with a crime, apart from those accused of terrorism or theft. In May 2011, he pardoned 751 prisoners to mark Somaliland's twentieth anniversary.' [109]

For more information on the xeer system, please see Ethnic groups.

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[107] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013
[108] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1e, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013
[109] Freedom House, Freedom in the World 2013: Somaliland, 6 June 2013, http://www.freedomhouse.org/report/freedom-world/2013/somaliland Date accessed 16 July 2013

Arrest rights and prison conditions

4.13 The USSD 2012 report stated that:

'The TFC provided and the provisional federal constitution provides for arrested persons to be brought before judicial authorities within 48 hours. Pre-1991 codified law required warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification to arrestees of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections. However, adherence to these procedural safeguards was rare. There was no functioning bail system or equivalent. Authorities did not provide indigents a lawyer. They did not hold suspects under house arrest. Security force members and corrupt judicial officers, politicians, and clan elders were able to use their influence to have detainees released.' [110]

For details of arbitrary arrest and detention committed by the security forces of the TFG, Somaliland and Puntland authorities see Security forces: Arbitrary arrest.

4.14 The USSD 2012 report further stated:

'Prison and detention center conditions remained harsh and life threatening throughout the country.

'Physical Conditions: The approximate total number of prisoners and detainees throughout the country, including juvenile and female prisoners, was not known … Harsh conditions in prisons and detention centers throughout the country included overcrowding, poor sanitation, and lack of health care. Inadequate food, water, ventilation, and lighting continued to be persistent problems. Tuberculosis and pneumonia were reportedly widespread. Prisoners relied on their families and clans, who were expected to pay the costs associated with detention. In many areas prisoners depended on family members and relief agencies for food.

'Information on the death rates in prisons and pretrial detention centers continued to be unavailable.' [111]

4.15 The same report also noted that:

'In prisons and detention centers, juveniles were frequently held with adults. Female prisoners were separated from males. Pretrial detainees often were not separated from convicted prisoners, particularly in the south and central regions. The incarceration of juveniles at the request of families who wanted their children disciplined remained an issue. At times juveniles held in prison so they would not be recruited forcibly by al-Shabaab were held in cells with al-Shabaab prisoners.

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[110] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1c, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

[111] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1c, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

'Administration: Prisons did not have ombudsmen and did not take steps to improve recordkeeping. Prison recordkeeping remained inadequate. There were limited alternatives to incarceration, although nonviolent offenders were sometimes released due to limited government resources to keep prisoners. Prisoners and detainees generally had access to visitors and were allowed to practice their religion.' [112]

4.16 The UN Office on Drugs and Crime (UNODC) stated in an undated entry on their website, accessed 18 December 2012, that: 'The CPP [counter-piracy programme] is assisting Somalia with upgrading its prisons and courts with the aim of ensuring that Somali pirates convicted in other countries can serve their sentences in their home country. UNODC has already started this work by completing work on a new prison in Hargeisa, the capital of Somaliland and is currently constructing and refurbishing prisons in Puntland, Somalia.' [113]

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South and central Somalia

4.17 The USSD 2012 report stated that:

'A UN assessment [Assessment of the Prison System in Mogadishu/South Central Somalia, September 2012] found that at the end of July the Mogadishu Central Prison population was 950 individuals, of whom 14 were women and 39 were juveniles… A team composed of representatives of different UN agencies conducted an assessment of the Mogadishu Central Prison and held meetings with officials from various institutions within the criminal justice sector. The assessment team also consulted with representatives of civil society and interviewed prisoners detained at the Mogadishu Central Prison. The UN team confirmed the separation of women and men, but noted separation between adults and juveniles was not consistent. The UN team also concluded prisoners' living conditions in Mogadishu Central Prison fell short of meeting minimum international and national standards. For example, 120 inmates were being held in cells designed for a maximum of 50 persons.' [114]

4.18 Shabelle Media Network reported on 29 April 2012 that:

'Somali government has strongly denied reports about mistreatment and discrimination against prisoners held at the central prison in Mogadishu, an official said on Sunday.

'Abdi Mohammed Ismail, a senior TFG security officer told Shabelle Media that Somali government treats well to the all prisoners at the central penitentiary in Mogadishu as well as their relatives were allowed to visit their loved ones at the prison any time possible.

'He rebuffs of not subjecting to cruel, inhuman or degrading treatment or illegal execution against prisoners. [sic]

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[112] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1c, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

[113] UN Office on Drugs and Crime, UNODC and Piracy, undated, http://www.unodc.org/unodc/en/piracy/index.html?ref=menuside Date accessed 18 December 2012

[114] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1c, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165#wrapper Date accessed 21 June 2013

'These comments came as there are growing reports about mistreatment against convicted prisoners at TFG controlled central prison in Mogadishu where was attacked this month by heavily armed men in an attempt to release convicted prisoners as murders.

'Many crying Somali parents, including old mothers and sisters who spoke to Shabelle Media accused TFG officials managing at the prison to have blocked them from visiting their young ones at the jail for unmentioned reason.' [115]

4.19 The USSD 2012 report stated that: 'Al-Shabaab operated dilapidated detention centers in areas under its control in the south and central regions. No statistics were available, but observers estimated thousands were incarcerated in inhumane conditions for relatively minor "offenses" such as smoking, listening to music, watching or playing soccer, or not wearing a hijab.' [116]

For further information on prison conditions in southern and central Somalia, please see the Assessment of the Prison System in Mogadishu/South Central Somalia, published in September 2012 by the UN Political Office for Somalia, UNICEF and UN Office on Drugs and Crime.

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Puntland and Somaliland

4.20 The USSD 2012 report stated that:

'Puntland and Somaliland authorities permitted prison monitoring by independent nongovernmental observers. In Somaliland a prison conditions management committee organized by the UN Development Program and composed of medical doctors, government officials, and civil society representatives continued to visit prisons. Somaliland also allowed the UN Political Office for Somalia (UNPOS) Human Rights Unit to visit prisons; Puntland, however, denied access.' [117]

4.21 The UN's Report of the independent expert on the situation of human rights in Somalia, published on 22 August 2012 stated that:

'During his visit to Somalia, the Independent Expert visited several detention centres in Puntland and Somaliland. He found that, in a significant number of cases, detentions were either unlawful or arbitrary, with prisoners detained without a legal basis. He was also shocked to find women and girls detained for "disobeying" their parents or husband. Detention conditions were close to inhumane, and water and sanitation were frequently lacking. Ventilation was poor, with only small slits for windows. Prisons were overcrowded and stifling hot. Inmates slept on bare floor. The principle of separation between juveniles and adults, criminals and others was not always respected. Most inmates in Puntland and Mogadishu were accused of such serious crimes as murder,

[115] Shabelle Media Network, TFG Denies Abuse Against Prisoners At Central Jail in Mogadishu, 29 April 2012, http://allafrica.com/stories/201204300066.html Date accessed 18 December 2012
[116] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1c, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013
[117] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1c, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013

piracy or having links with al-Shabaab; for a significant number of cases, however, detentions appeared to be either unlawful or arbitrary.' [118]

4.22 The Guardian reported on 28 October 2012 that:

'Bossasso has the largest prison in the region, with room for 400 criminals, and every week the port city's highest court deals with serious criminal cases including murder, terrorism and piracy. Murderers are judged according to Somalia's sharia law and the concept of Qisas, or "equal retaliation", which states that the victim's family must decide the fate of the murderer. They can choose to forgive, to ask for money as recompense or to demand the killer's death.' [119]

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Death penalty

4.23 The Amnesty International report, 'Death sentences and executions in 2012', published on 10 April 2013 and covering events in 2012, stated that:

'At least six executions were carried out, and a total of at least 76 people were sentenced to death in Somalia. [These figures do not include reports of public unlawful killings by Somali opposition groups, such as al Shabaab.] According to information by the Federal Government, four executions were carried out in Mogadishu, and 51 death sentences were imposed. However, Amnesty International's own monitoring indicated that at least five executions occurred. In January and July, one and four Transitional Federal Government (TFG) soldiers, respectively, were executed by firing squad in the main police compound after a TFG military court found them guilty of killing other TFG soldiers and civilians. In August, the "transitional" period in Somalia ended, and a new government – the Federal Government of the Somali Republic – was formed. A new Constitution was approved in August.

'At least one execution was carried out, and at least seven people were sentenced to death in the semi-autonomous region of Puntland in northern Somalia. In June, a convicted murderer was sentenced and publicly executed in Qardho. On 23 October, a military court sentenced to death a Yemeni man for bringing a cache of weapons and explosives on a boat from Yemen into the country. In the self-declared republic of Somaliland, 18 death sentences were reported, for killing soldiers and civilians.' [120]

4.24 The USSD 2012 report stated that: 'Those sentenced to death were sometimes executed within hours of the court's verdict. For example, on July 19, four members of the Somali National Army (SNA) were sentenced to death by the chairman of the Somali military courts after being found guilty of killing civilians and were immediately

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[118] UN Human Rights Council, Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari, 22 August 2012, p15, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accessed 18 December 2012

[119] The Guardian, How families on both sides of the law face tough choices in Somalia, 28 October 2012, http://www.guardian.co.uk/world/2012/oct/28/somali-sharia-families-law-choices Date accessed 18 December 2012

[120] Amnesty International, Death sentences and executions in 2012, 10 April 2013, http://www.amnesty.org/en/library/asset/ACT50/001/2013/en/bbfea0d6-39b2-4e5f-a1ad-885a8eb5c607/act500012013en.pdf Date accessed 21 June 2013

executed. The TFG in 2011 stated severe sentences and immediate execution upon conviction were necessary to send a strong message in a culture of impunity.' [121]

4.25 Hands Off Cain catalogued death penalties in Somalia in 2012 on its website, undated, accessed 20 December 2012. The death penalty was carried out by military courts in south central Somalia and Somaliland, and also by the Puntland authorities for murder, and a Puntland military court executed a Yemeni man for bringing explosives into the region. Al Shabaab carried out executions for alleged crimes including murder, rape, espionage and extra-martial sex.[122]

For information on executions carried out by non-state armed forces, please see Abuses by non-government armed forces, Torture, ill-treatment and executions.

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5. Political affiliation and expression

For freedom of expression generally, see Freedom of speech and media and Human rights institutions, organisations and activists

5.01 The Freedom House report, 'Freedom in the World 2013', published in May 2013, noted that:

'Somalia is not an electoral democracy. Prior to the expiration of the TFI and the appointment of the new president and prime minister, the state largely ceased to exist in most respects and had no governing authority with the ability to protect political rights and civil liberties. The TFG, though recognized internationally, was deeply unpopular domestically, and its actual territorial control was minimal. Though the country is now transitioning to more permanent governing institutions, the government still retains little control of the territory and has little capacity to govern beyond Mogadishu. No effective political parties yet exist, and the political process continues to be driven by clan loyalty.

'Since 1991, the northwestern region of Somaliland has functioned with relative stability as a self-declared independent state, though it has not received international recognition. The region of Puntland has declared a temporary secession until Somalia is stabilized, although calls for full independence have been on the rise. Elections for Puntland's 66-member legislature were held in 2008. The new parliament elected Abdirahman Muhammad Mahmud "Farole" for a four-year term as president in January 2009. The result was seen as a fair reflection of the will of the legislature, and power was transferred peacefully from the defeated incumbent. The Puntland authority briefly broke off cooperation with the TFG in 2011 in frustration at the under-representation of its interests in Mogadishu; the two sides reconciled at a conference the same year, but relations remain tense.' [123]

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[121] US Department of State, 2012 Report on Human Rights Practices in Somalia, p2, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013
[122] Hands Off Cain, Somalia, undated, http://www.handsoffcain.info/bancadati/schedastato.php?idstato=16000429 Date accessed 20 December 2012
[123] Freedom House, Freedom in the World 2013: Somalia, May 2013, Political Rights and Civil Liberties, http://www.freedomhouse.org/report/freedom-world/2013/somalia Date accessed 16 July 2013

5.02 A report by the Interpeace organisation, 'In Pursuit of Peace - Challenges and Opportunities in the Central Regions', published in July 2012, noted that:

'The Somali region often sensationalised as the ultimate "failed state". This description, however, obscures the richness of the peace dynamics within and between Somali communities throughout the region. Rebuilding a country is primarily about restoring people's trust and confidence in governance systems and rule of law, rebuilding relationships at all levels and providing the communities with greater hope for the future.

'The Somali regions have and continue to face many challenges as they emerge from protracted conflict and seek to rebuild the state and society. A number of Somali-led initiatives have made significant progress towards establishing viable political and administrative arrangements to manage conflict, and to provide durable security and rule of law – this is particularly advanced in Somaliland, is emerging and progress is being consolidated in Puntland, and great efforts towards stabilisation and recovery are being made in South Central Somalia.' [124]

South and central Somalia

5.03 The Report of the Secretary-General on Somalia dated 22 August 2012 noted that: 'In the final months of Somalia's transitional period, the signatories to the road map endorsed a draft constitution and presented it to the public for approval. In line with the provisions of the road map, on 1 August, the Provisional Constitution was adopted by the 825-member national Constituent Assembly selected by traditional elders.' [125]

5.04 The Danish Immigration Service and Landinfo's report of a fact-finding mission to Somalia and Kenya in October 2012, 'Update on security and human rights issues in South-Central Somalia, including in Mogadishu', published on 4 January 2013 (Danish-Norwegian FFM 2012), noted that 'Saferworld explained that during August, September and October 2012 there have been ongoing political processes in Somalia. A new President, a Speaker of Parliament and a Prime Minister have all been elected and the Transitional Federal Government's (TFG's) mandate has run out. Many persons have been aspiring to political positions and many are disgruntled.' [126]

5.05 A press release by the United Nations Political Office for Somalia (UNPOS) dated 13 November 2012 noted that:

'The Special Representative of the Secretary-General for Somalia (SRSG), Dr. Augustine P. Mahiga, has welcomed the overwhelming endorsement by the Somali Federal Parliament of the Council of Ministers announced by Prime Minister Abdi Farah Shirdon on 4 November.

'"This is another important milestone in the history of Somalia," SRSG Mahiga said, "the appointment of clean slate of just ten Ministers conclusively demonstrates the will of the

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[124] Interpeace, In Pursuit of Peace - Challenges and Opportunities in the Central Regions, July 2012, Preface page xi, http://www.interpeace.org/publications/doc_download/324-pillars-of-peace-in-pursuit-of-peace-english Date accessed 17 January 2013

[125] UN Security Council, Report of the Secretary-General on Somalia, 22 August 2012, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/643 Date accessed 17 January 2013

[126] Danish Immigration Service and Landinfo, Update on security and human rights issues in South-Central Somalia, including in Mogadishu, 4 January 2013, p8, http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf Date accessed 17 January 2013

Somali leadership to move away from the mindset of the past and bring about positive change. I am particularly pleased with the historic appointments of two women to substantive high profile as Deputy Prime Minister/Minister of Foreign Affairs and Minister of Development and Social Services."

'"I commend Prime Minister Shirdon and President Hassan Sheikh for their extensive consultations with a wide cross-section of Somali society inside and outside of the country that produced this inclusive Cabinet which bears all positive hallmarks of a potential good government. It was a remarkable exercise in confidence building. The new Council of Ministers represents a broad spectrum of political shades and membership while taking clan balance, equality and representation into account. It also reflects the cultural and social realities of today's Somalia." Said the SRSG.' [127]

5.06 The US State Department 2012 Report on Human Rights Practices in Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated: 'Al-Shabaab prohibited citizens in areas it controlled from changing their al-Shabaab administrators. Some al-Shabaab administrations, however, consulted local traditional elders on specific issues and allowed preexisting district committees to remain in place.' [128]

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Somali National Government officials and supporters

5.07 The Danish-Norwegian FFM 2012 noted that: 'The representative of an international organization explained that people who are affiliated with the government…run some risk of being targeted by al-Shabaab.' [129]

5.08 The same report also noted that:

'According to Saferworld al-Shabaab probably threatens those who it believes can change the situation in Mogadishu to the better. Persons under threat could be politicians, civil servants, business people and prominent persons in general. Thus it is essential to accommodate al-Shabaab if a long term solution is to be achieved…Elman Peace and Human Rights Center, Mogadishu explained that the victims of targeted killings are journalists, Members of Parliament (MPs), NGOs, human rights defenders and people who are in the public eye…Elman Peace and Human Rights Center, Mogadishu added that people get threats by text messages or by phone, vague and simple ones like: "we know you and your whereabouts, so stop what you are doing", and even if you haven't done anything you feel insecure. Politicians, aid workers, people in the public eye etc. receive threats regularly.…An international NGO working in S/C Somalia (D) explained that those who are targeted by al-Shabaab are person with a certain profile, for example MPs, people who work for international organizations or

[127] UN Political Office for Somalia, UN Special Representative Statement on the Endorsement of the Council of Ministers, 13 November 2012, http://unpos.unmissions.org/LinkClick.aspx?fileticket=g5DMFbX5NVo%3d&tabid=9705&mid=12667&language=en-US Date accessed 17 January 2013

[128] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 3, 19 April 2013, http://www.state.gov/documents/organization/186453.pdf Date accessed 21 June 2013

[129] Danish Immigration Service and Landinfo, Update on security and human rights issues in South-Central Somalia, including in Mogadishu, 4 January 2013, p34, http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf Date accessed 17 January 2013

persons involved with AMISOM. It was emphasized that MPs are especially afraid of being targeted and assassinated by al-Shabaab.' [130]

5.09 The report also noted that:

'A international NGO [sic] working in S/C Somalia (A) explained that…if al-Shabaab thinks someone is a spy for the government it would threaten them and finally it may kill them. It also recruits young people on an ad hoc basis to undertake grenade or bomb attacks. If you don't accept you would be threatened or killed. However, according to the international NGO it is important to remember that also people within the government and business community could [also] be responsible for threats etc.' [131]

5.10 The report of a Danish-Norwegian fact-finding mission to Nairobi and Mogadishu, April-May 2013, published on 8 May 2013, stated that:

'An international NGO (B), Mogadishu explained that individuals, who are targeted by al-Shabaab, belong mainly to the following groups:

- Former al-Shabaab members who have deserted (this is most common)
- [Somali National Army] SNA-soldiers
- Police
- Members of the government
- Members of Parliament (MPs)
- People associated with the government or AMISOM, who could even be a person just running a small shop near a government office.

5.11 The USSD Country reports on terrorism 2012, published on 30 May 2013 and covering events of 2012, noted that: 'In 2012, al-Shabaab and other violent extremists conducted suicide attacks, remote-controlled roadside bombings, kidnappings, and assassinations of government officials [amongst others]…throughout Somalia…Other al-Shabaab attacks targeted government and foreign convoys.'[132]

See Non state armed groups, Human rights violations, and Security situation, for more information about the nature of the conflict and actions of Al Shabab.

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Puntland

5.12 The USSD 2012 report stated that:

'On April 18, Puntland State's constituent assembly overwhelmingly adopted a state constitution that enshrines a multiparty political system. The constitution's passing also extended the four-year term under which Farole was selected by one year to January 2014 since the constitution called for a five-year presidential-term moving forward. This

[130] Danish Immigration Service and Landinfo, Update on security and human rights issues in South-Central Somalia, including in Mogadishu, 4 January 2013, p36, http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf Date accessed 21 January 2013
[131] Danish Immigration Service and Landinfo, Update on security and human rights issues in South-Central Somalia, including in Mogadishu, 4 January 2013, p37, http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf Date accessed 21 January 2013
[132] US Department of State, Country Reports on Terrorism 2012, Chapter 2, 30 May 2013, http://www.state.gov/j/ct/rls/crt/2012/209979.htm Date accessed 25 June 2013

extension led to small-scale protests scattered across Puntland, as well as the Puntland administration's ban on media covering opposition candidates who claimed Farole's term had expired.' [133]

5.13 Garowe Online reported on 12 September 2012 that:

'The process for registering political associations has opened in Puntland State of Somalia, according to the Puntland Election Commission, marking the first time that political parties can be registered during the state's 14-year history, Garowe Online reports.

'Mr. Mohamed Hassan Barre, chairman of Puntland Election Commission and a former minister in the President Siyad Barre's central government, told a press conference Tuesday in the Puntland capital of Garowe that political associations are welcome to register with the election commission.

'"Puntland has satisfied the requirements, such as adoption of the State Constitution and Parliament's passing of key laws including the Referendum Act, the Political Association Law, and the District Elections Law," Mr. Barre said.

'The Puntland Election Commission says many political associations will register and under an approval process by the commission. In early 2013, the political associations will compete for seats in District Councils across 21 districts across Puntland, in accordance with the demarcated districts of former President Barre's rule.

'Three political associations with the highest seats across voting in 21 districts will then formerly accepted as the state's three official political parties, according to Chairman Barre.

'Speaking during an interview with BBC Somali Service on Tuesday, Chairman Barre said this is a "historic moment for Puntland and all political associations are welcome to register, except associations that have militant or clan tendencies and links."' [134]

5.14 Garowe Online further reported on 5 January 2013 that:

'The Transitional Puntland Electoral Commission (TPEC) hosted a one-day seminar for six registered political associations in the Puntland capital on Saturday, Garowe Online reports.

'TPEC members including Chairman Mohamed Hassan Barre attended the seminar along with representatives from all six registered political associations.

'"The six registered political associations are expected to fulfill the remaining requirements prior to February 10, 2013, in completing the second phase of the registration process," said Chairman Barre.

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[133] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 3, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

[134] Garowe Online, Somalia: 'Registration of political associations open': Puntland Election Commission, 12 September 2012, http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Registration_of_political_associations_open_Puntland_Election_Commission.shtml Date accessed 21 January 2013

'TPEC officials said the second phase of the registration process requires each political association to register a minimum of 300 eligible voters who are their supporters from each region of Puntland and to open regional offices.

'Representatives from political associations of Puntland raised questions about completing the registration process in the second phase.

'TPEC official Ahmed Mohamed Dubays said that political associations that successfully complete the second phase of the registration process will compete in local elections scheduled for mid-2013 across Puntland regions.' [135]

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Somaliland

5.15 The USSD 2012 report noted that:

'Somaliland laws prevented citizens in its region from participating in the TFG, the federal draft constitution process, consultative meetings on ending the political transition in Somalia, and the federal parliament.

'In Somaliland parliamentary elections were last held in 2005 and were two years overdue. Somaliland has a bicameral parliament comprised of an appointed 82-member House of Elders, known as the Guurti, and an elected 82-member parliament with proportional clan representation. In the first quarter of the year, Somaliland's [Registration and Approval Committee] RAC registered nine political associations that could compete to become political parties. Some persons in Somaliland blamed parliamentarians for the delayed elections, accusing them of deliberately failing to pass electoral legislation in the interest of self-preservation. Parliament, however, cited registration fraud, insecurity, and technical problems as the main constraints to holding timely elections.' [136]

5.16 The Freedom House report 'Freedom in the World 2013: Somaliland', published 6 June 2013, covering events in 2012, stated that:

'Postponed local council elections eventually took place in November 2012. Though the elections were declared generally free and fair by international observers, large protests followed a recount in Hargeisa's city council elections. The UDUB had announced in September that it would not participate after alleged attempts by the Political Parties Registration and Verification Committee (PPR&VC) to discredit it by revoking the candidacy of two of the party's leading members on possibly dubious grounds. The PPR&VC had also been criticized in April after it refused to register nine political groups. That decision was met with protests in the cities of Hargeisa, Burao, and Berbera.' [137]

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[135] Garowe Online, Somalia: Seminar in Garowe for Puntland political associations, 5 January 2013, http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Seminar_in_Garowe_for_Puntland_political_associations.shtml Date accessed 22 January 2013

[136] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 3, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165#wrapper Date accessed 21 June 2013

[137] Freedom House, Freedom in the World 2013: Somaliland, 6 June 2013, http://www.freedomhouse.org/report/freedom-world/2013/somaliland Date accessed 16 July 2013

5.17 The Economist Intelligence Unit reported in an article titled, 'Somaliland court confirms disputed election results', on 19 December 2012 that:

'A regional court judge announced on December 16th that he approved the results of the municipal council elections in Hargeisa and three settlements in the north-western province of Woqooyi Galbeed—Sallahley, Gabiley and Baligubadle—where tensions have been high since the elections took place on November 28th. The initial announcement of the results in Hargeisa on December 6th sparked clashes between security forces and supporters of the Haqsoor political association in which three people were killed. Two days later, the National Electoral Commission (NEC) announced that it would recount the votes cast in Hargeisa and other disputed districts following complaints of unfairness from four of the seven political associations involved in the elections. The recount found errors in the process, although it did not change the share of seats won by each political association, and the court validated the names of the 72 members who won council seats in the four districts after the recount. The court's decision sparked a further protest in one Hargeisa district where the angry crowd was dispersed by local police shooting live rounds into the air.

'Protests were also reported from Erigavo, the capital of the Sanaag region, where the newly elected local council re-elected Erigavo's mayor and deputy mayor during its first session on December 17th. The town's deep political divisions were evident because although the election of the mayor and his deputy was unanimous, their offices were secured with a majority of just one, as ten of the 20 new councillors abstained.

'The NEC had still not announced by mid-December which three of the seven political associations contesting the local elections will become Somaliland's official political parties, as determined under the constitution, eligible to contest national elections for the next decade.' [138]

5.18 The Economist Intelligence Unit reported on 4 January 2013 that:

'The names of the three political parties eligible to contest national elections in Somaliland for the coming ten years were announced in the last week of December.

'The Political Parties Registration and Verification Committee (PPRVC) revealed the names of the three parties—a number determined by Somaliland's constitution to minimise clan-based political fragmentation—at a press conference in the Somaliland capital, Hargeisa. The three parties—the Kulmiye ("unifier") party, headed by the president, Ahmed Mohamed Mohamoud Silanyo; the Somaliland National Party (Wadani); and the Justice and Welfare Party (UCID)—were those that received the most votes in the local elections of November 28th 2012. Once registered, these parties are then allowed by law to assimilate the remaining four political associations that contested the local elections but failed to achieve official status. Kulmiye and the UCID, founded in 2002 and 2001 respectively, were two of the previous three official national political parties, but Wadani was formed in 2011 by a splinter group of the UCID.

'The official reaction from the parties not selected has so far been muted, although there is still some lingering discontent about the November municipal elections. Indeed, political tensions have been high since the November elections, whose much-delayed

[138] Economist Intelligence Unit, Somaliland court confirms disputed election results, 19 December 2012, Available in hard copy on request

and disputed results were finally confirmed nearly three weeks later. The PPRVC announcement sparked fresh protests in one district of Hargeisa by supporters of a losing party, and a demonstration against the ruling party, Kulmiye, was reported the following day in Burao, capital of the Togdheer region. Although these tensions should die down, they highlight that having just three official parties is not a complete solution to the instability that has affected Somaliland in recent times and that difficult work lies ahead for the government in tackling clan-based tensions.' [139]

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6. Freedom of speech and media

See also sections on Political affiliation and expression, and Human rights institutions, organisations and activists for a fuller understanding freedom of expression generally. The section on Non state armed groups, Human rights violations, provides information about the groups targeted by militant groups including Al Shabab, while Security forces, Human rights violations, provide general background on abuses committed, primarily, by the Somali National Government forces.

6.01 The US State Department '2012 Country Report on Human Rights Practices, Somalia', published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated that:

'The TFC provided and provisional federal constitution provides for freedom of speech and of the press.

'Journalists were subjected to violence, harassment, arrest, and detention in all regions. The National Union of Somali Journalists (NUSOJ) reported 18 journalists were killed across the country in 2012, and 14 were wounded in Mogadishu. According to the Somaliland Journalists Association (SOLJA), more than 79 journalists were arrested in Somaliland during the year, a significant increase compared to previous years. Reporters Without Borders noted this was the "deadliest year" on record for the country's journalists.' [140]

6.02 A report by the National Union of Somali Journalists, 'Impunity: War on Somalia's journalists', published on 23 November 2012, noted that:

'Impunity persistently continues to pose a serious threat to media practitioners in Somalia as the country struggles to establish effective justice, law and order sectors. Unabated human rights abuses and violations have made Somalia a lawless country as victims endure injustice. Media freedom, a cornerstone for democracy and good governance, has constantly been curtailed to unacceptable degrees.…Killing of journalists in Somalia is a common and normal practice. Mogadishu continues to record the highest levels of attacks against journalists and news media organisations in the

[139] Economist Intelligence Unit, Somaliland announces political parties for next decade, 4 January 2013, Available in hard copy on request
[140] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 2, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

country. With the majority of killings of journalists being in this troubled capital city, it is where the most serious violations of press freedom are committed.' [141]

6.03 The Committee to Protect Journalists noted on 18 December 2012 that:

'Somalia's high death toll was due in part to a complicated and sensitive political transition and in part to Al-Shabaab militants, who were largely ousted from the capital, Mogadishu, in 2011, according to Mohamed Odowa, deputy director of the independent station Radio Kulmiye. Several of the station's journalists were seriously injured in attacks in 2012. "Al-Shabaab was losing ground and it was forced from large areas, so the group wanted to send a message to the outside world that they were still in the capital," Odowa told CPJ. Al-Shabaab claimed involvement in at least four of the killings in 2012, CPJ research shows.' [142]

6.04 The BBC Country Profile for Somalia, updated on 26 July 2012, reported that:

'Somalia's disintegration is reflected in its media, which tends to be fragmented and often partisan.

'Broadcasters and journalists operate in an atmosphere which is hostile to free expression, and often dangerous. Reporters Without Borders describes Somalia as "Africa's deadliest country for journalists".

'Islamist groups have targeted media outlets with which they disagree, and have taken over FM radio stations in areas under their control.

'Nevertheless, diverse and increasingly professional media outlets have emerged in recent years - in particular, FM radio stations with no explicit factional links.

'The TV and press sectors are weak and radio is the dominant medium. There are around 20 radio stations, but no national, domestic broadcaster.

'Many listeners tune to Somali-language media based abroad, in particular the BBC Somali service. The latter is available on shortwave, and via FM relays in Mogadishu (91.1), the Somaliland capital Hargeisa (89.0), and elsewhere. A UN-backed Somali station, Radio Bar-Kulan, is based in Nairobi.

'The Somali diaspora - in the West, the Gulf states and elsewhere - sustains a rich internet presence. But domestic web access is hampered by practicalities such as limited access to mains electricity. There were 106,000 internet users by June 2010 (Internetworldstats).

'The Somali conflict has spilled over into social media. Pro-Islamists use the medium to promote political and religious aims, while their opponents mount strong rebuttals.

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[141] National Union of Somali Journalists, Impunity: War on Somalia's journalists, 23 November 2012, http://en.rsf.org/IMG/pdf/nusoj_impunity_final-2.pdf Date accessed 23 January 2013

[142] Committee to Protect Journalists, Journalist deaths spike in 2012 due to Syria, Somalia, 18 December 2012, http://cpj.org/reports/2012/12/journalist-deaths-spike-in-2012-due-to-syria-somal.php Date accessed 23 January 2013

'In secessionist Somaliland and Puntland the authorities maintain a tight hold on broadcasting.' [143]

6.05 The Freedom House report, 'Freedom of the Press 2012', published on 5 September 2012, noted that: 'The media environment in Somalia varies significantly depending on the region, with different conditions in chaotic southern and central Somalia, the semiautonomous Puntland region in the northeast, and the breakaway region of Somaliland in the northwest.' [144]

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South and central Somalia

For information on the various news outlets in south and central Somalia, please see the BBC Country Profile and the Standford University Library.

Radio

6.06 The Freedom House report, 'Freedom of the Press 2012', published on 5 September 2012, stated that:

'Despite the violence, dozens of radio stations aligned with particular factions continued to broadcast in Mogadishu and in other parts of the country. The TFG continued to support Radio Mogadishu, a new outlet with the objective of carrying government-sponsored news and information, as well as providing space for a variety of groups and individual Somalis to voice their opinions. This includes journalists from popular stations such as Horn Afrik and Radio Shabelle, which have found it challenging to operate under Al-Shabaab or the more moderate Ahlu Sunna Waljama militia. In early 2010, a joint UN-AU radio station, Radio Bar Kulan, began broadcasting from Nairobi, Kenya's capital. Similar to Radio Mogadishu, the new station has sought to offer a platform for voices that may be critical of the extremists and more sympathetic to the TFG and AU forces. Many Somalis also accessed news via foreign radio transmissions, including the Somali services of the British Broadcasting Corporation (BBC) and Voice of America.' [145]

Journalists

6.07 The USSD 2012 report stated:

'Journalists were subjected to violence, harassment, arrest, and detention in all regions. The National Union of Somali Journalists (NUSOJ) reported 18 journalists were killed across the country in 2012, and 14 were wounded in Mogadishu. According to the Somaliland Journalists Association (SOLJA), more than 79 journalists were arrested in Somaliland during the year, a significant increase compared to previous years.

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[143] BBC News, Somalia country profile, updated 26 July 2012, http://www.bbc.co.uk/news/world-africa-14094550 Date accessed 23 January 2013
[144] Freedom House, Freedom of the Press 2012 - Somalia, 4 September 2012, http://www.freedomhouse.org/report/freedom-press/2012/somalia
[145] Freedom House, Freedom of the Press 2012 - Somalia, 4 September 2012, http://www.freedomhouse.org/report/freedom-press/2012/somalia Date accessed 23 January 2013

Reporters Without Borders noted this was the "deadliest year" on record for the country's journalists.' [146]

6.08 The Committee to Protect Journalists reported on 18 January 2013 that:

'A veteran producer for the Shabelle Media Network was gunned down today in Mogadishu, the fifth Shabelle journalist killed in 13 months. The Committee to Protect Journalists condemns this murder and calls on Somali authorities to not only investigate, but to follow up on the investigative task force on journalist murders that was promised by Somali President Hassan Sheikh Mohamoud in November.

'Unidentified assailants shot Shabelle producer Abdihared Osman Aden at around 7 a.m. today while he was walking to work in the Wadajir district of the capital, according to local journalists and news reports. The journalist, who was shot at least three times, died at a local hospital, the sources said.' [147]

6.09 A report by the National Union of Somali Journalists, 'Impunity: War on Somalia's journalists', published on 23 November 2012, contained a message from the International Federation of Journlists which noted that:

'…it is usually the duty of government to protect journalists and media workers and bring their assassins to justice. Unfortunately as the conflict in Somalia escalated, the last Transitional Federal Government, despite pompous declarations and promises, did very little to end impunity. At the same time, their supporters within the international community failed to hold them to account.

'With a new speaker of parliament, a new president and a new cabinet, the Somali journalists and their union expect a new beginning and a fresh commitment to protect journalists and tackle impunity as a priority and to promote the right to free expression.

'The International Federation of Journalists and its 180 unions worldwide will make the newly-empowered authorities accountable for adopting immediate and effective measures to provide better protection for journalists and order serious investigations into their killings. We urge their international backers to give the new government all the help necessary to bring the triggermen and their paymasters to justice.' [148]

6.10 The report of a Danish-Norwegian fact-finding mission to Nairobi and Mogadishu, April-May 2013, published on 8 May 2013, stated that:

'Concerning the big number of assassinated journalists, it is not justified to say that al-Shabaab is targeting this group specifically, according to the international NGO (B), Mogadishu. Al-Shabaab has taken responsibility for the killings of only journalists from the state run Radio Mogadishu. Who is behind the rest of the killings of journalists is not clear. In this connection, it should be mentioned that Shabelle Media has had a conflict

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[146] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 2, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

[147] Committee to Protect Journalists, Shabelle journalist gunned down in Somalia, 18 January 2013, http://www.cpj.org/2013/01/shabelle-journalist-gunned-down-in-somalia.php Date accessed 23 January 2013

[148] National Union of Somali Journalists, Impunity: War on Somalia's journalists, 23 November 2012, p9, http://en.rsf.org/IMG/pdf/nusoj_impunity_final-2.pdf Date accessed 23 January 2013

for a long time with the government. It was added that most journalists will not report negatively about al-Shabaab.' [149]

Further details about incidents involving journalists and media workers can be found on the websites of the RSF and the CPJ.

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Puntland

For information on the various news outlets in Puntland, please see the BBC Profile.

6.11 The Freedom House report, 'Freedom of the Press 2012', published on 5 September 2012, noted that:

'The status of press freedom is somewhat better in Puntland, a self-declared semiautonomous region [than south-central Somalia]. Puntland's interim constitution provides for press freedom as long as journalists demonstrate "respect" for the law, but the region also recognizes the TFG. In July 2010, the government of Puntland approved a counterterrorism law that specifically targeted terrorism suspects and their allies, and also prohibited media outlets from reporting on Al-Shabaab. This new law was part of an effort to combat Al-Shabaab and other insurgent groups that were responsible for political assassinations and bombings in the region. In 2011, journalists also faced threats, attacks, and harassment from security forces, who usually enjoyed impunity for their actions. Despite Puntland president Abdirahman Mohamud Farole's stated commitment to greater openness, restrictions remained harsh, and coverage of political and security issues continued to be particularly dangerous for journalists. In October 2011, Farole and his minister of information accused Universal TV and Somali Channel TV of threatening Puntland's security and suspended the networks from reporting in Puntland. Universal was allowed to reopen in early December, but Somali Channel remained closed as of the end of 2011. Journalists also came under pressure from other political actors; in March 2011, for example, Liban Abdi Farah, a reporter for the Somali Broadcasting Corporation (SBC), was arrested by Puntland police for reporting on a bomb blast in the town of Galkayo. However, his case did not go to court and he was not formally charged.' [150]

Television and radio

6.12 The Committee to Protect Journalists reported on 9 October 2012 that:

'Security agents in the semi-autonomous region of Puntland shuttered private broadcaster Horseed FM on Saturday morning and ordered Internet service providers in the region to block the station's website, according to local journalists…Officials raided Horseed FM in the port city of Bossasso and forced it off the air without specifying whether the closure was temporary or permanent, local journalists told CPJ. Police

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[149] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p13, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 25 June 2013

[150] Freedom House, Freedom of the Press 2012 - Somalia, 4 September 2012, http://www.freedomhouse.org/report/freedom-press/2012/somalia Date accessed 23 January 2013

Chief Osman Afdalow showed Horseed FM Director Abdikani Hassan an unsigned and unstamped letter ordering the closure that he said came from the police chief of operations in Garowe, the capital, local journalists and news reports said.

'No official reason was given for the closure, Mahad Mussa, executive director of the station's parent company Horseed Media, told CPJ. Mohamed Abdirahman, the president's press adviser, told CPJ he was not aware of the closure but would be investigating.' [151]

Journalists

6.13 The USSD 2012 report stated that:

'Puntland authorities continued to harass journalists, and gunmen killed journalists. The Puntland administration repeatedly dismissed accusations it did not respect media freedom. The administration continued to attribute its arrests of journalists to the journalists being irresponsible in their coverage of topics that threatened national security.

'On March 3, Puntland police looted equipment from the Voice of Peace station in Bosaaso, confiscated the station's keys, arrested station director Awke Abdullahi Ali at his home, and closed the station. NUSOJ suggested Puntland's actions were sparked by the station's broadcast of an interview with the spokesperson of an al-Shabaab-affiliated militia fighting Puntland forces in the Galgala Mountains. Awke Abdullahi was released from jail on April 29.

'On July 12, security guards of the Bari regional governor severely beat Ahmed Muse Ali (Ahmed Jokar) from Royal Television network at the International Village Hotel in Bosaaso, where he was covering the campaign of a presidential candidate.

'On August 2, Radio Daljir editor in chief and Galkacyo station manager Abdifatah Gedi survived an assassination attempt after armed gunmen shot him several times in front of the station's Garowe headquarters.' [152]

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Somaliland

For information on the various news outlets in Somaliland, please see the BBC Profile and Stanford University Library.

6.14 The Freedom House report, 'Freedom of the Press 2011', published on 4 September 2012, noted that:

'In 2011, Somaliland—a region whose claims of independence have not been internationally recognized—retained its position of tolerating a relatively free media

[151] Committee to Protect Journalists, Puntland authorities close down radio and website, 9 October 2012, http://cpj.org/2012/10/puntland-authorities-close-down-radio-and-website.php Date accessed 23 January 2013
[152] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 2, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

compared with the rest of Somalia, although at year's end the relationship between the government and the press appeared to be growing increasingly tense. The Somaliland constitution guarantees freedoms of speech and of the press. Defamation is not a criminal offense, and libel cases are sometimes settled through the clan system of arbitration, although in 2011 judges appeared more eager to use criminal law in media cases. There is no access to information law in Somaliland, and public officials often do not divulge information unless it is favorable to the government.

'In general, 2011 saw a continuation of a trend that had begun in the run-up to the 2010 elections, whereby privately owned newspapers were aligned with political parties, and many journalists and papers were financially supported by the parties. The new Somaliland government under President Ahmed Silanyo has been critical of some media, and suspended broadcasts by Universal TV, a satellite television station. The government accused the station of being biased and presenting a pro-Puntland perspective; this is particularly sensitive, as disputes along the border with Puntland have continued to simmer. In March 2011, Somaliland forces arrested Mohamed Shaqale, a journalist from Universal TV, and Abdinur Hashi from Somali Channel while they were reporting from Las Anod near the Puntland border. Both, however, were soon released. As in years past, several Somaliland journalists continued to face threatening text messages and harassment from Al-Shabaab. Fearing retaliation, some outlets refrained from openly reporting and condemning the activities of the group.' [153]

6.15 The USSD 2012 report stated that:

'Somaliland police arrested journalists.

'For example, on January 8, Somaliland police arrested Royal Television reporter Yusuf Abdi Ali (Indho Quruh) after police received a complaint against the journalist for reporting on corruption involving humanitarian NGOs. He was released after 10 days.

In February Somaliland police arrested two journalists for reporting Ogaden National Liberation Front members from Eritrea had landed in Somaliland before crossing into Ethiopia. The two journalists were released six days after their arrest after entering a plea bargain in a Hargeisa court.' [154]

Journalists

6.16 Reporters Without Borders reported on 24 October 2012 that:

'Reporters Without Borders is saddened to learn that Ahmed Saakin Farah Ilyas, a young TV journalist based in Las Anod, in the breakaway northwestern territory of Somaliland, was gunned down as he returned home yesterday.

[153] Freedom House, Freedom of the Press 2012 - Somalia, 4 September 2012, http://www.freedomhouse.org/report/freedom-press/2012/somalia Date accessed 23 January 2013
[154] US Department of State, 2012 Report on Human Rights Practices in Somalia, setion 2, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

'Employed by privately-owned Universal Television, Ahmed Saakin Farah Ilyas was shot several times in the head by gunmen who have yet to be identified. He was the 16th journalist to be killed this year in Somalia.' [155]

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7. Human rights and humanitarian institutions, organisations and activists

Please read in conjunction with Humanitarian situation and Internally displaced persons.

7.01 The US State Department Report on 2012 Country Report on Human Rights Practices, Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated that:

'A number of local and international human rights groups operated in areas outside of al-Shabaab-controlled territory, investigating and publishing their findings on human rights cases. However, security considerations constrained their ability to operate freely in the south and central regions. International and local NGOs generally worked without major restrictions in Puntland and Somaliland, although exceptions occurred.

'During the year attacks and incidents of harassment of humanitarian, religious, civil society, and NGO workers resulted in deaths. Several human rights defenders fled the country.…On May 11, the TFG signed a memorandum of understanding with OHCHR and the UNPOS for formalized technical cooperation in seven thematic human rights areas (1) signing, ratifying, and implementing international human rights treaties; (2) protecting and promoting the rights of vulnerable groups, including women, children, internally displaced persons, and journalists; (3) strengthening the rule of law and the administration of justice; (4) building institutional capacity to promote and protect human rights; (5) raising awareness about human rights through media; (6) advancing economic and social rights; and (7) facilitating effective cooperation with special procedures of the Human Rights Council.

'On May 16 and 17, the TFG Ministry of Constitutional Affairs and Reconciliation and Ministry of Information, with the support of UN, the National Democratic Institute, and the International Development Law Organization, hosted a conference on fundamental rights, media law, and transitional justice as it relates to the provisional federal constitution, which was later adopted on August 1.

'Puntland was the only region during the year that denied permission for the UNPOS's Human Rights Unit to conduct confidential interviews with detainees, claiming that it was for the UN staff's own protection.' [156]

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[155] Reporters Without Borders, Another journalist murdered in Somalia, 16th this year, 24 October 2012, http://en.rsf.org/somalia-another-journalist-murdered-in-24-10-2012,43579.html Date accessed 23 January 2013
[156] US Department of State, 2012 Report on Human Rights Practices in Somalia, Section 5, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 13 May 2013

South and central Somalia

7.02 The USSD report 2012 noted that: 'The TFG was sometimes cooperative and responsive to NGOs. However, in matters related to official corruption, the TFG frequently dismissed the findings of international and local NGOs as well as the World Bank and internal auditors.' [157]

7.03 The report of the Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'Ayaki Ito, UNHCR, explained that the presence of UN organizations in Mogadishu has increased since February 2012. Today there is permanent international presence of UNPOS, UNHCR, OCHA, United Nations Children's Fund (UNICEF), World Food Programme (WFP), United Nations Development Programme (UNDP), UNSOA (UN Support Office for AMISOM). In addition International Organization for Migration (IOM) also has a permanent presence in Mogadishu.

'Kilian Kleinschmidt, OCHA, explained that there has been an increase in the presence of international NGOs as well as UN agencies in Mogadishu since February 2012. Presently UNICEF, UNHCR, WFP, OCHA, United Nations Mine Action Service (UNMAS), UNSOA and UNPOS are represented by international staff in Mogadishu whilst all agencies have maintained national staff throughout the conflict. During the transitional period (August 2012) many international NGOs left Mogadishu temporarily. However there has been return of INGOs to Mogadishu, including INGOs, which have been reluctant to engage with TFG or even at times cooperating with the UN. Kilian Kleinschmidt expressed his concern that there may be casualties amongst local [NGOs] and INGOs if the return is not managed carefully. Risks are particularly linked to employment, corruption and diversion by officials and possibly staff of various organizations.' [158]

7.04 The Human Rights Watch World Report 2013, covering events in 2012, published on 31 January 2013 (HRW World Report 2013), observed that:

'Al-Shabaab maintains restrictions on humanitarian assistance and prohibits more than 16 humanitarian organizations, including the UN's Children Fund (UNICEF) and Action Contre la Faim (ACF), from working in areas under its control. On October 8, 2012, al-Shabaab banned one of the last remaining international aid organizations, Islamic Relief, from working in areas under its control.

'In towns recently vacated by al-Shabaab, insecurity, including infighting between TFG-allied forces, has limited access by aid agencies. Targeted attacks on humanitarian workers persist throughout the country. On August 27, 2012, a Somali staff member working with the UN Food and Agriculture Organization (FAO) was killed in Merka.

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[157] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 5, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 13 May 2013

[158] Danish Immigration Service, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, page 23, http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf Date accessed 13 May 2013

'The diversion of humanitarian aid within Mogadishu by government forces, allied militia, officials and others, and insecurity at food distribution sites have significantly limited the access that displaced persons have to assistance.' [159]

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Puntland and Somaliland

7.05 The USSD 2012 report noted that: 'After receiving permission from the Somaliland Ministry of Justice to conduct a general human rights assessment mission in Las Anod, researchers from an international human rights organization were denied access to the region by the Sool governor upon their arrival in April. After refusing the researchers' entry, the governor's security personnel arrested at least one person who was scheduled to meet with the researchers; the arrested man was released after 24 hours.' [160]

See also Humanitarian situation and IDPs. The OCHA Somalia situation reports give more information on humanitarian aid and access in Somalia, and are available here.

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8. Freedom of religion

8.01 The US State Department's 2012 Internatinal Religious Freedom report, published on 20 May 2013 and covering events of 2012, noted that:

'From January through July, the Transitional Federal Charter (TFC) provided for freedom of religion in parts of the country administered from Mogadishu by the Transitional Federal Government (TFG), and the TFG generally respected religious freedom. On August 1, a provisional federal constitution replaced the TFC. In September a new parliament elected a new president and ended nearly eight years of transitional governance. The provisional constitution provides for freedom of religion, although it enshrines Islam as the state religion and prohibits proselytism for any religion other than Islam. The trend in the TFG's and the new government's respect for freedom of religion did not change significantly during the year. The TFG had limited capacity to enforce the TFC, and the new government had limited capacity to enforce the provisional constitution. In addition, the country was fragmented into regions administered by different entities, and neither the TFG nor the new government could implement the TFC or the provisional constitution in areas of the country outside their control.

'Puntland State and Somaliland, a self-declared independent republic, have their own constitutions that provide some protection for religious freedom, although both documents prohibit apostasy, conversion from Islam, and propagation of religions other than Islam. The trend in the Somaliland's and Puntland's authorities' respect for religious freedom did not change significantly during the year.

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[159] Human Rights Watch, World Report 2013, Somalia, 31 January 2013 (page 2), http://www.hrw.org/world-report/2013/country-chapters/somalia Date accessed 13 May 2013

[160] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 5, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 13 May 2013

'The terrorist organization Al-Shabaab retained control of some rural areas of the south and central regions, but lost control over most major population centers it previously controlled. Al-Shabaab harassed and killed persons suspected of converting from Islam, and maimed and killed those who failed to adhere to its edicts.

'There were reports of societal discrimination based on religious affiliation, belief, or practice. Conversion from Islam to another religion remained socially unacceptable. Those suspected of conversion faced harassment by members of their community.' [161]

For further information on religious demography and freedom of religion, please see the 2012 US Department of State International Religious Freedom Report

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9. Ethnic groups

Officials should note that there are no reliable census statistics of the total population of Somalia. Over twenty years of conflict and humanitarian crises have led to massive internal displacement (see section on Internally Displaced Persons) and driven many Somalis to flee the country.The Landinfo report, 'Somalia: Language situation and dialects', published on 22 July 2011, noted that there has been '… mass displacement gathering many different clans together within a certain geographical area… ' [162]As a result figures presented by sources on the locaton, size and proportion of population which belong to the majority clans and minority groups are estimates only.

Overview

9.01 Dr Joakim Gundel's report, 'The Predicament of the "Oday", The role of traditional structures in security, rights, law and development in Somalia', dated November 2006, gave the following overview:

'Somalia is often misrepresented as a country with an ethnically homogeneous population, culture and language. Indeed, the perceived majority of the population are composed of the ethnic nomadic-pastoralist Somalis who speak Af-Maxaa-tiri, which became the official language of Somalia after independence. The other big group is composed of the largely sedentary agro-pastoralist people, residing in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia, known as Digil-Mirifle or Raxanweyn. They speak Af-Maay-tiri, which is quite distinct from Af-Maxaa-tiri. Outside this homogeneity, you also find the minority 'outcaste' groups, or bondsmen known collectively as sab, and groups of ethnic Bantu descent, as well as of Arabic descent, such as the Bajunis and Barawanis. It is important to realise that the traditional structures of the Raxanweyn, the minorities, and the people of Bantu and Arabic descent are often very different from the nomadic culture…The lineages of the [nomadic] 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, Aqiil Bin Abi-Talib. Today, this segmentary clan system is represented by three to four main clan families

[161] US Department of State, 2012 International Religious Freedom report: Somalia, 20 May 2013, http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dlid=208194 Date accessed 17 July 2013
[162] Norwegian Country of Origin Information Centre (Landinfo), Somalia: Language situation and Dialects, 22 July 2011, p8, http://landinfo.no/asset/1800/1/1800_1.pdf Date accessed 21 October 2011

descending from Darood, Hawiye, Dir and de-pending on who you ask, Isaaq…the Raxanweyn are distinct from the pastoralist Somalis, and has a different genealogy as they stem from the forefather Saab. However, they still claim to be Somalis via a similar mythological descent to the Qurayshi.' [163]

9.02 The US State Department Report on 2011 Country Report on Human Rights Practices: Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated that:

'More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

'Minority group clans included the Bantu (the largest minority group), Benadiri, Rer Hamar, Brawanese, Swahili, Tumal, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, Faqayaqub, and Gabooye. Intermarriage between minority groups and mainstream clans was restricted by custom. Minority groups, often lacking armed militias, continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and suffer from numerous forms of discrimination and exclusion.' [164]

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Clan system

9.03 The Predicament of the 'Oday', dated November 2006, explained that:

'The clan-system is the most important constituent social factor among the nomadic-pastoralist Somalis [i.e. the clan-families of the Darood, Hawiye, Dir and Isaaq]. I. M. Lewis wrote in 1961 that 'the segmented clan system remains the bedrock foundation of the pastoral Somali society and 'clannishness' - the primacy of clan interests - is its natural divisive reflection on the political level' …In short, the Somali society is based on a vertically oriented segmentary lineage system in which individuals take their position according to their patrilineal descent (traced through the male line). Hence, according to Lewis, all the pastoral Somalis belong to genealogical lineages, which also function as their basic political units. The segmentary lineage system can be differentiated into categories of clan-family, clan, sub-clan, primary lineage and mag-paying [blood compensation also known as diya] group as divisions of varying size (Lewis 1961: 4)…The Clan (often 20 generations) can act as a corporate political unit, and do tend to have some territorial exclusiveness, following their regular seasonal movements for pasture and semi-permanent settlements. Clan-members derive their identity from their common agnatic descent rather than the sense of territorial belonging. The clan is in

[163] Joakim Gundel, The predicament of the Oday, November 2006, p4-5, http://www.logcluster.org/som/infrastructure-communication-various/Gundel_The%20role%20of%20traditional%20structures.pdf Date accessed 14 May 2013
[164] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 14 May 2013

other words the upper limit of political action, has some territorial properties, and is often led by a clan-head, but remains without centralized administration or government. The most distinct descent group within the clan is the 'primary lineage', defined as the lineage to which a person describes himself as a member (most often between 6 and 10 generations).

'Marriage is usually outside the primary lineage, and links them together, which functions to reduce the otherwise endless feuds between primary lineages (Lewis 1961: 5).

'The most basic and functional lineage unit is the mag-paying group or diya-paying group…Diya is the Arabic word for blood-compensation. Mag is the Somali word… The mag-paying group is above or beyond the uterine family (qoys or xaas), and is the most important level of social organisation for each individual. It is a small corporate group of a few lineages who reckon descent to a common ancestor some 4 to 8 generations, and is sufficiently large in numbers (few hundred to a few thousand men) to be able to pay the mag (according to Sharia: 100 camels for homicide [The USSD Report 2012 observed that, '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 half the amount required for a male's death.' [165]]) if need be. 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...It should be noted that the described segmentary lineage system is not absolute, but rather in a constant process of relative change. This is due to population growth whereby the number of primary lineages grows too. Hence forth, the primary lineages and even mag-paying groups will eventually split, and when they do, every ancestor in the genealogy is in principle a point of potential division, as well as of unity.' [166]

9.04 The International Crisis Group (IGC) report of December 2008, 'To move beyond the failed state', stated that many factors such as business, political and ideological interests have eroded strict clan relationships. However, it also stated: '…large swathes of the country [have] revert[ed] back to a style of clan government that predates colonialism.' [167]

9.05 The same IGC report observed that:

'That clan elders are now targets in the violence sweeping the country is the best indicator that the classical clan system is fraying. Even during the worst of inter-clan feuds, elders had always been respected and played a recognised conflict mediation role, with access to the key players. The apparent erosion of their power does not mean, however, that they no longer wield influence. Part of the crisis in the south stems

[165] US Department of State, 2012 Report on Human Rights Practices in Somalia, p39, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 15 May 2013
[166] Joakim Gundel, The predicament of the Oday, November 2006, p4-7, http://www.logcluster.org/som/infrastructure-communication-various/Gundel_The%20role%20of%20traditional%20structures.pdf Date accessed 20 April 2011
[167] International Crisis Group (ICG), Somalia: to move beyond the failed state, 23 December 2008, p4, http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/somalia/Somalia%20To%20Move%20Beyond%20the%20Failed%20State.ashx Date accessed 20 April 2011

from the inability, perhaps the unwillingness, to bring them fully into the political decision-making process.' [168]

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Customary law (xeer) and blood compensation (diya or mag)

9.06 Clans in Somalia, Report on a Lecture by Dr Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition) published by ACCORD, December 2009, (Gundel Lecture 2009) provided a useful overview of customary laws and blood compensation, [summarising Dr Gundel's earlier paper, The predicament of the Oday [169] (for detail see pages 7 to 13)]:

'The Somali traditional 'political contract' consists of customary laws – referred to in Somali as xeer – through which 'members of a mag-paying group are obliged to support each other in political and jural responsibilities, especially in paying and receiving compensation for acts committed by members of one group against another - even over vast distances, since it is the kinship that bonds them. It is the responsibility of the elders (oday) of the mag-paying groups to oversee that the terms of the xeer are honoured (Lewis 1961: 6).' (Gundel, 2006, p. 6)

'They are historically based on precedents, hence, unlike fixed law, they are constantly capable of evolving, with future decisions based on ones made in the past. Today the xeer are particularly important in rural areas where the presence of modern political institutions is weak. They are however also applied in urban areas with local administrations and even here the xeer, instituted through traditional elders, is usually the first recourse in dispute management, settlement and reconciliation among both ordinary citizens and between business people. The importance of the xeer is indisputable, especially in Northern Somalia as the xeer are applied in solving perhaps 80-90% of all disputes and criminal cases. In Southern Somalia with increasing pre-dominance of radical Islamic groups, strict versions of Sharia are increasingly applied as the ruling law rather than the traditional xeer. However, while the xeer is simultaneously a force for justice and social cohesion, it may also conflict with both international human rights standards and Islamic Sharia law. In general, the collective responsibility imposed on mag-groups by the xeer is seen as removing responsibility from individual perpetrators of crimes. (Gundel, 2006, iii)' [170]

9.07 The Landinfo response, Somalia: Protection and conflict resolution mechanisms, dated 2 June 2009, stated that:

'The Somali transitional institutions, including the legal system, are weak and the transitional authorities' ability to protect the population's rights is extremely limited.

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[168] International Crisis Group (ICG), Somalia: to move beyond the failed state, 23 December 2008, p4, http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/somalia/Somalia%20To%20Move%20Beyond%20the%20Failed%20State.ashx Date accessed 20 April 2011

[169] Joakim Gundel, The predicament of the Oday, November 2006, http://www.logcluster.org/som/infrastructure-communication-various/Gundel_The%20role%20of%20traditional%20structures.pdf Date accessed 20 April 2011

[170] Joakim Gundel, Clans in Somalia, Report on a Lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition) published December 2009, p9-10, http://www.ecoi.net/file_upload/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf Date accessed 11 January 2010

'Law enforcement in Somalia is currently carried out in three different ways; traditional common law practiced through the councils of elders/clan leaders, Islamic law practiced through Sharia courts and secular law practiced through an ordinary court authority. However, the ordinary court authority was destroyed during the civil war, and is still almost non-existent in Southern Somalia. Traditional common law [xeer] is the most widespread and most commonly used legal system in present day Somalia.

'The fundamental unit in the clan system is the Diya group (the blood compensation group, mag in Somali). The Diya group consists of the male members of one or more family lines, who have the same forefathers going back four to eight generations, and who are collectively responsible for the members' actions. The Diya groups are large enough to be able to pay compensation and it is between these groups that the traditional legal framework is practiced and agreements (xeer) are entered into. The members of the Diya group are therefore obliged to support each other in the political and legal responsibilities that are defined in the xeer agreements (Gundel 2006). The Diya group is also responsible for providing assistance to members who are in difficult financial situations, etc. Xeer is the most important element that links alliances between clans in Somalia, and is considered to be the glue that holds the community together. 'However, xeer is only entered into between Somali clans, with the minority groups normally being excluded from xeer and the Diya system.

'Some observers have claimed that the traditional legal system and the conflict resolution mechanisms in Somalia no longer work. A well-informed international aid organisation representative who had worked in Somalia for a long time pointed out in March 2009 that the traditional leaders are losing their hold on power. This worrying trend is evident throughout Southern Somalia, and it is more prevalent in the towns than in the country. Globalisation and, not least, the long-standing conflict in the country has led young people to dismiss the elders' advice in favour of that of others. The influence of the media and the warlords' undermining of the old authorities have weakened the position of elders (interview in Nairobi, 24 March 2009). Gundel (2006) estimates however that xeer is used to resolve between 80 and 90 per cent of all disputes and criminal cases. All of the sources that Landinfo met in Nairobi in 2007 also believed that the system still works, albeit to varying degrees. This was confirmed by Landinfo's interlocutors in Nairobi in June 2008 and in March 2009.' [171]

9.08 The report of a fact finding mission by Lifos, part of the Swedish Migration Board, in June 2012, published on 5 March 2013, noted that Mohamed Jama, of the Legal Clinic in Hargeisa, stated: 'When bloodshed occurs, when somebody has been killed and this is handled within a clan system, the agreement on Diya payment is discussed. The reason for the bloodshed is then immaterial. There is no distinction between murder, manslaughter or involuntary manslaughter.' [172]

For more information on the judicial process in Somalia, see Judicial system.

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Clan protection

[171] Landinfo, Response: Somalia: Protection and resolution mechanisms, 2 June 2009, http://www.landinfo.no/asset/1058/1/1058_1.pdf Date accessed 1 February 2010
[172] Lifos, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, p21, http://lifos.migrationsverket.se/dokument?documentAttachmentId=38611 Date accessed 15 May 2013

9.09 The Landinfo response Somalia: Vulnerability – minority groups, weak clans and vulnerable individuals, published June 2009, gave the following information:

'According to Somali traditions, weak groups – i.e. women, children, the sick, the elderly, the disabled, religious men, unarmed and neutral groups, prisoners of war, travellers etc. – shall not be attacked but protected during conflicts (ICRC 1998). Both during and after the civil war, however, protection of these groups has been weakened, and the tradition is far less respected today.

'In the present situation, vulnerability in Somalia is closely linked to clan or group affiliation, the presence or absence of conflict and the power situation in the area in question. However, individuals can also find themselves in a vulnerable position because of their political or ideological views.' [173]

9.10 The Gundel Lecture 2009 report noted:

'One aspect of the Somali tradition is that the 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. This is also the case for individual security, which rests upon the individual's mag-paying group's ability to fight, and the solidarity between the mag-groups of the wider clan and their fighting capability. They must therefore both be able to retaliate and pay compensation. Hence, the 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. As a result, Somali minority groups are heavily discriminated against through xeer application…In the Somali tradition, weak and scattered clans who are driven to seek protection from the stronger clans can enter a protection status with them. The protecting clans naturally expect something in return. Such alliances based on contractual agreements between weak and strong clans are known as gaashaanbuur, meaning 'pile of shields'. Hence, minorities can seek protection by attachment to stronger lineages by joining a gaashaanbuur coalition. There exist varying degrees of adoption and incorporation within stronger lineages. These range in degree of dependent status with associated inferiority from neighbour (deris), appendage (saar - parasitic creepers), followers (soo raac), to pretenders (sheegad - those who claim to be what they are not.) In the case of sheegad, the weak group may assume the lineage affiliation of its protectors and may claim a common agnatic origin. The Somali family to which the sab ['traditionally bondsmen to the pastoral clan groups…' (p15)] are attached protects them vis à vis other Somali and are responsible for any damage inflicted on them. The extent to which the sab presently have managed to set up their own independent map-paying [sic] groups needs to be investigated further. The lesson is that adoption of weak clans does occur, and it is possible to move the stronger clans into compromise with their traditional position. When this happens, the stronger clans may even pay mag for the adoptives…' [174]

9.11 The Landinfo response of 2 June 2009, Somalia: Protection and conflict resolution mechanisms, stated:

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[173] Landinfo, Response: Somalia: Vulnerability – minority groups, weak clans and vulnerable individuals, 2 June 2009, http://www.landinfo.no/asset/1059/1/1059_1.pdf Date accessed 1 February 2010

[174] Joakim Gundel, Clans in Somalia, Report on a Lecture by Joakim Gundel, COI Workshop Vienna, 15 May 2009 (Revised Edition) published December 2009, p21-22, http://www.ecoi.net/file_upload/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf Date accessed 11 January 2010

‘Individual security in the traditional Somali society was dependent on the clan’s, i.e. the Diya group's ability to pay compensation and to defend itself in the event of attacks. This situation has not changed significantly in modern times, and the clan has remained the safety net of the Somali population since the collapse of the government institutions in 1991. Vulnerability and protection in Somalia are therefore closely linked to a clan’s strength. However, weak clans or groups have traditionally been able to seek protection from and affiliation with the dominant clans in a specific area.

‘The internal clan conflicts that have characterised the situation in recent years, however, mean that affiliation to a dominant clan does not necessarily provide protection (interviews in Nairobi March 2007, June 2008 and March 2009). Clans are still important, but it is evident that clan loyalty is superseded by political, ideological and international conditions.

‘A clan’s ability to provide protection is contingent on the clan’s military strength. In the current situation, however, in which al-Shabaab and other Islamist groups control large parts of Southern Somalia, protection from one’s own clan in, for example, an al-Shabaab controlled area is not very realistic. Al-Shabaab maintains its distance to the clan dimension, and has the support of various clans and minority groups in the areas it controls. Numerous dominant clans in many districts are therefore currently subordinate to al-Shabaab, and must, among other things, abide by al-Shabaab’s enforcement of Sharia law.

‘In meetings with Landinfo in Nairobi in March 2007, June 2008 and March 2009 respectively, all of the interlocutors referred to the fact that the protection aspect is composed of a number of factors, and the individual’s vulnerability and potential to obtain protection and support are dependent on several conditions. Moreover, conflicts relating to scarce resources have contributed in particular to undermining the mechanisms. Clan protection is still relevant, but primarily in relation to ordinary crime. With regard to the situation linked to ideological or political conditions – which were particularly important when Ethiopian forces were present in Somalia – clan protection is not realistic (interviews in Nairobi, June 2008 and March 2009). The current dividing line is more between al-Shabaab/extremist groups on the one hand and GNU, the government of national unity, on the other hand. Moreover, clans cannot offer protection against random violence or grenade and bomb attacks. As pointed out during interviews in Nairobi, the violence is often indiscriminate ‘Your clan cannot protect you from bombs’ (Nairobi, June 2008 and March 2009.) However, clans continue to be important in relation to where a person flees (interview UNHCR, June 2008).

‘These conflicts often trigger a number of revenge killings. The ideological/political dimension that made its entry with the TFG, and not least the Ethiopian entry in December 2007, has further strengthened this trend (interviews with international observers in Nairobi, June 2008). However, according to a well-informed international organisation, those leaving conflict areas still tend to go to their clan areas, and the protection issue nowadays is primarily linked to the situation in the arrival areas (interview in Nairobi, June 2008 and March 2009).

‘In response to the question of protection for Midgan groups, a well-informed international source explained (interview in Nairobi, March 2009) that protection for these groups often entails various forms of paid protection. The same source described protection in Mogadishu as a protection racket. Another well-informed international source told Landinfo during a meeting in June 2008 that minorities that are forced to leave their homes due to difficult security conditions seek to establish a client

relationship to a host clan at their new place of residence (interview in Nairobi, June 2008).' [175]

9.12 A report written by Ahren Schaefer and Andrew Black, and published in the Jamestown Foundation Terrorism Monitor on 4 November 2011 noted that:

'Since the Ethiopian withdrawal from Somalia [in 2009], al-Shabaab has maintained that it "transcends clan," based on Islamist beliefs and the goal of Shari'a law. Al-Shabaab's determination to distance itself from clannish behavior stems from a) the belief that strength comes through unity; b) the belief by some of the group's more hard-line leadership in the universalism of al-Qaeda's Salafi-Jihad worldview; and c) the aforementioned sentiment that the fractionalization of Somali society is largely the result of clan-based power struggles. Therefore, this transcendent narrative provides al-Shabaab with the flexibility to negotiate and mobilize support across clan lines, while simultaneously providing the common ideological link across segments of Somali society, the diaspora, and even the global jihadi movement.

'However utilitarian this narrative may seem, al-Shabaab's clannish behaviors in Somalia belie the universality of this narrative, and show the organization to be fighting clan-based struggles internally and with other key players in Somalia.' [176]

9.13 The report of a fact finding mission by Lifos in June 2012, published on 5 March 2013, (Lifos report 2013) noted that:

'An international organisation (E) stated that clan protection exists and has always existed. In the end even Al Shabaab accepted clan protection and withdrew, whereby the clans emerged again and marked their position. Some clans are allied to Al Shabaab, or are at least pro-Al Shabaab, while others are allied to TFG. [Paul Kellet, Political/Security Advisor, EU Somalia Unit, stated that] The clan system does not recognise TFG. It is the subclans that are the basis for clan protection.

'[International organisation (E) stated that] It is very difficult to say if the Somalis have clan protection or not. An international organisation (E) reported that clan protection worked quite well in Mogadishu. Hibo Yassin and Zakaria Mohamed Sheikh Yusuf stated that they are in some ways dependent on their clan protection. Previously the big clans and the militia offered protection. In 2007 the situation changed by Al Shabaab taking the greater part of southern and central Somalia thereby disarming the biggest clans and the militia. The years 2009 – 2010 were the era of the minority clans. Clan protection is based on trust. The stability of clan protection is no longer there. The clan protects if one has contacts to a powerful person. If that person is also from the clan, it is of additional value. Somali Women Development Centre informed that clan protection works if one can identify the perpetrator. The ordinary man would rather go to the clan than to the police. Even when one can identify the perpetrator, they are seldom prepared to go on with the case because of stigma and fear. There is stigma attached to bringing the case to the police. Approximately 80% of the cases are never taken up by the police or the court system.

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[175] Landinfo, Response: Somalia: Protection and resolution mechanisms, 2 June 2009, http://www.landinfo.no/asset/1058/1/1058_1.pdf Date accessed 1 February 2010

[176] Schaefer, Ahren and Black, Andrew, Clan and Conflict in Somalia: Al-Shabaab and the Myth of "Transcending Clan Politics" In: Terrorism Monitor Volume: 9 Issue: 40 http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38628 Date accessed 15 May 2013

'An international organisation (D) reported that the Somalis are mainly protected by the clans and that they respect the clan protection. An international organisation (E) reported that as long as they remained in their village or area where the clan reigned, the clan protection worked.'[177]

For further information on state protection, please see Security forces and Judicial processes.

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Mogadishu

9.14 The Lifos report 2013 also stated that:

'[International organisation F reported that] The clan is of importance in Mogadishu. You can move around, but not live in an area where your clan does not exist. The clan is and has always been of importance in Mogadishu. Al Shabaab failed in removing the clan system. The clan dispute mechanism is in place for crime and family disputes. If a problem concerns a threat from Al Shabaab, the clan can get involved.…An international organisation (G) reported that the clan is of no importance for the common man in Mogadishu for criminal offences. It is, however, of importance for power and influence as a way of solving problems and as a part of politics. The Elder of Hawiye said that the clan can't protect the individual. A threat can come from the same clan; even your brother can kill you. However, if a crime is committed by someone who is not a member of Al Shabaab, the matter can be resolved between the clans. In that way the clan can be of a some protection. As for threats from Al Shabaab, the situation is different. There is no way to track the perpetrator. Abdi Mohamed Ismail stated on Radio Shabelle that clan protection is not used in Mogadishu when fighting is in progress. If a person is killed by another clan, the clans don't solve the problem by negotiations but by revenge.

'[International organisation G stated that} Citizens of Mogadishu know to which clan they belong and where they originate, even very young people know this. It is an important identity reference to know the clan several generations back.

'An international organisation (E) stated that if one does not have a family in Mogadishu one is without clan protection. An international organisation (D) stated that the clan system is weaker now but still works.

'An international organisation (G) stated that Mogadishu is a rather homogenous city and not too clan based. However, people use the clan, but in the end it is a question of family, kinship and who controls the territory.…The interest for investments in land and buildings in Mogadishu has focused on who owns the land and the houses in the city. Many of the houses have stood abandoned for years, people other than the owners have moved in – sometimes group after group. An international organisation (D) stated that people know who owns the houses and the Somalis have no problems with the question of ownership. Generally in Somalia, with its nomadic culture, land belongs to

[177] Lifos, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, p20-21, http://lifos.migrationsverket.se/dokument?documentAttachmentId=38611 Date accessed 15 May 2013

everybody, despite the presence of owners along the rivers Shabelle and Juba and houses in the cities. Ownership disputes are resolved within the clan system.' [178]

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Southern and central Somalia

9.15 With regard to areas where al Shabaab are no longer in control, the Lifos report 2013 stated that:

'[Hibo Yassin and Zakaria Mohamed Sheikh Yusuf stated that] A clan can be a power factor, but there are also other power centres, like AMISOM, Ethiopia and Kenya through their armies in Somalia and [National Security Service] NSA. Power centres can also use the clans for influence. Kenya and Ethiopia have used two subclans of the Ogaden clan at top level. This means that those who are within these areas and belong to the Ogaden clan have access to clan protection but those who belong to other clans have not.163

'['Associates of AMISOM' noted that] Al Shabaab skilfully utilized existing cracks in the clan structure. Now, after Al Shabaab having been driven away, the weak clans are once again weak. Clan based commanders, who during the Al Shabaab period in the area used Al Shabaab's name to promote their own interests, melted back into the clan after Al Shabaab's withdrawal.'

'[Hibo Yassin and Zakaria Mohamed Sheikh Yusuf stated that] The clan protection works to some extent in areas in southern and central Somalia, from which Al Shabaab has been driven away. It is possible, for instance, on a given site only to have access to clan protection if you belong to a given clan.

'[International organisation D stated that] The Elder can solve emerging problems in a traditional way. Most people are nomads and live in the countryside. [Hibo Yassin and Zakaria Mohamed Sheikh Yusuf stated that] The Government does not reach that level of the society which is run by the Elders and religion. Since the warlords Ahmadi and Aideed came on the scene in the 1990s, the Elders have been exploited by these warlords. Young armed militia began to hate the Elders. Most clans are not armed, but have also not given up their arms, they have just hidden them.

'An international organisation (D) stated that clan protection can't protect you from external aggression, like sex based violence against women, but can give socio-economical protection. The same organisation reported that the socio-economic protection is built on "those who have share with those who have not". This is the situation in the Gedo region. The city of Luuq was given as an example, but also the camps in Mogadishu. Let's say that 100 food parcels are handed out at an IDP camp, and then re-distributed by the inmates to become 200 food parcels, thereby reaching more people in the camp.' [179]

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[178] Lifos, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, p21-22, http://lifos.migrationsverket.se/dokument?documentAttachmentId=38611 Date accessed 15 May 2013

[179] Lifos, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, p23-24, http://lifos.migrationsverket.se/dokument?documentAttachmentId=38611 Date accessed 15 May 2013

9.16 The Lifos report 2013 also noted that: '[Hibo Yassin and Zakaria Mohamed Sheikh Yusuf stated that] In areas controlled by Al Shabaab, clan protection does not work. Al Shabaab and their members are, however, protected by Al Shabaab.' [180]

Background information on the majority clans and minority groups

9.17 Relevant background information on the main claims and minority groups is available in the UK Border Agency COI report on Somalia, 17 January 2012, section Ethnic groups, paragraphs 19.13 to 19.99.

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10. Sexual orietnation and gender identity

Legal rights

10.01 The International Lesbian and Gay Association's report, 'State sponsored homophobia', updated in May 2013, noted that same-sex relations between men and between women are illegal and referred to the relevant parts of the Somali penal code:

'Article 409 Homosexuality

'"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."

'Article 410 Security Measures

'"A security measure may be added to a sentence for crimes referred to in Articles 407, 408, and 409." (Unofficial Translation)

'The political situation in Somalia has been complicated since the fall of the dictator Mohamed Siad Barre in 1991, and the enforcement of the national Penal Code can be questioned. However, Somaliland in the north has declared itself independent, and it still applies the Penal Code.' [181]

[180] Lifos, Government and Clan system in Somalia. Report from Fact Finding Mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012, 5 March 2013, p24, http://lifos.migrationsverket.se/dokument?documentAttachmentId=38611 Date accessed 16 May 2013
[181] International Lesbian and Gay Association, State sponsored homophobia, updated May 2011, p30, http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf Date accessed 21 July 2011

Societal treatment and attitudes

10.02 The US State Department Report on Human Rights Practices in Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated that:

'Antidiscrimination provisions do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. Sexual orientation was considered a taboo topic, and there was no public discussion of this issue in any region of the country. There were no known LGBT organizations and no LGBT events occurred. There were no reports of societal violence or discrimination based on sexual orientation due to severe societal stigma that prevented LGBT individuals from making their sexual orientation known.' [182]

10.03 The Identity Kenya website reported on 21 March 2013 that:

'A gay man was allegedly stoned to death as punishment for homosexuality, a gay Muslim group has said Saturday [16 March 2013].

'According to Somali Gay Community, the young man, Mohamed Ali Baashi ,18, was buried in a hole up to his chest and then pelted with rocks by members of the Al Qaeda link group Al Shabaab on Friday, March 15, in Barawe, about 50 miles from the capital, Mogadishu.

'The group, through its Facebook page, Somali Gay Community, posted three photos of [sic] alleging they were from the stoning.

'However, Identity Kenya could not independently verify this claims or the alleged stoning and efforts to reach the group have not been successful.

'The group said the young man was accused of sodomy and was stoned to death by Islamic rebels while horrified villagers were forced to watch.' [183]

See Freedom of religion for details on how Somalia has adopted Sharia law, and Non-state armed groups for details of how Al Shabaab has applied a strict, and intolerant, interpretation of this. Also see following section on women in regard to the difficulties faced by lesbians and bi-sexual women because of their gender in addition to their sexual orientation.

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11. Women

Overview

[182] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 16 May 2013

[183] Identity Kenya, Gay Man Allegedly Stoned To Death In Somalia, 21 March 2013, https://identitykenya.com/index.php/homepage/featured/1487-gay-man-allegedly-stoned-to-death-in-somalia Date accessed 16 May 2013

11.01 Somalia is not a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (Countries as signatories are set out in the CEDAW official signatories list, accessed on 21 May 2013.)

11.02 The Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo's Mission to Somalia, published on 14 May 2012, noted that:

'Somalia has ratified most of the core international and regional human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the African Charter on Human and Peoples' Rights. Somalia has signed but not ratified the Convention on the Rights of the Child, and is not a party to the Convention on the Elimination of All Forms of Discrimination against Women. The TFG has indicated its willingness to ratify the latter Convention and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.' [184]

11.03 The Freedom House report, Freedom in the World 2013, published in May 2013 noted that:

'Women in Somalia face considerable discrimination. Although outlawed under the new constitution, female genital mutilation is still practiced in some form on nearly all Somali girls. Sexual violence is rampant due to lawlessness and impunity for perpetrators, and rape victims are often stigmatized. The new constitution outlines the expectation that women be included in all branches of government and includes a non-discrimination clause that makes specific mention of women. As of August 2012, 30 members of Somalia's new parliament were female, about half of the 30 percent country's new quota.' [185]

11.04 The Freedom House report, 'Freedom in the World, Somaliland', published on 6 June 2013, noted that: 'While society in Somaliland is patriarchal, women have made modest advances in public life. Silanyo appointed 2 women to his 20-member cabinet. There is only one woman in the House of Representatives, one in the Guurti, and a woman was elected chairperson of the Somaliland Human Rights Commission. Female genital mutilation, while illegal, is practiced on the vast majority of women.' [186]

11.05 The Somalia Human Development Report 2012, published by the UNDP in September 2012, noted that:

'Somalia ranks second to Afghanistan as the worst country worldwide for women. Violence against women cuts across all social and economic strata, and is deeply embedded in Somali culture. The Somali customary system is based on clear gender divisions of labour. Women are generally confined to the household, while men have

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[184] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Somalia, 14 May 2012, p4, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf Date accessed 29 May 2013

[185] Freedom House, Freedom in the World – Somalia, May 2013, http://www.freedomhouse.org/report/freedom-world/2013/somalia Date accessed 22 May 2013

[186] Freedom House, Freedom in the World 2013 – Somaliland, 6 June 2013, http://www.freedomhouse.org/report/freedom-world/2013/somaliland Date accessed 21 June 2013

jurisdiction over decisions outside the home. Nonetheless, women have been the backbone of Somali society, providing much of the labour required for the survival of the family in a harsh environment. They fetch water and wood, milk the animals, process the milk, feed the family, and take care of the children and livestock. There are many womenheaded households in Somalia where women are the breadwinners, engaging in small-scale enterprises, especially in urban areas…Since Somali women and men have had different access to resources, power and decision making before, during and after conflict, they experience different impacts and inequalities in terms of burdens and opportunities. As in most contemporary conflicts, many Somali women have been killed, raped, displaced and abandoned. Women and children comprise 70 to 80 percent of all refugees and internally displaced people (IDPs). Many women have lost husbands and other able-bodied family members to violence, leaving them to provide for and protect the children, the elderly and the sick. Polygamy and divorce have further contributed to the increasing number of female breadwinners. Among other consequences, these situations reduce education opportunities for girls.' [187]

11.06 The Population Reference Bureau published the following information in the 2011 data sheet, The World's Women and Girls: [188]

Female population (millions)	4.8
Percentage of women aged 20-24 who were married by age 18	45
Lifetime births per woman	6.5
Percentage of women with HIV/AIDS in 2009	0.7
Percentage of girls enrolled in secondary school	5
Female secondary school enrolment as a percentage of male enrollment	46
Percentage of women who are economically active	54

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Legal rights

11.07 The USSD 2012 report noted that:

'Women did not have the same rights in practice as men and were systematically subordinated, despite provisions in the federal constitution prohibiting such discrimination.

'Only men administered Sharia. It was often applied in the interests of men. According to Sharia and the local tradition of blood compensation, anyone found guilty of the death

[187] UN Development Programme, Somalia Human Development Report 2012, September 2012, (p23) http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf Date accessed 22 May 2013

[188] Population Reference Bureau, The world's women and girls, 2011, http://www.prb.org/pdf11/world-women-girls-2011-data-sheet.pdf Date accessed 22 December 2011

of a woman paid to the victim's family only half the amount required for a male's death.' [189]

11.08 The Somalia Human Development Report 2012, published by the UNDP in September 2012, noted that:

'Since 1991, the re-emergence of customary law, the extended use of sharia law and the resort to clan-based forms of political representation have meant women have been virtually excluded from all political and judicial structures in different parts of the country. The xeer recognizes the rights of men but limits the rights of women, meaning their lives are of unequal value to those of men. Sharia law offers women greater justice than the xeer, but can only be administered by men; in practice it is often misapplied in the interests of the latter. Although Somalia's Family Law states that females and males have equal inheritance rights, both sharia law and customary practices often prevent women from getting equal shares or any share at all.' [190]

See Violence against women, and subsections on Rape and Domestic violence.

Political rights

11.09 The USSD 2012 report noted:

'The roadmap process [for ending the Transitional Federal Parliament] included specific quotas for women's political participation. According to the Garowe II Principles signed by the roadmap signatories on February 17 [2012], 30 percent of the [National Consituent Assembly] NCA was to be composed of women. The final representation was approximately 24 percent. The Garowe II Principles also dictated the federal parliament should consist of at least 30 percent women, who were to be nominated by the 135 traditional elders (who were all men) and approved by the TSC before the elders could nominate men to the parliament. Several traditional elders and their clan constituencies refused to adhere to the regulations, and only 14 percent of seats in the final federal parliament were held by women. The previous Transitional Federal Parliament had 6.7 percent of its seats held by women.

'The TFG cabinet under Prime Minister Abdiweli Mohamed Ali included one woman and two ethnic minority members among 18 positions. The subsequent 10-member cabinet appointed in November had two women, including the first female deputy prime minister/foreign affairs minister.…Somaliland had two women in its 86-member House of Representatives and one woman in the Guurti, who was appointed after her husband, who occupied the seat, died. Women traditionally were locked out of the Guurti. There was one woman minister out of 24 positions. The cabinet included no minorities.

'In September 2011 Somaliland's president appointed a committee comprised of cabinet and parliamentary members and charged it with recommending ways to strengthen women's and minorities' political participation. On March 8, the president recommended parliament implement some of the recommendations. The committee's report was not

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[189] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 22 May 2013

[190] UN Development Programme, Somalia Human Development Report 2012, September 2012, (p23) http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf Date accessed 22 May 2013

made public. One recommendation was for a quota of 25 to 30 percent female representation in Somaliland institutions. On September 1, the parliament voted to remove legislation on the quota from the parliamentary agenda, claiming there was nothing barring women's participation and therefore no special provisions were necessary…In Puntland there have never been any women on the Council of Elders. Exclusively male traditional clan elders select members of the state's parliament, leaving little opportunity for women to be chosen. Only three women served in the 66-member parliament during the year. The 18-person cabinet included only one woman and did not include members of minority groups. The nine-member TPEC included one woman.' [191]

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Social and economic rights

11.10 The Lifos fact finding mission report 'Kvinnor och barn i Somalia. Rapport från utredningsresa till Nairobi, Kenya och Mogadishu, Hargeisa och Boosaaso i Somalia i juni 2012' ['Women and children in Somalia: report of a fact finding mission to Nairobi, Kenya, and Mogadishu, Hargeisa and Boosaaso in Somalia in June 2012'], published on 5 June 2013 (Lifos FFM report 2013), noted that:

'The Somali society is patriarchal which affects the situation for women. Generally there is few work opportunities for women but in spite of this it is generally the women who are the main breadwinners of the family. The situation of a woman is also depending on whether she lives on the country side or in urban areas, is educated or not. Even if women have rights it takes a resourceful woman to be able to access them. Within the clan system and the customary law Xeer a woman lack the possibility to represent herself. Instead her claim will be articulated by a male relative, normally the father or the husband. In Somaliland a woman can address a secular court. A woman can move around by herself, but it is more common that women who travels without men travels in groups of women. A woman can move around without any company in cities, e.g. Mogadishu. However, a journey is a situation where the woman is vulnerable and the risk for assaults increases.' [192]

Property and inheritance

11.11 The USSD 2012 report noted that:

'While formal law and Sharia provide women with the right to own and dispose of property independently, women often were obstructed from practicing such rights because of various legal, cultural, and societal barriers. By law, girls and women could inherit only half the amount of property to which their brothers were entitled. A 2010 report from a local women's organization in Somaliland indicated that 75 percent of

[191] US Department of State, Report on Human Rights Practices in Somalia, p33-34, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 22 May 2013

[192] Lifos, 'Kvinnor och barn i Somalia. Rapport från utredningsresa till Nairobi, Kenya och Mogadishu, Hargeisa och Boosaaso i Somalia i juni 2012', 5 June 2013, http://lifos.migrationsverket.se/dokument?documentAttachmentId=39750 Date accessed 10 June 2013

women did not own livestock, land, or other property. Only 15 to 20 percent had received inheritance from male family members.' [193]

11.12 The Somalia Human Development Report 2012, published by the UNDP in September 2012, noted that: 'Although Somalia's Family Law states that females and males have equal inheritance rights, both sharia law and customary practices often prevent women from getting equal shares or any share at all.' [194]

Marriage

11.13 The Landinfo response, Somalia: Al-Shabaab and forced marriage, published on 6 July 2012, noted that:

'Arranged marriages are the norm in Somalia, and few women oppose their family's choice, which is to say their father or guardian's choice (Abdullahi 2001). The difference between an arranged marriage and a forced marriage can be subtle. Among nomadic groups, marriage to members of neighbouring clans is important for building alliances in order to ensure access to water and pasture areas. There is also a long tradition of peace arrangements between clans, sealed with an exchange of brides between the parties.

'The social pressure for entering marriage is strong, especially for a first marriage, and for many young women it is almost unthinkable to oppose being married, because marrying and raising a family is fundamental in society. In conversations with both Somali and international resource persons during stays in Nairobi in 2002, 2004 and 2005, everyone pointed out that women who refuse to marry their family's choice may risk being exposed to violence. The extent of such violence is unknown. Those who do break with the traditional social standards cannot expect help or protection from family or other clan members. However, killing women is not socially accepted, and so-called "honour killings" of women have no tradition in Somalia.

'Women who don't want to get married have few options. Opposing the family's choice may mean that she has to leave her family and home, and without other benevolent relatives or acquaintances, life would be very difficult. However, there are differences here – urban educated women, as opposed to women from rural areas with little or no education, may have better opportunities to establish themselves and make a living, but in general, outcast young women are vulnerable to abuse and exploitation (conversation with UNIFEM in Nairobi, April 2002, Somali resource persons in Nairobi, March 2010 and March 2011, Timmons 2004). However, traditions connected to marriage and opportunities for choice of partner have, like other traditions, changed in the course of recent decades.

'The Centre for Research and Dialogue (CRD) in Mogadishu implemented a project in 2002-3 in South and Central Somalia in which the repercussions of the civil war on the population were assessed. The report Somalia: Path to Recovery building a sustainable

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[193] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 22 May 2013

[194] UN Development Programme, Somalia Human Development Report 2012, September 2012, (p23) http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf Date accessed 22 May 2013

peace (CRD 2004) is based on interviews and consultations with more than 13,000 people in all parts of the country. This says, amongst other things (p. 37):

'"In the decade and a half since the onset of the Somali crisis, the institution of marriage has undergone such a transformation as to be almost unrecognizable today. Many weddings now occur without the involvement, knowledge or blessing of parents. There has been a dramatic increase in the rate of teenage marriages and a proportional increase in the rate of teenage divorce – often leaving young mothers alone to raise their children. In the absence of parental involvement, newlyweds often lack the kind of financial and moral support that once ensured the durability of marriages.

'However, for other parts of the population, the civil war had other consequences. Marriages between women from the so-called Benadir population and members of the Somali military who controlled Mogadishu were partly the result of the need these groups had for protecting themselves against various Somali military groups and criminals who ravaged local communities. These marriages were probably largely characterised by strong reluctance from both the woman's family and the woman herself, but they found themselves with little choice in the matter (interviews with Somali and international resource persons in Nairobi in 2002, 2004 and 2005). A lack of options also characterises today's situation, inside and outside the Shabaab areas.' [195]

11.14 The Immigration and Refugee Board of Canada response, Somalia: Prevalence of forced or arranged marriages in Somalia; consequences for a young woman who refuses to participate in a forced or arranged marriage, published on 20 September 2007, stated:

'According to an article on marriage traditions in Somalia published in a 2004 book entitled Somalia – The Untold Story: The War Through the Eyes of Somali Women, elopement is a common way for a Somali woman to avoid an arranged marriage (ibid; see also Gardner and El Bushra 2004, 148). However, the practice is frowned upon in Somali society and a woman who elopes may be 'risking her family's wrath' (Musse Ahmed 2004, 54). In October 2006, Islamic leaders in Somalia reportedly banned this type of marriage, known as masaafo, saying that it 'violate[d] islam' (SAPA/AP 30 Oct. 2006). Further information on the banning of masaafo could not be found among the sources consulted by the Research Directorate within time constraints.

'The article on marriage traditions in Somalia indicates that in cases where a marriage is arranged without the consent of the couple, the girl may be able to refuse the marriage if she gains her mother's support (Musse Ahmed 2004, 53). However, to avoid this situation, the father or male relative of the girl may try to formalize the union without advising the family (ibid.). The author notes that although a 1975 Family Law states that a father must not arrange a marriage without the consent of his daughter, this law is no longer applied in the country (ibid.). Still, some women living in urban areas of Somalia who are aware of the law continue to refer to it (ibid.).

'A 2004 report by the Danish Refugee Council (DRC) similarly indicates that a woman can be forced into a marriage arranged by her father or male guardian (21 Aug. 2004, 10). The father or guardian may justify the arrangement, believing that he is looking out for the woman's welfare (ibid.). A prior xeer [customary law (Denmark Mar. 2004; UN 10

[195] Landinfo, Somalia: Al-Shabaab and forced marriage, 6 July 2012, p1-2 http://www.landinfo.no/asset/2156/1/2156_1.pdf Date accessed 24 May 2013

May 2007)] agreement between two tribes may also be used to encourage a union (DRC 21 Aug. 2004, 10). In such cases, the woman's family must agree to give her in marriage to another tribe because of 'a precedent case where the girl's male relative or kin was able to marry from her suitor's tribe in a similar manner' (DRC 21 Aug. 2004, 10). Large bride prices are often used to bribe the father (ibid.).

'Arranged marriages in Somalia can also take place through the exchange of women between warring tribes, which is viewed as sealing a peace agreement (Gardner and El Bushra 2004, 147; Musse Ahmed 2004, 54; Ibrahim 2004, 167). Referred to as godob reeb in northern Somalia and godob tir in the south (Gardner and El Bushra 2004, 147), this type of marriage is usually arranged without the consent of the woman or the man (Musse Ahmed 2004, 54). According to the article on marriage traditions in Somalia, if either partner refuses to take part in this type of arranged marriage, then another family member will take his or her place; however, the article also notes that girls who are promised in these types of marriages are usually 'very young and find it hard to refuse unless they elope or unless there is some resistance to the marriage within the family' (ibid.).

'According to the 2004 DRC report, 'inherited marriage' is another form of marriage in Somalia in which a woman is unable to choose her husband (DRC 21 Aug. 2004, 10). Inherited marriage includes dumaal, the Somali tradition where a man is entitled to 'inherit' or marry the widow of his deceased brother or close relative (ibid., 11; UN Dec. 2002, 24). It also includes higsiisin [also referred to as xigsiisan], where a man is permitted to marry the sister of his deceased wife (ibid.; DRC 21 Aug. 2004, 11).

'Traditions of arranged and inherited marriages are said to be 'particularly strong' among nomadic pastoralist populations in Somalia (DRC 21 Aug. 2004, 10). The DRC report indicates that women who refuse to participate in these marriages 'face strong pressure and sanction' from their family and their in-laws and, in cases of dumaal, could also be denied certain rights, including child custody and the management of the deceased husband's property (ibid., 11)' [196]

For information on forced marriage, please see Violence against women: Forced marriage.

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Reproductive rights

11.15 The USSD 2012 report stated that:

'Decisions regarding reproduction were often determined by a woman's husband. Women had very limited ability to decide freely and responsibly the number, spacing, and timing of their children. Women had very limited information about and little, if any, access to contraception. According to the UN, only an estimated 1 percent of girls and women aged 15-49 had access to a modern method of contraception. With inadequate health care, women rarely had skilled attendants during childbirth or essential obstetric and postpartum care. The UN reported that of the approximately 1.5 million people that were currently displaced, an estimated 600,000 were women of reproductive age, and

[196] Immigration and Refugee Board of Canada, Somalia: Prevalence of forced or arranged marriages in Somalia; consequences for a young woman who refuses to participate in a forced or arranged marriage, 20 September 2007, http://www.unhcr.org/refworld/docid/47ce6d7a2b.html Date accessed 3 May 2011

more than 80 percent of them had no access to safe maternal delivery. The maternal mortality ratio was 1,400 per 100,000 live births, due to complications during labor that often involved anemia, FGM/C and/or the lack of medical care. A woman's lifetime risk of maternal death was one in 14.' [197]

Dress code

11.16 The Landinfo response, Somalia: Vulnerability, minority groups, weak clans and individuals at risk, published on 21 July 2011, noted that women '…who do not comply with [al-Shabab's]…strict dress code are at risk of harassment…' [198]

11.17 The response further noted that:

'The majority of the female refugees Landinfo talked with in the Dadaab camps in Kenya in the spring of 2010 pointed out that the stricter dress code was one of the reasons why they left Somalia. The demand of al-Shabaab is that the cloth used for the hijab must be much rougher/heavier than what Somali women usually wear, in order to hide the shape of the female body. In some areas, women are not allowed to wear a bra, and in other areas women are, for example, required to use red socks when they are menstruating. Shabaab replaces the administration in areas they control every three months, and each new administration introduces new rules. These rules force women to buy new clothes or fabric and therefore help to provide the administration and the movement with much-needed income (interviews in Nairobi, March 2011).

'Women react because of economic reasons but also because clothes made of heavier fabric feel strange and are uncomfortable to wear in the hot climate.' [199]

11.18 The Human Rights Watch report, 'Harsh War Harsh Peace', published on 19 April 2010, stated that:

'In the second quarter of 2009, as al-Shabaab consolidated its hold on south/central Somalia, its local authorities began requiring women to be fully veiled in public. Over the next few months, many leaders added the additional stipulation that women wear an abaya made of a particularly thick cloth and that touches the ground and hides all physical contours.

'These orders were a dramatic departure for many Somali women, who traditionally cover their heads and bodies, but often with lightweight, colorful fabrics that they wrap around themselves loosely.…Many poor women have had to share one abaya across an entire family or group of households, meaning that only one of them can leave the home at any given time…In some areas, al-Shabaab militiamen have threatened men over their wives' or daughters' attire…Women are also targeted with sporadically applied decrees that appear to underscore the arbitrary power and impunity of some local leaders rather than a coordinated policy. Only in some areas, for example, did al-Shabaab order women to don gloves and socks, a common addition to the abaya in

[197] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 24 May 2013
[198] Landinfo, Somalia: Vulnerability, minority groups, weak clans and individuals at risk, 21 July 2011, p3, http://landinfo.no/asset/1805/1/1805_1.pdf Date accessed 24 October 2011
[199] Landinfo, Somalia: Vulnerability, minority groups, weak clans and individuals at risk, 21 July 2011, p4, http://landinfo.no/asset/1805/1/1805_1.pdf Date accessed 24 October 2011

conservative countries such as Saudi Arabia. Similarly, in some neighborhoods of Mogadishu, Kismayo, and Baardheere, a few women told us al-Shabaab had banned bras because they considered them a 'western deception.' But this did not appear to be a uniform mandate, despite widespread media coverage.

'Some women who were devout Muslims and already wore abayas told us they initially had welcomed the dress codes, particularly those who had been criticized for wearing the hijab by troops from neighboring Ethiopia who were bolstering the TFG. But soon, these women said, they felt as if they had been yanked from one extreme to the other.' [200]

See Human rights abuses by non-state armed groups for more information on abuses by al Shabaab.

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Employment

11.19 The USSD 2012 report noted: 'Women formed a negligible part of those employed in both the formal public and private sectors because of girls' low education level. However, women were not discriminated against in owning or managing businesses, except in al-Shabaab-controlled areas. Al-Shabaab claimed women's participation in economic activities was anti-Islamic.' [201]

11.20 The Somalia Human Development Report 2012, published by the UNDP in September 2012, noted that: 'There are many womenheaded households in Somalia where women are the breadwinners, engaging in small-scale enterprises, especially in urban areas..' [202]

11.21 The Human Rights Watch report, 'Harsh War Harsh Peace', published on 19 April 2010, stated that:

'Somali women have traditionally engaged in a wide array of small-scale businesses such as selling tea, qat, and fruit in kiosks, small shops, and markets. But al-Shabaab administrations have ordered women to close their shops. As one resident of a southern village explained, 'Al-Shabaab said this is social mixing [with men].' These discriminatory bans have profoundly curtailed women's rights to freedom of movement and to earn a living. In a country with a vast number of war widows and female-headed households, with scarce employment options, they also have left many families without crucial sources of income.

'Several refugees told us that al-Shabaab enforcers did not hesitate to punish working women who were infirm, elderly, or pregnant, or who had lost all other breadwinners in the conflict… Al-Shabaab has reserved some of its harshest treatment for women who commit what it considers the double transgression of selling tea or other goods to alleged TFG sympathizers. In the Hawlwadaq neighborhood of Mogadishu, one woman

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[200] Human Rights Watch, Harsh War, Harsh Peace, 19 April 2010, p28-30, http://www.hrw.org/en/reports/2010/04/13/harsh-war-harsh-peace Date accessed 4 May 2011
[201] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 28 May 2013
[202] UN Development Programme, Somalia Human Development Report 2012, September 2012, (p23) http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf Date accessed 22 May 2013

said al-Shabaab gave her 185 lashes over the course of a week in jail in December 2008 after accusing her of that 'crime.'' [203]

11.22 The Landinfo response, Somalia: Vulnerability, minority groups, weak clans and individuals at risk, published on 21 July 2011, noted that:

'Some women sell khat, and in Baidoa in Bay region Shabaab has allocated sales to retail outlets outside the city. As many Somali observers see it, this has two purposes: to remove women from the public sphere and to prevent the sale and use of khat (interviews in Nairobi, March 2009). Because women are often the main breadwinners, this order of Shabaab is creating problems for those families that depend on women's income.

'Shabaab must therefore to some extent tolerate that women are visible in the public sphere, although no doubt preferring women to be in the home.' [204]

Freedom of movement

11.23 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'A local NGO in Mogadishu (C) emphasized that freedom of movement in Mogadishu for women has been improved considerably since February 2012. There are only few remaining checkpoints in Mogadishu and the risk of violations against women at these checkpoints is decreasing. Those violations that occur against women at checkpoints are mostly committed by government soldiers. They are poorly trained and some of them are former al-Shabaab fighters, and this adds to the problem, according to the local NGO in Mogadishu (C).

'Regarding freedom of movement for women in S/C Somalia the local NGO in Mogadishu (C) explained that female passengers traveling in a bus may be at risk of extortion at daytime while the [they] may be at risk of being raped at nighttime when they pass a checkpoint. There are reports that government soldiers have committed such crimes at checkpoints near Afgoye and Merka. It could be dangerous for women to travel from Mogadishu to those cities.' [205]

11.24 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that according to a UN agency in Nairobi: 'An international NGO (B), Mogadishu, explained that today women can move freely around in Mogadishu without having to fear the police or SNAF.' [206]

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[203] Human Rights Watch, Harsh War, Harsh Peace, 19 April 2010, p30-31, http://www.hrw.org/en/reports/2010/04/13/harsh-war-harsh-peace Date accessed 4 May 2011
[204] Landinfo, Somalia: Vulnerability, minority groups, weak clans and individuals at risk, 21 July 2011, p4, http://landinfo.no/asset/1805/1/1805_1.pdf Date accessed 24 October 2011
[205] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p64-65, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 29 May 2013
[206] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p49, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 29 May 2013

See also Freedom of movement for a wider overview

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Violence against women

For general information about the security situation and human rights violations committed by the security forces and non-government groups see Security situation, Security forces and Non-government armed groups.

This subsection provides an overview of the various forms of violence and harassment faced by women, then divides this information into further sub-categories. However, the nature and causes of violence in subsections are likely to have considerable overlap, for example domestic violence will include forms of sexual violence. Therefore to gain a full appreciation of violence faced by women the section should read as a whole. For a wider context and understanding about the nature of violence against women in Somali society, officials are recommended to refer to the above sections on legal rights, political rights and socio-economic rights.

11.25 The Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo's Mission to Somalia, published on 14 May 2012, noted that:

'The internal conflict that has affected Somalia for more than 20 years, together with the extreme poverty, underdevelopment, food insecurity, drought, and massive internal displacement of the population, has resulted in a situation where Somali women experience a variety of forms of violence. These manifestations of violence against women need to be understood in a broader context of inequality and discrimination, which are both a cause and a consequence of the violence they face. Furthermore, this violence has to be recognized as a form of discrimination and subordination, at both the individual and structural levels, that results from a complex interplay of individual, family, community, economic and social factors.' [207]

11.26 Human Rights and Democracy 2012: The 2012 Foreign & Commonwealth Office Report, published on 15 April 2013, noted that:

'Somalia is one of the worst countries in the world to be a woman. Female genital mutilation is almost universal, domestic violence is commonplace and there are many cases of rape and sexual violence (with 70% of those reported occurring among internally displaced populations). The societal stigma attached to sexual violence and rape prevents many women from reporting these crimes. Lack of access, statistics and monitoring data also make it difficult for the international community to establish the full extent of the problem. Most cases which are reported are dealt with under clan or Sharia Law rather than in the state courts.' [208]

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[207] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Somalia, 14 May 2012, p5-6, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf Date accessed 29 May 2013

[208] Foreign and Commonwealth Office, Human Rights and Democracy 2012 The 2012 Foreign & Commonwealth Office Report, 15 April 2013, http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/somalia/?showall=1 Date accessed 29 May 2013

11.27 The Somalia Human Development Report 2012, published by the UNDP in September 2012, noted that:

'Gender-based violence has been a significant feature of Somalia's conflict, in which customary conventions to protect women and children and preserve human dignity have been violated. Rape and sexual violence against the displaced, particularly against members of rival clans and minority groups, are targeted strategies to weaken families and break down the social fabric of communities and societies. Even in some parts of Somalia where there is relative peace, high levels of sexual and gender-based violence persist, creating long-term threats to security and to women's health.

'Perpetrators of sexual and gender-based violence are rarely prosecuted, given the weakness of the judiciary system and the lack of recognition of these as crimes. Even as rape continues to be used as a tool of war, survivors have no recourse. Women in IDP camps are particularly vulnerable, having lost their clan protection, and are common victims of murder, rape and kidnappings. Traditional Somali society is conditioned not to openly discuss issues such as domestic violence and rape, which further hampers women's access to justice. Most surveys confirm under-reporting of violence.' [209]

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Female Genital Mutilation (FGM)

Female Genital Mutilation is typically practised on female children and is covered in the section on Children, Female Genital Mutilation (FGM). This section intends to provide information on how FGM can affect adult women.

11.28 The form of FGM practiced most commonly in Somalia is type III or infibulation (see following paragraphs), which is defined, as referred in an Irinnews article, In-depth: Razor's Edge - The Controversy of Female Genital Mutilation, dated 1 March 2005, as: 'Excision (removal) of part or all of the external genitalia (clitoris, labia minora and labia majora), and stitching or narrowing of the vaginal opening, leaving a very small opening, about the size of a matchstick, to allow for the flow of urine and menstrual blood. Also known as pharaonic circumcision.' [210]

11.29 The World Health Organisation's factsheet on FGM, published in February 2011, listed the following long-term consequences of FGM:

- 'recurrent bladder and urinary tract infections;
- cysts;
- infertility;
- an increased risk of childbirth complications and newborn deaths;
- the need for later surgeries. For example, the FGM procedure that seals or narrows a vaginal opening (type 3 above) needs to be cut open later to allow for sexual intercourse and childbirth. Sometimes it is stitched again several times,

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[209] [209] UN Development Programme, Somalia Human Development Report 2012, September 2012, (p23) http://www.undp.org/content/dam/undp/library/corporate/HDR/Arab%20States/HDR-Somalia-2012-E.pdf Date accessed 22 May 2013

[210] IRINNEWS, In-depth: Razor's Edge - The Controversy of Female Genital Mutilation, 1 March 2005, http://www.irinnews.org/IndepthMain.aspx?IndepthId=15&ReportId=62462 Date accessed 22 December 2011

including after childbirth, hence the woman goes through repeated opening and closing procedures, further increasing and repeated both immediate and long-term risks.' [211]

Sexual violence including rape

11.30 The USSD 2012 report stated:

'Laws prohibiting rape existed; however, they were almost never enforced. Penalties for rape range from death to several years of imprisonment, depending on the judge and aggravating factors. There were no laws against spousal rape. The UNHCR and UNICEF documented patterns of rape perpetrated with impunity, particularly of displaced women (see section 2.d.) and members of minority clans.

'Federal forces and militia members engaged in rape. From October to December [2012], more than 522 rape cases were reported in Mogadishu, 40 percent allegedly committed by men in uniform, according to service and care providers. The SNA made some arrests of security force members accused of raping women and girls…President Hassan Sheikh, noting the increase in reported rape cases, announced in December government security personnel found guilty of rape would face execution.

'Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and victim's clans. Federal, Puntland, and Somaliland authorities prosecuted rape cases during the year. However, for the most part formal structures were rarely used to address rape. Victims suffered from subsequent discrimination based on the attribution of "impurity."

'In Somaliland gang rape continued to be a problem in urban areas, primarily perpetrated by youth gangs and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, returned refugees, and displaced rural populations living in urban areas. Many cases were not reported.' [212]

11.31 The same sourced noted: 'There was no data on, laws pertaining to, or governmental programs to address sexual harassment, although it was thought to be widespread in all regions. The provisional federal constitution provides that all workers, particularly women, shall have a special right of protection from sexual abuse and discrimination. Labor law and practice are required to comply with gender equality in the work place.' [213]

11.32 The Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo's Mission to Somalia, published on 14 May 2012, noted that:

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[211] World Health Organisation, Female genital mutilation, Fact sheet N°241, February 2010, http://www.who.int/mediacentre/factsheets/fs241/en/ Date accessed 25 October 2011

[212] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 29 May 2013

[213] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 29 May 2013

'Throughout her visit, the Special Rapporteur was informed of the prevalence of rape used against Somali women and girls in their daily lives…Cases of sexual violence appear to be difficult to report to police and courts, and access to the formal justice system appears to be complex for a variety of reasons, including the fact that the formal justice system is inoperative in many areas of the country due to the destruction occasioned by the armed conflict and the general underdevelopment. Also an obstacle is the need to pay police and court officials in order to formally file and process a case. Furthermore, the Penal Code, although it criminalizes rape, considers it as a crime against morals and not a crime against the person and is thus not adequate to substantively address this form of violence against women. As a result, many women do not trust the system, which has failed in the past to hold perpetrators accountable.

'This situation is further exacerbated by the complex interrelationships among customary, religious and formal systems of dispute settlement. The pre-eminence of clan interests, over formal institutions and accountability mechanisms, has had a particular impact on victims of sexual violence. They find themselves disregarded, as their families and clans tend to settle the violations/harms according to customary practices that favour conciliation rather than punishing the perpetrator and seeking redress for the victim. The Special Rapporteur was also made aware that women's families, following clan lines, prefer to conciliate with the perpetrator's clan mostly because of family and social pressures and perceived economic benefits that the family and victim's clan may derive.

'The Special Rapporteur heard about victims of rape forced to marry their perpetrators as part of the remedial practices of the traditional justice system. Although authorities and traditional and religious leaders she met denied and opposed this practice, interlocutors stressed that tribal leaders, in the settlements of disputes involving rape cases of single women and girls, often rule that the victim must marry her perpetrator, disregarding the opinion and will of the victim and often her family as well.' [214]

See also forced marriage.

11.33 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'A UN agency explained that it now has access to most areas recovered from al-Shabaab and it has recorded that rape and forced marriages have been common in areas previously controlled by al-Shabaab. However, even today the figures for Mogadishu are still very high. More than half of the Gender Based Violence (GBV) cases registered during the first 6 months of 2012 involved rape and a quarter of the rape cases involved children, including young boys. The UN has access to information on violations in Baidoa, and Dhobley.…According to the UN agency the majority of victims of rape and forced marriage as well as other GBVs are IDPs, but there are also local women being victims of such violations. In some IDP camps in Mogadishu the security situation is so precarious that girls are kept away from the open in order for them not to be raped. Rape is normally committed at nighttime by armed men. The perpetrators are free to enter the IDP camps.

[214] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Somalia, 14 May 2012, p6-7, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf Date accessed 31 May 2013

'According to the UN agency very few rapes are related to Kenyan and Ethiopian soldiers as well as AMISOM soldiers. However there are soldiers from these armed forces who have sexually exploited Somali women for money, food or medication.

'When asked if there is underreporting by international organizations in Mogadishu the UN agency explained that it did not get insight in the situation in the city until August 2011…Today UN agencies have access to areas that were previously no-go areas. In addition several international and local NGOs are now present in Mogadishu as well as in Baidoa and people are approaching the organizations whenever they need. This means that there are more reporting and information. However, it is difficult to compare the present situation to previous periods, but the situation of women and girls have improved as the UN agency have put in place prevention and response mechanisms for women and girls whose rights have been violated.…According to an international NGO working in Gedo the majority of rape victims are either IDPs moving from one area to another during conflict or women moving from one place to another searching for food aid distribution. Being away from their clan areas they do not have the protection of their clan and the perpetrators enjoy impunity. But rape sometimes also happens within local communities when women are out doing their daily chores, fetching water or collecting firewood. Traditionally when rapes were committed within a conflict setting and the rapist was known, the victim's community/family would be compensated. Rapes committed within the clan are resolved within the clan, but if the rapist belongs to a different sub-clan there will not be a peaceful resolution, but revenge. However, because of the stigma women tend to be silent. The NGO added that it is often very difficult to draw a line about who the perpetrators of rape crimes are.' [215]

11.34 The Guardian reported on 7 March 2013 that: 'Lul Ali Osman Barake says she has been raped twice: first by a gang of men in military fatigues, then by the judicial system in what is meant to be liberated Somalia. There was astonishment and revulsion around the world when, having told the police and journalists about the rape, the 27-year-old was arrested and sentenced to a year in jail. The verdict was quashed on appeal earlier this week.' [216]

11.35 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'Elman Peace and Human Rights Centre, Mogadishu, explained that the recent case regarding an alleged victim of rape and a journalist reporting on the case [see paragraph above] has had a very negative impact on reporting on rape cases. The SNG is now much more focused on the issue, but it seems like it is more interested in hiding the level of rapes than the incident of it, but it will still take time before anything on the ground changes…Concerning this rape case the UN agency, Nairobi explained that data from January to March 2013 shows that SGBV reporting went down. The decrease is due to the fact that women are now more cautious to report such cases. They are afraid to report and admit being raped despite the fact that the government has voiced its commitment to fight SGBV. The reluctance to report SGBV may be due to the fact that the government is unable to really fight SGBV because its operational level is still

[215] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p31-32, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 30 May 2013

[216] The Guardian, My rapists were rewarded, says Somali woman cleared of making false claims, 7 March 2013, http://www.guardian.co.uk/world/2013/mar/07/rapists-rewarded-somali-woman-cleared Date accessed 29 May 2013

too weak. The ministries are in place but only on the top level, the operational level is not yet in place, i.e. the ministries have a very low technical capacity.

'On the other hand the UN agency explained that the increase in SGBV is also due to the fact that there is much better reporting in the areas liberated from al-Shabaab, but also that there are an increasing number of reports of SNAF soldiers having committed SGBV, including rapes. There is a correlation between newly recovered areas and the occurrence of SGBV crimes committed by SNAF and allied militias…The UN agency, Nairobi, explained that verified reports show an overall improvement in security for ordinary people, but also that SGBV is a very serious issue, and maybe even increasing due to the liberation of areas under control by al-Shabaab.

'UNHCR-Somalia, Mogadishu stated that in light of the prevalence of gender based violence (GBV), female heads of households or single women, without access to nuclear family and clan protection mechanisms and children are at heightened risk of [violations].' [217]

11.36 The Lifos FFM report 2013 noted that:

'A report of rape made to the police usually does not lead to anything for the woman. When the report is made one tries to put the blame on the woman. The stigmatization and the lack of protection for the woman if she identifies the perpetrator and the inadequate system at the police result in the fact that woman often refrain from reporting rapes. Furthermore a rape case, like other cases, which are pursued in the judicial system, can be taken out from the police and the courts by the clans in order to be settled by Xeer. This can for example be made if the woman has identified the perpetrator and the issue can be handled by the clan system and the customary law Xeer. If the identified perpetrator denies, the case will be withdrawn.

'The woman who has been raped and/or has went through a pregnancy out of wedlock and has had an illegitimate child risks to be excluded from the clan and in that case she loses her clan protection even if her close family still helps her. The woman can also, or instead, be beaten and threatened. Honour killings, in the meaning of a planned murder on a family member or relative to restore the family's or the clan's honour which the victim is seen to have disgraced, does however not exist in Somalia. A child born out of wedlock lack [sic] affiliation to a clan because a child always belongs to the father's clan. The child who is born out of wedlock can in some cases stay and live with the mother's clan, but the child as well as the mother are stigmatized and totally disgraced. To prevent a child from being born out of wedlock the woman can be forced to marry the child's father, or if he denies to be the father of the child, with somebody else.' [218]

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Internally displaced women

[217] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p17-18, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 29 May 2013

[218] Lifos, 'Kvinnor och barn i Somalia. Rapport från utredningsresa till Nairobi, Kenya och Mogadishu, Hargeisa och Boosaaso i Somalia i juni 2012', 5 June 2013, http://lifos.migrationsverket.se/dokument?documentAttachmentId=39750 Date accessed 10 June 2013

11.37 The Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo's Mission to Somalia, published on 14 May 2012, noted that:

'The Special Rapporteur was informed that Somali women and girl refugees fleeing to neighbouring countries are particularly at risk of being targeted for sexual violence, as during their flight to the border they must pass through areas controlled by insurgent militias. Although these areas are difficult to access because of security conditions, the Special Rapporteur heard of several women, aged 11 to 80 years old, having been kidnapped, raped and forced into marriage by Al-Shabaab militias while trying to flee the fighting in the southcentral area and seek shelter in neighbouring countries. Reports also indicate that sexual violence takes place in refugee camps outside Somalia, where overcrowding and inadequate shelters have contributed to very difficult living conditions, thus creating conditions where women and girls refugee are particularly at risk of sexual violence.

'The Special Rapporteur was informed, both before and during her visit, of alarming reports of sexual violence, especially against women in IDP camps in some areas of Somalia. While acknowledging the context of the conflict and humanitarian crisis, which have had a heavy toll, especially on women and girls, and the particular vulnerability faced by persons displaced by conflict and drought, which further expose women to violence, sexual exploitation and abuse, the Special Rapporteur notes a substantial lack of reporting of sexual violence taking place in IDP camps. The absence of proper statistics to report and document these allegations of sexual violence further adds to the impunity and invisibility of this particular manifestation of violence against women and girls. Furthermore, even in areas with lower security risks, the cases of sexual violence committed against internally displaced women and which are reported to the police do not result in convictions and remain largely unaddressed by the authorities.

'The Special Rapporteur also received reports of sexual violence against women and girls living in IDP camps in the Mogadishu area. They were allegedly attacked during the night, mainly by men wearing khaki uniforms, of the same type as the ones used by the Somali National Army. Such uniforms are easily found in Mogadishu markets. Allegations of sexual violence were also made against AMISOM soldiers. There was an acknowledgement by AMISOM of two cases of gender-based violence, which had been dealt with by the military courts. Nevertheless, several stakeholders have expressed concern regarding such allegations, the lack of accountability and the absence of redress.' [219]

11.38 The Report of the Secretary-General on the United Nations support to end human rights abuses and combat impunity in Somalia, published on 21 September 2012, noted that:

'Reports were received of persistent patterns of conflict-related sexual violence, in particular rape of women and girls in camps for the internally displaced, allegedly committed by State agents and allied militia members, and criminal rape by individuals as a result of the general conditions of insecurity in the camps. In total, some 20 cases of sexual violence per day were reported to non-governmental organizations and women's associations in Mogadishu. Some 30 per cent of victims are girls under the

[219] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Somalia, 14 May 2012, p7-8, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf Date accessed 31 May 2013

age of 18. Because of the stigma attached to rape, the actual number of rape victims is likely to be significantly higher.

'Following the visit of the Special Rapporteur on violence against women in December 2011, the Prime Minister of the Transitional Federal Government pledged to establish a task force to prevent and respond to the phenomenon of sexual violence. The task force is, however, yet to be activated, and tangible measures to improve the safety of women in camps have yet to be adopted and implemented.

'Women and girls displaced from southern and central Somalia and living in settlements for internally displaced persons in "Puntland" State have also faced conflict-related sexual violence. Lack of security, low social status and a lack of clan protection have exposed them to greater risk of sexual violence, both at the hands of members of the host community and of fellow displaced men. Women have been raped at night in their huts or while going about their chores, such as when collecting firewood or water, going to the market or working as housemaids. Despite pledges by the "Puntland" authorities, this chronic situation remains largely unaddressed.' [220]

11.39 The USSD 2012 report noted that:

'Gender-based violence, including sexual assault of female IDPs, remained a problem. Women and children living in IDP settlements in Bosaaso and Galkacyo, Puntland State; Hargeisa, Somaliland; and along the Afgoye corridor reported a large number of rapes to UN implementing partners. The number of reports of TFG forces and allied militias committing sexual violence, including rape, against women in and around Mogadishu IDP camps increased compared to the previous year. There was also a reported increase in rapes within IDP camps in Puntland.' [221]

11.40 The Human Rights Watch report, 'Hostages of the Gatekeepers', published on 28 March 2013, noted that:

'Among the many problems in the camps perhaps the most threatening is sexual violence. Displaced women and girls face a significant risk of rape in Mogadishu. They told Human Rights Watch that rape usually occurred at night in the huts. Even Badbaado, one of the few government-run IDP camps in the city, was not safe. Several women described being raped by armed men in uniform, some of whom were identified as government soldiers. Many victims of sexual violence never report their experiences to the authorities, fearing reprisals from the perpetrators, wary of the social stigma associated with sexual violence, and having little confidence that the authorities will respond. As the father of a young woman who was raped by four men in government military uniform said: "We don't know anyone here, we are new to Mogadishu. So we didn't try to go to justice, because the commander was harassing us at the time my

[220] UN Human Rights Council, United Nations support to end human rights abuses and combat impunity in Somalia: Report of the Secretary-General, 21 September 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.36_en_only.pdf Date accessed 29 May 2013

[221] US Department of State, Report on Human Rights Practices in Somalia, section 1d, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 29 May 2013

daughter was raped. So how I can trust anyone here? We must keep silent." Those that do speak out find few options for protection, medical assistance, or redress.' [222]

Further information on the situation for IDPs see section of that name.

For information on the treatment of Somali women resident in Kenya, please see the Human Rights Watch reports: Criminal Reprisals: Kenyan Police and Military Abuses against Ethnic Somalis, published in May 2012, and "You Are All Terrorists": Kenyan Police Abuse of Refugees in Nairobi, published on 29 May 2013.

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Forced marriage

This section is intended to give information on the practice of forced marriage as a form of violence against women. Please see the section on Marriage for general information about marriage norms in Somalia.

11.41 The Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo's Mission to Somalia, published on 14 May 2012, noted that:

'Early and/or forced marriages still persist, particularly in rural areas, as parents perceive a girl child as a source of wealth for the dowry which the prospective husband is expected to pay. The payment of the dowry, along clan lines and not directly to the family, is another factor that increases such practices. The custom of polygamy may also encourage men to marry several women in order to use them for income generation.

'As with the issue of domestic violence, the lack of data makes it impossible to ascertain the extent of the practice of rape and early and/or forced marriages.' [223]

11.42 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'Regarding forced marriages in [Somalia] a local NGO in Mogadishu (C) stated that early marriages are not a religious matter but it is culturally determined…Regarding forced marriages an international NGO working in S/C Somalia (D) explained that previously this occurred, especially of children, even in Mogadishu. The NGO had not heard of instances today and did not consider it likely that forced marriages are taking place in present day Mogadishu.…According to the UN agency the majority of victims of rape and forced marriage as well as other GBVs are IDPs, but there are also local women being victims of such violations…When asked if there is underreporting by international organizations in Mogadishu the UN agency explained that it did not get insight in the situation in the city until August 2011 when al-Shabaab left Mogadishu and later other locations in S/C Somalia. Before this the UN agency had limited knowledge

[222] Human Rights Watch, Hostages of the Gatekeepers, 28 March 2013, p4, http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf Date accessed 29 May 2013
[223] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Somalia, 14 May 2012, p7, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf Date accessed 31 May 2013

of the magnitude of rape and forced marriage. However, the UN agency was aware that these violations took place but it did not know the figures and this was the reason for being reluctant to publish any figures. Today UN agencies have access to areas that were previously no-go areas. In addition several international and local NGOs are now present in Mogadishu as well as in Baidoa and people are approaching the organizations whenever they need. This means that there are more reporting and information. However, it is difficult to compare the present situation to previous periods, but the situation of women and girls have improved as the UN agency have put in place prevention and response mechanisms for women and girls whose rights have been violated.…Regarding forced marriages an international NGO working in Gedo explained that an SGBV [Sexual and Gender Based Violence] assessment was made last year, and forced marriages was one of the issues, but the NGO did not have any specific data on the prevalence of forced marriages. However al-Shabaab inhibited women's freedom of movement through a decree stating that women travelling without a guardian (husband, father or brother) would be married off to an al-Shabaab member, and this could of course be considered From its staff working on educational programmes an international NGO working in Gedo received anecdotal information of mothers complaining that the cultural set up made them marry off their daughters at a very young age.

'Regarding forced marriage a local NGO in Mogadishu (B) considered that this could still be an issue, but the NGO had no knowledge of whether it occurs or not. However, many families may have incentives in order to let their daughter marry an al-Shabaab fighter.' [224]

Al Shabaab and forced marriage

11.43 The Landinfo response, Somalia: Al-Shabaab and forced marriage, published on 6 July 2012, noted that:

'According to a study prepared by Puntland Research and Development Centre in 2002, there are differences between traditional Somali rights and Sharia:

'["] […] customary law (xeer) denies women rights that Sharia sanctions for them. These include free choice of spouse, and rights to property ownership […] Sharia is against any type of forced marriage […] the Xeer penalty for rape is much milder than both Sharia and secular law."

'These views are supported by The Academy for Peace and Development (2002) and other specialist literature.

'However, al-Shabaab's religious and ideological platform has its roots in the dogmatic Wahhabism, and in line with this movement, it advocates a strict interpretation of Islamic rights and Islamic traditions. This tradition is foreign to most Somalis, but those who do not live in accordance with this interpretation are infidels in Shabaab's eyes. As mentioned, arranged marriages are the norm in Somalia. The bride and groom's parents and relatives often make decisions without consulting the girl, and therefore forced marriages are not a phenomenon that came with Shabaab.

[224] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p30-33, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 30 May 2013

‘A Somali theologian and other Somali resource persons Landinfo met in March 2011 believed that Shabaab distorts Islam, and introduces practices that break with Somali tradition. The impression conveyed by the oral sources was that the forced marriage problem in Shabaab areas is complicated. The impression was unchanged after conversations in Nairobi and Mogadishu in February 2012.

‘Neither the woman nor her guardian usually has any real choice if a Shabaab soldier has decided on a woman. The soldier will usually approach the woman more than once, and he will usually ask her father to marry her, in keeping with local tradition. But if the girl and her father refuse, he will take the law into his own hands. Should Shabaab claim the father is an infidel, this method becomes even easier.

‘However, there are some examples of women having refused to marry a Shabaab soldier without known consequences. The examples discussed come from Baidoa, and the prerequisite for success is that one belongs to a large and important local clan (conversation with the representative of an international organisation in Nairobi, 21 February 2012). This report confirms the impression that there are local variations that particularly depend on the Shabaab administration, or the commander, having local clan ties. There are many stories of Shabaab and forced marriage. A Somali resource person was able to tell about family members who live in settlements for internally displaced people in the Afgoye corridor. This area was Shabaab-controlled at the time,3 and the family’s four daughters were sent to Mogadishu for education (since Shabaab does not allow girls to go to school), and to avoid Shabaab marriage. Another relative had received a despairing phone call from a family member in Beled Weyne4 because a Shabaab soldier wanted to marry their daughter, and they dared not refuse (conversation in Nairobi 24 February 2012).

‘It is Shabaab’s position of power and people’s experience of powerlessness and fear of reprisals that make such behaviour possible. Some women are subjected to brainwashing, while other women see a marriage with a Shabaab soldier as their contribution to jihad. There is also talk of cases where girls are abducted and married (interviews in Nairobi in March 2011). As Shabaab weakened, their propaganda and rhetoric became more powerful. All families must contribute with their boys as soldiers and girls as wives and mothers for more future recruits (conversations in Nairobi, 21 February 2012 and 22 February 2012 in Mogadishu).

‘Young Shabaab soldiers ready for combat get married – the marriage signals, amongst other things, that a suicide bomber is prepared, and it is important that combatants have descendants. However, the woman is not aware that the marriage may be short-term. An international representative stated that a local Somali NGO had noticed in general a number of young, pregnant women and women with small children who had been abandoned by their husbands. The men were young Shabaab soldiers who had gone to the front and possibly been killed, or had abandoned the wife in favour of a new wife. Regardless of the reason, these young girls were left on their own, without money or opportunities to support themselves and the child. However, the source believed that the girls would be taken care of by their families, if they chose to go back to them (conversation in Nairobi, March 2011).

‘Marriage between Somalis and non-Somalis, or across ethnic lines, have traditionally not been common in Somalia (even if both parties are Muslims), but the foreign jihadists are almost completely free to choose wives, according to some observers (interview in Nairobi, March 2011). However, many of the foreign jihadists must have left Somalia in

recent months (conversations in Nairobi and Mogadishu in February 2012), and this means that even more women and children are left on their own.

'Some families see a benefit in a Shabaab-affiliated in-law because it provides protection and opportunities, this is particularly true among minority groups and small clans. This category of marriage differs little from the so-called black cat marriages (mukulaal madoow) in the warlord days. Those in power today have only put on a different hat – the religious one.

'However, many of today's Shabaab soldiers themselves belong to marginalised minority groups or small clans, and for some of them, marriage with women from majority clans may be perceived as a form of revenge or prestige.

'According to various sources, Shabaab has also introduced its version of widow inheritance (dumaal). In Shabaab's eyes, all Shabaab soldiers are brothers, and therefore Shabaab members can invoke this tradition and marry the widows of fallen comrades, regardless of biological relation. These marriages follow a pattern in which the new husband has the same rank as the deceased. Neither the woman nor her family can oppose such a marriage, unless they have a high-ranking Shabaab officer in the family. The only way out for a woman in such a situation who wants to avoid marriage is to leave her native country (interview in Nairobi in March 2011).' [225]

11.44 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'Regarding forced marriages in a local NGO in Mogadishu (C) stated that early marriages are not a religious matter but it is culturally determined. It is not a new phenomenon in Somalia culture, but for some time many Islamists have manipulated or brain washed families in order to get hold of their young girls and marry them. The local NGO in Mogadishu (C) has reports that al-Shabaab members may even force girls to marry them without the consent of their parents. This is not taking place publicly as you do not see al-Shabaab in the open any longer. However, this practice has been a concern to many families, but it does not occur in Mogadishu today as al-Shabaab has been defeated militarily. Now al-Shabaab only has sleeping cells in Mogadishu and you do not see them in the open. On the other hand al-Shabaab does undertake forced marriages in rural areas and there are families who move away from those areas in order to avoid their girls being forced to marry an al-Shabaab fighter.…should it occur that al-Shabaab wants a girl for marriage one cannot seek protection against this by one's own clan, i.e. sub clan. If a father or mother denies such a request they risk being killed by al-Shabaab, and the fear for reprisals could stop people from telling about such threats. However there is a general optimism among the population of Mogadishu today and the occurrence of for instance forced recruitment and forced marriages have decreased. However, al-Shabaab still has informants in the city and people are aware of this, and the presence of these informants causes fear among people.

'A UN agency explained that it now has access to most areas recovered from al-Shabaab and it has recorded that rape and forced marriages have been common in areas previously controlled by al-Shabaab. However, even today the figures for

[225] Landinfo, Somalia: Al-Shabaab and forced marriage, 6 July 2012, p3-5 http://www.landinfo.no/asset/2156/1/2156_1.pdf Date accessed 31 May 2013

Mogadishu are still very high…The UN has access to information on violations in Baidoa, and Dhobley.

'The UN agency explained that the agency has registrations of forced marriages and an overview of available date shows that approximately 10 % of the children and youngsters who have left al-Shabaab controlled areas were victims of forced marriages. Many of the girls were only of nine to ten years of age when they got married…Regarding forced marriage by al-Shabaab Ayaki Ito, UNHCR, stated that he had no reports on this being the case today and added that "we do not hear about this any longer".

'An international NGO working in S/C Somalia (C) did not believe that forced marriages by al-Shabaab take place any longer in Mogadishu. It was however very common when al-Shabaab had control over the city.

'However, forced marriages occur in areas under control of al-Shabaab, according to the international NGO working in S/C Somalia (C). The normal procedure would be that al-Shabaab calls a family father in order to inform him that an al-Shabaab member wants to marry his daughter. There are families who flee al-Shabaab controlled areas in order to avoid forced marriages. It was emphasized that such incidents only occur in al-Shabaab controlled areas and that today there are no threats of forced marriages in Mogadishu.' [226]

11.45 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that according to a UN agency in Nairobi '…al-Shabaab does not undertake forced marriages in Mogadishu.' [227]

11.46 Regarding the annulment of marriage, the Landinfo response of 6 July 2012 noted that:

'Annulment of marriage against the husband and wife's wishes occurs, but happens very rarely, according to a Somali theologian (interview in Nairobi, March 2011). The inner circle of dogmatic takfiri theologians in Shabaab might argue that a man is an infidel, and consequently his marriage is not valid and must be dissolved. Thus, a Shabaab member can marry the woman he has decided on. The theologian had heard of two or three such cases in the last two or three years prior to the meeting with Landinfo in March 2011.

'In accordance with Islamic law, abandoned women may demand a dissolution/annulment of the marriage, and on the question of whether Shabaab uses this opportunity to put pressure on women they want to marry, the Somali theologian explained that such a practice would not be very appropriate for Shabaab. Many senior executives are themselves diasporic Somalis from the UK, the USA, Sweden and

[226] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p30-31, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 24 May 2013

[227] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p17, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 24 May 2013

Denmark. They have long been away from Somalia, and would thus risk being affected themselves.' [228]

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Domestic violence

11.47 The Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo's Mission to Somalia, published on 14 May 2012, noted that:

'Domestic violence remains the most pervasive manifestation of violence against women and girls in the country. During her visit, the Special Rapporteur found that violence in the family was widespread and remained largely invisible due to the absence of reporting mechanisms and statistics and a lack of policies and programmes addressing this issue. Unless it resulted in serious injury or death, domestic violence was not perceived as a problem necessitating legal intervention or other assistance.

'The Special Rapporteur heard numerous accounts of domestic violence, such as a woman in Garowe having been beaten by her husband because she did not bring enough money home after selling khat on the streets. Another woman in Puntland was severely beaten by her husband and had to be taken to the hospital, where several fractures to her arm and shoulder were diagnosed. Many women are subjected to violence not only by their husbands but also by also their husbands' families. The Police Commissioner of Garowe expressed the view that it was an acceptable practice for a man to beat his wife and children if they did not obey him or behave appropriately. According to this interlocutor, if a man used only his hand to beat his family, this was not a matter of concern to the police, as it occurred inside the privacy of the home. The attitude of denial of domestic violence, coupled with the absence of reporting, accountability and protection mechanisms further exacerbates this pervasive form of violence against women.' [229]

11.48 The USSD 2012 report noted that: 'Domestic violence against women remained a serious problem despite the provisional federal constitution provision prohibiting any form of violence against women. Both Sharia and customary law address the resolution of family disputes, but they were applied by men. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination.' [230]

See sexual violence for further detail on this.

11.49 The Lifos FFM report 2013 noted that:

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[228] Landinfo, Somalia: Al-Shabaab and forced marriage, 6 July 2012, p5 http://www.landinfo.no/asset/2156/1/2156_1.pdf Date accessed 31 May 2013

[229] UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to Somalia, 14 May 2012, p6, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add3_en.pdf Date accessed 31 May 2013

[230] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 31 May 2013

'It is culturally accepted that the husband/father beats family members, primarily the woman, and it is also culturally accepted that both the man and the woman beat their children. Lifos assess that legislation, if any, that prohibits domestic violence is toothless. It is primarily within the clan system and Xeer that these kind of cases are dealt with and in the light of the cultural acceptance for domestic violence there is no reliable protection for the woman or the children within that system.' [231]

Trafficking

See Trafficking.

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Assistance and support for women

11.50 CNN reported on 17 May 2013 that:

'In a classroom tucked away from the world in Somalia's capital, Mogadishu, students practice spelling. Ranging in age from 6 to 11, these girls all have one thing in common: They have either been raped or suffered through the rape of a loved one. Even the 6-year-old is a rape survivor. The baby of the class, she can't quite keep up with the spelling lesson but is happy to clap along. Next door, in the clinic adjoining the class, a 7-year-old boy and his mother are in for a checkup. The mother was raped and then watched, helpless, as her son was molested.…The classroom and clinic are both part of the Elman Peace and Human Rights Center. Founded in 2011, it is the first rape crisis center in Somalia. Today, the center has bases both in and outside Mogadishu, providing a haven for the spiraling number of Somali victims of sexual violence…For the first time in decades, there is reason for optimism in Somalia, thanks in part to the country's newly appointed and popular president, Hassan Sheikh Mohamud, and increased security in much of the country. But the plight of Somalia's women has seen little improvement. While the center's staff has gained some idea of the number of cases of sexual violence in Mogadishu and its surrounding area, little is known about the scale of the problem further afield.…When the new president was appointed last year, his public commitment to punishing those guilty of sexual offenses had an immediate impact, said [the centre's founder, Ilwad] Elman. But those advances have been undone, she said, by events since. In February, Lul Ali Osman Barake made headlines when she reported her rape at the hands of men she says were government soldiers…But when she reported the crime, it was Barake who was arrested and convicted of defaming a government institution. Eventually, she was freed after a huge international outcry, but she says her attackers have yet to face justice. And, like many of the women CNN spoke to, she has no faith they ever will.…Somali Prime Minister Abdi Farah Shirdon admits there's a problem but insists that it is being addressed. "There's been no effective government in Somalia for such a long time, and people are disorganized...but now we are organizing, and I think we'll disconnect...from the past," he told CNN. "We are doing everything possible, we are taking every step to ensure that women and girls are safe. "We have nominated a new commissioner, judiciary reforms, and…we are constituting a new policy for making our women and children safer than ever."

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[231] Lifos, 'Kvinnor och barn i Somalia. Rapport från utredningsresa till Nairobi, Kenya och Mogadishu, Hargeisa och Boosaaso i Somalia i juni 2012', 5 June 2013, http://lifos.migrationsverket.se/dokument?documentAttachmentId=39750 Date accessed 10 June 2013

‘But women's rights activists say the damage might already have been done. "I think it's become a lot harder for women to report rape," said Elman. "One clear message was sent to them: that if you do report a rape, there's as much of a chance of you ending up in jail as a perpetrator. It has not only become harder for women who are a survivor of rape to report it, but also people working with these people to work towards ending or responding to sexual violence.

‘"There was a very dramatic decline in the figures for the last three months. I think it was nearly 60%." …Some women who have been supported by the center go on to help others, letting them know through word of mouth that these services exist. Other women find their own way there or meet center staff out in the community, she said…The United Nations is due to send in a British-funded team of experts on sexual violence to help the Somali government establish protection mechanisms. Delegates at an international donor conference, held this month in London by the UK and Somali governments, pledged to work together to tackle sexual violence. The issue will also be on the agenda at the G8 leaders' summit to be hosted by the United Kingdom in June. ‘But it will take time and money to bring about change in a country that has so many pressing needs. Matt Baugh, UK ambassador to Somalia, told CNN that there were "no guarantees," but the involvement of international partners should improve the chances of Somalia living up to its commitments on sexual violence.’ [232]

11.51 A news report by IRIN, dated 28 May 2013, noted that:

‘Stiffer penalties and reduced reliance on traditional justice systems could help end the rising incidence of rape in the self-declared republic of Somaliland, say officials.

‘“We estimate that about 5,000 rape cases may have taken place in Somaliland in 2012, compared to 4,000 cases in 2011,” Abdi Abdillahi Hassan, the director of social affairs in Somaliland’s Ministry of Labour and Social Affairs, told IRIN. “There is no data of gender-based violence rates in Somaliland,” he added.

‘Records at the Sexual Assaults Referral Centre (SARC), also known as Baahi-Koob, of the Hargeisa Group Hospital in Somaliland’s capital, also indicate a rising trend. “The centre received 195 rape cases in 2012, compared to 130 cases in 2011,” Ahmed Dahir Aden, SARC’s director, told IRIN. The reported cases are mainly from areas near Hargeisa.

‘Few rape victims seek medical care; those who do arrive well after the attack. “Many women do not reach Baahi-Koob centre in the first 24 hours of the rape incident, and consequently the evidence of the rape cannot be easily found by the medical team,” Aden said.

‘The extent of rape in Somaliland remains difficult to measure, with most cases going unreported or being resolved between families.

‘While rape is punishable with a jail term of five to 15 years in Somaliland, cases are often settled outside the courts by traditional leaders, with perpetrators typically paying compensation or marrying the victim.

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[232] CNN, Inside the rape crisis center that's helping Somalia's women, 17 May 2013, http://edition.cnn.com/2013/05/17/world/africa/somalia-rape Date accessed 10 June 2013

'For example, the perpetrator's family can give some amount to the victim's family, explained Faiza Yusuf Ahmed, the chairperson of the Somaliland Youth Development Association (SOYDA). "In addition to that, sometimes the case may proceed before the court and the perpetrator may be sentenced to imprisonment. However, the perpetrator may also pay an amount relative to his prison term [a fine], and he will be released. For this reason, if we want to decrease rape, we need to stop both the traditional ways of solving rape cases and the buying [off of] the term of imprisonment," she said.' [233]

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Women's health

This section is designed to give an overview of the health of and available healthcare for women in Somalia. For a more general view of healthcare in Somalia, please see Medical Issues.

11.52 The UNICEF report, 'State of the World's Children 2013', published on 3 June 2013, gave the following statistics on women in Somalia: [234]

Life expectancy: females as a % of males		2011	106
Contraceptive prevalence (%)		2007-2012	15
Antenatal care coverage (%)	At least once	2007-2012	26
	At least four times		6
Delivery care coverage (%)	Skilled attendant at birth	2007-2012	33
	Institutional delivery		9
Maternal mortality ratio	2007-2011	reported	1000
	2010	adjusted	1000
		Lifetime risk of maternal death: 1 in:	16

11.53 A WHO article dated May 2013 noted that:

'A reproductive health programme in Somalia is breaking new ground in rapidly expanding access to birth spacing services, safe childbirth, antenatal and postnatal care.

'By 2010, two decades of internal conflict and famine and a collapsed health sector had left 80% of Somalia's population without access to basic health services. The prospect of giving birth in the presence of a trained midwife or of accessing family planning – or "birth spacing" – services was thus a distant dream for the vast majority of Somali women, and one in 14 pregnancies ended with the mother dying…But as Somalia's new government begins to rebuild public health services, a number of women are beginning to realize that dream.

[233] IRIN, Stiffer penalties, formal justice to curb rape in Somaliland, 28 May 2013, http://www.irinnews.org/report/98116/stiffer-penalties-formal-justice-to-curb-rape-in-somaliland Date accessed 10 June 2013

[234] UNICEF, State of the World's Children 2013, Statistics, Table 8, 3 June 2013, http://www.unicef.org/sowc2013/files/Table_8_Stat_Tables_SWCR2013_ENGLISH.pdf Date accessed 10 June 2013

'The first step was to establish a Somali Reproductive Health National Strategy and Action Plan 2010-2015. The plan focuses on three priorities: birth spacing, safe delivery, and addressing harmful practices like female genital mutilation.

'WHO has been working with a consortium of international NGOs, the United Nations Population Fund (UNFPA) and UNICEF to support the three zonal health authorities, and the new Directorate of Health under the Ministry of Human Development and Public Service, in creating and implementing the plan.

'In these early stages, all partners have focused on increasing the number of trained midwives and improving access to birth spacing services.…Training has been a key element of the plan. In 2012 WHO has trained 200 birth attendants on clean and safe delivery and early referral in South Central Somalia. Another 200 health workers, mostly midwives, were trained in Basic and Comprehensive Emergency Obstetric Care.

'UNFPA has established seven midwifery schools, graduating 125 new community midwives so far. Population Services International (PSI) and other NGOs have trained more than 500 health workers, such as skilled birth attendants and junior doctors working in public health facilities, to provide information about birth spacing.

'PSI and health authorities have also led the distribution of modern birth spacing methods through more than 300 private pharmacies in Somaliland, and trained pharmacy and public health centre staff to provide counselling.

'In Somaliland, where the work on birth spacing was first spearheaded in 2010 because it was the first region to become accessible as conflict receded, more than 18 000 women have obtained essential reproductive health information in "interpersonal communication" sessions. More than 1300 women have now started using modern methods to space their families and thus improve their own health and that of their children.…Much progress has been made, but Somalia still has a long way to go to offer all Somalis who want them access to birth spacing services, the presence of midwives at childbirth, and antenatal and postnatal care.

'WHO continues to support the health authorities in establishing and implementing policies to make birth spacing and other reproductive health services possible.

'WHO's representative for Somalia, Dr Marthe Everard, says, "The improvement in Somali women's access to midwives for all essential reproductive health services, including birth spacing, is part of an immense effort to improve these particular services and strengthen health systems in general. Somali Health Authorities are committed to expanding these services. WHO and its UN and NGO partners are at their side to make this happen."' [235]

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12. Children

This section should be read in conjunction with the section on Women.

[235] World Health Organisation, Midwives at heart of Somalia's new reproductive health strategy, May 2013, http://www.who.int/features/2013/somalia_skilled_birth_attendants/en/ Date accessed 10 June 2013

Overview

12.01 The UN Security Council Report's fifth Cross-Cutting Report on Children and Armed Conflict, 27 August 2012, observed, taking Somalia as a case study, that: 'Children have been directly affected by the conflict in Somalia over the decades. They have been killed and maimed and have suffered as a result of forced recruitment as soldiers, forced marriage and rape, as well as attacks on schools. Together with other civilians, they have also been severely affected by the humanitarian crisis which has devastated Somalia since the early 1990s.' [236]

12.02 The Human Rights Watch report, 'No Place For Children', published on 20 February 2012, noted that:

'During its Universal Periodic Review session at the UN Human Rights Council in 2011, the Transitional Federal Government committed to ratifying the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC Optional Protocol). Somalia has signed both treaties, but has yet to ratify them … The African Charter on the Rights and Welfare of the Child, which Somalia signed in 1991 but has not ratified, also provides that states parties "shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child."' [237]

12.03 The UNICEF country page for Somalia, undated, accessed on 13 June 2013, noted that:

'While, in 2012, Somalia saw positive movement in terms of politics, humanitarian access and food security, the majority of children continue to suffer some of the most severe vulnerabilities and deprivations in the world. Many are still out of reach of UNICEF support.

'On 1 August, 2012, a National Constitutional Assembly in Mogadishu adopted a Provisional Constitution significantly strengthening the rights of children.…The UNICEF-supported FSNAU Post-Gu Nutrition Analysis, and partner reports, showed that children continue to suffer greatly, with 16% acutely malnourished, and 3.5% severely so. A mix of factors contribute to the continued dire situation, including insecurity; restrictions on humanitarian access; reduced coping mechanisms; poor performance of crops; lack of access to markets; restriction of commercial and population movements; lack of income generating opportunities; and deep rooted poverty. High prices present the overriding barrier to food access.

'One in 10 Somali children die before their first birthday and one in 12 women die from pregnancy related causes. Somalia has some of the largest numbers of unimmunized children in the world and is thus a reservoir of vaccine-preventable diseases such as polio and measles. Factors leading to health deprivations include an extremely weak

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[236] UN Security Council Report's fifth Cross-Cutting Report on Children and Armed Conflict, 27 August 2012, p24 http://www.securitycouncilreport.org/cross-cutting-report/cross-cutting-report-no-3-children-and-armed-conflict.php Date accessed 20 June 2013

[237] Human Rights Watch, No Place For Children, 20 February 2012, http://www.hrw.org/sites/default/files/reports/somalia0212ForUpload_0.pdf Date accessed 18 July 2013

health system with few policies; poor infrastructure; weak human resources; insecurity; low demand for services; and partners with low capacity.' [238]

12.04 UNICEF noted the following issues affecting children in Somalia in their 'Fast Facts' publication of January 2013:

- The child and maternal mortality rates for Somalia are amongst the highest in the world; one in every ten children dies before seeing their first birthday and 12 in every 1000 women die due to complications related to child birth.
- Somalia is ranked one of the world's lowest in terms of immunization coverage rates.
- In most regions of the south, 1 in 5 children is acutely malnourished and 1 in 15 is severely malnourished, at exceptionally high risk of death.
- Only 30% of the overall population has access to safe water and only 20% in the worst affected areas of the south.
- About 1.1 million people are internally displaced; close to 60% of them are children.
- The gross enrollment rate at primary school level is just over 33% and 75% of women are illiterate.
- Almost all women aged 15 to 49 years (98%) have been subjected to female genital mutilation/cutting (FGM/C).
- Persistent recruitment and use of children as young as nine in armed conflict. [239]

Socio-economic data on children in Somalia covering, amongst other things, child mortality, nutrition, health, prevalence and treatment for HIV/AIDS, education, demographic and economic indicators and child protection, is available in annexes to UNICEF's State of World's Children 2013, dated February 2013.

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Legal rights

12.05 Associated Press reported on 8 August 2012 that:

'Last week Somali leaders voted in a new provisional constitution that greatly expands the rights afforded to children. It bars child labor and protects children from neglect and abuse. It outlaws the use of child soldiers and bans child marriage. It says every child has the right to care from their parents, and that every person in Somalia has the right to free education until secondary school.

'Despite leaders' good intentions in the expansion of protections for children, most of the new rights will remain distant dreams for children like Abdi, who is only 10 years old.

[238] UNICEF, The situation of Women and Children in Somalia, undated, http://www.unicef.org/somalia/children.html Date accessed 13 June 2013
[239] UNICEF, Somalia Fast Facts, January 2013, http://www.unicef.org/somalia/SOM_resources_fastfactsJan2013.pdf Date accessed 14 June 2013

The impoverished, fledgling government controls only Mogadishu and its surroundings, and is unable to provide basic services.' [240]

12.06 Article 29 of the draft constitution, published on 7 September 2012, noted that:

'(1) Every child has the right to a good and righteous name and a nationality from birth.

'(2) Every child has the right to be protected from mistreatment, neglect, abuse, or degradation.

'(3) No child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.

'(4) Every child may be detained only as a last resort, for a limited time, in appropriate conditions, and must be detained separately from adults with the exception of the child's immediate family. The child's immediate family must be informed of the child's detention as soon as practicable.

'(5) Every child shall have the right to legal aid paid for by the State if the child might otherwise suffer injustice.

'(6) Every child has the right to be protected from armed conflict, and not to be used in armed conflict.

'(7) In every matter concerning a child, the child's best interests are of paramount importance.

'(8) In this Article, the word "child" means a person under 18 years of age.' [241]

For general information on the rights of children in Somalia, please see the Child Rights Information Network.

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Violence against children

12.07 The UN Security Council's Report of the Secretary-General on Somalia, published on 31 May 2013, stated that:

'A total of 552 grave violations against children were verified in the first quarter of 2013, representing a decline of more than half from the 1,288 cases reported during the same period in 2012. The reported violations were as follows: 37 killed (27 boys, 10 girls); 63 maimed (43 boys, 20 girls); 219 recruited (214 boys, 5 girls); 19 sexually abused (all girls); 205 abducted (187 boys, 18 girls); seven attacks on schools; one attack on a hospital; and one denial of humanitarian access. The downward trend in killing, maiming and recruitment is attributed to the decrease in open fighting between Al-Shabaab and government forces, while rates of abduction remain worryingly high.

'Overall, most reported violations were committed by Al-Shabaab (63 per cent) followed by the Somali national forces (27 per cent), which is comparable to the same period in

[240] Associated Press, Somali constitution makes big promises to children, 8 August 2012, http://bigstory.ap.org/article/somali-constitution-makes-big-promises-children Date accessed 14 June 2013
[241] Federal Republic of Somalia, Draft Constitution, 7 September 2012, http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME= Date accessed 14 June 2013

2012. The Somali national forces and allied militia were the main perpetrators of killings (38 per cent) while Al-Shabaab committed the most abductions (63 per cent), recruitments (82 per cent), sexual violence (42 per cent) and attacks on schools (71 per cent).

'The Federal Government and the United Nations are working towards the implementation of the action plan aimed at ending the recruitment, use, killing and maiming of children. The Somali national forces are in the process of releasing 41 children to UNICEF for reintegration. In addition, discussions on formally adopting a standard operating procedure for the release and handover of children are ongoing with the Ministry of Defence, the Ministry of the Interior and AMISOM.' [242]

12.08 The US State Department 2012 Country Report on Human Rights Practices, Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated that: 'Child abuse and rape of children were serious problems, although no statistics on their prevalence were available. There were no known efforts by regional governments to combat these practices. Children remained among the chief victims of continuing societal violence.' [243]

12.09 The United Nations Security Council report of the Secretary General on Children and Armed Conflict, published on 15 May 2013, noted that:

'In 2012, the country task force verified 296 cases of killing of children (228 boys and 62 girls) and 485 cases of maiming of children (326 boys and 132 girls). The killings were perpetrated by unknown armed groups (111), Al-Shabaab (94) and the national armed forces (70). According to the World Health Organization, the four major hospitals in Mogadishu treated weapons-related injuries of 230 children under 5 years of age during the period under review. Most of the cases verified by the country task force involved crossfire and mortar attacks. On 10 March 2012, for example, stray bullets injured three children between 11 and 14 years of age during fighting between Al-Shabaab and the national armed forces in Yurkud village, Berdaale district, Bay Region. Children were also allegedly killed for spying. On 18 January 2012, a 15-year-old boy associated with Al-Shabaab was killed by Al-Shabaab in Rabdhure district, Bakool Region, for allegedly spying for the national armed forces. On 16 September 2012, the country task force received allegations of ill-treatment of children implicating the national armed forces in Afgoye district, Lower Shabelle Region. According to reliable sources, the national armed forces arrested and detained 10 children on suspicion of being Al-Shabaab members. It is alleged that they were subjected to ill-treatment and acts tantamount to torture while in police custody. That information, however, could not be verified.

'During the reporting period, the country task force received reports of 213 cases of sexual violence committed against 210 girls and 3 boys, mostly in central and southern Somalia. The incidents were attributed to the national armed forces (119), Al-Shabaab (51) and unknown armed groups (43). Following the end of the transitional period and establishment of the new Government, the Government issued a statement on 25 November 2012 in which it acknowledged that sexual violence was being perpetrated

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[242] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, p9, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 13 June 2013
[243] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 17 June 2013

by its national armed forces and committed itself to ending the violations. My Special Representative will work with the Government to decisively address the issue.

'During the reporting period, Al-Shabaab (51) and the national armed forces (14) were also responsible for attacks on schools. Al-Shabaab was responsible for a further 11 attacks on hospitals in 2012 in Hiran (4), Lower Juba (4), Middle Shabelle (2) and Middle Juba (1).

'The country task force received information on 1,533 cases of abduction (1,458 boys and 75 girls) during the reporting period. Most were reported in central and southern Somalia and were perpetrated by Al-Shabaab (780) and the national armed forces and allied militias (720). On 28 May 2012, for example, around 30 children between 12 and 17 years of age were taken into custody by the national armed forces in Afgoye corridor, Lower Shabelle Region, on suspicion of being members of Al-Shabaab. The country task force is following up on this incident. Most of the southern and central parts of Somalia remained inaccessible, however, owing to the volatile security situation.…On 3 July 2012, the Transitional Federal Government signed an action plan to end the recruitment and use of children, and, on 6 August 2012, another action plan to end killing and maiming of children. Progress towards their implementation was imited, however, owing to the election period and the appointment of the new Government. The President nevertheless pledged his strong commitment to implementing both action plans. The Government reported that it had issued strict guidelines prohibiting the recruitment of children into the national armed forces and that the implementation of the action plan was in the planning process.

'In October 2012, the Government established, together with the United Nations, a joint technical committee in charge of the coordination and implementation of the action plans. On 7 and 8 October 2012, the country task force held a validation workshop with the Ministry of Defence and the Ministry of the Interior to finalize standard operating procedures for the handling and release of children who are captured, who surrender or who are otherwise separated from armed groups and who find themselves in the custody of the national armed forces or AMISOM. AMISOM efforts to reduce civilian casualties notwithstanding, slow progress has been made in the implementation of the civilian casualty, tracking, analysis and response cell. AMISOM has, however, instituted training on protection of women and children as part of the predeployment training for all AMISOM troops.' [244]

See Security situation. Also Security forces, subsection Human rights violations by security forces, Non-government armed groups and Ethnic groups.

Trafficking

See Trafficking.

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Female Genital Mutilation (FGM)

[244] United Nations Security Council, Report of the Secretary General on Children and Armed Conflict, 15 May 2013, p28-29, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/245 Date accessed 14 June 2013

This section provides information on the effect of FGM on girl children. For information on how FGM can affect adult women, including societal attitudes, please see Women: FGM.

Law

12.10 An IRIN News article, published on 12 August 2012, noted that:

'Activists have welcomed a ban on female genital mutilation/cutting (FGM/C) in the new constitution of Somalia – a country where 96 percent of women undergo one of the more extreme forms of the practice – but warn that translating the law into action will require more than just a legal declaration.

'"The fact that the new provisional constitution outlaws the circumcision of girls is a welcome development, but this will require education, awareness-raising and strong legal provisions. Without this, the provision will be little more than ink on a piece of paper," Fatima Jibrell, a women's advocate, told IRIN.

'The provisional constitution states, "Circumcision of girls is a cruel and degrading customary practice, and is tantamount to torture. The circumcision of girls is prohibited."' [245]

12.11 An article by UNICEF, published on 27 February 2013, noted that: 'In line with the Constitution, a draft decree outlawing all forms of FGM/C is awaiting consensus from religious leaders before presentation to the Cabinet for approval.' [246]

12.12 The USSD 2012 report stated:

'In December 2011 Puntland's president signed a bill into law that outlawed some forms of female circumcision but allowed for "Sunna circumcision," which consists of the removal of the prepuce (retractable fold of skin) and/or the tip of the clitoris. The legislation also abolished blame if a child were to die during FGM/C. Human rights workers largely considered this a retrogressive step in the protection of women's rights.

'The Somaliland administration worked with the UN FGM/C task force to develop an FGM/C policy for Somaliland, but the policy was not completed by year's end.' [247]

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Type of FGM practiced and prevalence

12.13 An IRIN News article ated 12 August 2012 noted that: 'In Somalia, the most common form of FGM/C is type III, known as infibulation, which, according to the World Health Organization, involves the "removal of part or all of the external genitalia (clitoris, labia

[245] IRIN, SOMALIA: Activists laud ban on FGM/C, say implementation will require more, 12 August 2012, http://www.irinnews.org/report/96092/ Date accessed 17 June 2013
[246] UNICEF, Towards abandoning female genital mutilation/cutting in Somalia for once, and for all, 27 February 2013, http://www.unicef.org/infobycountry/somalia_68110.html Date accessed 17 June 2013
[247] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 17 June 2013

minora, and labia majora) and stitching and/or narrowing of the vaginal opening."' [248] The Population Reference Bureau document, Female Genital Mutilation/Cutting: Data and Trends, published in 2010, noted that there was a 97.9 per cent prevalence in women aged 15-49 in Somalia.[249]

12.14 Thomson Reuters reported on 16 April 2013 that a survey carried out by UNICEF amongst 9,000 households in Puntland and Somaliland in 2011 indicated that: 'in the semi-autonomous northern region of Somaliland, 25 percent of girls aged 0 to 14 had been circumcised compared with 99 percent of women aged 15 and above. In neighbouring Puntland, 26 percent of girls aged 0 to 14 had been circumcised compared with 98 percent of women aged 15 and above.' [250]

12.15 The USSD 2012 report stated:

'The provisional federal constitution describes female circumcision as cruel and degrading, equates it with torture, and prohibits the circumcision of girls. However, female genital mutilation/cutting (FGM/C) was widespread throughout the country. As many as 98 percent of women and girls had undergone FGM/C; the majority were subjected to infibulation, the most severe form of FGM/C. International and local NGOs ran education awareness programs on the dangers of FGM/C, but there were no reliable statistics to measure the success of these programs.' [251]

12.16 Although there have been more recent studies that have summarised key aspects of FGM issues, the most comprehensive source found is the World Bank study of November 2004, Female Genital Mutilation / Cutting in Somalia.

12.17 The LandInfo report, Female genital mutilation in Sudan and Somalia, published on 10 December 2008, stated: 'Some sources…claim to have observed a transition from infibulation to sunna [excising of part of the female genitals] in recent years, however it is difficult to ascertain with any degree of certainty how extensively patterns might have changed. Sunna is common among the Benadir population in the coastal areas. In these population groups, the procedure is performed on newborns (ibid).' [252] The World Bank 2004 study rejects the use of the term sunna as the authors consider it a euphemism that grants the practice a false sense of religious obligation and acceptance. [253] The World Bank 2004 study stated: 'Type II or excision of the clitoris accounts for 80 percent of all operations in Africa. Among Somali and Sudanese women, 80 to 90 percent undergo type III or infibulation, which accounts for only 15 percent of cases in Africa. Ethnic Somalis in Kenya and Ethiopia practice infibulation

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[248] IRIN, SOMALIA: Activists laud ban on FGM/C, say implementation will require more, 12 August 2012, http://www.irinnews.org/report/96092/ Date accessed 17 June 2013
[249] Population Reference Bureau, Female Genital Mutilation/Cutting: Data and Trends, 2010, p5, https://www.prb.org/pdf10/fgm-wallchart2010.pdf Date accessed 22 December 2011
[250] Thomson Reuters, 75% of northern Somali girls have not undergone FGM – Unicef, 16 Apri 2013, http://www.trust.org/item/?map=75-of-northern-somali-girls-have-not-undergone-fgm-unicef/ Date accessed 29 May 2013
[251] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 17 June 2013
[252] Landinfo, Report: Female genital mutilation in Sudan and Somalia, 10 December 2008, p12, http://www.landinfo.no/asset/764/1/764_1.pdf Date accessed 2 May 2011
[253] World Bank, Female Genital Mutilation/Cutting in Somalia, November 2004, p18, http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf Date accessed 28 August 2009

which is also common among other ethnic groups in Ethiopia and Eritrea.' [254] The Somali term for infibulation is gudnin fircooni. [255]

12.18 These findings on numbers of women affected by and the different forms of FGM used are reflected in older material, such as the Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7–21 January 2004 (JFFMR March 2004), which stated:

'According to Jones [Gary P. Jones, Country Director, Somalia, Kenya and Djibouti, Norwegian People's Aid (NPA), Horn of Africa Programme], FGM is still the norm in Somalia. The main mode of the FGM is the 'pharaonic' form [infibulation], but still many would claim that they only practice 'Sunna' which is a lighter version of FGM. Jones stated that this was done from a business point of view, explaining that people promoting 'Sunna' would receive financial support. In reality, however, girls are circumcised in the same manner as usual, i.e. 'Pharaonic' style…Nearly 100% of women are affected by FGM in Somalia. Jones did not expect that any significant change would emerge in this respect during the next 15 years, even though some modest progress has been made in some areas. It was emphasised that it is extremely difficult to change the attitude towards FGM, and providing education and information to young girls might be the only way to make any impact on the issue.' [256]

12.19 The age when FGM is performed is in later childhood: the LandInfo report of December 2008 stated that it is usually between the ages of five and eight in Somalia generally and much older in the Somali diaspora [257]; the JFFMR March 2004 states between the ages of four and seven [258]; an IRIN report of February 2009 stated that full infibulation at about five to seven years, was practised in Dadaab camp, Kenya. [259] The World Bank 2004 study noted that: 'Girls are now circumcised between the ages of five and eight, often within the privacy of their homes.' [260]

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Societal attitudes to FGM

[254] World Bank, Female Genital Mutilation/Cutting in Somalia, November 2004, p17, http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf Date accessed 28 August 2009
[255] UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks, 'One message' on FGM/C in Somaliland, 3 November 2008, http://www.irinnews.org/report.aspx?ReportId=81261 Date accessed 9 July 2009
[256] Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7–21 January 2004, published 17 March 2004, p33, http://www.unhcr.org/refworld/docid/405b2d804.html Date accessed 20 April 2010
[257] Landinfo, Report: Female genital mutilation in Sudan and Somalia, 10 December 2008, p13, http://www.landinfo.no/asset/764/1/764_1.pdf Date accessed 2 May 2011
[258] Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7–21 January 2004, published 17 March 2004, p33, http://www.unhcr.org/refworld/docid/405b2d804.html Date accessed 20 April 2010
[259] UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks, Hawo Nagash, 'My biggest fear is that somebody will take my daughters and circumcise them', February 2009 http://www.irinnews.org/Report.aspx?ReportId=82837 Date accessed 14 April 2009
[260] World Bank, Female Genital Mutilation/Cutting in Somalia, November 2004, p19, http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf Date accessed 28 August 2009

12.20 An IRIN News article regarding the ban on FGM within the new constitution (see below), published on 12 August 2012, noted that:

'Women in Somalia often cannot get married without undergoing the practice, and the beliefs that FGM/C is a religious requirement, makes women pure and reduces sexual libido remain widespread.

'"Many men and some women will oppose it on the ground of culture, Islam or issues of chastity," [Fatima] Jibrell [a women's advocate] said.

'"We have had it [FGM/C] in our culture. The writers of the constitution know it, and they are pretending to hate it. We can't abandon something that has helped our girls to stay pure," Jirde, a Somali elder, told IRIN in the Kenyan capital Nairobi.

'"Our men will not have girls to marry because you can't marry [an] uncircumcised [woman] if you are a true Somali man. It is these people who give us money who say you must ban circumcision and then we give money," Jirde added.

'Carrying out community empowerment programmes, raising awareness of the health effects of the practice and delinking it from Islam, experts told IRIN, must compliment the law, helping it avoid possible collision with deeply rooted cultural beliefs.

'"A lot is required…[to] work with the religious leaders…[for] a consensus on the abandonment of all forms of FGM/C…empowerment programmes for the girls to be able 'speak out' of their circumcision status and to be happy of their status will be crucial since currently no woman or girl would want to be known as not circumcised since it's unheard of," Sheema Sen Gupta, a senior child protection officer with UNICEF Somalia, told IRIN.

'Sheema, told IRIN that without adequate community involvement, the new law risks driving the practice underground rather than eradicating it. "As we have learned from several other countries, community empowerment is very crucial to avoid the practice from going underground."' [261]

Counter-FGM measures

12.21 An article by UNICEF, published on 27 February 2013, noted that: 'To date, a policy on FGM/C abandonment in northwest Somalia has been finalized, while work is ongoing to finalize policy in the northeast region.' [262] The same article also stated that:

'Since 1996, UNICEF has approached FGM/C in Somalia from religious, medical, community and cultural perspectives. UNICEF has worked with religious leaders to help dispel the widespread misconception that it is an Islamic expectation and duty.…Under the UNFPA–UNICEF Joint Programme, child protection committees and advocates have engaged over 300,000 community members and stakeholders in meetings on FGM/C abandonment in Puntland and Somaliland. The Joint Programme has also provided technical assistance to line ministries, and has brought together authorities, religious leaders, youth, educators, women and men to discuss and reach consensus

[261] IRIN, SOMALIA: Activists laud ban on FGM/C, say implementation will require more, 12 August 2012, http://www.irinnews.org/report/96092/ Date accessed 17 June 2013
[262] UNICEF, Towards abandoning female genital mutilation/cutting in Somalia for once, and for all, 27 February 2013, http://www.unicef.org/infobycountry/somalia_68110.html Date accessed 17 June 2013

on ending FGM/C. Events commemorating the International Day of Zero Tolerance to FGM/C, 6 February, reached over 30,000 community members with public debates, community dramas and other activities.' [263]

12.22 The Edna Adan Hospital in Hargeisa gives medical treatment for those who have suffered FGM:

'The Edna Adan Maternity and Teaching Hospital confronts the effects and complications of FGM almost on a daily basis.…Edna Adan has been dealing with cases of this nature in her 50 years of midwifery experience and has been engaged in a life-long struggle to see the end of this practice. With the establishment of her maternity hospital and with the still much needed services to deal with FGM, It has become essential for the hospital to lead the campaign. it is fast becoming a repository of all information relating to FGM in Somaliland and the region. The hospital has started an auditing process to have baseline data about the prevalence of FGM and the survey in this report is the first data to come out of that auditing initiative and it is believed to be the first of its kind in Somaliland. The hospital holds educational and sensitization seminars for concerned groups. At a patient level, counselling services are provided to the victims of FGM and their families. There is no other institution in the country better equipped with the experience, knowledge, facilities, and above all, dedication and sheer 'Will' (sic) to tackle this issue.' [264]

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Child soldiers

12.23 The United Nations Security Council report of the Secretary General on Children and Armed Conflict, published on 15 May 2013, noted that:

'In 2012, the country task force documented 4,660 cases of violations against children, of which 2,051 concerned recruitment and use of children (2,008 boys and 43 girls). Children were reportedly recruited by armed forces and armed groups from camps for internally displaced persons, schools and villages. Al-Shabaab also coerced teachers into enlisting pupils.

'Al-Shabaab was the main perpetrator (1,789 cases of recruitment and use of children), followed by the Somali National Armed Forces (179 cases). A total of 53 of those cases took place after the Transitional Federal Government signed an action plan on 3 July 2012 to halt and prevent the recruitment and use of children. On 9 September 2012, five boys between 16 and 17 years of age were recruited by the national armed forces in Beletweine district, Hiran Region. They were previously associated with Al-Shabaab and had escaped to join the government forces. In addition, it was reported that, in April 2012, a girl carried out a suicide attack at the National Theatre. Ahlu Sunna Wal Jama'a, a Government-allied militia integrated into the national armed forces in 2012, was responsible for 51 cases of recruitment and use of children. On 18 February 2012,

[263] UNICEF, Towards abandoning female genital mutilation/cutting in Somalia for once, and for all, 27 February 2013, http://www.unicef.org/infobycountry/somalia_68110.html Date accessed 17 June 2013
[264] Edna Adan University Hospital, Female Genital Mutilation, undated, 'The Hospital and FGM', http://www.ednahospital.org/hospital-mission/female-genital-mutilation/ Date accessed 17 June 2013

six children between 15 and 17 years of age were recruited by the militia in Beletweine district.' [265]

12.24 The USSD 2012 report noted that:

'Reports of child soldiers in the national security forces and allied militias continued. Given the absence of established birth registration systems, it was often difficult to determine the exact age of national security force recruits. There continued to be reports the TFG detained children it believed to be associated with al-Shabaab.

'The SNA continued to employ screening methods to prevent the recruitment and use of child soldiers. New SNA recruits who received training by international partners outside of Somalia before being inducted officially into the SNA were interviewed and medically screened before being sent to Bihanga, Uganda. These SNA recruits were also subjected to multiple levels of vetting, including interviews and medical screening in Bihanga. The screenings in Bihanga identified 15 individuals out of 581 new recruits in 2012 as too immature for training.

'The SNA lacked a sufficient number of military barracks to house all its soldiers. SNA soldiers often lived in their own homes with their families. The Mogadishu military "camps" that did exist were not clearly defined or demarcated and did not prevent family members from entering the camps. Reports that families, including soldiers' children, were sometimes present in the "camps" continued.

'On July 3, the TFG signed an action plan with the UN to end the recruitment and use of children by the SNA. The child soldier focal point positions, vacant after the government replaced the TFG, were filled by year's end.

'There continued to be reports children were included in the country's numerous clan and other militias. ASWJ/Central cooperated with UNICEF and had ongoing programming in Dhusmareeb that handed over suspected child soldiers to child soldier rehabilitation programs. ASWJ/Gedo forces integrated with the SNA and had its troops vetted by an international team comprised of senior SNA generals, international military advisors, and a technical monitor.

'The use of child soldiers by al-Shabaab continued. According to HRW, children in al-Shabaab training camps underwent grueling physical training, inadequate diet, weapons training, physical punishment, and religious training, and had to witness the punishment and execution of other children. Al-Shabaab used children in combat, including by placing them in front of other fighters to serve as human shields, and also used them as suicide bombers. In addition, al-Shabaab used children in support roles such as carrying ammunition, water, and food; removing wounded and killed militants; gathering intelligence; and serving as guards. According to the UN, al-Shabaab recruited children as young as eight from schools and madrassas. These children were sometimes used to plant roadside bombs and other explosive devices. Somali press frequently carried

[265] United Nations Security Council, Report of the Secretary General on Children and Armed Conflict, 15 May 2013, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/245 Date accessed 14 June 2013

accounts of al-Shabaab indoctrinating children at "dugsi" or schools and forcibly recruiting students into their ranks.' [266]

12.25 The US State Department 'Trafficking in Persons Report 2013', published on 19 June 2013, and covering events of 2012, stated that:

'During the year, the Somalia National Army (SNA), anti-Shabaab militia, and African Union Mission in Somalia (AMISOM) forces continued their offensive against al-Shabaab. The UN reported identifying children associated with Somali National Armed Forces. It also reported that the Ahlu Sunnah Wal Jama'a (ASWJ) militia recruited children. Children were also used by Somalia's numerous clan and other militias. Screenings by international actors after transport to basic training in Uganda identified 15 individuals out of 581 new recruits in 2012 as too immature for training. Most Somalis lack birth certificates, and without an established birth registration system it remains difficult to determine the exact age of persons associated with armed groups. During the reporting period, al-Shabaab sustained losses in numbers and financing, leading Shabaab leaders to rely more heavily on the systematic use of child soldiers as support staff and often as soldiers in the front lines. Throughout the areas under its control, al-Shabaab frequently recruited children as young as eight years old for use by its militias through abduction or deception. It continued forced recruitment at both Koranic schools and other educational facilities, and punished teachers and parents who refused to send their children to its training camps...Recruitment also took place in IDP and Kenya-based refugee camps. Al-Shabaab continued to use children for direct participation in hostilities and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, carrying out assassinations, providing intelligence, portering, working in domestic service, and serving as human shields during incursions. The UN reported al-Shabaab's recruitment of over 542 boys and girls in March and April 2012, including through abduction; such activities continued throughout the year. Al-Shabaab also forcibly recruited young girls who were then "married" to its militia leaders and used for sexual servitude, logistical support, and intelligence gathering. In an April 2012 al-Shabaab attack on the Somali National Theater, a girl was used as a suicide bomber.' [267]

See also Non-state armed groups and Child trafficking. For further information on child soldiers, and the position of children generally in Somalia, please see the Amnesty International report, In the line of fire: Somalia's children under attack.

Child labour

12.26 Article 29 of the draft constitution, published on 7 September 2012, noted that:

'…(3) No child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.

'…(7) In every matter concerning a child, the child's best interests are of paramount importance.

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[266] US Department of State, Report on Human Rights Practices in Somalia, section 1g, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 17 June 2013

[267] US Department of State, Trafficking in Persons Report 2013, Special Cases, 19 June 2013, http://www.state.gov/documents/organization/210742.pdf Date accessed 20 June 2013

'(8) In this Article, the word "child" means a person under 18 years of age.' [268]

12.27 The USSD 2012 report noted that:

'It was unclear whether there was a minimum age for employment. The pre-1991 labor code prohibits child labor, provides a legal minimum age of 15 for most employment, prescribes different minimum ages for certain hazardous activities, and prohibits those under 18 from night work in the industrial, commercial, and agricultural sectors apart from such work that engages family members only. However, the TFC stated the government shall establish by law the minimum age.…The federal Ministries of Labor, and Social Affairs, Gender and Family Affairs are responsible for enforcing child labor laws. In practice, however, these ministries did not enforce those laws. There was no specific TFG/government action during the year to prevent child labor or remove children from such labor.

'Child labor was widespread. Recruitment and use of child soldiers was a problem. Young persons were commonly employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce. The actual percentage of working children was believed to be even higher.' [269]

12.28 The United States Department of Labor, '2011 Findings on the Worst Forms of Child Labor – Somalia', published on 26 September 2012 and covering the period from January 2011 to December 2011, noted that:

'Children are engaged in the worst forms of child labor in Somalia, many of them in dangerous conditions in agriculture and as child soldiers. Children's work in agriculture may involve heavy lifting, the use of potentially dangerous machinery and tools, and the application of harmful pesticides. As Somalia is a nomadic society, children also herd livestock. Children handling livestock may be vulnerable to kicks and falls, being crushed, and infectious diseases transmitted from animals.' [270]

12.29 The US State Department 'Trafficking in Persons Report 2013', published on 19 June 2013 and covering events of 2012, stated that: 'Most child laborers work within their own households or family businesses.' [271]

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Abandoned, orphaned and 'street' children

12.30 The Guardian reported on 16 January 2013 about street children in Mogadishu:

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[268] Federal Republic of Somalia, Draft Constitution, 7 September 2012, http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME= Date accessed 14 June 2013
[269] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 7c, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 17 June 2013
[270] United States Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Somalia, 26 September 2012, http://www.dol.gov/ilab/programs/ocft/2011TDA/Somalia.pdf Date accessed 17 June 2013
[271] US Department of State, Trafficking in Persons Report 2013, Special Cases, 19 June 2013, http://www.state.gov/documents/organization/210742.pdf Date accessed 20 June 2013

‘In every mosque, street cafe, restaurant – anywhere people gather to pray or socialise – street children crowd and compete to clean people's shoes. Those too weak or too young (under six years of age) to work simply beg…The exact number of street children in Mogadishu is unknown. In 2008, local aid agencies and Unicef, the UN Children's Fund, estimated there were at least 5,000. But that was before the country was hit by the worst famine in 60 years, in 2011. Families lost their livestock and farms, leaving them unable to provide for their children; the upshot was an increased number of children on the streets in search of food and work.

‘Yasin Abdullahi, chairman of the Somali Children Care Organisation, says at least 11,000 street children were counted in 2011, and the number is expected to increase following the government's pledge last year to ban the use and recruitment of child soldiers in areas it controls, but without any plans to integrate the children into the community. "The numbers are increasing further because all those former child soldiers have nowhere to go and are now on the streets," says Abdullahi.

‘With no government-run shelters for street children, local organisations are stepping in. The NGO Kheyre Development and Rehabilitation Organisation (Kedro) provides tin shelters for street children next to a dump off the airport road. The shelters are home to 100 children; many are orphans, and some are former child soldiers with drug-related problems.

‘Most were picked up at the nearby dump, where they used to scavenge for food and recycled materials to sell. The children are able to attend school at the shelter, but they're lucky to get one meal a day because Kedro has limited funds.

‘For some, hunger and inadequate drug rehabilitation support lead to a return to scavenging, substance abuse and even criminal activity. "They need greater help that we can't provide. They shouldn't be left on the streets," says Fatma Hassan, head of Kedro…Hassan says her worst fear is that children will be recruited into the many militia gangs operating in parts of the country still not under government control. "These children have no parents or education," she says. "If nothing is done to integrate them back into the community, which is the case now, they will all become child soldiers and robbers."

‘The new government, which took office in November, says efforts are being made to address the issue of street children. "The number of children on Mogadishu roads is unacceptable so we've put the issue at the top of our action plan for this year. Child welfare is a big priority for this government," says Dr Duale Aden Mohamed, director general at the Ministry of Human Development and Public Services.’ [272]

12.31 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

‘Elman Peace and Human Rights Centre, Mogadishu, explained that street children in Mogadishu are not being taken care of by anyone. Most of these children have no family or relatives and many are addicted to drugs. It was estimated that there are more than 5000 such children in Mogadishu according to a report made by the child

[272] The Guardian, Somali NGOs call for help to ease burden of Mogadishu street children, 16 January 2013, http://www.guardian.co.uk/global-development/2013/jan/16/somali-ngos-mogadishu-street-children Date accessed 17 June 2013

protection working group in 2010 which Elman Peace and Human Rights Centre is the co-chair of. Now there are plans of undertaking another assessment by the working group where Elman Peace and Human Rights Centre is leading the coordination. [273]

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Childcare and protection

12.32 UNICEF reported on 2 March 2012 that:

'Conflict and a lack of strong central government means Somalia's children are uniquely vulnerable to abuse and violence, aid workers and village leaders said.

'But as parts of the country grow increasingly stable, there are calls for legislation to be enacted to protect children from harm, to help them if they are victims, and to prosecute those responsible.

'"What matters when you look at child protection is the legal backing of the government," said Mohamoud Ali Yusuf, head of child protection at UNICEF's office in Bossaso, the main city in the Puntland region of northeast Somalia.

'"Laws should be drawn up that ban female genital mutilation (FGM), for example, or promote important child protection activities."

'In the absence of state-run structures to arrest, investigate and prosecute people who broke the law, society has "broken down", Mr Yusuf said.

'"Institutions that used to protect children have collapsed because of the conflict and lack of central government over the last two decades.…"Many children also became vulnerable when their parents died or when they fled their home, again because there are no formal structures to protect them from abuse, neglect or exploitation."

'A series of community-based initiatives have been launched, with support from UNICEF, to give children and their parents someone to turn to in case of problems.

'In Bossaso's Banadir camp for internally displaced people who fled fighting elsewhere in Somalia, Mariam Farah is a member of a Child Protection Committee.

'She says that she and her colleagues, helped by the Tadamun Social Society, itself supported by UNICEF, are the only ones providing social care for vulnerable children.

'"There's no other organisation, not even the government, who can help us," she said. "We are working daily with these people, finding cases, trying to stop children being harmed.…UNICEF and others are increasing efforts to encourage authorities to build child protection into their new legal systems.

'"In many ways we're starting from scratch," said Mr Yusuf. "In the absence of strong government it was important for us to start our work at community level.

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[273] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p47, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 21 June 2013

'"But as the programme expands, nowadays our focus is more on trying to establish a strong linkage between government level, state level and those ongoing community level interventions…"' [274]

12.33 UNICEF also reported on 27 November 2012 that:

'Hundreds of young Somalis, seen as being are at risk of becoming involved in violence, have learnt new skills and given renewed hope by a programme in Puntland and Somaliland. The joint programme, implemented by UNICEF along with UNDP and ILO , provided the young people with employment and educational opportunities. From September 2011, 700 children from violence- sensitive areas in Burao and Bosasso, participated in life skills-based education, vocational training and psychosocial programs and are being reintegrated back into the community. After taking part in the programme, some have been motivated to go back to formal school while others have found work – and many showed behavioural changes and positive decision making. UNICEF and its partners are working to ensure formal and non-formal educational opportunities are available for the children.

'One of the highlights of the program has been the complete turnaround of a significant number of youth from the engagement in violent activities. One of the participants, 17-year-old Salman said: "I want to continue my life with a pen and not a gun". The impact of this program has been noted by the authorities as contributing to peace building and the stabilization of fragile areas.

'Phase Two of the programme will be implemented in Bosasso, Burao and Mogadishu benefiting 1000 young people.' [275]

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Education

12.34 The UNICEF report State of the World's Children report 2013, [276] released on 24 April 2013, gave the following statistics for education in Somalia:

Primary school attendance ratio 2007-2011 (%)	Male	18
	Female	15
Survival rate to last primary grade (%) 2007-2011	Survey data	85
Secondary school attendance ratio 2007-2011	Male	12
	Female	8

[274] UNICEF, "We're starting from scratch": Efforts to entrenching child protection in Somali communities, 2 March 2012, http://www.unicef.org/somalia/cpp_10421.html Date accessed 17 June 2013
[275] UNICEF, Case stories: Youth for Change Programme, 27 November 2012, http://www.unicef.org/somalia/cpp_12045.html Date accessed 17 June 2013
[276] UNICEF, The State of the World's Children 2013, May 2013, Statistics: Table 5, http://www.unicef.org/sowc2013/statistics.html Date accessed 17 June 2013

12.35 The USSD 2012 report noted that:

'Education needs were partially met by a patchwork of institutions, including a traditional system of Quranic schools; public primary and secondary school systems financed by communities, foreign donors, and the Somaliland and Puntland administrations; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. In many areas children did not have access to schools other than madrassas. Attendance rates for girls were lower than for boys.

'In al-Shabaab-controlled areas, jihad was included in the curriculum of elementary schools. There was a continued influx of foreign teachers to teach in private Quranic schools and madrassas. These schools were inexpensive and provided basic education; however, there were reports they required the veiling of small girls and other conservative Islamic practices.' [277]

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Health and welfare

12.36 The UNICEF State of the World's Children report 2013 [278] give the following statistics for 2011:

Under 5 mortality rank (where 1 is highest mortality rate)	2
Under-5 mortality rate (per 1000)	180
Infant mortality rate (under 1) (per 1000)	108
Neonatal mortality rate (per 1000)	50
Annual no. of births (thousands)	416
Annual no. of under-5 deaths (thousands)	71

12.37 The Food Security and Nutrition Analysis Unit-Somalia (FSNAU)'s Food Security & Nutrition Quarterly Brief - Focus on Gu 2013 Season Early Warning, published on 29 April 2013, noted that:

'In post-Deyr 2012/13, FSNAU estimated 1.05 million people in Crisis (IPC Phase 3) and Emergency (IPC Phase 4), and 1.68 million people in Stressed (IPC Phase 2). In December 2012, an estimated 215,000 children under five years of age were malnourished, out of which at least 45,000 were severely malnourished… 'In January-February 2013, the nutrition cluster partners have reached a total of 94,434 acutely

[277] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 17 June 2013
[278] UNICEF, The State of the World's Children 2013, May 2013, Statistics: Table 1, http://www.unicef.org/sowc2013/statistics.html Date accessed 17 June 2013

malnourished children between 6-59 months, of which 29,200 were severely malnourished. The cluster plans to reach 6,500 severely malnourished children and 25,500 moderately malnourished children every month between February and July 2013.' [279]

12.38 UNICEF reported on 30 April 2013 that:

'Vaccination rates in Somalia are low. The preliminary results for UNICEF's Multiple Indicator Cluster Survey for 2011 show that only 11 per cent of children in Somaliland and 7 per cent in Puntland received three doses of the DTP vaccine before their first birthdays.* [*The survey was not carried out in central south Somalia because of security and access issues.] DTP protects against diphtheria, whooping cough and tetanus.

'The new pentavalent (five-in-one) vaccine was launched in Somalia on Wednesday, supported by UNICEF, WHO and the GAVI. The vaccine was launched at ceremonies in Mogadishu, Hargeisa (Somaliland) and Garowe (Puntland).

'In addition to offering Somali children protection against the DTP diseases, the vaccine offers protection against Hib (haemophilus influenza type B), bacteria that can cause pneumonia and meningitis, and hepatitis B, a serious liver disease.

'More than 1.3 million pentavalent vaccines will be available to Somali children this year. Each child will require three doses before her or his first birthday.' [280]

12.39 The UN Security Council's Report of the Secretary-General on Somalia, published on 31 May 2013, stated that:

'During the reporting period, the World Food Programme (WFP) and its partners reached over 1 million beneficiaries through a combination of nutrition, relief, livelihoods and social safety net programmes. Food assistance focused on enhancing the resilience of households and communities, while continuing targeted nutrition support to the most vulnerable groups, including children under 5 and internally displaced persons. Nutrition partners reached more than 52,422 children suffering from severe acute malnutrition, aged from 6 months to under 5 years, mainly in southern Somalia. Health partners are strengthening services in the area and for the first time ran a polio vaccination campaign in all newly accessible districts of 10 regions. Although over 700,000 children were reached, 500,000 children in south central Somalia remain in need of vaccination.' [281]

Statistics on children's health in Somalia can be found in the UNICEF State of the World's Children 2013 report.

Documentation

[279] Food Security and Nutrition Analysis Unit-Somalia, Food Security & Nutrition Quarterly Brief - Focus on Gu 2013 Season Early Warning, published on 29 April 2013, p8, http://www.fsnau.org/downloads/FSNAU-Quarterly-Brief-April-2013.pdf Date accessed 18 June 2013
[280] UNICEF, Groundbreaking new vaccine will save lives in Somalia, 30 April 2013, http://www.unicef.org/infobycountry/somalia_68939.html Date accessed 18 June 2013
[281] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, p9, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 18 June 2013

12.40 The USSD 2012 report noted:

'Under the TFC, citizenship was derived from birth in the country or from one's father or from being in the country at the time of the TFC's signing in 2004. The provisional federal constitution states there shall be only one Somali citizenship, and the House of the People of the Federal Parliament of Somalia shall enact a special law that shall define how to obtain, suspend, or lose it. Parliament had not passed such a law by year's end.

'According to UNICEF, only 3 percent of births were registered in the country. Births were not registered in Puntland or in the south and central regions. Under the Somaliland constitution, citizenship is derived from being a descendant of a person residing in Somaliland on June 26, 1960 or earlier. Birth registration occurred in Somaliland for hospital and home births; however, limited capacity combined with the nomadic lifestyle of many persons caused numerous births in this region to go unregistered. Failure to register births did not result in denial of public services such as education.' [282]

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13. Trafficking

13.01 The US State Department 'Trafficking in Persons Report 2013', published on 19 June 2013 and covering events of 2012, stated that, under 'Special cases', Somalia is listed as a country of particular concern:

'During the reporting period, the Transitional Federal Government (TFG) and its successor as of August 2012, the Federal Government of Somalia, controlled Somalia's capital city Mogadishu, but had limited influence outside of Mogadishu. The self-declared independent Republic of Somaliland and Puntland State were in control of security and law enforcement in their respective regions…The respective authorities operating in Somalia's three regions struggled to address human trafficking, demonstrating weak efforts in prosecution, protection, and prevention in all regions.… Somalia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify. Victims are primarily trafficked within the country from Somalia's southern and central regions to the regions of Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries to take victims to Puntland State, Djibouti, and Ethiopia for the purposes of domestic servitude or sex trafficking. Somali women and girls may be subjected to sex trafficking in Garowe, Las Anod (Sool region), and pirate towns such as Harardheere; girls are reportedly taken from coastal regions, particularly Bossaso, and placed in pirates' homes to be exploited in domestic and sexual servitude. Pirates also use children aged 15 to 17 to carry out their illegal activities. However, pirate groups continued to decline in numbers and influence in 2012 as international efforts to combat piracy gained steam, reducing the number of successful attacks. In Somali society, certain groups are traditionally viewed as inferior and are marginalized; Somali Bantus and Midgaan are sometimes kept in servitude by more powerful Somali clan members as domestic

[282] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 18 June 2013

workers, farm laborers, and herders'…There were reports of traffickers preying on young women and children, mostly IDPs from southern and central Somalia, at marketplaces and in the streets, falsely promising them lucrative jobs outside Somalia.…There are reports of forced labor or sexual exploitation of Somali children fleeing al-Shabaab and seeking refuge in Kenya; refugee children among the populations of Kenyabased Dadaab and Kakuma refugee camps may also encounter exploitation in prostitution and forced labor…In August 2012, a national constituent assembly adopted a constitution, which remains provisional until a national referendum is held. Its Article 14 prohibits slavery, servitude, trafficking, and forced labor, and Article 29(6) prohibits the use of children in armed conflict. The federal government lacks the police force and judicial system necessary to enforce effectively the provisions set out in its laws, but has modestly increased its capacity in recent months…Neither the TFG nor its successor government investigated or prosecuted trafficking crimes during the reporting period.

'The Puntland State administration and Somaliland have functioning legal systems and some law enforcement capacity. In Puntland, the Ministry of Women Development and Family Affairs oversaw anti-trafficking efforts, and the police force in Garowe had an anti-trafficking unit, though it lacked proper training. During the year, officials in Somaliland and Puntland intercepted potential trafficking cases, although limited information exists regarding these crimes or the status of specific cases.…Local laws in Somaliland prohibit forced labor, involuntary servitude, and slavery. The Ministry of Labor and Social Affairs in Somaliland operated a specialized unit to respond to suspected trafficking cases, and police and immigration officers played an active role in anti-trafficking efforts.…No governmental entity provided protective services to victims of trafficking, although IOM and local organizations provided reintegration services to rescued trafficking victims in Puntland and Somaliland. There was an IOM facility in Puntland dedicated to trafficking victims and accessible to male and female Somali and foreign victims. These organizations also placed child victims with families for care. Neither the TFG, its successor government, nor the Somaliland administration provided financial or in-kind assistance to organizations assisting victims. The Ministry of Security in Puntland provided the equivalent of approximately $700 to a temporary shelter for the care of 10 potential trafficking victims after their interception by police in Garowe in November 2012; however, they were housed alongside their suspected traffickers at the center due to a lack of other adequate space. No governmental entity utilized formal procedures for the proactive identification of victims…Information on the Federal Government of Somalia's efforts to protect trafficking victims was limited; however, the Somali National Armed Forces reportedly arrested and detained children associated with al-Shabaab. During 2012, in conjunction with the UN, the Somali government began preparations for a comprehensive disengaged combatant program focused on former al-Shabaab members that includes a child soldier component overseen by UNICEF. The successor government has indicated that protection of child soldiers remains part of its national security vision…There were no known foreign trafficking victims or legal alternatives to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution.

'Authorities across Somalia made minimal efforts to prevent trafficking during the year. In February 2013, Puntland authorities partnered with IOM to develop an anti-trafficking action plan, though they did not undertake awareness-raising activities. In Somaliland, the Ministry of Labor and Social Affairs conducted awareness campaigns. In July 2012, the TFG signed a UN-sponsored action plan to address the recruitment and use of child soldiers. Implementation of this plan was limited... Authorities across Somalia did not

make any discernible efforts to reduce the demand for forced labor or commercial sex acts. Somalia is not a party to the 2000 UN TIP Protocol.' [283]

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14. Medical issues

For a list of health services available in Somalia see the World Health Organisation Somalia cluster website.

Overview of availability of medical treatment and drugs

14.01 The World Health Organisation's Biennial Report on Somalia 2010-2011, published in September 2012, noted that:

'Somalia is in the process of rebuilding its destroyed health care system. The Country Cooperation Strategy (CCS) for 2010-2014 was published in 2010 and is used as an interim Somali Health Sector Strategy. The basic health care delivery system in Somalia is tiered, comprising of zonal, regional and district hospitals, MCH [maternal and child health] centres and health posts. The laboratory and blood bank services are barely working, health wards have not been rehabilitated, and the harsh working conditions severely limit the ability of staff to put the newly developed skills into practice.

'There is a shortage of essential equipment and supplies, universal screening has not been achieved and quality control mechanisms are yet to be established. The hospital medicines stock management is also neglected with no mechanism for regular supply of reagents. To control the spread of HIV/AIDS and other transmissible infections, there is a need to improve the scope and performance of existing services.

'With financial support from the Global Fund, the following components of health system strengthening are being strengthened:

- Laboratory and Blood Safety Component
- Management Capacity Building of health authorities
- Essential Medicines and Quality Control Component

'With financial support from the Global Alliance for Vaccine and Immunization (GAV I), the following components of health care are being strengthened:

- Strengthen 40 out of total approximately 250 MCH/HC, meeting core essential package of health services (EPHS) standards in the three zones by 2013
- Deploy 200 community based Female Health Workers by end 2013 in the catchment areas of these MCH/HC.
- Expand health services by 2015 into areas that are more disadvantaged and covered by the programme, including improved immunization coverage, decreased infant and child mortality, improved antenatal, natal and post natal

[283] US Department of State, Trafficking in Persons Report 2013, Special Cases, 19 June 2013, http://www.state.gov/documents/organization/210742.pdf Date accessed 20 June 2013

care and referral of complicated cases, and promoting deliveries by skilled birth attendants.' [284]

14.02 IRIN reported on 22 March 2013 that:

'Every Somali citizen will have access to basic healthcare by 2016 if a new, government-led strategic plan achieves its aims.

'The launch on 21 March of new Health Sector Strategic Plans (HSSPs) for Somalia's three zones - south-central Somalia, Puntland and Somaliland - indicates a move away from the emergency-level health provision that has been the norm in the country for over 20 years and towards more mainstream, national health systems.

'"The strategic planning process leading to this result is a clear indication of the beginning of a new time, a time of good governance and re-building of systems," Mariam Qasim, Somalia's Minister for of Human Development and Public Services, said at the launch, adding that the implementation of the plan would be a "litmus test" of the government's ability to provide services to its population.

'Somalia has some of the highest rates of maternal mortality in the world, and thousands of infants and children succumb annually to easily preventable and treatable conditions such as pneumonia, diarrhoea, malnutrition and measles.

'The country's health system was virtually destroyed by more than 20 years of conflict, during which time there was no legitimate government; during the war, NGOs, the UN and private sector practitioners managed healthcare.

'"The major change is government ownership of the HSSP," said Marina Madeo, the coordinator of the Somali health sector. "By 2016, we hope that in every part of the country, health centres will be equipped with drugs, equipment and health workers."

'She noted that for now, as the government continued to build its ability to handle healthcare, large parallel health programmes such as immunization would continue to be handled by UN agencies. The government and its partners will also seek public-private partnerships with the country's vibrant private health sector.

'The HSSPs are expected to make improvements to health financing, human resources for health, drugs and the country's health infrastructure, among other things. The four-year strategies are expected to cost US$350 million, 70 to 75 percent of which will be spent on actual health services. Some $50 million has already been raised; key donors include the Australian, Swedish, UK and US governments.

'Marthe Everard, UN World Health Organization representative for Somalia, stressed that "all national and international investments in the health sector should be guided by

[284] World Health Organisation, WHO Somalia Biennial Report 2010-2011, Chapter 2, September 2012, http://www.emro.who.int/images/stories/somalia/documents/WHO_SOMALIA_Biennial_Report_2012_FINAL_WEB.pdf Date accessed 18 June 2013

these plans, which provide the basis for cooperation, harmonization and alignment of all support to the Somali health sector".' [285]

See also IDPs.

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Hospitals and clinics

14.03 The Edna Adan University Hospital website, undated, accessed on 18 June 2013, noted that it 'is situated in Hargeisa, Republic of Somaliland…The Hospital started with 25 maternity beds. However, as the need for hospital beds became pressing, and as personnel became trained, the hospital services expanded to accommodate an additional 8 paediatric and 13 medical and surgical beds, and a Private Room. The present total capacity of the hospital, including newborn babies, is 69 patients.' [286]

14.04 The Puntland Hospital's website, undated, accessed on 18 June 2013, noted that it 'is Somalia's largest comprehensive medical centre, with more than 40 beds…Based in Bosaso, the Puntland Hospital is a leader in the Modern Hospital in Somalia…The Puntland Hospital provides extensive inpatient, day-care and outpatient facilities for all types of diseases, offering in the near future a full range of specialist services from critical care to rehabilitation.' [287]

14.05 Garowe Online reported on 30 December 2012 that:

'President Farole visited the newly renovated General Hospital in Bossaso to oversee a shipment of supplies and equipment being delivered to the hospital.

'Puntland's Ministry of Health has focused its efforts on improving medical service in public hospitals in rural and urban areas in Puntland.

'Bossaso's General Hospital is still under construction as the hospital's renovation project is still incomplete, officials at the hospital said that the redecoration is nearly complete.' [288]

Hospitals in Mogadishu

14.06 Sabahi, a website sponsored by the United States Africa Command, the military command responsible for supporting and enhancing US efforts to promote stability, co-operation and prosperity in the region, reported on 9 November 2012 that:

'In the face of a collapsed healthcare system following decades of conflict, a small number of health facilities in Mogadishu, such as Banadir, Madina and Keysaney Hospitals, continue to function and offer free health services to local residents.

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[285] IRIN News, http://www.irinnews.org/report/97709/new-plan-to-ensure-universal-healthcare-in-somalia, 22 March 2013, http://www.irinnews.org/report/97709/new-plan-to-ensure-universal-healthcare-in-somalia Date accessed 18 June 2013
[286] Edna Aden University Hospital, Hospital profile, undated, http://www.ednahospital.org/edna-hospital/hospital-profile/ Date accessed 18 June 2013
[287] Puntland Hospital, About us, undated, http://puntlandhospital.com/sample-page/ Date accessed 18 June 2013
[288] Garowe Online, Somalia: Puntland Leader Visits Medical College and Hospital in Bossaso, 30 December 2012, http://allafrica.com/stories/201212310254.html Date accessed 18 June 2013

‘Lul Mohamud, head of the children's and maternity ward at Banadir Hospital, one of the largest hospitals in Mogadishu, said the hospital offers free health services for thousands of mothers and children who suffer from malnutrition…Mohamud Abdi, a general practitioner at Banadir Hospital, said many curable diseases, such as malaria, are prevalent in the country. "Somalis are dying due to illnesses that are easily treated, such as diarrhoea, malaria and measles, because of poor diagnoses that come from a lack of equipment to conduct testing or incompetent doctors working in the healthcare profession," Abdi told Sabahi.

‘Ahmed Hassan, director of the Egyptian-run Zamzam Hospital, said health facilities in Mogadishu suffer from a shortage of medicines, basic supplies and equipment.

‘"There is a dearth of health facilities in Mogadishu," Hassan said. "The number of public and private hospitals operating in the city, where more than 2.5 million people live, does not exceed 13 hospitals, most of whom suffer from a shortage of medicines necessary to treat sick and wounded patients that the hospitals receive in large numbers."

‘Hassan said the Zamzam Egyptian Hospital in the Medina district of Mogadishu offers free treatment and life-saving health services to more than 200 people every day.

‘He said the number of qualified health professionals in the country is quite small because many doctors left the country after the collapse of the central government in 1991.

‘"For the time being, there are approximately 250 qualified doctors in Somalia, around 860 nurses and only 116 midwives," he said.

‘"In a country that suffers from a weak health infrastructure, training health workers is inevitable," he said. "Many health workers in the country need professional training to improve their skills so they can save lives."

‘The Arab Doctors Union sent a medical team to Somalia last year to work in hospitals and medical centres in the country and to train Somali doctors, Hassan said. "Training and developing the skills of those working in the healthcare profession are among the basic requirements needed in Somalia," he said.

‘Duniya Ali Mohamud, who heads medical services at Madina Hospital in Mogadishu, which receives critically wounded patients and is supported by the International Committee of the Red Cross (ICRC), said the number of patients the hospital receives sometimes exceeds its capacity.

‘"Over the past couple years, when acts of violence were on the rise, Madina Hospital would receive large numbers of patients on a daily basis," she said. "Although violence has gone down in Mogadishu, Madina Hospital still receives dozens of wounded people as a result of explosions and bullets, traffic accidents or other conditions."

'She said the ICRC donates medical and surgical equipment and supplies to the hospital, trains medical staff and technicians, and pays their salaries.' [289]

14.07 Voice of America News reported on 29 April 2013 that:

'As security improves in Mogadishu and much of south central Somalia, hospitals are seeing fewer victims of violence than before. Doctors say more and more patients come in for elective surgeries and to seek treatment for "normal" illnesses.

'For over 20 years, the Medina Hospital in Mogadishu has treated the victims of Somalia's war. With the biggest emergency care facility in the city, Medina serves as a referral hospital for trauma and surgery cases from all over south central Somalia and can admit up to 300 patients at one time.

'But Mogadishu's newfound peace, secured by African Union Forces who pushed al-Shabab militants out of the city in 2011, is changing Medina's caseload. Doctor Mohamed Yusuf said the number of patients arriving at the hospital for treatment of war wounds is declining.

'"Medina you can use as a thermometer. It has the temperature of the security of the city. Every person that gets injured by bullet, shelling, hand bomb or land mine, usually they transport them to this hospital," he said.

'Hospital director Yusuf said war-wounded patients once occupied 95 percent of Medina's beds. Now, he estimates, the number has dropped to between 70 and 80 percent.' [290]

14.08 The official website of Banadir Hospital, undated, accessed 18 June 2013, noted that:

'Banadir Mother & Child hospital was established in 1977 as part of government development projects to Somali people which included other infrastructures as well, the hospital is suited in the middle of the Somali capital Mogadishu. The hospital comprises three main departments:

'The maternity which offers treatment services to medical to medical and surgical conditions of pregnant and non- pregnant women similarly.

'The pediatric department deals with medical and surgical conditions for all ages of children, controls and acute watery diarrhea.

'The medical and surgical activities are also delivered routinely or as emergency forms.' [291]

14.09 The Independent reported on 14 September 2012 that:

'Reopening the San Martino hospital in the Somali capital Mogadishu has been a largely thankless task for Dr Aisha Omar Ahmed. Instead of earning a tidy living as a consultant

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[289] Sabahi, Mogadishu hospitals push on despite shortages, obstacles, 9 November 2012, http://sabahionline.com/en_GB/articles/hoa/articles/features/2012/11/09/feature-01 Date accessed 18 June 2013
[290] Voice of America News, Somalia Hospitals See Fewer War Victims, 29 April 2013, http://www.voanews.com/content/somalia-hospitls-see-fewer-war-victims/1650690.html Date accessed 18 June 2013
[291] Banadir Hospital, About Banadir Hospital, undated, http://banadirhospital.com/ Date accessed 18 June 2013

obstetrician in Europe, the hospital director has been working mostly unpaid and in appalling conditions.…The San Martino is barely recognisable as a hospital. A cluster of wind-blown Italianate ruins overlooking the Indian Ocean near the old port, it has long since been overrun by squatters fleeing the destruction elsewhere in the capital. The wards and operating theatres, laundry and clinic have been variously shelled, occupied or looted. The new residents at the facility did not welcome the arrival three years ago of a young doctor with big plans for restoring their adopted home.…When asked what equipment the hospital has, the answer is "zero" or next to zero. There are two ultrasound machines, both of which Dr Ahmed brought from Italy. For medicine, food and fuel she gets by on hand-outs from the African Union mission, Amisom. The doctor says her motivation for continuing the struggle to re-establish San Martino has been the plight of her country's women.…Her reward comes in the form of a dozen young women sitting in a makeshift classroom near her office. Known as "traditional birth attendants" the ladies often act as midwives and FGM cutters in their home communities. They are now the first graduates of a scheme that the director hopes can help to change conditions for women. They have been schooled in basic hygiene, given a stern lecture on the ills of FGM and dispatched with some sterile gloves and the offer of $10 per referral to the capital – paid for by a local mobile phone operator.' [292]

14.10 PR News Wire reported on 15 January 2013 that:

'Dahabshiil Group has donated $200,000 to help reconstruct the mental health unit of Forlanini Hospital, in Mogadishu.

'As part of its Corporate Social Responsibility (CSR) programme, Dahabshiil Group will finance renovation works in the Mogadishu-based hospital, including provisions for an electric generator, water-reservoir tanks, an annex room for emergencies, two wards and administration and service blocks.

'Dahabshiil CEO, Abdirashid Duale said: "We are delighted to make this donation to Forlanini Hospital. We've put together a facility that's going to ensure patients are tended to in a spacious and conducive environment that will contribute to their treatment and well-being.

'"The Hospital offers crucial services for its patients, so we are proud to make a contribution to help improve the delivery of its services."

'Forlanini Hospital, formerly known as the Laansareeti Hospital before the civil war, was historically a state-of-the-art facility and home to some of the country's top medical professionals. As the country descended into war, the health sector and its infrastructure were completely destroyed. The mental health unit that once served patients from all regions of Somalia is currently an empty shell.' [293]

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[292] The Independent, The 'Angel of Mogadishu' who raised a hospital from the ruins of war, 14 September 2013, http://www.independent.co.uk/news/world/africa/the-angel-of-mogadishu-who-raised-a-hospital-from-the-ruins-of-war-8135739.html Date accessed 18 June 2013

[293] PR News Wire, Mental Health Hospital Receives $200,000 Boost From Dahabshiil Group, 15 January 2013, http://www.prnewswire.com/news-releases/mental-health-hospital-receives-200000-boost-from-dahabshiil-group-186956371.html Date accessed 18 June 2013

HIV/AIDS

14.11 UNICEF's 'State of the World's Children Report 2013' gave the prevalence rate of HIV in Somalia in 2011 at 0.7%, with estimates of the number of people living with HIV ranging from 23,000 to 52,000. [294] A 2010 study carried out amongst female sex workers in Somaliland found the prevalence of HIV amongst that group was 5.2%.[295]

14.12 The World Health Organisation's Biennial Report on Somalia 2010-2011, published in September 2012, noted that:

'Limited information is available on risk and vulnerability factors that fuel the epidemic in Somalia. Most of the country experiences a low level of HIV, with the exception of some areas in north-west Somalia.…The Somali HIV/AIDS programme opened an additional three HIV voluntary counseling and testing sites, bringing the total number to 30 sites. Compared to 2009, voluntary counseling and testing were increased by 60%. By December 2011, 1139 patients benefited from antiretroviral therapy. Retention on [anti-retroviral therapy] ART remained excellent with the proportions of those alive and on ART being 84.1% at 12 months, 81.4% at 24 months and 51.3% at 60 months after initiation of the treatment.…In HIV/AIDS care and treatment, WHO continued to provide the backbone of technical assistance for antiretroviral therapy (ART) delivery. This support included the adaptation of the WHO Chronic Care IMAI guidelines to align with the 2010 WHO global recommendations. In addition, the ART patient monitoring tools were updated to better capture TB HIV activities and to align them to the new ART regimens entailed in the 2010 recommendations.

'In the area of TB/HIV collaboration, HIV testing was introduced into TB treatment facilities and by the end of 2011, 24 out of 66 TB treatment facilities were also providing HIV testing and counseling. At these facilities 4,140 TB patients, representing 55.1% of those treated during the year, voluntarily underwent HIV testing and counseling, yielding a 5% HIV prevalence rate. Joint HIV/TB planning, activity implementation and supervision was undertaken, and guidelines for TB infection control in congregate settings and Isoniazid Prophylaxis Therapy (IPT) were developed and training of trainers undertaken' [296]

14.13 The US State Department Report on Human Rights Practices in Somalia, published 19 April 2013, covering events of 2012 (USSD 2012 report) noted:

'Persons with HIV/AIDS continued to face discrimination and abuse in their local communities and by employers in all parts of the country. UNICEF reported that persons with HIV/AIDS were subjected to physical abuse, rejected by their families, and subjected to workplace discrimination and dismissal. Children with HIV-positive parents

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[294] UNICEF, The State of the World's Children 2013, May 2013, Statistics: Table 4, http://www.unicef.org/sowc2013/statistics.html Date accessed 18 June 2013

[295] Kriitmaa, Kelsia et al, HIV prevalence and characteristics of sex work among female sex workers in Hargeisa, Somaliland, Somalia, published in AIDS: July 2010 - Volume 24 - Issue - p S61–S67 http://journals.lww.com/aidsonline/Abstract/2010/07002/HIV_prevalence_and_characteristics_of_sex_work.8.aspx Date accessed 18 June 2013

[296] World Health Organisation, WHO Somalia Biennial Report 2010-2011, Chapter 9, September 2012, http://www.emro.who.int/images/stories/somalia/documents/WHO_SOMALIA_Biennial_Report_2012_FINAL_WEB.pdf Date accessed 18 June 2013

also suffered discrimination, which hindered access to services. There was no official response to such discrimination.' [297]

14.14 A blog written by Anca Toader, a BBC journalism training editor, and published on 26 July 2012, noted that:

'In March I gave a training workshop – part of a series of three – to 20 journalists and civil society workers from Somaliland and Puntland in Somalia to help them tackle widespread misinformation and stigma in the media around HIV and AIDS.

'In Somaliland and Puntland sex outside marriage, homosexuality and talking about condom use are all taboo. In such a conservative environment, conversations about HIV are difficult. That silence is often filled by harmful misconceptions and prejudices which are repeated and reinforced by inaccurate reporting and stigmatising language … over the course of the week, we all witnessed and experienced a marked shift in attitudes towards HIV and AIDS, from fear and misinformation to genuinely enhanced understanding and empathy…The journalists knew that convincing their station managers and editors to report on HIV and AIDS at all, let alone accurately and fairly, would be difficult. They were concerned that their motivation in reporting on HIV and AIDS would be viewed with suspicion, and about how reporting on HIV and AIDS would affect their ratings. However, they left the training with ideas for stories on landlords evicting tenants they discover to be positive and examining government budget allocations for HIV and AIDS programmes. In a country such as Somalia where news consumption is high, changing the way that HIV and AIDS are talked about in the media can change the way that they are talked about across society. One small group of committed journalists and civil society workers has the power and influence to shape how the story of HIV and AIDS is told.' [298]

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Mental health care

14.15 The World Health Organisation's Biennial Report on Somalia 2010-2011, publshed in September 2012, noted that:

'Prolonged conflict and instability have largely impacted on the mental and psychological well-being of the Somali people. It is estimated that one in three Somali's are affected by some kind of mental illness, a prevalence which is gher than in other low-income and war-torn countries. Many Somali's have experienced beating, torture, rape or have been injured for life. Others witnessed horrific violence against family or friends. Many Somalis with mental illness are socially isolated when becoming violent. The pain of this isolation is felt intensely because Somali culture is traditionally communal and family oriented. These are generally chained or imprisoned. The country has only five health centres (Hargeisa, Berbera, Bosaso, Garowe and Mogadishu) that provide essential mental health care services. To address this issue, WHO Somalia in

[297] US Department of State, Report on Human Rights Practices in Somalia, section 6, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 18 June 2013

[298] BBC Media Action, Telling a new story: Somali journalists talk about HIV and AIDS, 26 July 2012, http://www.bbc.co.uk/blogs/bbcmediaaction/posts/Telling-a-new-story-Somali-journalists-talk-about-HIV-and-AIDS Date accessed 18 June 2013

collaboration with the local health authorities provided medicines to mental health care services and expanded the Chain Free Initiative. This initiative that addresses the rights of the mentally ill by advocating for chain-free hospitals, chain free homes and chain-free environment is well established in Mogadishu and Hargeisa and will start in Bossaso in 2011. To have a better understanding of the mental health services within the country, WHO Somalia produced a mental health situation analysis. The document groups all crucial information on mental health in Somalia. In 2011, in collaboration with Gruppo per le Relazioni Transculturali (GRT), an on-the-job refresher training was organized in Hargeisa and Garowe for 48 mental health workers.' [299]

14.16 The World Health Organisation report, 'A Situation Analysis of Mental Health in Somalia', published in October 2010, noted that:

'Mental health key challenges and opportunities for its development are interlinked with the strengthening of the health system in Somalia as a whole. It has some peculiar features that should be taken into account. This document will highlight few of them that can be summarized as follows:

- Need of policies, strategic plans and guidelines on mental health tailored to the three zones;
- Need of allocating national budget and international assistance for the development of the mental health sector;
- Need of qualified and properly trained health workers;
- Need to improve access to quality mental health services. [300]

14.17 The report stated that: 'The containment with chains of mentally challenged people is prevalent in both urban and rural areas and is widespread regardless of gender. This is also used as a locally accepted medical treatment in many mental health facilities.' [301]

14.18 The report also stated that: 'Due to the lack of proper medical treatment and facilities and the huge need for them, the communities are faced with several kinds of traditional healers where some of them allegedly treat mental disorders. Each treatment has its own rituals, rationale, procedures and complexity that is not easy to explain.' [302]

14.19 The report further outlined current mental health provision in Somalia, stating that there are three Habeb Mental Health hospitals in south and central Somalia and that all facilities have an inpatients unit. There is one mental health hospital (Berbera Mental Health Hospital), one ward in Hargeisa Group general hospital and one community owned psychiatric inpatients unit in Somaliland, with one ward in Bossaso Hospital and one community residential facility serving Puntland. [303]

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[299] World Health Organisation, WHO Somalia Biennial Report 2010-2011, Chapter 2, September 2012, http://www.emro.who.int/images/stories/somalia/documents/WHO_SOMALIA_Biennial_Report_2012_FINAL_WEB.pdf Date accessed 18 June 2013
[300] World Health Organisation, A Situation Analysis of Mental Health in Somalia, October 2010, p13, http://www.emro.who.int/somalia/pdf/Situation_Analysis_Mental_Health_print.pdf Date accessed 27 April 2011
[301] World Health Organisation, A Situation Analysis of Mental Health in Somalia, October 2010, p22, http://www.emro.who.int/somalia/pdf/Situation_Analysis_Mental_Health_print.pdf Date accessed 27 April 2011
[302] World Health Organisation, A Situation Analysis of Mental Health in Somalia, October 2010, p23, http://www.emro.who.int/somalia/pdf/Situation_Analysis_Mental_Health_print.pdf Date accessed 27 April 2011
[303] World Health Organisation, A Situation Analysis of Mental Health in Somalia, October 2010, p34-35, http://www.emro.who.int/somalia/pdf/Situation_Analysis_Mental_Health_print.pdf Date accessed 27 April 2011

14.20 The report also outlined, with regard to the availability of medication for psychiatric disorders, that:

'The hospitals do not purchase the drugs. They are usually provided on an irregular basis by WHO and/or by private donations/INGO supplies. Only five facilities receive drugs, whereby two in NW Somalia receive them on a regular basis. Hargeisa and Berbera rely mainly on different channels of provisions, while two facilities out of seven rely on private donations and another two on INGO contributions. WHO do not provide drugs to community-run facilities, which very occasionally receive contributions from charity and private donations. All of the facilities complained about very poor storage conditions such as poor safety of the store, ventilation and space arrangements.' [304]

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15. Freedom of movement

In assessing freedom of movement within and between urban areas, officials are recommended to the consider prevailing security situation which can be changeable. Further information and sources on security generally are in the Security situation section.

15.01 The 2012 US State Department Report on Human Rights Practices in Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) noted that:

'The TFC provided for the right of citizens to travel freely within the country. The provisional federal constitution states every person lawfully residing within the country has the right to freedom of movement, freedom to choose their residence, and freedom to leave the country. In practice freedom of movement was restricted in some parts of the country.

'In-country Movement: Ad hoc checkpoints operated by armed militias, clan factions, TFG forces and allied groups, and al-Shabaab inhibited movement and exposed citizens to looting, extortion, and harassment. For example, on September 9, after AMISOM began shelling Kismayo in an offensive to take the port city from al-Shabaab, al-Shabaab ordered Kismayo residents not to flee the city and warned residents they would face fines if they were caught attempting to leave. On November 25, President Hassan Sheikh Mohamud ordered the dismantling of illegal checkpoints in Benadir Region, which includes Mogadishu. By year's end government forces and police dismantled the majority of checkpoints.

'Somaliland restricted TFG officials, including those from Somaliland, from entering Somaliland. It also prevented traditional elders in Somaliland from traveling to Mogadishu to participate in the selection processes for the federal parliament and national constituent assembly.' [305]

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[304] World Health Organisation, A Situation Analysis of Mental Health in Somalia, October 2010, p34-35, http://www.emro.who.int/somalia/pdf/Situation_Analysis_Mental_Health_print.pdf Date accessed 27 April 2011
[305] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1d, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 18 June 2013

Movement within central and southern Somalia

15.02 The UN Human Rights Council's Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, published on 22 August 2012, noted that: 'As a result of the increased strength of AMISOM forces, the freedom of movement of people in Mogadishu improved significantly. This was possible largely through the disposal of landmines, explosive remnants of war and improvised explosive devices throughout Mogadishu.' [306]

15.03 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that: 'According to Peter Klansoe, DRC, freedom of movement in Mogadishu has been increasingly improving. Although freedom of movement has improved, but it is not a complete freedom of movement as checkpoint comes and goes, more in some areas than others…An international NGO (B), Mogadishu, explained that today women can move freely around in Mogadishu without having to fear the police or SNAF.' [307]

15.04 The same report also stated that:

'When asked if ordinary people in Mogadishu would go by land to other locations/cities in S/C Somalia UNDSS, Mogadishu, stated that people are going by buses and other vehicles to such locations. However, there have been a few reports of travelers being executed by al-Shabaab when it suspected someone to be a government affiliated person. It happens maybe two to three times a week in all of S/C Somalia.

'Regarding overland travels in S/C Somalia representatives of an international agency, Mogadishu, explained that ordinary civilians, i.e. people not working for the SNG, are travelling between Mogadishu and Kismayo, Baidoa, Jowhar and Afgoye. They mostly go by bus and there are now fewer checkpoints along the Mogadishu – Kismayo road. There are no checkpoints between Mogadishu and Baidoa. However, there is no guarantee against al-Shabaab ambushes along the road. On the other hand, ambushes may also be committed by ordinary criminals. The representatives of an international agency, Mogadishu, confirmed that al-Shabaab will kill anyone it suspects is working for the SNG or the international community. It was added that the road between Mogadishu and Kismayo is not safe all the way. However, ordinary people will travel along this road anyhow as long as they know how to get by.

'The representative of Elman Peace and Human Rights Centre, Mogadishu, explained that she would never travel along the roads leading to Baidoa and to Kismayo from Mogadishu. This is due to the threat of al-Shabaab. A well-known person or a person looking a bit westernized may be at severe risk if al-Shabaab stops the vehicle. However, ordinary people will travel by bus or other transportation along these roads as well as to other locations in S/C Somalia, irrespectively of whether al-Shabaab is in control of an area you may have to pass through in order to get to your final destination.

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[306] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, paragraph 19, 22 August 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accessed 20 June 2013

[307] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p49, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 20 June 2013

'Concerning travelling between Mogadishu and Kismayo, an international NGO (B), Mogadishu, explained that for ordinary people with no issues with al-Shabaab there is no risk going by road through Shabaab-controlled areas along the coast.

'Regarding the Mogadishu – Afgoye – Baidoa - Luuq corridor UNDSS, Mogadishu, explained that al-Shabaab has no permanent physical presence along the road. However one cannot say that it is 100% safe.

'An international NGO (B), Mogadishu explained that al-Shabaab operates along the road from Mogadishu to Baidoa, but it has no checkpoints along the road. However, there is reason to believe that it will be informed about government people who travel on the road. What it normally does, is that they stop cars and check the people who are on board. Then it will take out the ones it thinks are working for the government or it for some reason regards as enemies. Ordinary people with no issue with al-Shabaab go on with no problems, and normally it will not ask for money or take valuables. Such ambushes and checks happen more or less every day on the road from Mogadishu to Baidoa. This is why the international NGO (B) will not go by road to Baidoa and therefore goes by plane. If SNAF forces, AMISOM or SNG officials are going by road to Baidoa, they have to go in a convoy.' [308]

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Checkpoints

15.05 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'When asked if the unauthorized or illegal checkpoints in Mogadishu are still an issue UNDSS, Mogadishu, explained that these checkpoints have 'died down', especially since September/October 2012 when there were many of them in Mogadishu and the nearby Lower Shabelle region. However, there are still some illegal checkpoints in Mogadishu and Lower Shabelle…checkpoints come and go.

'Elman Peace and Human Rights Centre, Mogadishu, explained that when al-Shabaab left Mogadishu in August 2011 the previous government [the TFG] established a lot of checkpoints throughout the city. These checkpoints have now disappeared and new ones have been established in the outskirts of Mogadishu. However, as many of the SNAF soldiers are not being paid properly there have been reports of harassments, extortions and other violations taking place at some of these checkpoints…When government forces are patrolling the streets, armed militias are not able to establish [illegal] checkpoints. However, once the government forces are out of sight, such [illegal] checkpoints appear…Elman Peace and Human Rights Centre added it is normal that men will be checked much more thoroughly than women at checkpoints.

'Regarding checkpoints the representatives of an international agency, Mogadishu, explained that there has been a decrease in the numbers of these since October 2012.

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[308] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p49-50, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 20 June 2013

AMISOM is providing security at Villa Somalia and the Parliament as well as at other key points in Mogadishu. All checkpoints in Mogadishu are manned by SNAF soldiers.

'Regarding the checkpoints in Mogadishu UNHCR-Somalia, Mogadishu, stated the majority of illegal checkpoints were removed already in late 2012. Freedom of movement has been drastically improved in the city and there is freedom of movement, especially, in daylight, as the unauthorized or illegal checkpoints have now been removed…When asked if there have been any incidents concerning ordinary civilians at any checkpoint UNHCR stated that there are no recent reports on serious incidents although incidents of harassment of civilians especially along the Afgoye-Mogadishu road were commonly reported. There are no recent reports on the existence of illegal checkpoints in Mogadishu since January/February 2013.

'According to Peter Klansoe, DRC, freedom of movement in Mogadishu has been increasingly improving. Although freedom of movement has improved, but it is not a complete freedom of movement as checkpoint comes and goes, more in some areas than others. The illegal checkpoints have been removed and most of the SNG checkpoints are also gone. There is no longer armed conflict between al-Shabaab and the SNAF/AMISOM. Today one sees SNAF soldiers as well police forces in the streets of Mogadishu. However, as a result of the 14 April [2013] attack by al-Shabaab one can expect to see some additional checkpoints in the coming days and maybe weeks.

'During the delegation's visit to Mogadishu from 21 to 23 April it did not notice any checkpoints between the airport and Hamar Weyne and between Hamar Weyne and the Medina hospital.…Hakan Bilgin, IMC, agreed that the removal of illegal or unauthorized check points [normally these were check points controlled by various DCs] in Mogadishu is a sign of improving security in the city. On the other hand this does not imply that the DCs do not have any influence any longer.' [309]

Mogadishu airport

15.06 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'UNDSS, Mogadishu, explained that there have been no significant security incidents at Mogadishu's international airport for months, barring a likely mortar round that landed near the airport in 2012 and another that landed on the runway in mid-2011, but the 14 April [2013] attack on Turkish NGO workers took place approximately a mile from the airport area. Al-Shabaab is, however, likely to be keen to attack the airport and there have been concerns about the security measures employed at the airport.' [310]

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[309] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p64-65, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 29 May 2013

[310] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p56, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 20 June 2013

Landmines

15.07 Landmine and Cluster Munition Monitor noted in their country profile for Somalia (excluding Somaliland), updated 8 November 2012, that:

'At least 146 mine/explosive remnants of war (ERW) casualties were recorded in Somalia (excluding Somaliland) in 2011. Of the casualties for whom the military/civilian status was known, 143 were civilians. Of the casualties for whom the age was known, 41% were children, including 42 boys and 13 girls. At least 16 casualties were women. [Of 122 casualties where the age was known were 58 children (64 were adults and 24 of unknown age); 3 child casualties were recorded where the sex was not known.]

'The UN Mine Action Service (UNMAS) casualty recording also found an additional 164 casualties of emplaced improvised explosive devices (IEDs) in 2011. It was not possible to adequately distinguish between attacks by command detonated IEDs and incidents involving victim activated IEDs, which are de facto landmines with this data.

'Of the total casualties for Somalia in 2011, the Puntland Mine Action Center (PMAC) recorded 35. PMAC recorded 41 mine/ERW casualties for 2010.' [311]

15.08 Landmine and Cluster Munition Monitor noted in their country profile for Somaliland, updated on 19 November 2012, that:

'The Somaliland Mine Action Center (SMAC) reported 23 mine/explosive remnants of war (ERW) casualties for 2011. As in previous years, most casualties were children (12 or 52%). Of the total casualties, 17 were male and six female. There were no deminer casualties during clearance or explosive ordnance disposal (EOD) operations in 2011.

'The 2011 casualty total represented a decrease from 36 mine/ERW casualties reported by SMAC for 2010 and was significantly lower than the number of casualties recorded in Somaliland for 2007 (97) and 2006 (96).

'In early 2011 it was reported that "Case fatalities and injuries associated with mine and UXO [unexploded ordnance] explosions have lately increased in the country" and that most casualties were children.' [312]

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16. Internally displaced persons (IDPs)

Please read in conjunction with Security situation.

Overview

For an overview of the protracted displacement situation in Somalia since 1991, please see Unlocking protracted displacement: Exploring recurrent Somali displacement, a paper published in August 2011 by the Internal Displacement Monitoring Centre, the

[311] Landmine and Cluster Munition Monitor, Somalia country profile, 8 November 2012, http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/2186 Date accessed 20 June 2013
[312] Landmine and Cluster Munition Monitor, Somaliland country profile, 19 November 2012, http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/2192 Date accessed 20 June 2013

University of Oxford Refugee Studies Centre, the Norwegian Institute of International Affairs and the Norwegian Refugee Council.

16.01 The UNHCR's country page for Somalia, undated, accessed on 20 June 2013, noted that, as of January 2013, there were 1,132,963 internally displaced persons in Somalia.[313] The US State Department 2012 Country Report on Human Rights Practices in Somalia, published on 19 April 2013, covering events of 2012 (USSD 2012 report) stated:

'On July 17, the Office of the UN High Commissioner for Refugees (UNHCR) announced the population exodus from the country had exceeded one million, with refugees having fled mainly to Kenya (534,200 registered Somali refugees at the end of July), Yemen, and Ethiopia. There were more than 1.36 million IDPs across the country during the reporting period. According to the UNHCR, a third of Somalia's population lived in forced displacement throughout the year.' [314]

16.02 The UN Human Rights Council's Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, published on 22 August 2012, noted that:

'In February 2012, the anticipation of fighting in the Afgooye corridor owing to offensives by AMISOM and Transitional Federal Government troops against Al-Shabaab triggered the movement of about 22,000 people from Afgooye into Mogadishu where, according to UNHCR, around 185,000 internally displaced persons had already taken refuge, an extra burden on the meagre existing basic services, such as water and sanitation.

'In addition, the Transitional Federal Government ordered evictions in order to reclaim 93 long-term occupied public buildings in Mogadishu. While the need to put such buildings to public use and to take advantage of rehabilitation promised by the international community was understandable, it was clear that alternative solutions should have been found to avoid making people homeless. At the time of reporting, the United Nations was working with the Government to develop a policy on internally displaced persons to contribute to durable solutions.

'In Somaliland, the Government's policy of fighting any Al-Shabaab activity led to many official statements criticizing immigration from southern Somalia as being mainly responsible for the insecurity. On 11 September 2011, the Government of Somaliland announced that it would expel some 100,000 illegal immigrants within 30 days.

'During his meeting with Somaliland authorities, the Independent Expert expressed his concern at the forced repatriation of Somalis from the south-central region, as well as of Ethiopian, Eritrean and other refugees and asylum seekers, as it might put some of them at risk upon return. The Minister for Justice informed him that Somaliland had always offered hospitality to Somalis from the South and central regions and other African migrants. During the drought of 2011, Somaliland sent a group of ministers to Mogadishu to provide emergency aid to their "brothers and sisters" in Somalia. Moreover, Somalis came from various parts of Somalia to settle down and study in Somaliland universities. The capital city was, however overwhelmed, its huge

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[313] UNHCR, Somalia, undated, http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483ad6 Date accessed 20 June 2013

[314] US Department of State, 2012 Report on Human Rights Practices in Somalia, p27-28, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 20 June 2013

population further extenuated by the drought situation. As a result, Somaliland could not afford to receive a greater influx of refugees and asylum seekers.' [315]

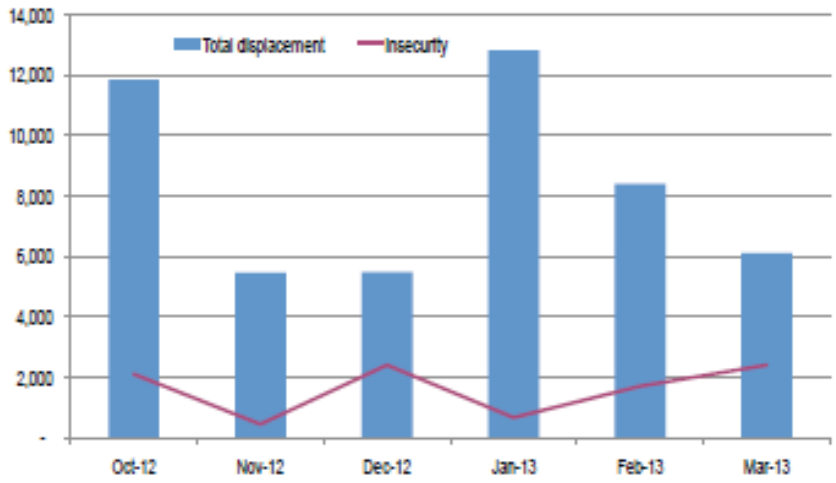
16.03 The UN Security Council's Report of the Secretary-General on Somalia, published on 31 May 2013, stated that:

'Some 14,000 people were internally displaced in the first quarter of 2013, including 2,500 civilians who fled towards the Somalia-Ethiopia border following the withdrawal from Xuddur. Humanitarian agencies provided assistance and continue to monitor the situation of the displaced and vulnerable families in the host communities. Some 10,000 Somalis have crossed the border into Ethiopia in the first quarter of 2013 according to Office of the United Nations High Commissioner for Refugees (UNHCR).

'The return of refugees to Somalia has continued during the reporting period. Since the beginning of 2013, UNHCR estimates that 16,000 people returned voluntarily from neighbouring countries (Kenya, Ethiopia, Saudi Arabia and Yemen) as well as from the diaspora. Humanitarian actors continue to support the voluntary return of displaced people through planned programmes. The United Nations Mine Action Service enhanced mine risk education at key crossing points in southern Somalia, thereby increasing awareness of explosive threats for returnees.' [316]

16.04 The Food Security and Nutrition Analysis Unit-Somalia (FSNAU)'s Food Security & Nutrition Quarterly Brief - Focus on Gu 2013 Season Early Warning, published on 29 April 2013, published the following table of displacement trends in Somalia from October [317]:

Figure 1: 2012 Monthly Internal Displacement Trends



[315] UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, page 12, 22 August 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.61_en.pdf Date accessed 20 June 2013

[316] UN Security Council, Report of the Secretary-General on Somalia, 31 May 2013, p11, http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/326 Date accessed 20 June 2013

[317] Food Security and Nutrition Analysis Unit-Somalia, Food Security & Nutrition Quarterly Brief - Focus on Gu 2013 Season Early Warning, published on 29 April 2013, p8, http://www.fsnau.org/downloads/FSNAU-Quarterly-Brief-April-2013.pdf Date accessed 18 June 2013

Useful sources

For updates on the location and number of IDPs within Somalia, please visit:

UNHCR website

Internal Displacement Monitoring Centre website.

UN OCHA Somalia website (which provides weekly situation reports and a monthly humanitarian situation overview that gives up to date information about IDPs and other humanitarian issues.)

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General conditions for IDPs

Please see the Human Rights Watch report, Hostages of the Gatekeepers, for an account of the experiences of IDPs within Somalia.

16.05 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that:

'Peter Klansoe, [Danish Refugee Council] DRC stated that IDPs as well as other poor people do not enjoy security to the same extent as others. IDPs will often have to pay for their security. They are often without support and they cannot turn to the authorities for security. In this regard there are no substantial changes during the last six months. Peter Klansoe added that with regard to DRC's operations and position in Mogadishu there are no changes since February 2012.…According to an international organization sexual violence is a major concern in IDP camps, but the organization does not have any figures on these violations. In general IDPs are the most vulnerable…Kilian Kleinschmidt, OCHA (e-mail correspondence 3 and 4 December 2012) confirmed that DRC has 20.000 families on a cash scheme, but added that various organizations - including Arab and Turkish organizations - have similar schemes and it may add up to approximately 100.000 families. However, this figure is not verified…Kilian Kleinschmidt, OCHA, confirmed that there are IDP camps in which gatekeepers are denying the IDPs freedom of movement, i.e. they are not permitted to leave the camps…An international NGO working in S/C Somalia (A) explained that there are different groups of IDPs and some have been IDPs for twenty years, some have been displaced by the more recent war, others are newly displaced due to the drought last year…The majority of the IDPs are agro pastoralists; mainly May-speaking from Bay and Bakool, the Juba regions, Lower Shabelle, and some from Middle Shabelle, and even some from main clans.' [318]

16.06 The US State Department 'Trafficking in Persons Report 2013', published on 19 June 2013 and covering events of 2012, stated that, under 'Special cases', Somalia is listed as a country of particular concern:

"Gatekeepers" in control of some internally displaced persons (IDP) camps reportedly forced girls and women to provide sex acts in exchange for food and services available

[318] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p59-61, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 21 June 2013

within the camps. At times, they charge rent or fees for otherwise free basic services and sell the area they control within a camp to other "gatekeepers," establishing a cycle of debt for IDPs that makes them vulnerable to inherited bondage. Additionally, displaced persons in camps or congregated along coastal areas hoping to be smuggled to nearby African countries, Europe, or the Middle East remain particularly vulnerable to trafficking.' [319]

16.07 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'…Regarding an IDP strategy, it should be noted that the division of tasks between Mogadishu and the regional governments has not as of yet been clarified. It was added that, in 2012, Puntland adopted an IDP policy while Somaliland is, also, on its way to do so.

'UNHCR-Somalia explained that its relations with the SFRG [i.e. the SNG] are good and those who are focal points for humanitarian issues are mostly people with NGO professional background and very cooperative.

'The Disaster Management Agency (DMA) is a government agency under the Ministry of Interior and National Security. UNHCR has an ongoing dialogue with DMA, and a number of DMA experts are persons from the Diaspora. DMA is supported by the International Organization for Migration (IOM).

'UNHCR described the overall process and dialogue with the SFRG [i.e. the SNG] regarding IDPs and refugees as positive.…UNHCR explained that there were also Ethiopian refugees living, mainly, in Somaliland and Puntland who were in limbo, as the majority of them did not have any local integration prospects. [320]

For more information on the difficulties faced by NGOs attempting to deliver aid in Somalia, please see Human rights and humanitarian institutions, organisations and activists.

For more information on the treatment of certain groups, please see Abuses by security forces, Women and Children.

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Mogadishu

16.08 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, published on 4 January 2013, noted that: 'Kilian Kleinschmidt, OCHA, explained that according to International Committee of the Red Cross (ICRC) there are approximately 400.000 IDPs in the Mogadishu [area]. However, Kilian Kleinschmidt

[319] US Department of State, Trafficking in Persons Report 2013, Special Cases, 19 June 2013, http://www.state.gov/documents/organization/210742.pdf Date accessed 20 June 2013
[320] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p46-47, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 21 June 2013

estimated the figure would rather be somewhere between 300.000 and 400.000 IDPs. There are no exact figures in the number of IDPs.' [321] The same report also stated:

'Peter Klansoe, DRC stated that IDPs as well as other poor people do not enjoy security to the same extent as others. IDPs will often have to pay for their security. They are often without support and they cannot turn to the authorities for security. In this regard there are no substantial changes during the last six months. Peter Klansoe added that with regard to DRC's operations and position in Mogadishu there are no changes since February 2012.

'The Danish Refugee Council is providing cash relief to approximately 20.000 households [in Mogadishu], according to Peter Klansoe, DRC. Each household receives 120 USD per month in cash relief. It was added that the cash relief program makes it possible for many recipients to begin to reestablish themselves in Mogadishu. Another consequence of this program is that one can notice a new consumption pattern in Mogadishu. In this connection one can notice a substantial increase in the payment of school fees. It was added that the cash relief program is based on the needs of the recipients; however, if the program was 100 % clan based one would see a lot of trouble among the clans involved in the program. When asked if the DRC is under pressure when it comes to relief Peter Klansoe explained that the DRC is under serious pressure but added that this is almost always the norm in Somalia.…A local NGO in Mogadishu (C) stated that presently there are not less than 20 rapes per day in the IDP camps as well at checkpoints. However, the vast majority of these crimes are committed in the IDP camps. Protection and survival is a major concern to many women in Mogadishu.

'Lack of job opportunities in Mogadishu mean that many people are falling outside the social systems and they risk becoming marginalized, according to a UN agency. UN now and then sees poor people trying to get into IDP camps in order for them to get access to services in these camps. In contrast to IDPs the local populations are most likely better protected by their own sub-clan. The IDPs often live in mixed settlements which mean that they only have limited clan protection.

'Regarding property disputes it was emphasized by the UN agency that there are a lot of unsettled disputes in Mogadishu as well as in other parts of S/C Somalia. There is no justice system which can assist people in solving property issues in an impartial manner. Land and house property is becoming increasingly valuable and anyone who own or control property occupied by IDPs and who have armed guards will demand payment from the IDPs on their land. Thus IDPs have become big business where landowners as well as gatekeepers earn huge amounts of money by rent and 'protection' paid by IDPs. Those IDPs who cannot pay their rent and protection fees risk being beaten or raped.

'Elman Peace and Human Rights Center, Mogadishu explained that GBV is equally widespread in host communities and settlements for displaced persons, and it is endemic in Mogadishu. Rape victims are contacting Elman Peace and Human Rights Center on a daily basis, and each month there is at least 30 cases. Elman Peace and Human Rights Center has a safe house in Mogadishu where women can be protected, but this is only a short time solution since they don't have capacity to let the women stay for long.…Many IDPs have been displaced several times. Approximately 15% of the

[321] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p59-61, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 21 June 2013

IDPs are originating in Mogadishu, according to figures from ICRC. Kilian Kleinschmidt added: The number of IDPs in Mogadishu have increased during the lasts months. This increase is due to the fighting that took place in the Afgoye Corridor as well as in other locations in the spring of 2012. In addition a small number of IDPs have recently been evicted from private houses and plots in the inner-city of Mogadishu. Recently OCHA found a new IDP settlement in the district of Daynile and all IDPs were evicted from the above mentioned private plots and houses. For some time not a single IDP have been evicted from public buildings or land in Mogadishu after successful intervention by the UN Deputy Humanitarian Coordinator (DHC). In addition to Somali IDPs former Ethiopian refugees remain in some IDP settlements, whose presence in Mogadishu dates back to the early 1990's.

'Regarding the urban poor and IDPs Kilian Kleinschmidt, OCHA, explained that it is not possible to distinguish between these two groups as IDPs are not found in closed camps. Humanitarian assistance from the international community goes to poor people in need, irrespectively whether they are urban poor or IDPs. It was added that there are IDP camps in Mogadishu which should be considered as fake camps. In addition there are camps where the IDPs are Bantu people. These IDPs are the worst off IDPs in Mogadishu. They are literally living from garbage and they have less access to assistance as they are very poor and marginalized. In general Kilian Kleinschmidt considered that IDP camps are simply higher concentration of people and not IDP camps in traditional thinking. IDPs are often people who do not hold land titles and who are living as squatters.

'Kilian Kleinschmidt, OCHA (e-mail correspondence 3 and 4 December 2012) confirmed that DRC has 20.000 families on a cash scheme, but added that various organizations - including Arab and Turkish organizations - have similar schemes and it may add up to approximately 100.000 families. However, this figure is not verified.

'No one knows how many urban poor there are in Mogadishu according to an international NGO working in S/C Somalia (B). However unemployment is high and many families fall into the category of extreme poverty. Some of the urban poor moved into Mogadishu in the early 1990s.

'Kilian Kleinschmidt, OCHA, confirmed that there are IDP camps in which gatekeepers are denying the IDPs freedom of movement, i.e. they are not permitted to leave the camps.

'An estimated 350.000 are internally displaced in the city [Mogadishu] according to an international NGO working in S/C Somalia (B), and most people get by because of remittances from relatives abroad and small trade as well as some assistance from NGOs and international organizations. In addition people share the little they have.

'The international NGO working in S/C Somalia (B) stated that an improvement of humanitarian aid in Mogadishu has taken place since February 2012. Checkpoints are no longer obstructing transportation of humanitarian aid.

'According to Ayaki Ito, UNHCR, there have been some recent evictions of IDPs in Mogadishu. He also referred to the Somalia and Eritrea Monitoring Group (SMEG) report which states that there are examples of gatekeepers preventing IDPs from leaving their camps. The SMEG report also states that IDPs will have to pay 3 US $ for a plot in the camps and a percentage of aid given to the IDPs will have to be given to the gatekeepers.…there is no protection for IDPs in Mogadishu neither from clans nor

authorities. However, IDPs living in an area or settlement in which their own clan is a majority may expect some protection.

'The camps or settlements are located in various parts of the city and in all the 16 districts there is a DC working independently of the government. These DCs have their own militia who control their area and it is difficult to get access to the camps. Any organisation which wants to do projects of some kind in the camps has to get permission from the DCs. Even the government forces don't go to the camps.' [322]

16.09 The Human Rights Watch report, Hostages of the Gatekeepers, published on 29 March 2013, noted that:

'The new government of Somalia plans to relocate tens of thousands of internally displaced people (IDPs) within Mogadishu this year. Many of these people had arrived in the war-torn capital in 2011 as a result of a devastating famine that provoked widespread displacement…the United Nations estimates that more than 75,000 IDPs arrived in Mogadishu within the space of nine months in 2011. Instead of finding refuge and the humanitarian assistance they urgently needed, many displaced people encountered a hostile and abusive environment in Mogadishu.…Throughout [July 2011 to November 2012] members of displaced communities in Mogadishu faced serious human rights abuses including rape, beatings, ethnic discrimination, restricted access to food and shelter, restrictions on movement, and reprisals when they dared to protest their mistreatment. The most serious abuses were committed by various militias and security forces, often affiliated with the government, operating within or near camps and settlements for the displaced. Frequently these militias were linked or controlled by managers, or "gatekeepers" as they are known, of the IDP camp.' [323]

16.10 The report of a Danish-Norwegian fact finding mission to Nairobi and Mogadishu in April and May 2013, published on 8 May 2013, noted that:

'When asked if the remaining IDPs residing in government buildings have been removed from the city Peter Klansoe, DRC, stated that this has not yet taken place. However, there are lots of examples of IDPs who have been forcibly evicted from government buildings and land. DRC and the Norwegian Refugee Council (NRC) have undertaken a joint project regarding allocation of land and resettlement of evicted IDPs. The issue is whether the IDPs should be located in regular IDP camps or in smaller settlements in Mogadishu city. However, one should be observant regarding the SNG's willingness to allocate land to the IDPs. On the other hand there is a positive and ongoing process regarding relocation of the IDPs. NGOs and the UN agencies are cooperating with the SNG regarding IDPs, but the SNG and its ministries are still too weak to properly address this problem. The SNG is not yet to be considered as a functional partner in its cooperation with the NGOs and the UN.

'A tripartite cluster project with several implementing partners, including DRC and NRC have recently been made. The project is regarding improvements to be made in the newly established IDP camps. Peter Klansoe, DRC, added that the UN Office for the

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[322] Danish Immigration Service and Landinfo, Security and human rights issues in S-C Somalia, including Mogadishu, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, October 2012, 4 January 2013, p59-61, http://www.landinfo.no/asset/2319/1/2319_1.pdf Date accessed 21 June 2013
[323] Human Rights Watch, Hostages of the Gatekeepers, 28 March 2013, http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf Date accessed 21 June 2013

Coordination of Humanitarian Affairs (OCHA) and UNHCR in Mogadishu are also addressing the needs of the IDPs.

'Regarding resettlement of IDPs from other parts of S/C Somalia and who presently are in Mogadishu Peter Klansoe, DRC, explained that there are a number of ongoing processes directed towards assistance to those IDPs who wish to return voluntarily to their home areas.

'Since the Somalia Federal Republic Government (SFRG), [i.e. the SNG] Cabinet was proclaimed in November 2012, UNHCR-Somalia, Mogadishu, witnessed an increase in the number of its interlocutors, especially, within the Ministry of Interior and National Security, which is, also, dealing with IDP and refugee matters.

'In December 2012, UNHCR-Somalia started a dialogue with the SFRG [i.e. the SNG] on capacity-building and the drafting of policy for IDPs in Mogadishu.

'Regarding an IDP strategy, it should be noted that the division of tasks between Mogadishu and the regional governments has not as of yet been clarified. It was added that, in 2012, Puntland adopted an IDP policy while Somaliland is, also, on its way to do so.…UNHCR-Somalia noted that many IDPs in Mogadishu have been displaced several times. Approximately 30% of all IDPs in Mogadishu originate from Mogadishu and many have been displaced more than once.…According to Elman Peace and Human Rights Centre, Mogadishu, there are no public services available to the population in Mogadishu. And services that are available under public service title are usually for a fee.' [324]

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Afgooye 'corridor'

16.11 The Afgooye 'corridor' 'stretches some 30 kilometres west [out] of Mogadishu.' (UN) [325] The UN OCHA Situational Analysis for Lower Shabelle in October 2012 noted that:

'Lower Shabelle has the largest concentration of IDPs with 496,000 people, including 406,000 in Afgoyee. These IDPs were originally displaced from Mogadishu by a multi-dimensional conflict since 2007, living in the Afgooye corridor. During the conflicts in February and May 2012, over 50,000 IDPs were displaced to Mogadishu and other parts of Lower Shabelle from the Afgooye corridor.

'In June 2012, AMISOM/Somali National Army (SNA) took over Afgoye town, ending more than four years of Al-Shabaab rule. In August 2012, Merka, previously under AS, was also taken by AMISOM and SNA. The remaining districts in the region are still under Al-Shabaab control.…IDPs and other vulnerable groups, on the other hand, who cannot directly benefit from the improved harvest and livestock, and are disconnected from the traditional social support system, l require food assistance [sic] . Although the food security situation has improved from the last Deyr levels, FSNAU post Gu analysis

[324] Danish Immigration Service and Landinfo, Security and protection in Mogadishu and S/C Somalia, Danish-Norwegian fact finding mission to Nairobi and Mogadishu, April-May 2013, 8 May 2013, p46-47, http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf Date accessed 21 June 2013

[325] UN News Centre, UN agency ramping up aid efforts as clashes drive more Somalis from capital, 12 February 2010, http://www.unhcr.org/refworld/docid/4b7ba8c71c.html Date accessed 15 February 2010

estimates that 260,000 people remain in stress and crisis in the region.…Due to overcrowding in IDP settlements, acute watery diarrhoea (AWD), measles, acute respiratory infections (ARI), malaria and TB are prevalent. The lack of major health providers and humanitarian inaccessibility limit the necessary interventions. There is a limited availability of essential healthcare and lifesaving services, maternal and child health (MCH), antenatal and postnatal primary healthcare services, and preventive measures and vaccinations for children. El Niño flooding will increase AWD and cholera cases.…Due to the large presence of IDPs, protection services, the strengthening of community resilience and advocacy/awareness is required to minimise incidences of GBV, child rights abuses and violence, particularly in Afgoye district. Anti-AS victories in newly recaptured areas like Merka and Afgoye posed protection challenges of sexual harassment and human right abuses.…A total of 116,000 people or 58 per cent of a target population of 201,000 were assisted by September 2012. In September alone, the health partners assisted over 15,000 people with primary and basic secondary healthcare services. Health partners are increasing their response after increased access in Afgoyee and its surrounding areas. A considerable challenge in effective health response for the region is the limited capacity of functioning health facilities that further worsens access to health services.…Close to 51,000 people were in need of protection support, exceeding the target of over 23,000 in need as of September 2012. IDPs require increased protection support, particularly the new arrivals from Kismaayo.' [326]

For a map of the settlements in the Afgoye 'corridor', please see OCHA's website.

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Puntland and Somaliland

16.12 The USSD 2012 report stated that:

'Gender-based violence, including sexual assault of female IDPs, remained a problem. Women and children living in IDP settlements in Bosaaso and Galkacyo, Puntland State; Hargeisa, Somaliland [amongst others]…reported a large number of rapes to UN implementing partners…There was also a reported increase in rapes within IDP camps in Puntland.

'Puntland authorities continued to sporadically arrest and forcibly return individuals from the south and central regions, particularly those from Bay and Bakool.

'In January Puntland's president ordered security forces to confiscate vehicles transporting displaced people from the south and to send the IDPs back to their home areas.

'In August Sool regional authorities issued a decree ordering young male IDPs (generally between the ages of 17 and 30) residing in Las Anod and originating from the southern regions to leave Las Anod by September 12. The order was expected to affect an estimated 400 men from the Bay, Bakool, and Benadir regions. The regional governor accused these youth of destabilizing the region and of being linked to al-

[326] UN OCHA, Lower Shabelle – Situation Analysis, October 2012, 9 November 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/Lower%20Shabelle%20Situation%20Analysis_October%202012.pdf Date accessed 21 June 2013

Shabaab. The order was not enforced, but did cause some to voluntarily leave before the deadline.' [327]

For further information on treatment of specific types of IDPs, please see Women, Children and Ethnic groups. For more information on the actions of militias, please see Non-state armed groups.

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17. Citizenship and nationality

17.01 The requirements for citizenship are set out in Law No 28 of 22 December 1962 – Somali Citizenship. [328] Article 8 of the provisional constitution of Somalia, released on 7 September 2012 stated that:

'(1) The people of the Federal Republic of Somalia are one, indivisible and comprise all the citizens.

'(2) There shall be only one Somali citizenship, and the House of the People of the Federal Parliament of Somalia shall enact a special law that shall define how to obtain, suspend, or lose it.

'(3) A person who is a Somali citizen cannot be deprived of Somali citizenship, even if they become a citizen of another country.

'(4) Denial, suspension, or deprivation of Somali citizenship may not be based on political grounds.' [329]

Passports

17.02 A response by the Immigration and Refugee Board of Canada, published on 14 June 2013, noted that:

'In written communication sent to the Research Directorate on 9 June 2013, a representative of the UNHCR stated that the steps to apply for a Somali passport in Mogadishu are as follows:

'Payment of US$ 85 to the Ministry of the Interior and National Security's "Dahabshiil" account.

'With the receipt for that payment, applicants must apply in person at the Immigration Office in Mogadishu, where a form must be filled out and photographs and fingerprints taken.

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[327] US Department of State, 2012 Report on Human Rights Practices in Somalia, section 1d, 19 April 2013, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204165 Date accessed 21 June 2013

[328] UN High Commissioner for Refugees, Law No 28 of 22 December 1962 – Somali Citizenship, http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.htm?tbl=RSDLEGAL&page=research&id=3ae6b50630 Date accessed 26 October 2006

[329] Provisional Constitution of the Federal Republic of Somalia, 7 September 2012 (adopted 1 August 2012), http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME= Date accessed 21 June 2013

'Payment of US$ 20 is made to the Immigration Office, where a receipt will be issued.

'Applicants must return approximately seven days later with this receipt to collect the passport from the Immigration Office.

'Passports are valid for five years.

'Corroborating information on the steps to apply for a passport and on the validity of a Somali passport could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.…Xinhua, the Chinese government's news agency (Xinhua n.d.), reports that Somalia launched a new computer-readable e-passport in February 2007 and that the old Somali passports would become invalid six months later (9 Feb. 2007). A 17 September 2011 article by Somali Report, a privately funded and non-partisan news site where Western editors collaborate with Somali journalists, states that the old Somali passport (known as the "green passport") was banned by the Transitional Federal Government and was supposed to be replaced with a new electronic passport. Further information on Somali biometric passports could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.' [330]

17.03 The report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), published on 13 July 2012, noted that:

'The absence of effective central government for more than two decades has deprived Somalis of the most fundamental privileges of citizenship, including a valid national travel document. The lack of a widely accepted passport has – among other deleterious effects - handicapped Somalia's highly mobile, transnational business community, and contributed to the exodus of Somalis from their homeland in the pursuit of alternative citizenship and the advantages it implies – including a foreign passport.

'Successive interim Somali governments have sought to introduce new passport for a variety of reasons. In addition to responding to a genuine need, the introduction of a new Somali passport has been perceived by transitional administrations as a symbol of legitimacy, as well as an instrument of political leverage vis-à-vis other Somali authorities and factions. Such a combination of motives induced the TFG to introduce a new Somali passport in 2006, but the Monitoring Group has learned that dishonest government officials and businessmen have neatly transformed an ostensibly noble objective into a corrupt money-making scheme characterized by misappropriation of public funds, fraud and potential threats to regional and international security.' [331]

See also the following chapter on forged and fraudulently obtained documents.

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[330] Immigration and Refugee Board of Canada, Somalia: Identification documents, including passports and driver's licenses; whether driver's licenses are/have been issued, including language of documents (2007-June 2013), 14 June 2013, SOM104445.E, available at: http://www.refworld.org/docid/51e4fe6e4.html Date accessed 17 July 2013

[331] UN Security Council, Report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), 13 July 2012, p59-60, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20544.pdf Date accessed 21 June 2013

18. Forged and fraudulently obtained documents

18.01 The report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), published on 13 July 2012, noted that:

'The lack of serious regulatory controls on its issuance combined with the removal of the mandatory fingerprints, has essentially degraded the new Somalia travel document to the status of a commodity to be bought, sold, bartered or traded.

'The Monitoring Group has confirmed that passports have routinely been issued in false names or with other deliberately falsified data, sometimes at the behest of senior TFG officials. The Monitoring Group has obtained evidence of a Somali citizen holding two passports with different identifying information, such as names, mother's name, date of birth, and place of birth. Somali diplomats and personnel working at enrolment centres abroad have told the SEMG that this case is far from unique. On the contrary, General Gaafow's decision to close the Nairobi based 'approval centre', which had been established to monitor all irregularities and fraud, appears to have been intended to enable such practices. General Gaafow justified the closure of the 'approval centre' to another TFG official on the grounds that it would "facilitate and accelerate the production process."..By bribing TFG officials, non-Somali citizens have also been able to obtain Somali passports, both inside and outside Somalia, with false identity information. In one such case, the Monitoring Group has learned of a non-Somali citizen carrying a Somali passport issued by the TFG and who claimed to be Somali, but could neither speak Somali nor identify sub-clans located in the region where he claimed to be from.171 In that particular case, TFG officials in Mogadishu gave instructions to grant a Somali passport to someone they believed to be Sudanese, over the objections of officials at the Somali embassy in Nairobi. Two TFG officials have independently told the Monitoring Group that interventions by influential Somali and Kenyan political figures (one of whom is cited in the Monitoring Group's July 2011 report for involvement in cross-border contraband activities), had been instrumental in persuading the TFG to grant a Somali passport to this individual.' [332]

See also: Passports

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[332] UN Security Council, Report of the UN Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011), 13 July 2012, p74-75, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20544.pdf Date accessed 21 June 2013

Annex A – Background information sources

General background and useful sources are available in the COI report on Somalia, 17 January 2012. Further material is available from the following sources:

Latest news and general human rights information

Afrol News
AlertNet (Thomson Reuters)
All Africa
British Broadcasting Corporation (BBC)
Cable News Network (CNN)
Daily Nation
ECOI.net
Integrated Regional Information Networks (IRIN)
International Crisis Group, Crisis Watch database
UNHCR Refworld

Geography and economy

Central Intelligence Agency, World Factbook, Somalia
National Geographic

History

Conciliation Resources, Accord Issue 21, Whose Peace Is It Anyway?
BBC Timeline

Political and legal system

Central Intelligence Agency, World Factbook, Somalia
Consitution of the Federal Republic of Somalia
London School of Economics, Reconstructing Somalia and the Politics of Public Sector Finance
Somaliland Law

Humanitiarian situation

Food Security and Nutritional Analysis Unit – Somalia
Internal Displacement Monitoring Centre
ReliefWeb

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Annex B – Map of Somalia

United Nations, Cartogaphic Section, December 2011