



Home Office

Country Information and Guidance

South and central Somalia: Majority clans and minority groups

March 2015

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Somalia. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

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 material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

Date Updated: 16 March 2015

1.1 Basis of Claim

- 1.1.1 Fear of mistreatment by non state actors on account of a person's membership of a majority clan or minority group.
- 1.1.2 The four 'noble' (majority) clans are the Darod, Hawiye, Isaaq and Dir, while two further clans, the Digil and Mirifle (also collectively referred to as Rahanweyn) take an intermediate position between the main clans and the minority groups. Minority groups are comprised of ethnic and religious minorities, and occupational / out-caste groups. The latter are of the same ethnicity as members of the majority clans. Ethnic and religious minorities include the urban coastal communities of the Benadir region (the Reer Hamar, Barawani - also known as Reer Brava or Bravanese - and the Bajuni) and the Bantu. Occupational and out-caste groups include members of the Tumal, Midgan and Yibir. Members of majority clans can be considered minorities where they live in an area mainly populated by other majority clans.
- 1.1.3 Decision makers should note that the term 'group' can mean a particular dominant ethnicity associated with geographical location or language, or could loosely mean clan as in an alliance of separate descent groups living in the same cities.

For more information see country information, [Background: clan system, clans and minority groups](#)

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1.2 Summary of Issues.

- ▶ Is the person's account a credible one?
- ▶ Are members of a majority clan or minority group at risk of mistreatment or harm?
- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Somalia?

1.3 Consideration of Issues

Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's account of their clan / minority group background and of their experiences are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

For more information on assessing claims, see Asylum Instruction: [Assessing Credibility and Refugee Status](#)

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Are members of majority clans or minority groups at risk of mistreatment or harm?

Majority clans

- 1.3.2 The clan system has changed in recent years and been undermined to varying degrees in different regions by the ongoing conflict, Al-Shabaab introducing Sharia in place of xeer as a source of law, and by the declining influence of the traditional system of justice, and this is particularly the case in Mogadishu. A person's individual personal connections have become increasingly important in accessing clan support, which may make those moving to a new area without such connections vulnerable.
- 1.3.3 While there have been reports of clashes between majority clans, country information does not indicate that there is widespread discrimination of members of majority clans because of their ethnicity / clan alone. It is unlikely that any Somali belonging to one of the majority clan families (Hawiye, Darood, Dir and Isaaq) - or immediate clan groups or associated sub-clans – is able to demonstrate that they have a well-founded fear of ill-treatment on return on the basis of their clan affiliation alone. However each case should be considered on its individual circumstances.

Minority groups (also including minority clans)

- 1.3.4 Members of minority groups in south and central Somalia are at a particular disadvantage in comparison to members of the majority clans. They usually lack the support network provided to members of the majority clans and as a result are subject to political, social, economic and judicial discrimination, and have experienced human rights abuses including harassment and violence, killings, torture, rape, kidnapping for ransom, and looting of land and property, which in some circumstances may amount to persecution.
- 1.3.5 Women from minority groups have experienced gender-based violence, rape, domestic violence, robbery, exploitation and economic discrimination. Crimes against women, especially amongst women from minority groups, are often perpetrated with impunity and women and girls from minority groups and clans suffer a lack of access to justice, due process, and clan protection.
- 1.3.6 Persons from minority groups who become internally displaced persons (IDPs) and have no choice but to live in an IDP camp in any part of Somalia are particularly vulnerable. They may face discrimination and various human rights violations including economic exploitation, extortion, forced labour, harassment and forced evictions which amount to persecution. This particularly applies to single women or a woman who is head of a household who may also be liable to gender-based violence and trafficking.

Decision makers should consult the [CIG, Somalia: Women fearing gender-based violence / harm, February 2015](#) for further information and guidance in handling applications made by female claimants.

Mogadishu

- 1.3.7 In the country guidance case of [MOJ and others \[2014\]](#), the UT held 'There are no clan militias in Mogadishu, no clan violence, and no clan based discriminatory treatment, even for minority clan members.' (para 407g). The UT also held that 'Perhaps a good indication of the very real change that has taken place in Mogadishu is that some commentators when referring to a "minority clan" now base that not on ethnicity but the fact of the clan being in a numerical minority in a particular area, despite its status as a majority clan on a national basis. It is clear that there have been very significant population movements in Mogadishu in recent years.' (Paragraph 77). It further held 'It will, therefore, only be those with no clan or family support who will not be in receipt of remittances from abroad and who have no real prospect of securing access to a livelihood on return who will face the prospect of living in circumstances falling below that which is acceptable in humanitarian protection terms'. (para 408)

1.3.8 While persons from minority ethnic groups are marginalised and face discrimination in Mogadishu, in general they are unlikely to face persecution on the basis of their ethnicity alone though each case will need to be considered on its specific facts. However, minority group members returning or relocating to Mogadishu without support networks and who have no real prospect of securing access to a livelihood may face unacceptable living conditions.

See country information, Treatment of minority groups, [Mogadishu](#)

South and central Somalia

1.3.9 The UT in MOJ and others did not consider the position of clans (including minority clans / groups) outside of Mogadishu. The available country information generally indicates that members of minority groups are likely to face political, social, economic and judicial discrimination, and human rights abuses including harassment and violence killings, torture, rape, kidnapping for ransom, and looting of land and property which in some circumstances may amount to persecution. There is existing caselaw that considers the position of minority groups and remains relevant to assessing cases for groups, particularly those outside of Mogadishu, but which is based on country information up to 2005/6 and so does not take into account recent changes in the country's human rights situation and in clan dynamics. Decision makers should, however, take into account this caselaw alongside available up to date country information when considering cases.

- In the case of [AJH \(Minority group - Swahili speakers\) Somalia CG \[2003\] UKIAT 00094 \(3 October 2003\)](#) (AJH), the UT considered the position of persons of Bajuni ethnicity and found that they were likely to face persecution and cannot reasonably relocate, particularly if they are female. (Paragraph 58). AJH was promulgated in June 2003 and there is limited recent information about the Bajuni. Decision makers will need to consider available country information, including the position in Mogadishu, and the person's individual circumstances,
- In the case of [NM and Others \(Lone women – Ashraf\) Somalia CG \[2005\] UKIAT 00076 \(31 March 2005\)](#), the Tribunal found that male and female members of minority groups from the south will, in general, be at risk of breaches of their Article 3 rights and will be refugees in the absence of evidence that they have a clan or personal patron and the means to access an area of safety without a real risk. (Paragraph 117).
- In the case of [YS and HA \(Midgan – not generally at risk\) Somalia CG \[2005\] UKIAT 00088 \(22 April 2005\)](#) the Tribunal held that a Midgan or Yibir who has lost the protection of a local patron (or local patrons) and who had not found alternative protection in a city would be vulnerable to persecution and would not be able to relocate safely within Somalia (paragraph 73, viii and ix). Occupational groups generally face more severe discrimination than ethnic minorities.
- In the case of [MA \(Galgale – Sab clan\) Somalia CG \[2006\] UKAIT 00073 \(17 July 2006\)](#) the Tribunal held that there are no designated areas in which the Galgala may live; and they can no longer look to a major clan as a patron. They may therefore have less expectation of protection than others and therefore may face a real risk of persecution. In general members of the Galgala would, on return, face a real risk of persecution and treatment contrary to Article 3. (paragraph 55)

1.3.10 Historically the risks to a person from a minority group would have depended on the minority group concerned and, to some extent, whether the person is able to access protection from a majority clan. However, the significance of clan protection has diminished, particularly in Mogadishu, though this may vary by clan and by area. The effect of this is that minority groups who had established a relationship with a majority clan may no longer be able to seek protection from their sponsor clan. However this

may depend on the dominant clan and area in which they reside. Decision makers will therefore need to take into account which minority group the person belongs to and whether protection from the clan with which the minority group has established a relationship is available.

1.3.11 Whether a person from a minority group is at risk of persecution in areas outside of Mogadishu will depend on:

- the minority group to which the person belongs
- their ability to obtain protection and / or support from a dominant clan
- the area to which they are returning and
- their individual circumstances

See country information on [Clan protection](#) and [Treatment of minority groups and Treatment of minority groups - group-specific](#).

See also the Asylum Instruction on [Assessing Credibility and Refugee Status](#)

Are those at risk able to seek effective protection?

1.3.12 Throughout south and central Somalia (including Mogadishu) there are structural weaknesses in the security services, including serious capacity and infrastructure gaps, logistical challenges, indiscipline, weak command and impunity for human rights abuses. This, alongside a largely non-functioning legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the widespread existence of corruption in state institutions means that, in general, majority clan or minority group members who are at risk are unlikely to be able to access effective protection from the state.

See country information, [State protection](#)

1.3.13 Decision makers will need to make a careful assessment of whether effective protection may be provided by a person's clan. Some factors recently eroded clan protection (such as the emergence of AMISOM, or Al-Shabaab introducing Sharia in place of xeer as law), while other factors led to the improvement of clan protection, such as the withdrawal of Al-Shabaab from some regions and the general lack of administration in rural Somalia.

1.3.14 In areas of south and central Somalia outside of Mogadishu, dominant clans may retain an ability to provide protection to its members and members of minority groups with which it has established a relationship/links. It is unlikely that clans will be able to protect someone from being punished by al-Shabaab. Decision makers will need to establish in such instances whether the dominant clan has the ability and willingness to provide effective protection taking into account available country information.

See country information, [Clan protection](#), [State protection](#), [Treatment of minority groups](#), and [Treatment of minority groups – group specific](#). For guidance on considering claims, see Asylum Instruction: [Assessing Credibility and Refugee Status](#) and the [CIG, Somalia: Women fearing gender-based violence / harm, February 2015](#)

Are those at risk able to internally relocate within Somalia?

1.3.15 The relevance and reasonableness of internal relocation must be assessed on a case-by-case basis taking full account of the individual circumstances of the particular person. In considering whether or not a person may internally relocate, decision makers must take into account the particular circumstances of the person, the nature of the threat and how far it would extend, and whether or not it would be unduly harsh to expect the person to relocate. This should include consideration of the age, gender, health, ethnicity, religion, financial circumstances and support network of the claimant,

as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including the claimant's ability to sustain them.

- 1.3.16 In general, internal relocation for members of a majority clan or minority group may be viable to Mogadishu and to areas of South and Central Somalia not controlled by Al Shabaab. Internal relocation to Somaliland and Puntland from other areas of Somalia would only be viable for former residents and/or those who are members of locally based minority groups.
- 1.3.17 Decision makers should consult the [Country Information and Guidance \(CIG\), Somalia: Security and humanitarian situation, December 2014](#), Internal relocation, for detailed guidance and information on internal relocation generally and specifically for minority groups and the [CIG, Somalia: Women fearing gender-based violence / harm, February 2015](#) for detailed guidance and information on internal relocation for women including those from minority groups. See also country information, [Women](#). See also the Asylum Instruction, [Assessing Credibility and Refugee Status](#), for guidance on internal relocation.

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1.4 Policy Summary

- **Members of majority clans are unlikely to face ill-treatment amounting to persecution because of their ethnicity/clan alone in any part of south and central Somalia. However, each case should be considered on its specific facts.**
- **Minority clan/group members are unlikely to face persecution on the basis of their ethnic or social group alone in Mogadishu.**
- **In areas outside of Mogadishu, members of minority groups may face discrimination and human rights abuses which, in some circumstances, may amount to persecution. The risks faced by minority clans/groups will depend on which group they belong to, where they are returning to and, where available, whether the person is able to access the protection of a majority clan. Decision makers should consider each case on the specific facts, taking into account their personal circumstances.**
- **Minority group members who become IDPs in any part of south and central Somalia and who have no choice but to live in an IDP camp are likely to be at a real risk of persecution on the basis of their social group or ethnic origin, and are likely to qualify for asylum.**
- **Minority group women without family or clan support or a real prospect of securing access to a livelihood are, in general, likely to be at real risk on return and are likely to qualify for asylum.**
- **In general, majority clan and minority group members are not able to avail themselves of protection from the state. In areas of south and central Somalia outside of Mogadishu, protection from a majority clan may be available in individual circumstances.**
- **Internal relocation to Mogadishu and other areas of south and central Somalia not controlled by Al Shabaab may be a viable option depending on the facts of the case. Relocation to Mogadishu for a person who has no clan or family support, not in receipt of remittances from abroad and who has no real prospect of securing access to a livelihood in the city is, however, likely to be**

unreasonable. Internal relocation to areas controlled by Al Shabaab will not generally be viable.

- **Internal relocation to Somaliland and Puntland will only be viable for former residents and members of locally based minority groups.**
- **Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See also the Asylum Instructions on [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#); [Humanitarian Protection](#); and [Discretionary Leave](#)

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Section 2: Information

Date Updated: 16 March 2015

2.1 Background: clan system, clans and minority groups

2.1.1 The European Asylum Support Office (EASO) Country of Origin Information report, South and Central Somalia Country, August 2014, (EASO report August 2014), described the clan system and majority clans:

‘According to a renowned expert on Somalia and professor of anthropology: “The clan system is the most important constituent social factor among the nomadic-pastoralist Somalis”. The clans function as sub-ethnicities of the Somali nation. Clan affiliation is the main identity-providing factor within the Somali nation. The clan system matters for all functions of society, even for the structure of the government. Somalis usually know their exact position within the clan system, including in urban Mogadishu.

‘The clan system is patrilineal and hierarchically structured. It can be differentiated into several levels: clan family, clan, sub-clan (sometimes also sub-sub-clan), primary lineage and mag or diya paying group . Clans are led by leaders and elders. On higher levels, these leaders are called suldaan, ugaas or issim. Their role is mainly judicial and representative. Elders (oday) on lower levels (mag paying groups) regulate access to shared resources and are involved in conflict resolution. Due to the absence of functioning state structures in parts of Somalia, the clans and their elders have regained a political function and a substantial influence on the organisation of society. However, clans have no centralised administration or government. During the civil war, clan elders increasingly became targets of violence, which eroded their power. Nevertheless, they still have a significant influence on society and politics.

‘The ‘noble’ clan families trace their origin back to a mythical common ancestor called Samaal, who is said to be descended from the Prophet Mohammed. These groups are nomadic pastoralists. The clan family is the highest level of clanship. Its members can count up to 30 generations back to a common ancestor. The four “noble” (Samaale) clan families are the following:

- The Darod are usually divided into three major groups: Ogaden, Marehan and Harti. The Harti are a federation of three clans: the Majerteen are the main clan in Puntland; the Dulbahante and Warsangeli live in the disputed border areas between Puntland and Somaliland. The Ogaden are the most important Somali clan in Ethiopia, but also quite influential in both Jubba regions, while the Marehan are present in South and Central Somalia.
- ‘The Hawiye mainly live in South/Central Somalia. Their most influential subdivisions are the Abgal and Habr Gedir, which are both dominant in Mogadishu.
- ‘The Dir settle mainly in western Somaliland and in some pockets of South/Central Somalia. The main clans are the Issa, Gadabursi (both in Somaliland and bordering regions of Ethiopia and Djibouti) and the Biyomaal (in southern Somalia).
- ‘The Isaaq are the main clan family in Somaliland. According to some scientists and Somalis, they are considered part of Dir clan family .

‘A further clan family, the Digil and Mirifle/Rahanweyn, trace back their ancestry to Saab, another alleged descendant of Prophet Mohammed. The term “Rahanweyn” is sometimes used to describe a separate clan family, as identical to both Digil/Mirifle. In contrast to the Samaale, the Saab clans are mainly (but not exclusively) sedentary

clans working in agriculture . They mainly live in the fertile valleys of Shabelle and Jubba Rivers and the lands in between (mainly Bay and Bakool regions). The Saab speak Maay-tiri, a dialect quite distinct from Maxaa-tiri, the dialect used by the other clan families . Sometimes, the Saab clans are considered as a separate caste below the Samaale because of a more “mixed” descent. However, there is no systematic discrimination of the Saab and both Saab and Samaale are to be considered “noble” castes, whose members are allowed to carry weapons.’¹

2.1.2 A January 2015 Minority Rights Group International report notes that:

‘Clan relationship is regulated by the Somali customary law, xeer. This is particularly important in view of the absence of well-functioning modern state structures in Somalia and a well functioning judiciary system. In most of the southern Somali regions it is the customary law that is utilised to regulate social relations. The clans use deeply ingrained customary law – or xeer – to govern their communities. Besides determining one’s origin, social standing and economic status, clannism permeates nearly every aspect of decision making and power sharing in the country. In the best case, the clan may provide a social security welfare system for its members – but at its worst it leads to conflict, bloodshed, and xenophobia. Xeer also governs the relationship between minority and majority communities, but does not always provide the same level of protection to minorities as majority clans.’²

2.1.3 The European Asylum Support Office (EASO) Country of Origin Information report, South and Central Somalia Country, August 2014, (EASO report August 2014) observed:

‘Somali minorities are diverse, with categories such as ethnic and religious minorities and occupational groups. The ethnic and religious minorities have a different cultural and language background than Somalis from the pastoralist majority clans, while the occupational groups share their background, but practice specific non-pastoralist occupations. ... Furthermore, members of majority clans can be considered minorities where they live in an area mainly populated by another majority clan. An example of this phenomenon is the Biyomaal, who belong to the ‘noble’ Dir clan family, who are a minority in the south, where they are suppressed by the Hawiye and Darod.’³

2.1.4 The same report noted:

‘Most ethnic minorities are descendants of immigrants from eastern and central Africa or from the Arabian Peninsula. Some minorities already settled in Somalia before the arrival of the Somalis. There are no reliable data about their number. Estimations range between six per cent and one third of the population. They are not clans, but considered as such by majority clans. Some ethnic minorities are affiliated with majority clans (or sub-clans) and are sometimes even seen as part of them ’.⁴

¹ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 2.1 Majority Clans p. 43-44.

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 3 February 2015

² Minority Rights Group International, Looma Ooyaan – No One Cries for Them: The Predicament Facing Somalia’s Minority Women, 29 January 2015, Minority and marginalized clans in Somalia p. 9

http://www.minorityrights.org/13017/reports/mrg_report_somalia_jan2015.pdf date accessed 11 February 2015

³ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014 2.2 Minority groups p45. <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 3 February 2015

⁴ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014 2.2 Minority groups p45. <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 3 February 2015

- 2.1.5 An Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) report of a lecture by Joakim Gundel in May 2009, published in December 2009 (Gundel report 2009), 'Clans in Somalia', noted:

'Minorities are not clans, although this is what the Somali Nomadic clans call them because they want to assimilate them into their structure. Among the minorities, one can find the "outcaste" groups, or bondsmen known collectively as sab, as well as groups of ethnic Bantu descent and the coastal groups, including those of Arabic descent such as the Bajunis and Barawanis. Minorities are not counted and their languages and cultures are neither accepted nor respected.

'It should be first noted that being a minority does not reveal whether or not one is at risk of becoming targeted. Secondly, in terms of their size, the notion of "minorities" is sometimes misleading. Many minorities, such as Bantus, are in many places in South Central Somalia in fact local majorities. However, they are being oppressed by the militarily stronger nomadic clans. Globally, in the Somali context, they are a minority, because they are not overall dominant. The sab are an exception to this, as they are in numbers a clear-cut minority due to the fact that, unlike the Bantus, who live in certain locations, they are scattered over many places.

'Thirdly, one can observe the reverse situation in the case of clan groups (such as the Biymaal) who in some areas live in pockets of groups and thus can be referred to as "minorities" on the local level with some justification, but not on the global Somali level due to the fact that they belong to a strong clan-family. Hence generally they can leave the area where they constitute a "minority" and receive protection where their clan is a majority (even though the notion of being "dominant" nowhere means full control, as there are always several clans, and "minorities" present in South Central Somalia). However, this often means that these groups – listed [in the report] under groups that are "not minorities" – are obliged to leave their local areas where they probably have been living for generations.'⁵

- 2.1.6 A summary of the political structure by the Economist Intelligence Unit, dated 11 February 2014, noted that the Federal Transitional Parliament was replaced by a 275-seat federal parliament in August 2012. The new parliament, based in Mogadishu, is made up of representatives from Somalia's four major clans (each has been allocated 61 seats), and a fifth grouping (an alliance of minority clans) has 31 seats.⁶

- 2.1.7 The use of the term 'minority group' and 'minority clan' are often used interchangeably, including in country guidance judgements. In providing a useful description of which groups are a minority in Somalia, the UNHCR, in its UNHCR 2010 Eligibility Guidelines [Annex V: section C] uses both terms stated that 'the definition of "minority groups" varies between sources, but are (sic) generally held to include Bantu/Jareer (including Gosha, Makane, Shiidle, Reer Shabelle, Mushunguli); Bravenese, Rerhamar, Bajuni, Eeyle, Jaaji/Reer Maanyo, Barawani, Galgala, Tumaal, Yibir/Yibro, Midgan/Gaboye (Madhibaan; Muuse Dhariyo, Howleh, Hawtaar)'. However earlier in the report [Members of Minority Clans] it states that 'members of minority clans in southern and central Somalia include the Ashraf, Midgan, Bantu, Bravenese, Bajuni, Rerhamar, Eyle, Galgala, Tumaal, Yibir, Gaboye, Hamar Hindi and Oromos'.⁷

⁵ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Clans in Somalia, December 2009, 4. Minorities p.14 <http://www.refworld.org/docid/4b29f5e82.html> Accessed 13 August 2014

⁶ Economist Intelligence Unit, Somalia – Political Structure, 11 February 2014.

<http://country.eiu.com/article.aspx?articleid=1261523110&Country=Somalia&topic=Summary&subtopic=Political+structure> Accessed 11 August 2014

⁷ UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, 5 May 2010 Accessed 12 August 2014, V. C. Interaction with other ethnic groups p.45 and IV. B. 1. d) Members of Minority Clans p.15, <http://www.refworld.org/docid/4be3b9142.html>

For further information about the clan system and ethnic groups, see [Country Information and Guidance Somalia, April 2014](#) and also the [Somalia Country Of Origin Information Report](#), published 17 January 2012.

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2.2 Clan support / protection

2.2.1 The August 2014 EASO report explains that:

‘The term “clan protection” means the “facility of an individual to be protected by his clan against violence” by an aggressor from outside the clan. The rights of a group are protected by force, or the threat of force. The ability to defend these rights is essential for the security of an individual, whose mag paying group or clan must be able to pay compensation and fight. Protection and vulnerability are therefore closely linked to a clan’s power. Generally (but not always), clan protection functions better than protection by the state or police. Therefore, in case of a crime, Somalis would rather go to their clan than the police.’⁸

2.2.2 UNHCR Somalia reported to a Danish Immigration Service fact finding mission (DIS FFM) delegation of 30 January to 19 February 2012 that ‘... today there is no guarantee of clan protection in Somalia, in particular members of minority clans and ethnic minority groups are vulnerable. The authority of the clan elders have been undermined in many locations by warlords, Al-Shabaab and criminals, and as a consequence the clan conflict resolution mechanisms have been weakened. Clan disputes more often leads to blood feuds due to the inability of clan elders to reach agreement by peaceful means and negotiations, and the whole conflict resolution process also takes longer time.’⁹

2.2.3 The DIS FFM noted that ‘Regarding clan affiliation, UNHCR Somalia explained to the DIS FFM delegation in 2012 that ‘even in areas controlled by Al-Shabaab a person’s clan affiliation can be critical to his or her security. If a person is a member of a major clan his or her security situation may be better than if the person in question is a member of a minor clan. On the other hand, even affiliation with a major clan is no guarantee for a person’s security situation if he or she is under suspicion by Al-Shabaab.’¹⁰

2.2.4 The 2014 Minority Rights Group International report commented that ‘the continuing weakness of the centralized government of Somalia has meant that clan-based governance and security structures remain hugely important. For minority groups such as Bantu and others, the clan system offers little protection or opportunity, and instead has led to exclusion from mainstream social and political life. Hate speech against

⁸ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 2.5 Clan protection/support p.55

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

⁹ Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu Report from Danish Immigration Service’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 30 January to 19 February 2012, April 2012, 5.1 Clan protection p.74

http://www.nyidanmark.dk/NR/rdonlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf date accessed 10 February 2015

¹⁰ Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu Report from Danish Immigration Service’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 30 January to 19 February 2012, April 2012, 5.1 Clan protection p.75

http://www.nyidanmark.dk/NR/rdonlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf date accessed 10 February 2015

minority communities, focused on their appearance and different customs, has enhanced their vulnerability to attacks and other forms of discrimination.’¹¹

2.2.5 Amnesty International stated in October 2013 that:

‘In the absence of reliable protection from SNAF [Somali National Armed Forces], civilians in Mogadishu must avail themselves of alternative mechanisms to receive a minimum level of protection. Clan structures in Somalia are both a cause of insecurity and a source of protection. Somalia has long been dominated by clan-politics, though the clan system broke down in Mogadishu while al-Shabab were in power. Following the withdrawal of al-Shabab from Mogadishu in August 2011, a power vacuum was left which the Transitional Federal Government (TFG) did not fill. Instead clan-based politics re-emerged with powerful individuals and militias, often from dominant clans, filling the void. Clan rivalries are evident, and many militias who have now been integrated into the Somali National Armed Forces continue to owe their loyalty to their clan leaders and groups. Clan identity is essential to access protection in Somalia. If clan protection is not available, civilians are more vulnerable to discrimination and/or targeted human rights abuses... People returning to Somalia from overseas are extremely vulnerable unless they have strong clan and family connections, as well as the economic means to establish a life. Somalis that have left, particularly those that have been in western countries, tend to be viewed as foreigners, and may be perceived to have western agendas. This in itself puts them at an increased risk of persecution. ... It is unlikely that those who return to Somalia will be able to establish an acceptable standard of living unless they have access to economic resources and powerful individuals or network within the city.’¹²

2.2.6 In its January 2014 paper, the UNHCR identified ‘Members of minority groups such as members of the Christian religious minority and members of minority clans’ as a risk profile in Somalia. In the same paper, the UNHCR observed that:

‘In some areas of Southern and Central Somalia, clan protection has been undermined in recent years, not only by the ongoing conflict but also by the declining influence of the traditional system of justice due to Al-Shabaab enforcing its own strict interpretation of Sharia law in areas under its control. However, certain clans continue to dominate some regions. In these areas, customary law and protection based on negotiation among clan elders is often only accessible to members of the dominant local clan, putting those from minority groups at a disadvantage.

‘During Al-Shabaab’s rise to prominence, the organization sought to present itself as above clan politics and espoused a narrative of “Somali Nationalism” to unify Somalis under Al-Shabaab and mitigate clan conflict. Nonetheless, Al-Shabaab has at times engaged in clan-based military and economic alliances throughout Southern and Central Somalia. Al-Shabaab has reportedly intervened in many instances in conflicts between clans or backed minority clans against rival dominant clans. Al-Shabaab has reportedly been killing traditional elders who refuse to follow its orders and has also reportedly been pushing traditional elders from power in the Bay, Bakool and Lower Shabelle regions and elevating younger loyalists to back the militant group’s doctrine. ... In many places the traditional elders, in order to survive, have given Al-Shabaab their loyalty and reportedly put pressure on youth to join the organization. ...

‘Furthermore, due to a breakdown in Somalia’s traditional social fabric caused by 20 years of conflict and massive displacement flows, the traditional extended family and

¹¹ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014 - Somalia, p57 July 2014, <http://www.minorityrights.org/12473/state-of-the-worlds-minorities/mrg-state-of-the-worlds-minorities-2014.pdf> July 2014, accessed 12 August 2014

¹² Amnesty International (AI), AI Briefing, ‘Somalia: Mogadishu cannot qualify as an internal flight alternative’, 26 September 2013, <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/16f5b2de-1f64-4dbe-8632-be09e408b53a/afr520122013en.html>, accessed on 5 February 2015

community structures of Somali society no longer constitute as strong a protection and coping mechanism as they did in the past, particularly in locations such as Mogadishu. Clan protection and conflict resolution used to be bolstered and supported by customary law (xeer). However, there have been many pressures on the clan structure and clan elders' traditional authority has reportedly been eroded and in some places even collapsed. It has also reportedly proven difficult to apply xeer in a modern urban environment such as Mogadishu in the context of armed conflict. In Mogadishu in particular, the nuclear family has reportedly become the main protection mechanism.

'Despite these changes, in general it reportedly remains the case that Somali nationals enjoy greater physical security when residing in an area dominated by their own clan. As many neighbourhoods in Mogadishu are reportedly dominated by one clan and sometimes affiliated armed militia, presence in such areas could, depending on the specific circumstances, put a member of another clan at risk. There continue to be reports of clan tensions in the context of a struggle for control of districts, and clan militias are an additional source of insecurity.'¹³

2.2.7 The Landinfo/DIS FFM report released in March 2014 of a mission to Somalia conducted in November 2013, reported:

'Regarding Mogadishu, clan affiliation is still a very important issue when it comes to identity as well as protection, according to UNHCR. In some districts of Mogadishu the population is more mixed than in other districts, but one clan would be predominant. A priori clan affiliation will not be a problem. But there are cases and circumstances when it matters. For instance, in cases where a girl or women is raped by someone from another clan, if the victim's clan does not obtain a satisfactory solution from the perpetrator's clan, the victim's clan may resort to raping three girls from the perpetrator's clan, according to UNHCR.

'Regarding clan identity and security an international agency (A) explained that there are fewer warlords than previously, but clan identity is still very important. One can put a clan name of any area in Mogadishu. In addition there are clans who have their own militia. However, clan protection is decreasing as the government and AMISOM provide increasing security. On the other hand there are minority clans who are more vulnerable than other groups.

'According to the international agency (A) there is no one in Mogadishu who is at risk of attacks or persecution only because of his or her clan affiliation.

'Regarding the importance of clan a Diaspora researcher in Mogadishu stated that clan is no longer as important as it was in the past. Protection is not dependent on one's clan affiliation. Today it is much more important to have connections, i.e. to know people in power, than to be a member of a certain clan. Clan is more important to the elderly. It was added that clan is something you may talk about at your home or when you are together with fellow clan members. The Diaspora researcher in Mogadishu also stated that people might wish to present themselves as more cosmopolitan and modern and not necessarily wanting to share points of views on clans to westerners. ...

'According to an international NGO (A) clan affiliation, protection and freedom of movement in Mogadishu is still an issue, even though many might say otherwise. People in the capital probably feel a bit more cosmopolitan and modern than others, and they do not like to be seen as having clan issues. For instance the international NGO's (A) own staff would say that clan does not matter, but in recruitment processes, tendering processes or disputes, the clan issue might be an underlying cause of delay, discussion/debate.

¹³ UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, II. C. Pg 8-9
<http://www.refworld.org/docid/52d7fc5f4.html> Accessed 7 January 2015

'The international NGO (A) added that the importance of clan in Mogadishu certainly depends on who you are talking about. For IDPs or people from other areas than Mogadishu, clan and protection is very important. However if you belong to one of the major clans and you have grown up in Mogadishu, it is different because you have the protection of your clan. One should be cautious since there is a tendency to say that clan does not matter, but if you scratch the surface it is hard to tell how far this is true.

'The international NGO (A) believed that numerous security incidents in Mogadishu are clan related. It was added that the majority of security incidents, apart from the throwing of hand grenades, are killings and most of these are probably clan and politically motivated.

'Asked to comment on the importance of clan protection in Mogadishu today, a Somali NGO in Mogadishu explained that people do not need the protection of their clan any longer, but if the government should collapse, the situation would change and people would once again need the protection of their clan. However, as of today no one is killed because of one's clan affiliation.

'According to SWDC [Somali Women Development Center] clan affiliation is no longer a security matter in Mogadishu. No one will ever ask a woman or a man about her or his clan, not even at the checkpoints. Clan is a private matter and it has no influence on one's personal protection.

'Regarding clan affiliation a well-informed journalist in Mogadishu stated that clan is not playing the same role as it used to do. It is illegal for ordinary citizens in Mogadishu to carry weapons and the warlords are gone. However, clan is still important when it comes to politics and social matters. It was reiterated that clan is not an important issue when it comes to the individuals' safety and security.

'The Diaspora researcher in Mogadishu explained that some people can easily say that clan is not important, [that is] if they belong to a strong clan, however if you belong to a small clan it could be different. The researcher also explained that for instance the Darood clans in Mogadishu would describe themselves as refugees in the city because they do not have any real power since power is perceived to be in the hands of the Hawiye clans.'¹⁴

2.2.8 The Norwegian Organisation for Asylum Seekers report of a fact finding mission undertaken between October and November 2013, 'Persecution and Protection in Somalia', April 2014, (NOAS Report 2014) reported:

'Sources stated that clans provide limited protection to members. According to one clan leader, the clan cannot offer protection from al-Shabaab in areas under the movement's control. Targeted persons would also be at risk in government-controlled areas. INGO (D) stated that returning to an area where one's clan is based would improve the chances of protection. The clan may be able to give advice on what to do and information about al-Shabaab's activities. A person might feel safer, but clan-based protection is no guarantee of safety. INGO (D) stated that if a person returned to an area where he does not have strong connections, protection would not be the same and this would increase the risk of persecution. INGO (D) believed that if someone defected from al-Shabaab, other family members within the movement might alert the defector if they come after him. The source stated that al-Shabaab members were equally likely to turn against defectors out of loyalty to the movement.

¹⁴ Landinfo/DIS, Update on security and protection issues in Mogadishu and South-Central Somalia, 1-15 November 2013, March 2014 2.1 Clan affiliation and protection p35-36
<https://www.nyidanmark.dk/NR/rdonlyres/311FBF7C-60E8-4F7F-AC32-D3AE887CD474/0/MogadishuandSouthCentralSomalia2014FINAL.pdf> accessed 5 February 2015

'Knut Holm stated that although clan-affiliation to a certain degree positively affects access to protection, clans are unable to protect someone from being punished by al-Shabaab. Holm believed that there is a higher risk for persons who return to areas where the government is weak and where their clan is strongly connected to al-Shabaab. NGO (B) stated it could be difficult to get clan protection in Mogadishu. It was remarked that the capital is very expensive and many districts are deemed unsafe.

'Amnesty claimed that a certain level of clan protection is available for some people in some of the clans. It was pointed out that protection is not available to all and that it is difficult to draw a clear line. In terms of protection, potential factors at play included the position of the clan, whether the clan knows the person and whether this person had been in touch whilst being away. According to Amnesty, persons who have lost contact with their family after years abroad are not likely to get protection; returnees must know someone or have someone to introduce them to the clan.

'Amnesty believed that those who fulfil the following three criteria could access clan protection in Mogadishu: being a member of a dominant clan, being from Mogadishu and having close family connections. The source did not find it possible to say exactly who will get clan protection and whether all who fulfil the criteria would get protection. The source added that men have a much greater chance of accessing protection than women.

'Amnesty stated that there is very limited clan protection available for minorities. INGO (G) and INGO (A) confirmed that members of minority clans enjoy weaker protection than members of strong clans. INGO (G) drew parallels to the cast system in India. NGO (A) and INGO (D) believed that it would be difficult for minorities in Mogadishu to get lost property back.

'Several sources highlighted that a person's prior affiliation to al-Shabaab could affect opportunities for clan support and protection upon return. The Minister of Education believed that families of returnees who used to be affiliated with al-Shabaab would want to keep their distance and not to be associated with the returnee. Family members might be afraid of helping these returnees, claimed the source. Research centre (B), INGO (D) and a government source confirmed that a returnee's prior affiliation with al-Shabaab might lead to the community being reluctant to providing help. If al-Shabaab should decide to take revenge, also people around the returnee would be at risk, stated these sources. INGO (D) added that if a returnee was briefly affiliated to al-Shabaab, their clan members would not necessarily know about it and the person might receive support.'¹⁵

2.2.9 The same report notes that 'Sources stated that returnees in Somalia have very limited access to support from clan and family members. General hardship and lack of resources make it difficult for ordinary Somalis to offer support to relatives, and even close family members. ... Returnees cannot rely on support from clan members or distant family members, according to INGO (C), INGO (E), research centre (B) and the Minister of Education.'¹⁶

2.2.10 The August 2014 EASO report stated that:

'The level of functioning of clan protection is subject to disputes. Some factors recently eroded clan protection (such as the emergence of AMISOM, army and police as a security providers, or Al-Shabaab introducing Sharia in place of xeer as a source of

¹⁵ Norwegian Organisation for Asylum Seekers, Persecution and Protection in Somalia, , April 2014, 11. Clan protection p.40-41

http://www.noas.no/wp-content/uploads/2014/04/Somalia_web.pdf, accessed on 3 February 2015

¹⁶ Norwegian Organisation for Asylum Seekers, Persecution and Protection in Somalia, April 2014, 12. Humanitarian support from the clan p.41

http://www.noas.no/wp-content/uploads/2014/04/Somalia_web.pdf date accessed 10 February 2015

law), while other factors led to the improvement of clan protection, such as the withdrawal of Al-Shabaab from some regions and the general lack of administration all over rural Somalia. Therefore, clan protection varies regionally and from time to time, rendering a general assessment difficult. Furthermore, clan protection depends on a number of factors, which may exist fully or only partially.¹⁷

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2.3 State protection

Somali security forces

2.3.1 The state security forces include the Somali Police Force, the Somali National Armed Forces, and the National Intelligence and Security Agency.¹⁸ The USSD report for 2013 observed:

‘The provisional federal constitution states the armed forces are responsible for assuring the country’s sovereignty and independence and territorial integrity. It states the national federal and state police are responsible for protecting lives and property and peace and security. The Ministry of Defense is responsible for controlling the armed forces. Police forces fall under a mix of regional administrations and the government. The national police force remained under the jurisdiction of the Ministry of Interior...

‘At year’s end the army consisted of approximately 20,000 soldiers. The bulk of the forces were located in Middle Shabelle and Lower Shabelle as well as Bay, Bakool, and Gedo. Ministry of Defense control was stronger over those forces located in the greater Mogadishu area, extending as far south as Merca, Lower Shabelle Region, and west to Baidoa, Bay Region, and north to Jowhar, Upper Shabelle Region. Somali National Army forces were organized into seven independent brigades. Army forces operated alongside the African Union Mission in Somalia (AMISOM) in the areas where AMISOM forces deployed.

‘Two separate police forces operated in Mogadishu, one under the control of the central government and the other under the Benadir regional administration. At year’s end the federal police force expanded its presence from seven districts to all 16 districts of Mogadishu. Police officers in Mogadishu often owed their positions largely to clan and familial links rather than to government authorities. An AMISOM police contingent composed of 363 officers complemented Benadir and federal government policing efforts in Mogadishu. AMISOM police provided mentoring and advisory support to the Somali Police Force on basic police duties, respect for human rights, crime prevention strategies, community policing, and search procedures.’¹⁹

For more information about the security forces, see section 3.2 of the [EASO COI Report, South and Central Somalia, Country Overview, August 2014](#)

African Union Mission to Somalia (AMISOM)

2.3.2 The EASO COI report, August 2014, stated:

‘AMISOM has three components: Military, Police and Civilian. The bulk of its troops come from six countries: Uganda, Burundi, Djibouti, Kenya, Ethiopia and Sierra Leone.

¹⁷ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 2.5 Clan protection/support p.55

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

¹⁸ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, section 1.4 <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> August 2015, date accessed 10 February 2015

¹⁹ US Department of State, [Country Reports on Human Rights Practices for 2013, Somalia](#), section 1d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220158> 27 February 2014, accessed on 25 February 2015

'In November 2013 the mandated troop size of AMISOM was raised from 17 731 to a maximum of 22 126 uniformed personnel. The AMISOM police component currently has 515 police officers, whereas the military component of AMISOM encompasses 21 564 soldiers.

'AMISOM contributing countries use helicopters in the fight against Al-Shabaab. However, those helicopters are not directly assigned to AMISOM but rather used by Ethiopia and Kenya when needed. Consequently, costs for those operations are not covered by AMISOM and therefore the two countries are not keen to expand their use of air forces.

'In addition to AMISOM, a 410 strong UN Guard Unit (UNGU) started its duties on 15 May 2014. These troops, based on Mogadishu airport, will guard UN offices and staff.

'Due to better cooperation between the UN and AMISOM, the discipline of the latter has drastically improved. There are only few reports concerning human rights violations by AMISOM personnel. Wherever there is a permanent presence of AMISOM, the human rights situation is substantially better than in other areas in South/Central Somalia.'²⁰

Judiciary

2.3.3 The USSD report 2013 stated:

'The provisional federal constitution states, "the judiciary is independent of the legislative and executive branches of government."

'The civilian judicial system remained largely nonfunctional in the southern and central regions. 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 formal law.

'For safety reasons civilian judges often feared trying cases, leaving military courts to try the majority of civilian cases. Under a pilot project funded by the UN, 13 mobile courts adjudicated 3,329 cases across Somaliland, Puntland State, and Mogadishu since the program started in late 2008. These courts were in districts where judges were not physically safe.'²¹

2.3.4 The EASO COI report, August 2014, stated

'The CIA World Factbook (2014) provides the following overview on the judicial branch (117):

"Highest court(s): the provisional constitution stipulates the establishment of the Constitutional Court (consists of five judges including the chief judge and deputy chief judge).

"Note - under the terms of the 2004 Transitional National Charter (TNC), a Supreme Court based in Mogadishu and an Appeal Court were established; yet most regions have reverted to local forms of conflict resolution, either secular, traditional Somali customary law, or sharia Islamic law.

'Judge selection and term of office: judges are appointed by the president upon proposal of the Judicial Service Commission, a 9-member judicial and administrative body.

²⁰ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, section 3.2, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> accessed on 25 February 2015

²¹ US Department of State, [Country Reports on Human Rights Practices for 2013, Somalia](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220158), section 1d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220158> 27 February 2014, accessed on 25 February 2015

‘Subordinate courts: federal-and federal member state-level courts; military courts; sharia (Islamic) courts.’

‘In practice, the judicial system is an amalgam of state law, clan-based customary law (*xeer*) and Islamic law. Most conflicts and crimes are dealt with through *xeer*, the clan-based customary law system in which payment of compensation (*diya* or *mag*) is central (see paragraph 2.4).

‘There is no functioning judicial system in Al-Shabaab-controlled areas, where Sharia courts provide justice based on a harsh interpretation of Islamic law.

‘Since 2011, military courts of the Somali armed forces are functioning in Mogadishu and other main towns under FGS authority. They bring to trial not only members of the armed forces, but also “alleged members of Al-Shabaab, police and intelligence agents, and ordinary civilians.’²²

Effectiveness

2.3.5 The UNHCR noted in its position paper in January 2014 that ‘... a reported lack of authority, discipline and control of government forces and allied armed groups means that government forces often fail to provide protection or security for civilians and are themselves a source of insecurity. Security agencies, such as the police and intelligence services, are, according to reports, frequently infiltrated by common criminal, radical, or insurgent elements.’²³

2.3.6 The same source further stated that:

‘The capacity of the [Somali National Security Forces] SNSF is reported to remain limited, with an undeveloped national command and control system, competing clan-based loyalties, limited equipment and resources, and discipline concerns. Nearly the entire police force is based in Mogadishu and remains too weak to take over from military forces the functions of guaranteeing public security. Outside of Mogadishu, in some urban areas of Southern and Central Somalia under the control of government forces or AMISOM troops, local security arrangements are reported to exist, albeit with varying capacities and loyalties to the SFG.’²⁴

2.3.7 The USSD report for 2013 stated:

‘Civilian authorities generally did not maintain effective control of security forces, and police were generally ineffective. Many rural areas in the south-central region remained under the control of al-Shabaab and its affiliated militias. In other areas of the southern and central regions, the army and allied militias assumed local police duties.

‘Security forces abused civilians. Authorities rarely investigated abuse by police, army, or militia members, and the culture of impunity remained a problem... The Ministry of Defense’s control over the army remained tenuous, but improved somewhat with the support of international partners.’

2.3.8 The EASO report, August 2014, stated:

²² European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview,, section 1.4.3, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> accessed on 25 February 2015

²³ UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia,, 5. The Security Situation and Its Impact on Civilians in Mogadishu and Other Areas, <http://www.refworld.org/country,,,SOM,,52d7fc5f4,0.html> January 2014, accessed on 25 February 2015

²⁴ UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia,, 5. The Security Situation and Its Impact on Civilians in Mogadishu and Other Areas, <http://www.refworld.org/country,,,SOM,,52d7fc5f4,0.html> January 2014, accessed on 25 February 2015

'In 2012, an international NGO and a UN agency in Mogadishu declared that civilians could not access law enforcement via the police, because these did not investigate and could not provide protection (1031).

'Police forces are functioning ineffectively due to inadequacy, intimidation and corruption (1032). Police officers in Mogadishu often owed their positions largely to clan and familial links rather than to government authorities (1033). In Mogadishu, for example, people 'seek the assistance of the police force but there is no guarantee that they will be assisted' (1034).

'In practice, the judicial system, an amalgam of state law, clan-based customary law (xeer) and Islamic law, is still not functioning effectively, and is virtually inaccessible for vulnerable groups such as women, IDPs and minorities (1035). Most conflicts and crimes are dealt with through xeer, the clan-based customary law system in which payment of compensation (diya or mag) is central (see paragraph 2.4). In addition to the secular judicial system, Sharia courts provide justice based on Islamic law (1036).

'In 2012, a local NGO in Mogadishu explained that 'marginalised groups have difficulties in getting a fair trial since strength in the sense of numbers and political influence is important in relation to getting a fair trial – if one can talk about fair trial for anyone in the justice system today' (1037).

'In most cases, civilian judges did not dare to try cases, leaving them to military tribunals and traditional or clan justice. The latter often held entire clans or sub-clans responsible for crimes of individuals (1038).

'Justice and the rule of law formed part of the FGS's six-pillar policy outlining their immediate priorities. The government has developed a four-year plan to create an accountable, effective and responsive police service for Somalia; and a two-year justice action plan setting out immediate priorities for assistance (1039).

'Since 2011, military courts of the Somali armed forces are functioning in Mogadishu and other main towns under FGS authority. They bring to trial not only members of the armed forces, but also 'alleged members of Al-Shabaab, police and intelligence agents, and ordinary civilians'. In the absence of civilian courts, the military courts conduct proceedings that do not meet international fair trial standards, according to Human Rights Watch (1040). Military courts have pronounced more than a dozen death sentences in 2013 (on soldiers and non-military personnel), with execution by firing squads (1041).

'Somalia's military courts were exceptionally granted temporary powers to try all abuses committed in areas declared under a state of emergency. However, access to these courts is restricted, making it difficult to confirm whether defendants were tried fairly and were able to prepare a defence. There are further concerns regarding the use of military courts to try civilians (1042). Defendants' rights, such as access to a legal practitioner, or the right not to incriminate oneself, were often violated (1043). For example, between July and August 2013, in Mogadishu and Belet Weyne, at least six people were sentenced to death and executed by the government's military court following trials that raised serious concerns regarding proper proceedings (1044).

'There is no functioning judicial system in Al-Shabaab-controlled areas. In Sharia courts, generally, defendants are not given the right to defend themselves, produce witnesses, or be represented by an attorney (1045). Sharia courts in Al-Shabaab areas are based on a harsh interpretation of Islamic law.'²⁵

²⁵ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, section 3.2, <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> accessed on 25 February 2015

2.4 Treatment of majority clans

- 2.4.1 The January 2015 report of the Secretary-General on Somalia noted that: ‘The human rights situation remains dire. Civilian casualties are frequent as a result of direct attacks, including inter-clan fighting, revenge, military operations or excessive use of force. With increased civilian movement in the newly recovered areas, the security of road networks remains a concern.’²⁶

For further information on inter-clan fighting, see ‘2.4 Nature and level of violence’ in [Country Information and Guidance \(CIG\), Somalia: Security and humanitarian situation, December 2014.](#)

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2.5 Treatment of minority groups

- 2.5.1 A 2010 report by Minority Rights Group International noted that:

‘Discrimination against minorities originates from historically derived social attitudes and customary law. In the absence of any specific non-discrimination laws, affirmative action measures or public pro-minority campaigns, change has been slow and uneven. Minority activism is thus in urgent need of support and resources.

‘Among Somalis, recognition of, and advocacy for, minority rights is slowly increasing. Political participation by minorities in government and parliament has been accepted in principle. A powersharing deal in the TFG [Transitional Federal Government] in accordance with the Transitional Federal Charter (TFC) adopted in 2004 included minority representation.’²⁷

- 2.5.2 According to an October 2013 Amnesty International report, ‘Minority clans continue to be excluded from political participation, have limited access to justice, and are denied multiple other rights such as the right to an adequate standard of living, freedom from hunger, right to an adequate standard of health and the right to an education. Though many in Somali society are unable to access these rights, minorities are disproportionately affected.’²⁸ In its January 2014 paper, the UNHCR identified ‘Members of minority groups such as members of the Christian religious minority and members of minority clans’ as a risk profile in Somalia. UNHCR also observed that: ‘Persons belonging to minority clans or who are not part of the Somali clan lineage system remain at particular disadvantage in Mogadishu and other parts of Southern and Central Somalia. There remains a low sense of Somali social and ethical obligation to assist individuals from weak lineages and social groups. This stands in sharp contrast to the powerful and non-negotiable obligation Somalis have to assist members of their own lineage.’²⁹
- 2.5.3 The US State Department, Country Report on Human Rights Practices for 2013: Somalia, published 27 February 2014, noted:
- ‘More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas the predominant clan excluded members of

²⁶ UN Security Council, Report of the Secretary-General on Somalia January 2015, 23 January 2015, paragraph 49 <http://www.refworld.org/docid/54cf4b654.html> date accessed 11 February 2015

²⁷ Minority Rights International, No redress: Somalia’s forgotten minorities, 2010, Introduction p. 4 <http://www.minorityrights.org/10370/reports/no-redress-somalias-forgotten-minorities.html> Accessed 11 August 2014

²⁸ Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013 <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/afr520122013en.pdf> date accessed 10 February 2015

²⁹ UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, II. C. Pg 9 <http://www.refworld.org/docid/52d7fc5f4.html> Accessed 7 January 2015

other groups from effective participation in governing institutions and subjected them to discrimination in employment, judicial proceedings, and access to public service.

2.5.4 'Minority group clans [sic] included the Bantu (the largest minority group), Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, Faqayaqub, and Gabooye. Custom restricted intermarriage between minority groups and mainstream clans. Minority groups, often lacking armed militias, continued to be disproportionately subjected 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 to suffer from numerous forms of discrimination and exclusion.'³⁰

2.5.5 The NOAS 2014 report stated

'Minority groups in Somalia are marginalised and face a difficult humanitarian situation, according to sources. The minority groups lie outside the clan system, and the clan structures pose particular difficulties for them. They have no political power, and have been especially exposed during upsurges of conflict.

'Several sources stated that particularly vulnerable minorities in Somalia include Midgan/Gaboye, Bantu, Tumul, Reer Hama, Ashraf and Yibir. VOSOMWO [Voices of Somaliland Minority Women Organisation] added Bajuni, Eyle, and Tunni, and INGO (G) also included Madhiban.

'SADO [Social Life and Agricultural Development Organisation] emphasised that minorities find themselves in a difficult and marginalised humanitarian situation. INGO (A) stated that there exists a lot of racism and discrimination against minorities. VOSOMWO stated that minorities, especially women, do not have access to basic rights such as education and health care, and intermarriage is not allowed, according to this source. VOSOMWO pointed out that minorities often are deprived of their property. Minorities have specific jobs such as shoemakers, hairdressers and craftsmen. VOSOMWO stressed that minorities also face protection issues because their clans are weak and can only provide limited protection. The IDPs stated that minorities have a low social status and face many problems, and that persons from minority groups cannot live for long in IDP camps.'

'HRW stated that minorities have poor access to legal rights and justice. Those from weaker clans receive death sentences more often than other groups, according to HRW. INGO (A) emphasised that persons are better protected if they belong to a strong clan compared to more weakly positioned clans. This source stated that the rights of minorities are less protected. As an example, this source pointed out that it is more difficult for a member of a minority clan to get back a lost house in Mogadishu. NGO (A) maintained that minority individuals are free targets and may be killed for any small conflict of interest. If a minority person is killed, there is no risk of revenge or punishment.'³¹

2.5.6 Minority Rights Group noted, in their July 2014 report of the 'State of the World's Minorities and Indigenous Peoples 2014 – Somalia', that, 'Despite calls by the government and international allies for inclusiveness and respect for diversity, there were reports of localized conflicts leading to evictions of minority communities from their lands, particularly in Middle and Lower Shabelle regions.'³²

2.5.7 The EASO report of August 2014 stated:

³⁰ US Department of State, , Country Reports on Human Rights Practices for 2013, Somalia, 27 February 2014, section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220158> Accessed 12 August 2014

³¹ Norwegian Organisation for Asylum Seekers, Persecution and Protection in Somalia, April 2014, 15. Minorities p.46-47 http://www.noas.no/wp-content/uploads/2014/04/Somalia_web.pdf accessed 3 February 2015

³² Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014 - Somalia, 3 July 2014, <http://www.refworld.org/docid/53ba8dd614.html> Accessed 12 August 2014

'Members of ethnic minority groups are often subject to human rights abuses and discrimination in diverse fields. The extent of discrimination depends on the minority. Occupational groups generally face more severe discrimination than ethnic minorities, among which there are also significant differences.

'Social: Due to prejudicial sociocultural attitudes by majority clans, the minority members are often insulted with derogatory language. Bantus are sometimes referred to as 'slaves' (adoon in Somali language). Social interaction with majority clans (greetings, common meals) is limited for occupational groups. Inter-marriages, particularly between occupational groups and majority clans, are not accepted. This excludes minorities from forms of clan support or advancement through marriage ties. Occupational groups usually live in ghetto-like neighbourhoods located in disadvantaged points of the settlement.

'Political: In the '4.5 formula' (used until 2012), minority groups were underrepresented, making up only half of a majority clan's representation. In the first Federal Government (September 2012), two minority members had been appointed to the 10-member cabinet, the same number of ministerial positions as the major clans. The new cabinet (January 2014) consists of 25 ministers, 25 deputy ministers and five ministers of state, of which the number of minority members is unknown. MPs from minority Somali clans voted against the cabinet, feeling 'they were being sidelined by the new appointments'. Despite being represented in government and parliament, the minorities' voice is weak and largely unheard. In most regions, the predominant clans exclude members of other groups from effective political participation.

'Judicial: Minority members are often subject to denial of justice. In case of theft of their land, the perpetrators are often not punished.

'Economic: Due to limited access to education, minority members are weak in the labour market and more often unemployed than members of majority clans. Even in jobs previously associated with occupational groups, majorities are now often favoured over minorities. Occupational groups are said not to be allowed to possess 'noble' animals such as cows or horses. Land ownership rights are not legally secured. The small land properties of the occupational groups are often challenged by majority clans, sometimes successfully. Given the limited land available, occupational groups are not able to feed bigger cattle droves. Furthermore, they are usually restricted to their traditional jobs and have no access to work in the public service.³³

2.5.8 The EASO Report 2014 also observed that:

'Somalia has a number of ethnic minorities and occupational groups (together forming 15 to 30 % of the total population), many of whom encounter discrimination and violation of human rights. The traditional clan structure formed by the majority clans excludes minorities from political participation, and limits their access to traditional justice (xeer) in cases of abuse or accusations of crime. Minorities are often subject to discrimination in employment, judicial proceedings, and access to public services. Minority groups are militarily weaker than the majority clans, even in places where they outnumber them. They cannot expect redress if their rights are violated.'³⁴

See also information section on Clan protection above for discussion of the position of clans in Mogadishu.

³³ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014 2.2.3 Discrimination of minority groups p49-50. <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 3 December 2014

³⁴ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014 4.3.1 Ethnic minorities and occupational groups p101. <http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 3 December 2014

Mogadishu

2.5.9 The DIS/Landinfo FFM report of January 2013 stated:

'Aside from the urban poor...an international NGO working in S/C Somalia (B) explained that there are two groups of people which are most vulnerable in Mogadishu. These two groups are either marginalized or exploited:

'Marginalized: some belong to minority/marginalized groups such as Midgan, Gaboye, Tumul and Jareer. In Bondheere as well as in Shangani you will find areas where Jareer are living.

'Exploited: the Reer Hamar/Benadiri are not considered marginalized, neither are the Reer Brava. They are exploited but not marginalized. Compared to other clans there are fewer Reer Hamar returning to Mogadishu.

'It was added by the international NGO working in S/C Somalia (B) that the position of the minorities is still precarious in the sense that you would need protection against for instance criminals. If you are rich this is easy to solve, if you are poor it's different. It is also important to note that even if you belong to a major Somali clan, but being outnumbered in a specific area (like being Majerteen in Mogadishu today), you would need some sort of protection or arrangement to do business or engage a profile activity. On the other hand being a Hawiye implies that you are safe, since Mogadishu has become a Hawiye-dominated city.

'The international NGO working in S/C Somalia (B) explained that many of the marginalized or exploited groups previously joined or became supporters of al-Shabaab. That has been their possibility of getting a voice and power. However, members of these groups are not targeted today just because they belong to such groups.'³⁵

2.5.10 Human Rights Watch in March 2013, noted that

'... while clan identity is only one among several factors contributing to the abuses against IDPs in Mogadishu, it can have enormous consequences. As Ken Menkhaus points out: One of the most troubling but least discussed aspects of Somalia's recurring humanitarian crises is the low sense of Somali social and ethical obligation to assist countrymen from weak lineages and social groups. This stands in sharp contrast to the very powerful and non-negotiable obligation Somalis have to assist members of their own lineage... [Reporting on the situation for the Rahanweyn and Bantu communities]... both their social status, not seen as being one of the noble clans, and their livelihood strategies, being primarily agro-pastoralists and farmers, rendered them particularly vulnerable to famine and later to abuses in Mogadishu. In Mogadishu the most powerful clans, notably in the districts on which this research focuses on [Dharkenley, Hodan, and Wadajir], are from the Hawiye clan group. Neither of these two communities have established links with the Hawiye.'³⁶

2.5.11 A joint Danish–Norwegian fact-finding mission (DIS/Landinfo FFM) in April and May 2013 were informed by an international NGO that within Mogadishu that,

³⁵ Danish Immigration Service and Landinfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, 5.1 Vulnerable groups p.58 <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf> date accessed 10 February 2015

³⁶ Human Rights Watch, Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu, Somalia, 29 March 2013, [Clan Dynamics p.24](http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf) http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf date accessed 10 February 2015

'Persons returning from abroad are not at particular risk because of their clan affiliation. When asked if this also included members of small minority clans as well as members of ethnic minority groups, an international NGO stated that this is the case...When asked if individuals who are having trouble with other persons or if they fear for something would be able to seek assistance, the international NGO stated that people can go to the police, contact their elders and/or contact an MP who is representing their own clan.' UNHCR Somalia, Mogadishu, confirmed to the FFM that, 'to benefit from clan protection, the person concerned must be known to the clan elders or to other clan members known to these elders. Information about a newcomer, particularly, when he/she does not belong to the existing clans or nuclear families or when he/she originates from an area formerly or presently controlled by an insurgent group, would certainly attract adverse attention. Even those who originate from Mogadishu may be perceived as newcomers, if they left a long time ago and have lost all links with their clan-based community.'³⁷

2.5.12 The DIS/Landinfo FFM report of the mission of April / May 2013 further reported:

'Elman Peace and Human Rights Centre; Mogadishu, reiterated that it is a huge step forward that clan affiliation is no longer a concern. Even marginalized groups such as the IDPs and minority groups are no longer marginalized, harassed or intimidated only because of their clan affiliations. Thus, the security situation for members of small, weak clans and ethnic minority groups has increased considerably during the last year. It is not important which clan or group you belong to. Elman Peace and Human Rights Centre emphasized that there are no limitations in freedom of movement in Mogadishu. Anyone regardless of clan affiliation or sex is free to move around in Mogadishu and no one is being harassed at checkpoints only because of sex or clan affiliation.'³⁸

2.5.13 The same FFM report quoted a source from UN Agency in Nairobi who noted the following about clan protection in Mogadishu:

'...there is less risk for anyone being attacked or violated only because of clan affiliation. It does not matter whether you belong to a strong or a weak clan, or an ethnic minority group. The traditional way of negotiating during a dispute is no longer acceptable...This is now becoming increasingly unacceptable and is in force throughout Benadir region and all the way to Afgoye. The clan has now become a social structure rather than a protective structure. This could be due to lessons learned during the previous clan conflicts and the civil war. People are now relating to government structures rather than clans, especially when it comes to business.'³⁹ The August 2013 report of the Independent Expert on the Situation Of Human Rights in Somalia, noted that Somalia is one of the countries: '... in which minorities are most at risk. During outbreaks of fighting, it is the minorities who suffer most. They fall outside the clan structure, and therefore outside its umbrella of protection. They are also vulnerable to increased risk of

³⁷ Danish Immigration Service's and the Norwegian Landinfo, Security and protection in Mogadishu and South-Central Somalia. Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia. 16 April to 7 May 2013, May 2013, 2.1 Clan protection, page 31. http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf date accessed 10 February 2015

³⁸ Danish Immigration Service's and the Norwegian Landinfo, Security and protection in Mogadishu and South-Central Somalia. Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia. 16 April to 7 May 2013, May 2013, 2.1 Clan protection, page 31. http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf date accessed 10 February 2015

³⁹ Danish Immigration Service's and the Norwegian Landinfo, Security and protection in Mogadishu and South-Central Somalia. Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia. 16 April to 7 May 2013, May 2013, 2.1 Clan protection, page 31. http://www.nyidanmark.dk/NR/rdonlyres/6F1A29C6-2F84-40D2-BDE4-42F69897EEC3/0/security_and_protection_in_somalia_may_2013.pdf date accessed 10 February 2015

rape, attack, abduction and having their property seized by criminals in an increased atmosphere of lawlessness.’⁴⁰

2.5.14 A Danish/Norwegian fact finding mission of November 2013 produced an updated report on security and protection issues in Mogadishu and South-Central (S/C) Somalia. The following information from the report about minority clans is from their interviews with international NGOs:

‘Previously al-Shabaab enjoyed a lot more sympathy from the people, according to an international agency. This sympathy was closely related to the Ethiopian invasion in 2006. ... However, since then [2006] sympathy for al-Shabaab has decreased considerably. In particular the Somali minority clans saw an advantage when al-Shabaab took control of S/C Somalia, but even these clans are now having second thoughts about al-Shabaab.

‘When asked if members of minority clans are at risk of revenge attacks or harassments because of their previous support for al-Shabaab an international agency stated that this is not the case. Referring to the recent conflict in Jowhar between the Abgal and the Shiidle as well as the ongoing tensions in Galkayo between the Habr Gedir and the Majerteen sub-clan Omar Mahamoud the international agency made the point that these conflicts are essentially about control of economic assets such as agricultural land, water points, and port cities. ...

‘Regarding clan identity and security an international agency explained that there are fewer warlords than previously, but clan identity is still very important. In addition there are clans who have their own militia. However, clan protection is decreasing as the government and AMISOM provide increasing security. On the other hand there are minority clans who are more vulnerable than other groups.’

‘According to the international agency there is no one in Mogadishu who is at risk of attacks or persecution only because of his or her clan affiliation... When asked if there are individuals who will need protection when they arrive in Mogadishu for the first time, an international NGO stated that one cannot exclude this to be the case for, for instance, a minority group member returning to the city. However, there is an increasing improvement of security in the city, and if someone would make a list of the positive developments that have occurred since April 2013 the list would be much longer than a list of negative developments.’⁴¹

2.5.15 In its January 2014 position paper, UNHCR considers that

‘...in general it reportedly remains the case that Somali nationals enjoy greater physical security when residing in an area dominated by their own clan. As many neighbourhoods in Mogadishu are reportedly dominated by one clan and sometimes affiliated armed militia, presence in such areas could, depending on the specific circumstances, put a member of another clan at risk. There continue to be reports of clan tensions in the context of a struggle for control of districts, and clan militias are an additional source of insecurity. Persons belonging to minority clans or who are not part of the Somali clan lineage system remain at particular disadvantage in Mogadishu and other parts of Southern and Central Somalia. ... For Somalis in Mogadishu, it is very difficult to survive without a support network, and newcomers to the city, particularly

⁴⁰ UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013 Paragraph 26

http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_24_40.pdf Accessed 11 January 2015

⁴¹ Landinfo/DRS, Update on security and protection issues in Mogadishu and South-Central Somalia, 1-15 November 2013, March 2014, 1.2 Influence of al-Shabaab in Mogadishu p16, 2.1 Clan affiliation and protection p. 35, and 2.2 Needs in order to settle or reestablish in Mogadishu 41

<https://www.nyidanmark.dk/NR/rdonlyres/311FBF7C-60E8-4F7F-AC32-D3AE887CD474/0/MogadishuandSouthCentralSomalia2014FINAL.pdf> Accessed 11 August 2014

when they do not belong to the clans or nuclear families established in the district in question, or when they originate from an area formerly or presently controlled by an insurgent group, face a precarious existence in the capital.⁴²

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Women

For more information, see [CIG, Somalia: Women fearing gender-based violence / harm, February 2015](#)

Internally displaced persons (IDPs)

2.5.16 The DIS/Landinfo FFM report of April 2012 noted that, 'UNHCR Somalia also stated that when IDPs comprise a minority in a particular area they cannot expect clan protection, unless it is explicitly offered to them by the majority clan following an elaborate negotiation process, which is a rare occurrence.'⁴³

2.5.17 The August 2013 report of the Independent Expert on the Situation Of Human Rights in Somalia, noted that,

'... The situation of minority women in IDP camps has been especially grave due to the heightened threat of rape and sexual violence. Victims of rape in IDP camps are generally of minority clan origin, bereft of clan protection and often forced to engage in risky coping mechanisms. Because of their distinct ethnic identity, some minorities have suffered religious persecution and systematic confiscation of their lands and properties.'⁴⁴

2.5.18 The Internal Displacement Monitoring Centre reported on 1 October 2013 that, 'Many IDPs from minority clans suffer pervasive discrimination since they often lack vital clan protection and connections.'⁴⁵ According to an October 2013 Amnesty International report, 'Minority clans continue to be excluded from political participation, have limited access to justice, and are denied multiple other rights such as the right to an adequate standard of living, freedom from hunger, right to an adequate standard of health and the right to an education. Though many in Somali society are unable to access these rights, minorities are disproportionately affected.'⁴⁶ IDPs belonging to minority groups are particularly disadvantaged. They are often without extended family support and remittance income from the diaspora. Lacking connections, they may be blocked from access to trading and other employment opportunities by locally dominant clans. They often face exclusion, exploitation and abuse, such as the denial of payment for work they have done. In many cases, the long distances and insecurity in moving between

⁴² UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, II. C. p.9-10 <http://www.refworld.org/docid/52d7fc5f4.html> Accessed 10 February 2015

⁴³ Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 30 January to 19 February 2012, April 2012, 5.1 Clan protection p.74 http://www.nyidanmark.dk/NR/rdonlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf date accessed 10 February 2015

⁴⁴ UN, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013 Paragraph 27 http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_24_40.pdf Accessed 11 August 2014

⁴⁵ International Displacement Monitoring Centre, Solutions for IDPs revealed as key for future peace and stability in Somalia, 1 October 2013 <http://www.internal-displacement.org/sub-saharan-africa/somalia/2013/solutions-for-idps-revealed-as-key-for-future-peace-and-stability-in-somalia/> Accessed 11 August 2014

⁴⁶ Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013 <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/af520122013en.pdf> date accessed 10 February 2015

IDP settlements and local markets further hinders IDPs' ability to establish sustainable income-generating activities.⁴⁷

2.5.19 Amnesty International further reported in October 2013 that:

'Those coming to Mogadishu who cannot access a system of protection from their clan or family risk ending up in one of the many sprawling settlements for displaced people. There are over 1 million internally displaced people (IDPs) in Somalia today, with an estimated 369,000 in Mogadishu. The situation in IDP settlements both within and outside Mogadishu is dire. IDPs remain extremely vulnerable to ill-treatment and suffer ongoing human rights abuses. Amnesty International recently returned from a visit to Mogadishu in August, where it documented many cases of sexual and other gender-based violence, a high proportion of which took place in IDP settlements, as well as numerous other human rights violations and abuses. ... It is not lack of family or clan protection that leads to displacement: hundreds of thousands of IDPs are with their families and reside in settlements with others from their clans. However as they are outside their area of origin, and/or because they are from minority or weaker clans, clan-based protection is not strong enough to protect them. Without clan and family protection, the risk of ending up in an IDP settlements and of suffering numerous human rights abuses and violations is much higher.'⁴⁸

2.5.20 UN Human Settlements Program, in an article of 15 December 2013 reported, 'In March 2013, the government announced its draft plan for the relocation of 170,000 IDPs from Mogadishu to allocated sites outside the city. The plan is an attempt to remove IDPs from public buildings and other properties in order to free these places for reconstruction. A piece of land in Deynile District has been identified for the resettlement of 51,000 such IDPs. UN agencies and international NGOs were requested to carry out this massive undertaking.'⁴⁹

2.5.21 NOAS reports in April 2014 that

'IDPs stated that sexual violence often occurs in their camp, and pointed out that men come there specifically to attack female IDPs. However, the IDPs believed it unlikely that sexual violence and crimes occur more often in the IDP camp than in Somalia generally. INGO (G) stated that female IDPs from weak clans are very vulnerable and many are subjected to rape. This source stressed that women's protection depends largely on clan belonging and social status, but this depends again on being located in your clan's area. INGO (A) claimed that IDPs in southern and central Somalia face an even harder situation compared to earlier years. SADO described the situation for IDPs as deteriorating and referred to harassment by gatekeepers and camp owners. This source described IDP camps as a kind of modern slavery and likened the situation to being kept hostage, since people cannot go back to their homes. Persons from marginalised clans were claimed to be more at risk of hostility by gatekeepers. Consequently, these people are even more vulnerable and suffer more than IDPs in general.'⁵⁰

⁴⁷ International Displacement Monitoring Centre, Solutions for IDPs revealed as key for future peace and stability in Somalia, 1 October 2013, <http://www.internal-displacement.org/sub-saharan-africa/somalia/2013/solutions-for-idps-revealed-as-key-for-future-peace-and-stability-in-somalia/> Accessed 10 February 2015

⁴⁸ Amnesty International, Mogadishu cannot qualify as an Internal Flight Alternative, 26 October 2013 <http://www.amnesty.org/en/library/asset/AFR52/012/2013/en/77726de8-a461-430f-bdd5-3962e6342ccf/afr520122013en.pdf> date accessed 10 February 2015

⁴⁹ UN Human Settlements Program, IDP settlement planning and strategy presented in Mogadishu, 15 December 2013 <http://reliefweb.int/report/somalia/idp-settlement-planning-and-strategy-presented-mogadishu> Accessed 13 January 2015

⁵⁰ Norwegian Organisation for Asylum Seekers, Persecution and Protection in Somalia, , April 2014, Part V. 14 Internally Displaced People p.44 http://www.noas.no/wp-content/uploads/2014/04/Somalia_web.pdf, accessed on 3 February 2015

- 2.5.22 The UNHCR, in its September 2014 operation update, noted that there were forced evictions of 34,254 civilians, mainly IDPs, in Mogadishu from January to early October 2014. Evicted families were pushed towards the outskirts of Mogadishu, where they face lack of physical security and access to basic services.’⁵¹ While a Brookings-LSE report of December 2014, Internal Displacement in Somalia, stated, ‘As in 2004, economic exploitation of IDP families, gender-based violence, trafficking and discrimination against IDPs who are members of weaker clans or minorities remain pervasive in 2014.’⁵²
- 2.5.23 The August 2014 EASO report considers that
 ‘Whether a person can find redress and be compensated depends on the status of a clan or group within the social hierarchy. ... The strongest are the majority clans, the weakest the Internally Displaced Persons (IDPs). IDPs are sometimes able to arrange a new xeer agreement with their host majority clan, but this is only rarely the case, with majority clan IDPs being in a better position than minorities. In camps, IDPs have separate leadership structures, but these are weaker than the clan structures. There is a high share of women and minorities who are particularly vulnerable and in bad positions regarding clan protection. IDPs are often subject to rape, extortion and forced labour.’⁵³
- 2.5.24 A December 2014 Brookings-Bern Project report on Internal Displacement reports that:
 ‘Most of the protection threats confronting displaced Somalis in 2014 are similar to those of ten years ago. IDP sites in most of the country are still controlled by self-appointed gatekeepers who charge fees to households for the right to live in decrepit IDP settlements and receive sporadic relief distributions. As in 2004, economic exploitation of IDP families, gender-based violence, trafficking and discrimination against IDPs who are members of weaker clans or minorities remain pervasive in 2014. UNHCR points out that “who you are” is absolutely key to how much protection a displaced family can expect to receive. IDPs who are members of the Rahanweyn and Bantu communities, or who belong to weak sub-clans within predominant clans, face extra vulnerabilities and protection threats. Clan membership and identity are “predominant factors in the security and safety of people...and plays a key part in protection,” UNHCR states. While few if any protection problems have disappeared in the past ten years, an additional new protection threat has emerged in the past year. Forcible evictions of displaced persons have increased dramatically as Mogadishu landowners, including government officials, choose to clear out displacement settlements mainly in order to convert rising land values into lucrative economic development.’⁵⁴
- 2.5.25 The 2015 Human Rights Watch annual report notes that ‘Tens of thousands of displaced people remain in dire conditions in Mogadishu and are subjected to evictions, sexual violence, and clan-based discrimination at the hands of government forces, allied militia, and private individuals including camp managers. Government plans to relocate

⁵¹ UNHCR, Somalia Operational update, 1-30 September 2014

<http://data.unhcr.org/horn-of-africa/download.php?id=1482> Accessed 15 January 2015

⁵² Brookings-LSE report of December 2014, Internal Displacement in Somalia, December 2014, Population Displacement in 2014

<http://www.brookings.edu/~media/research/files/papers/2014/12/29%20idp%20humanitarian%20reform%20report%20study%20somalia%20december%202014> Accessed 13 January 2015

⁵³ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 2.5 Clan protection/support p.55

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

⁵⁴ Brookings-Bern Project on Internal Displacement, Internal Displacement in Somalia, December 2014, Population Displacement in 2014

<http://www.refworld.org/docid/54bd197b4.html> date accessed 10 February 2015

displaced communities to the outskirts of Mogadishu stalled, but forced evictions by private individuals and the authorities increased in July and August.⁵⁵

See also the [Country Information and Guidance \(CIG\), Somalia: Security and humanitarian situation, December 2014](#) and [CIG, Somalia: Women fearing gender-based violence / harm, February 2015](#).

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2.6 Treatment of minority groups – specific groups

Bantu (Jareer)

2.6.1 In the Gundel report of 2009, it was noted that:

‘The Bantus mainly live in the southern areas with a concentration of agriculture. Depending on the location, the Bantu people are called different names such as Gosha, Makane, Shiidle, Reer Shabelle, or Mushungli. They speak the Bantu language while some also speak Arabic and Swahili. In general, Somali nomadic clans seek to assimilate minority groups to control them. However, particularly in the case of the Bantus (whom the ‘noble’ nomadic clans aim to exploit for the cultivation of the fertile lands), there is a wide perception amongst many of the nomadic clans that they are too different to be assimilated and therefore must be marginalised, which led to a situation of impunity of attacks against Bantu groups. This situation has changed over time, partly due to the fact that Bantu groups have started to organise and arm themselves. Therefore, in certain locations, Bantu groups have gained strength and are able to fend for themselves.’⁵⁶

2.6.2 The Bantu experience politically and socially, however, cannot be generalised. For instance in 2007, the Deputy Speaker of the Transitional Federal Parliament was a Bantu.⁵⁷ Their numbers were significant enough even prior to 2005 for there to be a specific community-led Sharia Court set up named Polytechnic (in Waaberi), Mogadishu, to deal with legal disputes within the clan itself. Of the 11 functioning Sharia Courts in Mogadishu in 2005, this was the only court presiding over non-Hawiye disputes.⁵⁸ Other background evidence shows that the Bantu are among the numerical majority in at least two Mogadishu districts: Waaberi (along with Arabs, Bravanese and minority clans labelled ‘Others’ clans) and Hamar Jab Jab.⁵⁹

2.6.3 In an interview with an unnamed international organisation, the Swedish fact-finding mission in June 2012 reported that in southern Somalia, the Bantus were integrated into society and that there was no violence specifically directed at minorities at that time.⁶⁰ There is also historical evidence of the Bantu creating “self-defence” groups in Kismayo

⁵⁵ Human Rights Watch, World Report 2015 - Somalia, 29 January 2015

http://www.hrw.org/sites/default/files/related_material/somalia_6.pdf date accessed 11 February 2015

⁵⁶ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Clans in Somalia, December 2009, 4.2. Ethnic minority groups p.16 available at: <http://www.refworld.org/docid/4b29f5e82.html>) Accessed 13 August 2014

⁵⁷ Danish Immigration Service, Human Rights and Security in Central and Southern Somalia, August 2007, (P. 19) <http://www.refworld.org/docid/46e109d92.html> Accessed 14 January 2015

⁵⁸ Centre for Human Dialogue, Stateless Justice in Somalia, July 2005 (page 47)

http://www.hdcentre.org/uploads/tx_news/166StatelessJusticeinSomalia.pdf Accessed 14 January 2015

⁵⁹ TANA report, Political Economy Analysis in Mogadishu, May 2012.

<http://tanacopenhagen.com/uploads/Political%20Economy%20Analysis%20of%20Mogadishu%20-%20full%20report.pdf> Accessed 14 January 2015

⁶⁰ Swedish Migration Board (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, para 4.4.2 <http://lifos.migrationsverket.se/dokument?documentSummaryId=29575>

and Middle Shabelle in at least 2002.⁶¹ However UNOCHA reported to the DIS/Landinfo FFM delegation in October 2012 that ‘... there are camps where the IDPs are Bantu people. These IDPs are the worst off IDPs in Mogadishu.’⁶²

2.6.4 Human Rights Watch noted in its March 2013 report that:

‘The accounts of people displaced from Bay, Bakool, and the Shabelle regions of south-central Somalia, who are primarily from the Rahanweyn clan and the Bantu minority group, show that these communities are particularly vulnerable to abuse. Gatekeepers and their militia treat them as second class citizens, and subject them to various forms of repression, including frequent verbal and physical abuse. ... Historically, the Bantu have faced significant discrimination, marginalization, and persecution because of their distinct culture and characteristics; a significant proportion of the Bantu are descendants of former slaves. Like the Rahanweyn, they traditionally do not carry arms or have their own militia, rendering them particularly vulnerable to armed clans.’⁶³

2.6.5 A joint Danish–Norwegian fact-finding mission in October 2012 cited a local NGO in Mogadishu as stating that ‘the unarmed marginalized groups have more fears than people belonging to the major clans and this will continue as long as the police and security forces are weak institutions. The marginalized groups in this context are the caste groups, i.e. the Midgan, Tumul, Benadiris and Jareer.’ It further reported that the marginalized groups have less access to business opportunities, likewise to education and health facilities since they cannot pay for hospitalisation and medical services, school fees etc. An international NGO working in South and Central Somalia notes that that there are two groups of people which are most vulnerable in Mogadishu. These two groups are either marginalized or exploited. Groups such as Midgan, Gaboye, Tumul and Jareer are marginalised in Mogadishu.⁶⁴

2.6.6 The United States Department of State, 2014 Trafficking in Persons Report - Somalia, 20 June 2014 noted, ‘In Somali society, Somali Bantus and Midgaan remain marginalized and sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders.’⁶⁵ The 2014 Minority Rights Group International report notes that ‘The continuing weakness of the centralized government of Somalia has meant that clan-based governance and security structures remain hugely important. For minority groups such as Bantu and others, the clan system offers little protection or opportunity, and instead has led to exclusion from mainstream social and political life. Hate speech against minority communities, focused on their

⁶¹ Human rights and security in central and southern Somalia Joint Danish, Finnish, Norwegian and British fact-finding mission to Nairobi, Kenya 7- 21 January 2004 3.2 Hiran and Middle Shabelle p.20 and 3.7 Middle and Lower Juba (Kismayo) p. 25 <http://www.refworld.org/pdfid/405b2d804.pdf> Accessed 13 August 2014

⁶² Danish Immigration Service /Landinfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service’s and the Norwegian Landinfo’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 5.1.1 Conditions for IDPs and urban poor Mogadishu p. 59 <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf> date accessed 15 November 2013

⁶³ Human Rights Watch, Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu, 29 March 2013, Summary p.5 and Clan Dynamics p.26 <http://www.hrw.org/reports/2013/03/28/hostages-gatekeepers-0> date accessed 10 February 2015

⁶⁴ Danish Immigration Service /Landinfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service’s and the Norwegian Landinfo’s fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 4.1 Clan affiliation: protection, human rights and property claims p.50-51 and 5.1 Vulnerable Groups p.58 <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf> date accessed 10 February 2015

⁶⁵ United States Department of State, 2014 Trafficking in Persons Report - Somalia, 20 June 2014, <http://www.refworld.org/docid/53aab9a78.html> Accessed 1 October 2014

appearance and different customs, has enhanced their vulnerability to attacks and other forms of discrimination⁶⁶

2.6.7 EASO reports in August 2014 that

'The Bantu or Jareer live in the areas between the Shabelle and Jubba rivers; Middle Shabelle and Hiiraan; and are mostly farmers. In these areas, the security situation of the population has considerably deteriorated due to armed conflict between AMISOM and Al-Shabaab. Many Bantu/Jareer have moved to IDP-camps. Many youngsters have joined Al-Shabaab, forcibly or voluntarily, for economic or security reasons, or for gaining social status and protection.'⁶⁷

2.6.8 The same source further reports that 'Al-Shabaab, based on its strict interpretation of Islam, is targeting those who follow (Sufi) Somali-Islamic, Christian or traditional African (Bantu/Jareer) religious beliefs and practices. Benadiri, Bantu and Christian minorities are targets of religious persecution by Al-Shabaab. There have been several killings of suspected Christians in 2012 and 2013 in Al-Shabaab controlled areas.'⁶⁸

2.6.9 A December 2014 Brookings-Bern Project report on Internal Displacement notes that UNHCR reports that IDPs who are members of the Rahanweyn and Bantu communities, or who belong to weak sub-clans within predominant clans, face extra vulnerabilities and protection threats. Clan membership and identity are "predominant factors in the security and safety of people...and plays a key part in protection."⁶⁹

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Bajuni

2.6.10 As of 2003, the Bajuni were a small independent ethnic community of perhaps 3,000 or 4,000 who were predominantly sailors and fishermen.⁷⁰ They lived in Kismayo and the islands of Jula, Madoga, Satarani, Raskamboni, Bungabo, Dudey, Koyoma and Jovay (Bajuni Islands).⁷¹

2.6.11 In the past the Bajuni suffered considerably at the hands of Somali militia, principally Marehan militia who tried to force them off the islands.⁷² The UNHCR observed in February 2012 that the question of who now controls the Bajuni Islands was complicated. The islands stretch from Kismayo to the Kenyan border. On the islands themselves, there is no Al-Shabaab, Somali national Government or Kenyan presence although there were Al-Shabaab sympathizers.⁷³ In 2003, it was reported that though

⁶⁶ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014 - Somalia, 3 July 2014, <http://www.refworld.org/docid/53ba8dd614.html> Accessed 12 August 2014

⁶⁷ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014 4.3.1.1 Bantu/Jareer p.102
<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

⁶⁸ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 4.3.2 Religious minorities p.103
<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

⁶⁹ Brookings-Bern Project on Internal Displacement, Internal Displacement in Somalia, December 2014, Population Displacement in 2014, available at: <http://www.refworld.org/docid/54bd197b4.html> date accessed 10 February 2015

⁷⁰ Madhibaan, Somalia country report, 2003 <http://www.madhibaan.org/faq/report-2003-4.htm> date accessed 10 February 2015

⁷¹ Madhibaan, A study on minorities in Somalia, undated <http://www.madhibaan.org/in-depth/in-depth-a-study.htm> date accessed 15 November 2013

⁷² Madhibaan, Somalia country report, 2003 <http://www.madhibaan.org/faq/report-2003-4.htm> date accessed 10 February 2015

⁷³ Danish Immigration Service, Security and human rights issues in South-Central Somalia, including Mogadishu Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia 30 January to 19 February 2012, April 2012, para 1.2.1.1, http://www.nyidanmark.dk/NR/rdonlyres/90821397-6911-4CEF-A8D0-6B8647021EF2/0/Security_human_rights_issues_South_CentralSomalia_including_Mogadishu.pdf

Marehan settlers still occupy the islands, Bajuni can work for the Marehan as paid labourers. Essentially the plight of the Bajuni is based on the denial of economic access by Somali clans, rather than outright abuse.⁷⁴

- 2.6.12 There is limited information about the circumstances of the current Bajuni populations though the LANDINFO report (2010) does suggest that the Islands are mixed populations, 'Somalis also live on the islands today and, even though there are instances of marriages between Somali men and Bajuni women on the islands, it has been claimed that the local Bajuni population is being exploited by Somali businessmen (interview with international aid organisation, Nairobi 2008).'⁷⁵ The United Nations Department of Safety and Security (UNDSS) had no information on who is controlling the Bajuni islands as of October 2012.⁷⁶
- 2.6.13 In 2010 Landinfo reported that the Bajuni currently have a presence in Mogadishu (Hamarweyne district). They have also had representatives in previous Somali parliaments. The standing of their elders is also confirmed as of 2010.⁷⁷

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Benadiri (including the Rer Hamar and Bravanese)

- 2.6.14 The Gundel 2009 report also stated:

'1) The Rer Hamar who succeeded in achieving asylum abroad were successful in raising their case internationally, which also contributed to an awareness about them as a community within Somalia itself, and among members of the transitional governments who were seeking international support.

'2) An effect of the latter is that Rer Hamar in Mogadishu now have political positions within the transitional government, as well a number of key positions within the regional administration of Benadir and local government of Mogadishu.

'3) The combination of increased advocacy, increased political influence and the 'Mukulal Madow' (black cat) phenomenon of protection which means that they are no longer targeted with impunity as for instance the 'Jareer' groups still are. The 'Mukulal Madow' phenomenon refers to the cases where for instance 'Rer Hamar' households have established relations with strong 'noble' clans, especially Hawiye Abgal and Habr Gedir, through marriage. This means that Rer Hamar households whose daughter(s) are married to strong clans now enjoy a level of protection from these clans.'⁷⁸

- 2.6.15 Grundel further reported that the Benadiri in Merka have sought to compromise and negotiate with the stronger clans through which they have received a level of protection. The Rer Hamar live in Hamarweyne and Shangani, where they own property but they

⁷⁴ Madhibaan, Somalia country report, 2003 <http://www.madhibaan.org/faq/report-2003-4.htm> date accessed 10 February 2015

⁷⁵ Landinfo, Somalia: The Bajuni Islands, 2010 http://www.landinfo.no/asset/1147/1/1147_1.pdf page 6 (translation required) Accessed April 2014

⁷⁶ Danish Immigration Service /Landinfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 3.2, Lower Juba region p. 48 <http://www.nyidanmark.dk/NR/ronlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf> date accessed 15 November 2013

⁷⁷ Landinfo, Somalia: The Bajuni Islands, 2010 http://www.landinfo.no/asset/1147/1/1147_1.pdf page 6 (translation required) Accessed April 2014

⁷⁸ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Clans in Somalia, Report on a lecture by Joachim Grundel, COI Workshop Vienna, 15 May 2009 December 2009, 5. Minority and other groups with affiliations to major clans p.17 available at: <http://www.refworld.org/docid/4b29f5e82.html> Accessed 13 August 2014

may not find it easy to move elsewhere in Somalia, buy property or achieve clan protection there.⁷⁹

2.6.16 Gundel further noted in December 2009 that ‘Today the Reer Hamar are “not without power”, and manage to play a part in the political game with the major clans and are rarely targeted by other clans... This does not mean that the Reer Hamar community no longer is subject to discrimination. Rather, what it means is that there now are a number of mitigating factors to their benefit.’⁸⁰ The 2012 Minority Rights Group report noted that ‘Minority groups including...Benadiri...are attacked for practising their religious beliefs.’⁸¹ The DIS / Landinfo FFM delegation reported in January 2013 that an international NGO working in South and Central Somalia explained that there are two groups of people which are most vulnerable in Mogadishu. ‘These two groups are either marginalized or exploited... Exploited: the Reer Hamar/Benadiri are not considered marginalized, neither are the Reer Brava. They are exploited but not marginalized. Compared to other clans there are fewer Reer Hamar returning to Mogadishu.’⁸²

2.6.17 The May 2012 TANA report (sponsored by Danish Refugee Council and UNICEF), Political Economy Analysis in Mogadishu, included the following information about minority groups in the districts of the capital. (The term “Arab” is a common term for light-skinned people of “Arab descent” often treated as part of the Benadiri):

- Hamarweyne is mostly inhabited by Benadiri clans (Shashi [sic], Bandhabow, Camudi, Baajuni) or coastal people. And that there has been a lot of intermarriage with the Hawiye here.
- Bondhere district is recorded as being mainly inhabited by minority groups (Arabs, Shareer, Reer and Xamar [Reer Hamar])
- Shangani district was recorded as being “still dominated by Arabs” (in the Somali sense of the word) with an Arab district commissioner

Similarly, the majority of residents of Shibis district were Arabs with its administration being a mixed of both Arabs and Hawiye.’⁸³

2.6.18 In 2012 leaders of the Reer Hamar were considered significant and powerful enough to be referred to by the authors of the Saferworld ‘Mogadishu Rising?’ report. Their political voice was recorded alongside those of the Habr-Gedir and Murusade.⁸⁴

2.6.19 EASO reports in August 2014 that:

‘The Benadiri or Reer Xamar (residents of Xamar/Mogadishu) were mainly business people and traders living along the Benadiri coast (mainly in Mogadishu, Merka and

⁷⁹ Austrian Centre for Country of Origin and Asylum Research Documentation, Clans in Somalia, Report on a lecture by Joachim Grundel, COI Workshop Vienna, 15 May 2009, December 2009, 5. Minority and other groups with affiliations to major clans p.18 <http://www.refworld.org/docid/4b29f5e82.html> date accessed 10 February 2015

⁸⁰ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Clans in Somalia, Report on a lecture by Joachim Grundel, COI Workshop Vienna, 15 May 2009 December 2009, 5. Minority and other groups with affiliations to major clans p.17 available at: <http://www.refworld.org/docid/4b29f5e82.html> Accessed 13 August 2014 date accessed 10 February 2015

⁸¹ Minority Rights Group, State of the World's Minorities and Indigenous Peoples 2012, 28 June 2012, Somalia p. 69 <http://www.minorityrights.org/download.php?id=1112> date accessed 10 February 2015

⁸² Danish Immigration Service/Landinfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 5.1 Vulnerable Groups p. 58 <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf>

⁸³ TANA report, Political Economy Analysis in Mogadishu, May 2012. <http://tanacopenhagen.com/uploads/Political%20Economy%20Analysis%20of%20Mogadishu%20-%20full%20report.pdf> Accessed 14 January 2015

⁸⁴ Safer world: Mogadishu Rising, 2012 (page 8) <http://www.saferworld.org.uk/downloads/pubdocs/Mogadishu-rising-2nd-edition.pdf> Accessed 14 January 2015

Baraawe). In the beginning of the civil war, they suffered looting, theft and rape because of their supposed wealth. In the 1990s, most Benadiri fled to Kenya with only a few thousands remaining in Somalia with their businesses, paying a clan or private militia for protection. Some Benadiri/Reer Xamar in Mogadishu have acquired key positions within the regional Benadir administration. Thus, they have become less subject to targeted violence committed with impunity. As most remaining Benadiri traders are relatively wealthy, they usually manage to buy protection, although they also may be subject to extortion and blackmail by majority clan militias.’⁸⁵

- 2.6.20 The same source further reports that ‘Religious minorities include a very small population of Somali Christians, as well as ethnic minorities within Islam-Ashraf and Sheikhal. Al-Shabaab, based on its strict interpretation of Islam, is targeting those who follow (Sufi) Somali-Islamic, Christian or traditional African (Bantu/Jareer) religious beliefs and practices. Benadiri, Bantu and Christian minorities are targets of religious persecution by Al-Shabaab. There have been several killings of suspected Christians in 2012 and 2013 in Al-Shabaab controlled areas.’⁸⁶

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Midgan (Gabooye), Tumal, Yibir or Galgala

- 2.6.21 The EASO report 2014 observed:

‘Occupational groups are at the lowest level of the social hierarchy of Somali society. They do not differ ethnically or culturally from the majority population, but they are traditionally occupied in jobs considered impure or dishonourable by the majority clans. These occupations, as well as other practices, are also viewed as un-Islamic (haram). In contrast to the majority clans, they cannot trace back their genealogy to Prophet Mohammed. Occupational groups generally speak the same standard Somali language as the majority clans with whom they live, while a few have retained a special Somali argot which the majority clan members do not understand. The use of these dialects has declined among the younger generation and has by now almost disappeared. Their share of the Somali population is unknown. It is estimated at approximately 1 %.’⁸⁷

- 2.6.22 A joint Danish–Norwegian fact-finding mission in October 2012 cited a local NGO in Mogadishu as stating that the unarmed marginalized groups have more fears than people belonging to the major clans and this will continue as long as the police and security forces are weak institutions. The marginalized groups in this context are the caste groups, i.e. the Midgan, Tumal, Benadiris and Jareer. It further reported that the marginalized groups have less access to business opportunities, likewise to education and health facilities since they cannot pay for hospitalisation and medical services, school fees etc.’⁸⁸

⁸⁵ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 4.3.1.2 Benadiri/Reer Xamar p.102

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

⁸⁶ European Asylum Support Office, Country of Origin Information report. South and Central Somalia Country overview, August 2014, 4.3.2 Religious minorities p.103

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> date accessed 10 February 2015

⁸⁷ EASO Country of Origin Information report South and Central Somalia Country overview, August 2014. 2.2.2 Occupational groups p.47

<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> Accessed 12 January 2014.

⁸⁸ Danish Immigration Service /Laninfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service’s mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013. Section 4.1 Clan affiliation: protection, human rights and property claims p. 51 <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf> date accessed 10 February 2015

2.6.23 An international NGO working in South and Central Somalia notes that there are two groups of people which are most vulnerable in Mogadishu. These two groups are either marginalized or exploited and groups such as Midgan, Gaboye, Tumul and Jareer are marginalised in Mogadishu.⁸⁹ The US Department of State 2014 Trafficking in Persons Report noted 'In Somali society, Somali Bantus and Midgaan remain marginalized and sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders.'⁹⁰ UNHCR considers that members of certain minority clans, such as the Midgan, Tumul and Yibir, who were previously residing near or with majority clans, may be able to call upon the protection of majority clans, if that historical relationship exists. However, given the breakdown in clan protection mechanisms due to the ongoing conflict, as a result of which members of majority clans may no longer be able to rely on such protection, the situation of members of minority clans living together with majority clans will be precarious too.⁹¹

2.6.24 A November 2012 telephone interview by the Immigration and Refugee Board of Canada with the Secretary of the Gabooye Minority Organisation for Europe and North America noted that:

'...the Gabooye are "not really allied" with any major clans in Somalia, but are reported to be on good terms with other minority groups...discrimination against Gabooye in the south exists but that "generalized insecurity" is a greater risk than targeted persecution...although the Somaliland government claims that the situation has improved discrimination against the Gabooye in Somaliland is "bad" and violence against them continues to occur'.

'According to the ACCORD report on Joakim Gundel's lecture, minority groups in Somalia "are not counted and their languages and cultures are neither accepted nor respected" (Dec. 2009, 14). They are reported to suffer "daily violence and persecution" (Somalia Report 18 May 2011). Additionally, MRG writes that minorities across the country experience "denial and abuse of the whole range of basic human rights," including subjection to hate speech, limited access to justice and education, and exclusion from "significant political participation" and employment (Oct. 2010, 3, 14). Further, the ACCORD report indicates that there is no state protection for minorities in Somalia, including in Somaliland and Puntland (ACCORD Dec. 2009, 21).⁹²

2.6.25 The August 2014 EASO Country of Origin Information report on South and Central Somalia noted:

'In northern Somalia, the occupational groups called Gabooye, Waable or Midgaan/Madhibaan, also known as Sab in southern Somalia, often face discrimination and social stigma due to their occupations...The human rights situation of these groups, in northern Somalia, where most of the Gabooye live, is considered bad although slightly improving. Little is known about the humanitarian conditions in which specific occupational groups in southern Somalia live. According to Minority Rights Group

⁸⁹ Danish Immigration Service /Landinfo, Update on security and human rights issues in South-Central Somalia, including Mogadishu, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 17 to 28 October 2012, January 2013, Section 5.1 Vulnerable Groups p. 58 <http://www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf> date accessed 10 February 2015

⁹⁰ United States Department of State, 2014 Trafficking in Persons Report - Somalia, 20 June 2014, <http://www.refworld.org/docid/53aab9a78.html> Accessed 10 February 2015

⁹¹ UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia, 5 May 2010, IV. B. 1. d) Members of Minority Clans p. 16 <http://www.refworld.org/docid/4be3b9142.html>

⁹² Immigration and Refugee Board of Canada, Somalia: The Gabooye (Midgan) people, including the location of their traditional homeland, affiliated clans, and risks they face from other clans, 4 December 2014 http://www.ecoi.net/local_link/233725/356399_de.html Accessed 19 August 2014

International, there is a “more tolerant atmosphere” for minorities in Somaliland than in the rest of Somalia.’⁹³

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⁹³ European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report. South and Central Somalia Country overview, August 2014, 4.3.1.3 Occupational groups p. 102<http://easo.europa.eu/wp-content/uploads/COI-Report-Somalia.pdf> Accessed 7 January 2015

Change Record

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