

# THE COMPLEXITY OF SEXUAL AND GENDER-BASED VIOLENCE

Insights from Mogadishu and  
South Central Somalia

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## Acknowledgements

Fouzia Musse was the lead researcher for this project. The report was edited by Ndeye Sow and Pauline Skaper – both from International Alert – and benefited from the inputs of Amelie Desgropes and Sandro DeLuca from the International Committee for the Development of People (*Comitato Internazionale per lo Sviluppo dei Popoli, CISP*).

We would like to thank all our local researchers in Somalia (Abdi Muktar, Abukar Ga’al, Anfac Mohamed, Asma Saïd, Fani Mohamed, Fatuma Ali, Hassan Burush, Liban Osman, Osman Hirey, Raqiya Adam and Su’di Iman) for their various contributions and for helping make the research possible. The report was reviewed by Judy El-Bushra. We are also grateful to Eleneus Akanga (International Alert) and various other CISP staff for their support in putting the report together.

The research was funded by the UK Department for International Development (UKAID).

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Layout and cover illustration by Nick Purser

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OCTOBER 2015

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# ABBREVIATIONS

<b>CBO</b>	Community-based organisation
<b>CSOs</b>	Civil society organisations
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CISP</b>	Comitato Internazionale per lo Sviluppo dei Popoli
<b>FGD</b>	Focus group discussion
<b>FGM</b>	Female genital mutilation
<b>FGS</b>	Federal Government of Somalia
<b>GBV</b>	Gender-based violence
<b>ICRC</b>	International Committee of the Red Cross
<b>IDP</b>	Internally displaced person
<b>IPV</b>	Intimate partner violence
<b>KII</b>	Key informant interview
<b>MWHRD</b>	Ministry of Women and Human Rights Development
<b>NGO</b>	Non-governmental organisation
<b>SGBV</b>	Sexual and gender-based violence
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children's Fund
<b>UNOCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>UNSCR</b>	UN Security Council Resolution

# EXECUTIVE SUMMARY

This report presents the findings of a research that is part of a programme jointly implemented by CISP (Comitato Internazionale per lo Sviluppo dei Popoli) and International Alert in South Central Somalia. The aim of the programme is to improve the response to and prevention of gender-based violence (GBV) in three districts of Mogadishu and two urban centres in South Central Somalia, through a multi-faceted approach, which includes capacity-building, support to service provision, awareness activities, research and advocacy.

The research was carried out in order to deepen and expand on some of the main issues and concerns regarding sexual and gender-based violence (SGBV) and linkages between SGBV and conflict in Somalia, and to try to understand why, in the current period of relative peace, Somalia, and particularly South Central Somalia, is still witnessing extraordinarily high levels of SGBV. With inter-clan and militia fighting having sharply declined, and statebuilding underway, this presents a conundrum that needs to be urgently addressed to ensure that peace and security take hold. Furthermore, the research seeks to inform the adoption of relevant policies and interventions at the local, national and international level. It also aims at improving the implanting partners' understanding of SGBV in order to inform the activities implemented.

The target groups for this research were selected from host and internally displaced person (IDP) communities. The host community is mainly from majority clans, while the non-host community is comprised of various minority clans. There is no consensus in Somalia on the definition of minority groups. However, they are usually referred to as the population who falls outside major clan lineage divisions. Minority groups are often discriminated against and marginalised in Somali society. The research also targeted IDP camps, where host and non-host communities live together, and all of them are identified as IDPs.

In this report, SGBV is defined as violence against individuals or groups based on their gender identity. Violence and conflict are gendered activities, and women and men in Somalia, as social actors, each experience violence and conflict differently, both as victims and perpetrators. Their identities are defined by their social class and status, age, clan and ethnic belongings, and their urban or rural origin. This in turn shapes their distinctive experiences of SGBV and the way they respond to it.

There exist wide differences between and among Somali communities and international standards on their understanding and perceptions of SGBV. This is partly explained by the fact that the notion of SGBV is located at the intersection of the three legal systems in force in Somalia, namely statutory, customary and Sharia. The contradictions and lack of harmonisation between the three systems make it difficult not only to have a common understanding of SGBV issues, but also to address them properly. Under statutory law, the recognition and legal definitions of SGBV have evolved over time. The penal code criminalises rape and other forms of sexual violence. However, the crimes are too narrowly defined in accordance with international law standards of protection from SGBV. This leaves wide gaps in the legislation that ensure the continued relevance of customary law (*Xeer*), which is the most accessible, used and preferred legal system. Under customary law, sexual crime is not perceived as a violation of an individual's bodily integrity, but rather as an issue of morality and honour and a crime committed first and foremost against the family, clan or community.

The research found that there is a wide range of forms of SGBV in Somalia. Some of them, such as physical and sexual violence, including rape, abduction and killing/murder, are prohibited by customary law. They are against the traditional cultural and social norms and the code of conduct that dictates the ways people live and interact with each other. However, the rules of conduct allow some forms of physical violence that are regarded as disciplinary methods available to parents (male and female), guardians (male and female) and men. This is the case, for example, of intimate partner violence (IPV), domestic violence, and physical, emotional and psychological violence against children, both male and female. Customs offer limited interference with respect to these types of SGBV, which are considered a family affair.

Most of the FGD and KII participants reported increasing levels of IPV, or domestic violence. The research found evidence of rape perpetrated against boys, especially street children and adult male rape. However, none of the FGD and KII participants provided detailed information on sexual violence against men. Traditional harmful practices such as female genital mutilation (FGM) and child marriage, which are widespread in Somalia, are not considered forms of SGBV in Somalia, even though child marriage is opposed by both Sharia and customary laws.

The research showed very clearly that SGBV in Somalia is closely linked to the history of violence experienced by the country over the past 30 years. The findings indicate the emergence of a pattern and the continuation of violence from relative peacetime before the conflict, during the conflict and in post-conflict statebuilding. Prior to the conflict, under the Siad Barre regime, with strong central government and institutions, promotion of women's rights, and evolution of the accepted traditional, behavioural and social norms, which govern Somali society, rape was still widely used as a weapon of war during the Somalia–Ethiopia conflict in 1976 and the uprising against Siad Barre's central authority. Mass rape against women and girls was also reported in the 1988 uprising in Somaliland. Violence increased with the years of conflict and the collapse of the state and traditional structures. The war period was characterised by the disrespect of traditional norms by the clan militias and the normalisation of all forms of violence, including group rape, abduction, sexual trafficking and forced marriage. The post-conflict period has seen a reduction in the incidence of rape and sexual assault, following the withdrawal from Mogadishu of clan militias, the biggest perpetrators of violence. With the focus on statebuilding, the state revived the use of customary law as it tried to establish and strengthen statutory mechanisms. However, harmful practices such as FGM and child marriage are still taking place unabated, even though they are constitutionally against the law.

SGBV in Somalia is closely linked to power and deeply rooted in unequal gender power relations and social exclusion. Gender discrimination in Somalia cuts across social and economic strata and the Gender Inequality Index is very high at 0.77 out of a value of 1, which represents complete inequality. The research identified a range of cultural and socio-economic factors that underpin and perpetuate the occurrence of SGBV such as social norms and stereotypes, illiteracy, poverty, family breakdown and unemployment, among other things. However, due to the unequal and discriminatory nature of the clan system, minority women face double discrimination on account of both their gender and minority status. Women and girls from minority groups and clans are the most affected by incidents of SGBV.

SGBV in Somalia should not be categorised as social violence only. It has also been used in the context of political and economic violence by some groups to gain or maintain political and economic power. During the conflict, militias from majority clans used physical and sexual violence to loot, displace and confiscate personal property (land/homes) of minority groups.



Almost all study participants indicated that SGBV is equally 'normalised' by host and IDP communities (majority and minority groups). The culture of violence fuelled and maintained by 30 years of war and political instability have permeated all levels of society, from state to household level. This partly results from the fact that SGBV has been a common occurrence with essentially no opportunity for redress over decades of civil war in Somalia. Over time, this has meant that host and non-host households have adopted certain behavioural and social norms towards SGBV. Moreover, minority groups have remained silent in order to avoid social exclusion. The practice of normalising SGBV has also resulted from a complete lack of or limited communication and dialogue among Somali communities at the household, societal and national level on peace, reconciliation and anti-violence after the civil war.

Normalisation of SGBV is reinforced by a lack of access to justice for survivors. Somalia has not signed or adopted any of the major international instruments for women's rights and gender equality such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or UN Security Council Resolution (UNSCR) 1325. Moreover, within the wider security focus of statebuilding, SGBV is not seen as a pressing issue. Although the federal authorities are mandated to intervene on issues such as SGBV, the national security agenda predominantly focuses on prevention and intelligence gathering on Islamist extremist violence.

However, some concrete measures have been adopted by the government, including the drafting of a Sexual Offences Bill, which defines and addresses the incidence of rape. Some perpetrators of rape have also been sentenced. Despite the limitations and challenges it poses, customary law is still by and large respected and supported. Most of the adult and youth study participants see that "leaving a tradition is like leaving a faith".

# 1. INTRODUCTION

Sexual and gender-based violence (SGBV) has been a significant feature of the war in Somalia, a country where deeply rooted gender inequality prevails. The customary conventions and code of honour that used to regulate conflict between clans and ensure that women and children of any clan were protected from violence have been widely violated during the war.<sup>1</sup> Women and girls have been targeted for rape, abduction, sexual slavery and clan-related revenge killings.<sup>2</sup> Specific causes and drivers of gender-based violence (GBV) in Somalia related to the long armed conflict include: the breakdown of society due to crisis, flight and forced displacement and family separation, failed reintegration and reconciliation programmes, as well as the behaviour of armed groups that reinforces norms equating power, violence and weapons with masculinity. However, evidence has suggested that armed actors are not the only potential perpetrators of sexual violence in conflict-affected settings. Women and girls are particularly vulnerable to violence occurring in the domestic sphere, and to criminality perpetrated by civilians outside the home.

Many Somali men continue to deny that there is violence against women within their communities. They accuse the international community of inventing these high figures of sexual violence and of putting the blame on Somali men. Furthermore, there is a deep culture of silence and fear regarding crimes of sexual violence, which significantly impacts on reporting and response. Linkages between SGBV and conflict have not yet been studied in depth in Somalia, even though there are extensive research papers looking at the drivers of conflict in the country. Likewise, knowledge about social norms underpinning SGBV in Somalia is still fragmented and anecdotal.<sup>3</sup>

This research is part of a programme led by the Comitato Internazionale per lo Sviluppo dei Popoli (CISP) project whose aim was to examine the linkages between SGBV and conflict in Somalia, focusing on three districts of Mogadishu, in South Central Somalia, namely Yaqshid, Bondhere and Karaan. The research sought to understand the intersection between SGBV prior to, during and after the civil war/relative peace, and considers SGBV as a continuum within these periods. It also analysed some of the traditions and behavioural and social norms towards SGBV, as well as social and economic challenges that contribute to it. Furthermore, the research examined both legal and informal discourse around SGBV in Somalia, and its impact on coping mechanisms in the community and on official state responses.

This research was led by International Alert with the support of CISP. Field research was conducted in November and December 2014, in Yaqshid, Bondhere and Karaan. The targets groups were selected from host and internally displaced population (IDP) communities. The host community is composed of people mainly from majority clans, but also some minorities, while the IDP community mainly comprises various minority clans.

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1. J. Gardner, Gender profile for Somalia, etc. Somalia Unit, Kenya and NORAD, January 2007

2. Ibid.

3. For this reason, CISP is also involved in a research programme on social norms driving SGBV, in partnership with UNICEF and Johns Hopkins University.

### 1.1. Research objectives

The objectives and the focus of the field research were:

- To understand the linkages between SGBV during conflict and peacetime in Somalia.
- To improve CISP and Alert's interventions, programmes and service delivery in order to contribute to curbing the level of SGBV in Somalia.
- To inform relevant policies and interventions at local, national and international levels.

### 1.2. Key research questions

Overall, the research attempts to answer the hypothetical question of why we are still witnessing high levels of SGBV in Mogadishu when there is less visible inter-clan and militia fighting.

More specifically, the methodology and study tools were designed to address the following questions:

- *How was SGBV defined prior to, during and after the civil war?*
- *How was SGBV dealt with prior to, during and after the civil war, at the household, community and state levels?*
- *What are the discourses and the narratives that exist on SGBV and sexuality in Somalia?*
- *Have there been changes in social and cultural norms before, during and after the war that have impacted SGBV?*
- *What are the socio-economic factors that are underpinning SGBV in Somalia?*
- *What coping mechanisms have been developed over time (pre-, during and post-conflict) to deal with SGBV?*

The questions were administered to a group of 350 respondents, through focus group discussions (FGDs) and face-to-face interviews.<sup>4</sup>

### 1.3. Conceptual framework

This research takes the view that violence is gendered and that GBV refers to violence that targets individuals or groups' physical and mental integrity, on the basis of their gender.<sup>5</sup> Violence is fundamentally concerned with power, and gender-related violence has also been defined as a violence that embodies the power imbalances inherent in patriarchal society.<sup>6</sup>

Violence against women is the most widespread and acknowledged form of GBV. However, this research recognises that there are other forms of sexual and GBV, which have received less attention, such as violence against men, as well as violence perpetrated by women against other women within the household (mother-in-law against daughter-in-law, mother against daughter for instance in FGM).<sup>7</sup>

4. See detailed description of the methodology in Annex 1.

5. C. Cockburn, The gendered dynamics of armed conflict and political violence, in C. Moser and F. Clark (eds.), *Victims, perpetrators or actors? Gender, armed conflict and political violence*, London & New York: Zed Books, 2001

6. J. El-Bushra, and E. Piza Lopez, Gender-related violence: Its scope and relevance, in H. O'Connell (ed.), *Women and conflict*, Oxfam Focus on Gender: Vol. 1, No. 2, pp.1–9

7. International Alert, *Re-thinking gender in peacebuilding*, London: International Alert, March 2014

The research integrates two concepts that are closely connected: 'identity' and 'agency'. For the purpose of this research, 'identity' refers to socially constructed processes, social relations and roles individuals identify with; and 'agency' refers to the capacity of individuals to act independently and make their own choices, even in the most extreme situations or environment. In the context of this research, these concepts are useful for understanding the nature of SGBV and its impacts on the lives of individuals and communities. They have relevance for understanding that, due to ideologically ascribed gender identities, roles and relations, women and men as social actors each experience violence and conflict differently, both as victims and as perpetrators. Women and men do not constitute homogenous categories. Their identities are shaped by social class and status, age, clan and ethnic belonging, urban/rural origin, among others. This in turn shapes their life experiences and the distinctive ways they experience violence and respond to it.

In addition, the research conceptual approach is framed by three complementary frameworks that all have power as a central concept. The first one is the gendered continuum of violence framework, which categorises violence as a threefold continuation of political, social and economic violence.<sup>8</sup> Each category of violence is identified in terms of the type of power that consciously or unconsciously uses violence to gain or maintain that power. This categorisation is particularly useful for this research for several reasons. Firstly, it helps to move away from the common tendency to categorise GBV as social violence only. Instead, it recognises that GBV acts, such as rape and sexual assaults for example, should also be categorised as political or economic violence when they are motivated by a desire to obtain or maintain political or economic power. Secondly, it provides a holistic view and shows that these different types of violence are closely connected, and therefore cannot be addressed separately if GBV is to be properly dealt with.

The framework further locates the causal factors influencing violence at four closely interrelated levels: structural, institutional, interpersonal and individual, with gender cutting across all levels. These levels constitute a continuum, as causal factors at different levels are mutually reinforcing. For instance, GBV at the interpersonal level, within the family or community, cannot be fully understood without linking it to patriarchal ideology factors and gender norms generated at the structural level, and institutionalised through formal and non-formal institutions, organisations and social networks at the institutional level. This connection between the various levels moves us beyond distinctions often made between the private and public spheres as relevant for understanding gendered violence. It shows that there is indeed a continuity between gendered violence taking place in the private sphere of the family home to public spaces outside the home.<sup>9</sup> In that sense, militarised forms of violence perpetrated by armed men and violence perpetrated by civilians during conflict have to be connected to 'domestic violence' that takes place within the household, as well as to the status of women and the unequal nature of gender relations within Somali society.

The framework is based on the rationale that violence and conflict are both gendered activities. As actors in violence-reduction initiatives or in peacebuilding, women and men have different roles and identities. They have differential access to resources, including power and decision-making during conflict and conditions of violence. This implies that they also have different practical needs and strategic interests relating to gender power relations, which any peacebuilding initiative, policy or planning for sustainable development and lasting peace must take into account.

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8. For a description of this framework, see C. Moser, *The gendered continuum of violence and conflict. An operational framework*, in C. Moser and F. Clark F. (eds.), 2001, Op. cit.

9. L. Kelly, *Surviving sexual violence*, Cambridge: Polity Press, 1998

The second conceptual approach framing this research also uses the concept of continuum, but applies it in relation to the continuity of GBV over time.<sup>10</sup> The framework argues that a gender analysis of violence shows that there is no sharp distinction between peace and war, pre-conflict and post-conflict. Gendered phenomena persist from one period to the next and violence flows through all of them. To consider one moment in this flux in the absence of the next is arbitrary. Women's and men's experience of GBV during conflict is the continuation of the violence perpetrated prior to the conflict, and violence that is likely to continue to persist after the conflict has ended.

This approach offers an alternative to the notion of 'rape as a weapon of war', which has framed the global policy discourse on conflict-related sexual violence for the past 15 years. The notion is credited as having been instrumental in shifting the debate and leading to an increased commitment from the international community to combat war-related sexual violence.<sup>11</sup> However, it has also been criticised for being reductionist in its singular focus on rape and militarised sexual violence, at the expense of other forms of SGBV in conflict settings. Critics have argued that the motivations and dynamics behind SGBV are complex and that "reducing sexual violence simply to a weapon of war, limits the possibilities of understanding the various factors that may converge to contribute to, or be conducive to, such violence".<sup>12</sup>

The final framework is the Social Exclusion Analysis (SEA),<sup>13</sup> which describes systems of exclusion comprising four interrelated dimensions. The first dimension is about discriminatory attitudes and values, and the second about historical and cultural circumstances that enable dominant groups to gain and maintain power over subordinate groups. In the third dimension, the combination of these discriminatory attitudes and the power held by dominant groups produces conditions in which discriminatory actions by dominant groups against subordinate groups are internalised by both groups, and thus end up being permitted, accepted and expected. Fourthly, over time, this discrimination becomes "an ideology of superiority", embedded in society and characterised by systematic patterns of denial of rights and opportunities for the powerless groups.

The notion of power, both overt and unexpressed, runs through the framework, which shows how power relations between groups build up over time through a long process, in response to economic and political factors. It also explains how discriminated-against groups respond in various ways, either through resistance, acceptance or denial. The groups who accept their subordinate status also accept the value system inherent in it, thus contributing to perpetuating social exclusion.

The notion of social exclusion is at the heart of this research and the framework helps to understand the way in which different exclusions support each other. The various dimensions of social exclusion are interconnected, and therefore have to be analysed in relation to each other, in order to obtain a holistic view.

The three frameworks are complementary for the purpose of this research. They all show that SGBV has to be conceptualised in relation to power and power relations in order to have a thorough understanding of the structural underpinnings of gender discrimination.

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10. For a discussion of this approach, see C. Cockburn, *The continuum of violence. A gendered perspective on war and peace*, in W.M. Giles and J. Hyndman (eds.), *Sites of violence*, California: University of California Press, 2004.

11. This increased commitment was reflected in, among others, the adoption of UN Security Council Resolution (UNSCR) 1325 in 2000, the appointment of a Special Representative on sexual violence in conflict in 2012, the Declaration on Sexual Violence adopted at the G8 meeting in 2012, and the International Conference on Sexual Violence in Conflict organised in London, United Kingdom in June 2014.

12. M.E. Baaz and M. Stern, *The complexity of violence. A critical analysis of sexual violence in the Democratic Republic of Congo (DRC)*, SIDA working paper on gender-based violence, Nordic Africa Institute, Uppsala, Sweden, 2012, p.111

13. See a description of the framework in J. El-Bushra and M.G. Sahl, *Cycles of violence – Gender relations and armed conflict*, ACORD, 2005.

#### ***1.4. Limitations***

The primary focus of this study was to examine and understand SGBV against women and girls in the three research districts. However, we acknowledge that marginalised and vulnerable men and boys are also victims of sexual violence and that male survivors often face additional stigma. Researching violence against men and boys was difficult, due to the rather limited scope of this research, but we recognise that further research and thinking has to be done in this important area.

The research began in November 2014 when there was a high tension between the president and prime minister of the Federal Government of Somalia (FGS) followed by impeachment and replacement with a new prime minister. As a result, many of the local and federal ministries and authorities targeted for participation in the research were unavailable. There were also security concerns throughout the data collection phase. All these events had a direct impact on the research and delayed data collection.

#### ***1.5. Structure of the report***

This report is divided into two main parts. The first part (Sections 1–4) sets the parameters of the research and looks to locate SGBV within the continuum of violence in Somalia from the pre-war period, during the 20-year armed conflict and the post-conflict period. The second part (Sections 5–8) examines the structural underpinnings of SGBV and gender discrimination to determine how they are a key factor in explaining the continuance of SGBV throughout the three periods. This part also analyses the impact of SGBV at the household and community level, the coping mechanisms that have been developed at that level, and state responses.

## 2. SITUATIONAL AND BACKGROUND ANALYSIS

### 2.1. Situation in the three research sites

Mogadishu and its surroundings – the Banadir region – have gained a reputation as being the most dangerous places in the world. Mogadishu was the centre of conflict between different factions from 1991 to 2008. Throughout the intense fighting and the famine that followed, there was chronic and massive displacement of people, and Mogadishu became a home for many internally displaced persons (IDPs). Many of the displaced people are from minority clans and from agro-pastoralist communities who suffered invasions from better-armed majority militias. The conflict was accompanied by high levels of violence targeted at the IDPs – physical, sexual and emotional violence, including the denial of economic opportunities. Short-lived deals have taken place between leaders to bring peace, security and stability to the region, but none has been able to deliver in the long term. The provision of security and public services briefly existed when the Islamic Courts Union (ICU) took over the city in 2006 before being driven out by the government, with intense fighting taking place in 2007–08. Since then, Mogadishu has had periods of peace, but it still suffers from attacks by Islamist insurgents and is prone to bombings and shootings by groups aligned to Al Shabab. According to the United Nations (UN), 369,000 people are displaced in Mogadishu alone. There is limited sex disaggregated data on IDPs, but in 2012 the United Nations Development Programme (UNDP) estimated that women and children comprised between 70 and 80% of all IDP and refugee camps in Somalia, the majority of them from minority groups.<sup>14</sup> There are an estimated 100 IDP camps spread within the three research districts with a total estimated population of 20,000 inhabitants.<sup>15</sup>

Most of the IDPs and vulnerable population depend heavily on humanitarian aid due to a lack of employment opportunities. Major social infrastructure such as schools, hospitals and industrial companies have been destroyed by constant shelling of bombs and by mortars by warring groups/militias during the civil war and the fight against Al Shabab. The three research districts face similar challenges.

Bondhere was an urban centre before the outbreak of civil war, with a mixture of economic activities taking place – small-scale businesses, cash labourers and government employees. During the civil war, the district was destroyed as it suffered at least six attacks. Apart from the death of civilians during these attacks, there was mass migration by the inhabitants who were escaping the conflict. Of course, as some people left, more IDPs from the rural areas were also moving down to Mogadishu. In 2013, it was estimated that Bondhere had 35 IDP camps, hosting a total of 13,000 IDPs.<sup>16</sup> However, the number of IDPs has been decreasing as more

14. United Nations Development Programme (UNDP), Empowering youth for peace and development, Somalia Human Development Report, 2012

15. Sourced from Social Affairs District Authorities and Population Estimation Sample Survey. However, there are conflicting figures regarding accurate numbers of IDPs and IDP camps in the 16 districts of Mogadishu. The difficulties in collecting accurate IDP figures are due to geographic disbursement of the settlements, lack of security and gatekeepers (local camp manager) inflating figures to obtain more assistance. This has resulted in key organisations such as the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) or the International Committee of the Red Cross (ICRC) often reporting different figures. See Global Shelter Cluster, Mapping and information management for effective humanitarian programming in Somalia (Mogadishu and Doolow), Secondary Data Review, July 2013.

16. Figure reported by the ICRC and quoted in Global Shelter Cluster, 2013, Op. cit.

of them are going back to their original homelands before the civil war, although it is hard to ascertain how many are willingly moving back or are being forcibly repatriated or evicted from the IDP camps. In 2014–15, the security of the district was stable with fewer incidents of serious crimes – bombing, killings, targeting of humanitarian and non-governmental organisation (NGO) workers, etc. But there was still insecurity as the security apparatus was not fully equipped to deal with crime.

Karaan, which lies on the northern part of Mogadishu, is one of the oldest and largest districts of the capital. This was a rural town but turned into a more urban setting when Said Barre took over the country. Before the civil war, the economy consisted of rain-fed agriculture, government programmes and livestock trading. During the war, the district was completely destroyed, reducing it to scrubland when the whole population fled to other areas, namely Madina and Ceelahsa Biyaha. With the end of the civil war and normalcy slowly returning, the economy in the district is growing because there is free movement encouraging economic integration between different communities. The remittances from relatives living abroad have become one of the most enduring sources of subsistence for a significant proportion of the people.

Fear of attacks from Al Shabab incursions is still present, although these are more targeted towards aid workers, UN installations and government personnel. The security apparatus is working to keep these attacks at bay with day and night patrols of areas suspected to have insurgents. In 2013, Karaan had the largest number of IDPs out of the three research districts: 19,000 spread across 72 IDP camps. Public services are not available widely in Karaan in comparison to other districts, such as Hodan or Yaqshid, with only one district hospital supporting its large population, few schools and no university.

The third research site, Yaqshid, was an urban district before the civil war broke out, with an estimated population of a quarter million. The economy depended on business but with the civil war this ended. At the beginning of the civil war, Yaqshid was divided into two sections – one controlled by General Aided's faction and the other by President Ali's faction. The three major insurgencies in 1992 between these two factions caused mass evacuation from the districts. In 2007–09, the Ethiopian and Liberation Front caused further displacement and death. In 2009–11, the conflict between Al Shabab and the African Union Mission to Somalia (AMISOM) increased the rate of displacement. Between these three conflicts, 80% of the population was displaced.

Between 2014 and 2015, the security of the district has slightly improved and the major threat that still remains is attacks from Al Shabab. Currently, as with other areas in Somalia, public services are limited, although this gap is filled with private services, which are also not enough. In 2013, Yaqshid had the lowest number of IDPs out of the three districts: around 8,000 hosted in 35 camps.<sup>17</sup>

Despite these improvements, accessibility was still a challenge in two of the three districts (Karaan and Yaqshid) at the time field research was conducted in November and December 2014. Assassinations, bombings and improvised explosive devices (IEDs) targeting government officials and infrastructure are still an occasional occurrence. However, continuous improvements due to the stabilising effect of federal government have enabled humanitarian agencies to operate in these areas, even though major parts of Yaqshid district are still not accessible. The proportion of female-headed households is quite high in the three districts, due to the loss of men in war and the erosion of family structures during the conflict. The lack of clan protection and the discriminatory nature of the clan system have put these women and minority IDP women and girls at risk of SGBV.

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17. Ibid.



## 2.2. Unequal clan system and social exclusion of minority groups

While it is hard to find consensus in Somalia on the definition of minority groups, they usually include the population who fall outside the four major (or so-called noble) clans: Darod, Hawiye, Dir and Digil-Mirifle (also known as Rahanweyne). Each of these major clans consists of sub-clans (*Jilib*) and extended family networks. In contrast to these four clans and their respective sub-clans, minority groups are diverse and not always easily differentiated, although can be broadly broken down into the following two categories: ethnic minorities,<sup>18</sup> which include Bantu, Gosha, Banadiri, Reer Xamar, Asharaf, Bravanese and Beizani; and occupational minorities, which include Gaboye, Eylo, Yibir and Tumal. The minority groups are smaller in number compared to majority clans, although there are currently no reliable population statistics for Somalia due to the years of chaos and war. In 2002, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) estimated that minorities comprised one-third of the Somali population.<sup>19</sup>

The major clans and sub-clans group themselves through clan bonds, formed to safeguard the mutual interests and protect the members of these alliances. Such alliances are comprised exclusively of male members (including infant boys from birth age) from each sub-clan, and are also called a *diya* group.<sup>20</sup> The function of *Diya* groups is to provide social protection services for all lineage members (male and female) against any wrongdoings from other lineages or clans. The social contract of *Diya* groups is an orally binding contract that explicitly states the rights and duties of all members of the group; it also accounts for the paying or receiving of *Diya* compensation in the event of wrongdoing within the sub-clan, or between sub-clans. This means that male members of each *Diya* group are responsible for the collective payment or receipt of compensation for human rights violations made by them or against another clan/sub-clan.

Unlike the majority clans, minority groups are not protected under the above-mentioned social contracts and protection alliances. In some cases, minority groups rely on majority clans for protection through *sheegad* ('adoption'), whereby minority groups would provide some service or compensation in exchange for protection by their majority clan patrons.

Bantu minorities who largely reside in South Central Somalia are said to consist of two groups: those who are ethnic inhabitants of Somalia and those who migrated to Somalia in the late 19th century as run-away slaves from diverse communities living in East Africa.<sup>21</sup> Most of the Somali population refers to themselves as *Jileec* (meaning 'soft hair'), and in contrast refer to both Bantu groups as *Jareer* (meaning 'kinky hair'). Some members of major clans and other minority groups regard Bantu as slaves and call them derogatory names such as *adoon* (meaning slave). However, some Bantu Somalis were able to emulate major Somali clans and were successful in setting up their own lineage social insurance, or *diya*, but a number of them are still attached to major clans for protection. For example, Digil, Mirifle, Ajuuran and Abgal sub-clans who live in vast areas of South Central Somalia all have Bantu communities under their protection.

Intermarriage between majority and minority clans is a forbidden social practice in Somalia. While marriage is favoured among majority clans and sub-clans, as it can lead to greater resources and protection, in cases where intermarriage occurs between majority men and minority women, more often than not, the couple is harassed or punished by the relatives of the majority clan. However, there are some East African Bantu who reside in Puntland that have largely integrated through marriages.

18. The occupation minorities are usually composed of weavers, tanners, smiths, hunters and potters.

19. UNOCHA, A study on minorities in Somalia, August 2002

20. Women are excluded from *diya* membership. Rather, it is the male members who become responsible and liable to provide social protection for their female relatives. For this reason, SGBV survivors are often not provided any compensation from customary law settlements; it is the men who receive payment on their behalf (and rarely share it).

21. L. Cassanelli, Victims and vulnerable groups in Southern Somalia, Research Directorate, Documentation, Information Research Branch, Immigration and Refugee Board, Ottawa, Canada, May 1995

### 2.3. Social exclusion and gender discrimination

Ethnic and gender discrimination and exclusion have been common in Somalia society. However, in many aspects, the war has exacerbated the relationships of inequality, which are deeply embedded in culture and society.<sup>22</sup> The most affected have been minority groups who have seen their livelihood destroyed and their opportunities restricted.

Gender discrimination cuts across social and economic strata in Somalia. However, minority women face double discrimination on account of both their gender and their minority status. They are vulnerable to rights violations both from the prevailing gendered political and social structures, as well as from men's social attitudes within their own community.<sup>23</sup> They experience the greatest levels of social, political and economic discrimination and are particularly vulnerable in the context of displacement. Somali women do not constitute an homogenous group and do not experience an equal level of disempowerment. They are defined by their clan and ethnic identities, as well as by additional dividing lines such as education, age and urban/rural.<sup>24</sup> Due to their position within the traditional clan structure, women belonging to majority clans benefit from some levels of protection and have greater access to basic services and institutional processes. By contrast, minority women who belong to groups located outside of the Somali lineage divisions have no clan protection and much less opportunities to access services and resources.<sup>25</sup>

The war has brought about significant changes to the gendered division of labour, with women often becoming the main breadwinner and taking on roles traditionally allocated to men. In the Shabelle region for example, up to 70 to 80% of households were depending on women's income for their survival, following the armed conflict.<sup>26</sup> However, these changes are not similar across the board. Changes in gender roles take different shapes in the households according to their socio-economic status. In host community households that are economically better-off, and in which women are predominantly housewives, they sometimes supplement this income through petty trade. Most IDP households depend on casual labour, the women playing an important part in the income-generating through clothes washing, house cleaning or other kinds of manual labour for businesses or wealthier families. Changes in gender roles have resulted in women gaining more economic power at household level. They have also offered many women, in urban areas in particular, an opportunity to expand their economic activities by engaging in trade activities traditionally dominated by men, such as livestock trading, qaad sale, currency exchange and fuel trade. In Mogadishu, 99% of fuel is sold by women.<sup>27</sup>

However, the changes in gendered division of labour and gender roles have not fundamentally altered the patriarchal values underpinning gender identities. They have not translated into significant changes in gender power relations both within and outside the household. There have been little changes to the gendered dynamics of social institutions and power structures.<sup>28</sup> Changes in gender roles have not been institutionalised and the Somalia Gender Inequality Index is among the highest in the world at 0.77 out of a value of 1.<sup>29</sup> The vast majority of women breadwinners or heads of household continue to live in poverty, with little access to

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22. J. El-Bushra and M.G. Sahl, 2005, Op. cit.

23. M. Hill, No redress: Somalia's forgotten minorities, Minority Rights Group International, 2010

24. F. Musse and J. Gardner, A Gender Profile of Somalia, EU Somalia Mission, 2013

25. IIDA and Minority Rights Group International, Looma Ooyaan – No one cries for them: The predicament facing Somalia's minority women, 2015

26. J. El-Bushra and M.G. Sahl, 2005, Op. cit.

27. F. Musse and J. Gardner, 2013, Op. cit.

28. J. El-Bushra and M.G. Sahl, 2005, Op. cit.

29. 1 represents complete inequality. See F. Musse and J. Gardner, 2013, Op. cit.

decision-making and political power, or to capital, credit, land and property ownership. They are confined to the informal sector where their average daily earnings do not exceed US\$3 per day. This precarious situation has further increased women's vulnerability to SGBV.

In conflict situations, violence, and particularly SGBV, has been closely linked to gender identities. Interpersonal violence, in particular, has been explained by the notion of 'thwarting', described as "a process in which the conditions of war, state collapse and deprivation restrict the range of 'masculinities' that are available for men to adopt".<sup>30</sup> Men can resort to violence when their masculinities have been thwarted and undermined to such an extent that they are no longer able to live out their gendered identity and fulfil the roles that are expected of them and that they expect of themselves, including providing for the household and exercising control over resources, including women and children. The failure of institutions such as the state to provide the conditions within which men and women can effectively perform the roles that are expected of them can lead men to resort to violence, including domestic violence.<sup>31</sup>

The background analysis of Mogadishu shows that the situation is complex in many ways; social, economic and geographical exclusion play an important part in the analysis of the linkages between conflict and SGBV within this report.

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30. For thoughtful analysis of 'thwarting' masculinities in a conflict or weak states context, see J. El-Bushra, Power, agency and identity: Turning vicious circles into virtuous ones, in H. Yanacopoulos and J. Hanlon (eds.), *Civil war, civil peace*, Milton Keynes: Open University, 2006. See also C. Dolan, *Collapsing masculinities: A case study of Northern Uganda*, in F. Cleaver (ed.), *Masculinity matters: Men, masculinities and gender relations in development*, London: Zed Books, 2003.

31. C. Dolan, 2003, Op. cit.

## 3. UNDERSTANDING SGBV IN SOMALIA: THE LEGAL DIMENSION

Rooted in their unique cultural and religious backgrounds, large differences exist among and between Somali communities and international frameworks on the understanding and perception of SGBV. While, by international standards, the notion of SGBV is firmly embedded within the international human rights and gender equality frameworks, in Somalia, the legal understanding of SGBV is located at the intersection of the three dimensions of the legal system in force in the country, namely, statutory, customary and Sharia. While the recognition and legal definitions of sexual violence have evolved over time, particularly under statutory law, sexual crime is still widely addressed and dealt with as an issue of morality, public decency and honour, and viewed as a crime against the family or society, rather than a violation of an individual's bodily integrity.

This section discusses SGBV in Somalia in relation to international instruments on women's rights and gender equality, linking it to a Somali legal system rooted in traditional social norms and practices, as well as Islamic doctrines.

### 3.1. Definition and international framework

Sexual and gender-based violence (SGBV) is defined in the international context as 'a violation of human rights' that includes much more than physical and sexual assault. Gender-based violence (GBV) is violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security and dignity, equality between women and men, non-discrimination, and physical and mental integrity.<sup>32</sup>

SGBV remains one of the most pervasive human rights violations and is rooted in gender inequalities, which reinforce it. GBV harms women, families, communities and society. Sexual violence has been recognised as one of the main forms of violence against women, defined by the Beijing Platform for Action (BPFA) adopted in 1995<sup>33</sup> as: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life". The BPFA includes all forms of discrimination such as violence against women and girls and reaffirms states' responsibility to work to eliminate them.

32. Universal Declaration of Human Rights, 1948

33. [www.uuwomen.org](http://www.uuwomen.org)

## BOX 1. Other international instruments that specifically define or address SGBV

- The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, adopted in 1981, provides the basis for realising equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election – as well as education, health and employment.
- The **United Nations Declaration on the Elimination of Violence against Women**, adopted in 1993, covers physical, sexual and psychological violence, as well as violence both at home and elsewhere in society suffered by women.
- The **1998 Rome Statute of the International Criminal Court** defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity as a crime against humanity.
- **United Nations Security Council Resolution 1325** (2000) emphasises states' responsibility to end impunity for crimes against humanity and war crimes, including sexual and other forms of violence against women and girls. This has been followed by a number of UN resolutions reaffirming it.<sup>34</sup>

While some of these instruments specifically mention women and girls who are regarded as the most frequent survivors of SGBV, it is commonly understood that SGBV affects both men and women, including male youth and boys. Somali society recognises and validates only limited forms of SGBV as violations of human rights. The remainder of those articulated in the international instruments are largely ignored.

### 3.2. GBV in the Somali context

Many acknowledged forms of SGBV, such as child and forced marriage, FGM, and physical and domestic violence against women and children, are deeply rooted in Somali cultural norms and the Somali interpretation of Islamic practices.

In Somalia, the words that form SGBV are Western-coined words that were introduced literally into the Somali language. In the Somali language, SGBV is said as: '*Xadgudubyo ku Saleeysan Galmada iyo Jinsiga*', which means 'violation based on sex and gender'. However, the popularly used Somali translation is '*Xadgub Jinsiyeed*', which is a shortened version to mean simply 'gender violation'.<sup>35</sup> For cultural and religious reasons, the word *sexual* disappears, as it would spark confrontation in society.

34. UNSCR 1820 (2008) [http://undocs.org/S/RES/1820\(2008\)](http://undocs.org/S/RES/1820(2008)), UNSCR 1888 (2009) [http://undocs.org/S/RES/1888\(2009\)](http://undocs.org/S/RES/1888(2009)), UNSCR 1889 (2009) [http://undocs.org/S/RES/1889\(2009\)](http://undocs.org/S/RES/1889(2009)), UNSCR 1960 (2010) [http://undocs.org/S/RES/1960\(2010\)](http://undocs.org/S/RES/1960(2010)), UNSCR 2106 (2013) [http://undocs.org/S/RES/2106\(2013\)](http://undocs.org/S/RES/2106(2013)), UNSCR 2122 (2013) [http://undocs.org/S/RES/2122\(2013\)](http://undocs.org/S/RES/2122(2013))

35. Users include private and public media, local and federal authorities, CBO and INGO Somali staff.

The international human rights instruments that define SGBV and that Somalia has signed and ratified include: the recently ratified Convention on the Rights of the Child (CRC) in January 2015; the International Convention on the Elimination of All Forms of Racial Discrimination in 1975; and the African [Banjul] Charter of Human Rights in 1985 and 1986. Somalia is yet to sign or ratify many of the international instruments that are derived from the universal human rights that define SGBV mentioned in Box 1, including CEDAW and the Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women in Africa.

Some forms of SGBV, such as sexual and physical, emotional, psychological and socio-economic violence, as well as harmful traditional practices, are not considered a violation of human rights in the Somali context. To understand why, one needs to look into the legal system of Somalia – statutory law, traditional practices and social norms that foster the foundation of the Somali customary laws, and Islamic doctrines.

### 3.2.1. Somali legal system

The Somali legal system is a mixture of systems, which comprises of statutory law, customary law (*Xeer*) and Sharia law. Although Sharia law is not applied in statutory courts, it is integrated into customary law where it is also not adhered to strictly. While formal laws define crimes and punishment, their application is continuously negotiated through the customary power dynamics and their upholders. In practice, the primacy of *Xeer* is accepted and is the most accessible, used and preferred system for dispute resolution. The state also perpetuates the *Xeer* supremacy when its officers – police, prosecutors and judges – refer cases back to clan elders, who still remain the most powerful force behind justice and access to it.

There is a lack of judicial independence in such an overlapping system where regular interference by clan elders in legal proceedings is accepted (through *Xeer*) or where the judiciary refers cases back to the customary system. This is open to abuse especially in cases of sexual abuse where women are normally pressured to settle through customary law and where compensation is negotiated by the elders and male members of their families – father, husband, uncle and brother.

While local and judicial authorities may take into consideration children's rights, they often participate in disciplining underage children through detention in district police stations or jailing them for up to six months without due process. The right to do so is protected in the Somali Provisional Constitution, Article 29 (4). There are currently no juvenile laws in the Provisional Constitution that protect children's interests in accordance with the UN Convention on the Rights of the Child (UNCRC).<sup>36</sup>

### 3.2.2. SGBV and the statutory law

Statutory laws introduced during the colonial era and after independence were disdained and seen to be incompatible with the nature and norms of Somali society. There was an overwhelming and paramount preference for customary law over statutory law by politicians, who were by and large clan elders or men from major clans.<sup>37</sup> These politicians had no interest in modifying customary law after independence, as they themselves benefited from the protection and power provided by it and the continued social exclusion of minority groups. Whenever it was in their favour, politicians and clan elders enforced statutory laws for their own personal ambitions and economic gains.<sup>38</sup>

36. It should be noted that the UNCRC was ratified by the Somalia Federal Government in January 2015.

37. KII participants from host and IDP communities

38. According to some minority elderly men from Bantu clans, the practice of social exclusion was also adopted by the Italian colonial administration that confiscated fertile agricultural land. After independence, land grabbing by nomadic people who were politicians, clan elders and individuals they represented continued the practice of social exclusion.

Titles 1 and 2 of the Provisional Constitution of Somalia (2012) stipulate General Principles of Human Rights accorded to all Somali citizens. Under these Titles, there are 31 Articles that specify the fundamental rights accorded to all Somali citizens and those set out for permissible limitation on rights provided. Some of the relevant articles are:

- **Article 10:** protects human dignity.
- **Article 11:** protects equality of all citizens regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect.
- **Article 15:** protects liberty and security of the person, including freedom from all violence against women including FGM, which is explicitly prohibited.
- **Article 27:** protects social and economic rights.
- **Articles 34 and 39:** guarantees access to courts and redress for violations of human rights.

Many of these Articles simply fail to provide detailed human rights that can explain many forms of SGBV. The constitutional laws are written in ambiguous language and are not clear in what rights are being afforded to citizens. Rather, the language, combined with the fact that citizens are not aware of the statutory law, lead to misperceptions that foster pervasive acts such as discrimination and hate crimes. This also leaves wide gaps that ensure the continued relevance of customary law. Article 40, which deals with the interpretation of the fundamental rights, does not deny the existence of any other rights conferred by Sharia or customary law.<sup>39</sup>

The 1962 Penal Code is still current law in the legislation that addresses SGBV. It criminalises rape (Article 298) and other forms of sexual violence, as well as forced prostitution (Article 408). Articles 398–9 provide that ‘carnal intercourse’ and ‘acts of lust committed with violence’ are punishable with 5–15 years’ and 1–5 years’ imprisonment respectively. However, the crimes are too narrowly defined in accordance with international law standards of protection from SGBV. Furthermore, the legislation contains no age of consent. This omission leaves children particularly vulnerable to abuse. A new Sexual Offences Bill is currently being drafted by the FGS, in collaboration with local and international NGOs and the UN system, which will define the offences more broadly and the positive duties of the security forces, to prevent and punish, much more explicitly. According to the international NGO Legal Action Worldwide (LAW), which is the main technical adviser and drafter of the Bill for the Ministry of Women and Human Rights Development (MWHRD), the Sexual Offences Bill seeks to ensure that the numerous pronouncements of women’s rights and freedoms contained in the Quran and Sunnah, the primary sources of Sharia law, are fully implemented through the Bill. Therefore, this Bill is being seen as a model for Muslim majority countries emerging from conflict.<sup>40</sup>

Local and federal authorities often prefer applying traditional customary laws when addressing SGBV. This arises from Somali society’s wider belief that regards customary law as the supreme laws of the land, which they developed and have abided by since time immemorial. At the same time, there is a widespread belief that international laws infringe on customary laws and introduce chaos and disorder in society. However, this perception is based on an extremely limited understanding by legal enforcement authorities of human rights, as defined by the Provisional Constitution and other international instruments.

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39. See section 4 of Article 40.

40. L. Hogan, How do you stop rape in a broken state? Somalia is giving it a try, Women Under Siege, 25 March 2015, <http://www.womenundersiegeproject.org/blog/entry/how-do-you-stop-rape-in-a-broken-state-somalia-is-giving-it-a-try>

### 3.2.3. SGBV and customary law

The Somali customary laws – *Xeer Soomaali* – have two distinct elements: *Xeer guud* and *Xeer tolnimo*. The former, ‘general laws’, have nationwide applicability and do not need an agreement or contract, while the latter, ‘paternal kin law’, is applicable only to clan lineages (male descendants of great-great-grandfathers) and has diverse functions that arise, for example, when two lineages want to set new rules or agreements such as payment of *diya* compensation.

*Xeer guud* are “enforceable rules that emerge spontaneously as people go about their daily business and try to solve the problems that occasionally arise in it, without upsetting the patterns of cooperation on which they so heavily depend”.<sup>41</sup> It derives from a large number of verdicts being consistently upheld with respect to a particular custom, thus transforming that custom into law. The laws originate in the interactions of people and are regarded as a product of the reason and the conscience of the community,<sup>42</sup> and being in harmony with values that communities uphold. They insure members of all lineages against liabilities that arise from wrongdoings, although they are not punitive, rather they offer compensation payment.<sup>43</sup> Furthermore, the community holds that the laws are neither religious nor political but simply the prevailing norms and practices of Somali society.

Under customary law, human rights are defined within the context of natural laws<sup>44</sup> as property rights: rights in one’s body, rights in one’s freedom, *xor u dhalasho* (free by birth), and rights in one’s belongings. The rights to one’s body and freedom consider some aspects of universal human rights violations with regard to SGBV, although clearly not all aspects. For example, killing/murder, rape, physical assault, torture and unintentional wounding are human rights violations during peacetime, but not during wartime. Likewise, FGM and child and forced marriage practices fail to be regarded or recognised as human rights violations. Other disempowerment of women’s rights arises from their prohibition on owning livestock and land (including the natural frankincense trees that Sharia law actually permits women to own).

Taking a closer look at the human rights that Somali customary laws adhere to, it becomes clear that *Xeer* alienates most of the fundamentally recognised universal rights of women, children and minority groups set by the international community in both war- and peacetime. For example, customary laws protect the parents’ right to decide whatever their children will be subject to – whether this is FGM or child marriage. Moreover, some degree of physical, emotional and psychological abuse is widely considered a form of discipline, rather than SGBV. In nearly all FGDs and key informant interviews (KIIs) conducted as part of this study, participants (including youth groups) consistently referred to the above-mentioned forms of SGBV as part of their cultural norms and practices that are intrinsic to rules of conduct in Somali society and customary laws.

The enforcement of customary law is particularly harsh for women, and especially minority women (who are very often the victims of SGBV). Firstly, minorities do not have adequate representation at *Xeer* proceedings, and *Xeer* preferentially applies to the four main clans. Secondly, women are not allowed to speak at *Xeer* hearings. Any man present may speak while arguments are being heard, and it is the elders – themselves exclusively male – who decide how the matter is to be resolved. When compensation is settled by the court, the male members of the victim’s family will share the money, while the survivor does not enjoy her rights to justice. Furthermore, SGBV cases for minority women are rarely tried. Notwithstanding the advent of modern state structures and the Provisional Constitution in Somalia, modern, customary and religious systems

41. M. van Notten, *The law of Somalis: A stable foundation for economic development in the Horn of Africa*, S.H. MacCallum (ed.), New Jersey: Red Sea Press, 2005, p.14

42. Ibid.

43. Except for killing cases, whereby relatives of the deceased can opt for execution over compensation.

44. Natural laws are traditional and social norms that address rules of conduct and what people should do in order to live and work together in peace. They consist of: (1) avoidance of physical damage, (2) honour of social contracts, and (3) compensation/restitution of those whose personal and property rights are infringed.



frequently exist alongside each other – and, ultimately, customary law is pervasive and *Xeer* tends to supersede formal and religious law.<sup>45</sup> Customary law views sexual violence as a morality crime against communities (clan lineage) and not a crime against a survivor.

### 3.2.4. SGBV and Sharia law

Although clan elders insist that customary law has no basis in Islamic religious law, one can find elements of the Islamic doctrine in customary law addressing SGBV. Nevertheless, there are competing approaches towards the definition of SGBV by Islamic scholars as well as various Islamic jurisprudence schools (Sunni and Shia), making it hard to set a single method for defining and administering SGBV laws. Many Islamic scholars and religious leaders confirm that all types of SGBV have no ground or approval in Islam. Yet, various doctrines point to the propagation of some forms of SGBV, such as the use of physical violence against women and children or FGM. The discrepancies in interpreting the Islamic definition of SGBV lie in the attitudinal, behavioural and geographic diversity of its scholars.

In Sharia law, sexual violence is defined in the framework of Zina (sexual intercourse outside the marriage bound).<sup>46,47</sup> Islamic Sharia is drawn from two sources: the Quran and the Hadith.<sup>48</sup> If an incident of rape is proven, both the Quran and the Hadith call for *hadd*, capital sentence, for a man who commits rape.

Evidentiary and procedural systems of proving an act of rape are diverse among Islamic jurists. The common views are that of a single crime against divine rights, focus on whether an act of rape has taken place and whether the survivor had consented or resisted. In this case, the standards of evidence employed by the diverse jurists are: personal confession of the perpetrator; the testimonies of four sane and upright adult males who witness the rape and can give testimonies that contain no discrepancies about time, location and identities of the perpetrator and the survivor; and whether the intercourse was consensual or non-consensual. When a violation of divine rights could not be proven and witnesses could not raise evidentiary charges, then there is no other sentence to pursue.<sup>49</sup> The perpetrator is vindicated.

Other jurists bypass the inflexible rules for proving a rape act as mentioned above and regard the survivor as a sole petitioner/plaintiff by allowing oath and counter oath and two witnesses for testimonies rather than four. In addition, the use of circumstantial evidence is not permissible when an act of rape is determined as a violation of divine rights, but it is allowed in the case of it being a violation of personal rights. This type of evidence may include testimonies of people who either heard the survivor's scream for help or saw that she had been taken into isolation, as well as vaginal bleeding and other bodily injuries that could prove the rape act. In this scenario, the perpetrator may face corporal punishment and payment of a dowry fine. If the rape cannot be proven with the above-mentioned evidence, then the perpetrator faces lesser discretionary punishment but still pays the dowry fine.

The contradictions and lack of harmonisation between these three legal systems makes it difficult not only to have a common understanding of SGBV issues in Somalia, but also to address them properly, in accordance with international standards on human rights and gender equality.

45. IIDA and Minority Rights Group International, 2015, Op. cit.

46. H. Azam, Competing approaches to rape in Islamic law, in M.A. Fallinger, E.R. Schiltz and S. Stabile (eds.), *Feminism, law, and religion*, Surrey: Ashgate, 2013, Chapter 14

47. Islam views sexual violence as primarily heterosexual and pays no attention to same-sex violence regardless of age. In addition, Islam does not recognise spousal rape.

48. The Hadith are a collection of traditions containing the teachings, deeds and sayings of the Prophet Mohamed during his lifetime. The Quran endorses the Hadith highly as part of the Islamic faith that are to be observed and followed by all Islam believers.

49. Ibid.

## Testimony 1

Mother and daughter from host community

*The impact of the three legal systems in addressing SGBV (Karaan)*

I'm an 8-year-old girl. I used to go to the Quranic School in my neighbourhood but now I don't – I stay home with mom. One day when I was going to school I saw my neighbour – a boy.

He told me, "I can buy you candy from the store." I followed him and we went far away. On our way, we saw an elderly man and he asked my neighbour who I was. He replied that I was his paternal cousin and that he was taking me home. After we walked a little more, he took me under a tree.

My daughter is a minority child but she is from a major clan in Somalia and Ethiopia. I am from the host community and I moved here eight years after my husband got sick and was unable to work. I came back here to receive help from my paternal and maternal family members. I am a petty trader at the market. My children are always harassed and beaten up by the host community youth who see them as a minority (in number).

What happened to my daughter was molestation and injuries to her private parts. The perpetrator was recognised by all of my neighbours. In fact, the Quranic teacher shared with me that the perpetrator went to school a few days ago and requested that the child be released to him but he refused. I know him and his family in person. He took my daughter at the outskirts of Karaan and left her there. While I was searching all over my neighbourhood, I received a call from a relative who stated that my daughter was with an elder man who rescued her inside a cactus plant where she was dumped.

I reported the case to the police station, took my daughter to Medina Hospital and obtained the police medical report confirming that my daughter was raped. The perpetrator was arrested. In less than a half day, my clan elders showed up and they informed me that the perpetrator's clan elders were requesting that we use the traditional customary court to settle the matter. I told my clan elders that it was not me who was violated and her clan elders were not in the district but I could seek them in other parts of the town and would let them know.

After a long discussion on the issue that my daughter's immediate family or lineage members were not here in town, I was told to face the reality that my daughter had no one other than me to represent her and that they were suitable to address her needs for redress. Alternatively, I was told to go out and litigate alone with no support now and in the future for any of my children whether they are violated or violate others. The later statement made my stomach crunch and I knew for sure that if my children did wrong against any one that I will be alone to raise compensation money. So I decided to hear and agree with my clan elders.

Within a few days, my elders came back to me with few notes of money that couldn't even pay for her medication. I was told that was the compensation and they read "*Fatihas*" for my daughter.

*The impact of the incident on my daughter is like living in a nightmare. She is no longer a playful and happy child. She wakes up once or twice a night crying that someone is doing bad things to her. She is not as enthusiastic to learn as she was before or go out of my sight.*

## 4. LOCATING SGBV WITHIN THE CONTINUUM OF VIOLENCE IN SOMALIA

SGBV in Somalia is a complex phenomenon, which should be viewed within the wider context of Somali's history and linked to the history and continuum of violence experienced by the country over the past 30 years. SGBV was a feature of the traditional and cultural norms of Somali society prior to the 1990 civil war. Therefore, placing it in the continuum of violence in Somalia makes it possible to see the emergence of a pattern and the continuation of violence from relative peacetime before the conflict, during the conflict and post-conflict peacetime.

### 4.1. SGBV prior to conflict and civil war: Siad Barre Era (1969–91)

The violence of the Siad Barre regime from 1969 to 1991 should not be overlooked, where the use of state-sponsored violence was widespread and systematic against its own citizens to purge any dissent.<sup>50</sup> Not only was Barre's repression and war the origin of much of today's disorder and conflict, but those years have also left a deep imprint on the country's political state.<sup>51</sup>

Yet, the 1969 revolution that brought Siad Barre to power and saw the adoption of scientific socialism also brought about a major shift towards the promotion of individual rights and equality under statutory law. Barre's regime, at least in theory, banned the use of clan identity, customary law and social exclusion practices. Officially, every Somali was equal. However, in practice, Barre favoured a divide-and-rule style of politics that produced mixed outcomes for minorities. So, while Barre deliberately awarded senior political and military positions to members of certain minority communities, such as Gaboye and Tumul, other groups – in particular, Bantu – were still excluded.<sup>52</sup>

In 1975, the Siad Barre government amended the Family Law to guarantee women equal rights in marriage, divorce and inheritance, and illegalise gender discrimination, although, in practice, these provisions were not effectively implemented. The Family Law encompassed some elements of Sharia that were absent from customary law and that were in line with universal human rights that address SGBV. These included legal articles that gave women and children (male and female) rights to consent to or deny marriage, rights to demand divorce, rights to entitlement of child support, rights to share properties gained during marriage, and rights of mothers as the primary custodian of underage children.<sup>53</sup> In addition, the laws introduced the universal and commonly

50. For more details, see Enough Project, *Somalia: Colonialism to independence to dictatorship, 1840–1976*, Washington DC: Enough Project, 2012, <http://www.enoughproject.org/blogs/somalia-colonialism-independence-dictatorship-1840-1976>

51. World Peace Foundation, *Patterns of violence in Somalia*, Seminar Note, 26–28 September 2013, [http://fletcher.tufts.edu/~media/Fletcher/Microsites/World Peace Foundation/Patterns of Violence in Somalia.pdf](http://fletcher.tufts.edu/~media/Fletcher/Microsites/WorldPeaceFoundation/Patterns%20of%20Violence%20in%20Somalia.pdf)

52. IIDA and Minority Rights Group International, 2015, *Op. cit.*

53. Family laws uphold the Islamic rights of mothers as primary custodians of minor children and rights to receive child support from fathers; while the customary laws gave men full custody of their children who were regarded as clan's property. Men have rights to pay or withhold child support, even when they allowed some women to keep and care for minor children.

used legal age of children, under 18 years old, and prohibited marriage of children below the legal age. However, there was an exceptional rule that permitted children as young as 16 years of age to marry, only with the consent and approval of their parents.<sup>54</sup>

The adopted Family Law included one particular legal article, “equal inheritance of women and men”, which is un-Islamic. As a result, many began to view the government as “an apostate regime” and anti-Islam. Yet, despite vigorous opposition, the Family Law was implemented mostly in urban and rural settlements where government authorities were functioning and accessible.<sup>55</sup> The government advocated for and promoted programmes for learning individual rights of women through media. Women and children who were accorded individual rights began to seek legal redress on child support and custody vis-à-vis the Family Law. Some children who were participating in compulsory education programmes began to say no to child marriage. Even some religious leaders enforced the age limitation made on child marriage and refused to officiate and/or register child marriages. Urban women were reporting few incidents of sexual violence, and survivors were able to seek legal redress at local authority levels, without the interventions of clan elders. There was no fear by survivors of seeking legal redress, as their confidentiality was respected and local authorities (police and judiciary) followed the statutory procedures. In the rural settlements, where there was limited state personnel, traditional clan elders used to adjudicate on incidents of domestic violence, rape and physical assaults. Clan elders used to employ traditional culture and norms of *‘xil iyo xaal’* (responsibility and compensation) when incidents of rape were reported. In some cases, they did enforce marriage between the survivor and perpetrator as compensation to the survivor’s clan or financial compensation (livestock) was given.

However, some forms of SGBV were not addressed. The practice of the extreme form of FGM,<sup>56</sup> as well as physical, emotional and psychological violence against women and minorities, were chronic and the Siad Barre regime did little to counter this. The Family Law did not dispute the customary parental rights to practise FGM. Intentional rapes against women and girls by single perpetrators as a means of forcing them into marriage continued mainly in rural areas and places that were inaccessible to government authorities. The state was also accused of commissioning violations by the armed forces and those who supported it. After the Somalia–Ethiopia war in 1976 and the uprising against Siad Barre’s central authority, the Somali government military forces perpetrated mass rape of civilian women and girls in the central region of Somalia (Mudug) as a weapon of war, to subjugate and humiliate clan members who were very supportive of the uprising. This was the first recorded event of mass rape against women and girls by men in uniform who were official representatives of the Somali government. Similar events were also recorded in Somaliland in the 1988 uprising, and government forces were alleged to have committed mass rapes to defeat the uprising.<sup>57</sup>

Towards the end of the Siad Barre regime, the dissemination of weapons had an impact on the moral fabric of the society and on the inter-clan fighting, and the repeated, often sadistic, atrocities that characterised the later years of Barre’s regime should not be underestimated. Perpetrators of general violence and GBV were

54. Family laws required both marrying parties to be 18 years old or above and to give consent to an officiating and registered religious leader. Furthermore, the laws required parental approval and consent of marrying parties of 16 years old or above. The law prohibited marriage of children under 16 years of age.

55. Customary laws were in full practice elsewhere, and clan elders who had authority to settle disputes among community members went underground to provide services to those who were not interested in redress on statutory laws.

56. This most extreme form of FGM is called pharaonic type of FGM and consists of the removal of the clitoris, the adjacent labia (majora and minora), and the joining of the scraped sides of the vulva across the vagina, where they are secured with thorns or sewn with catgut or thread. A small opening is kept to allow for the passage of urine and menstrual blood.

57. See references to these events in J. Gardner and J. El-Bushra, *Somalia – The untold story: The war through the eyes of Somali women*, London: CIIR & Pluto Press, 2004. See also Africa Watch, *Somalia: A government at war with its own people. Testimonies about killings and conflict in the north*, January 1990.

never held responsible for their deeds. It became legitimate to kill for a political purpose or to avenge your kin, and banditry developed in both urban and rural areas before the fall of Barre. Young adults who grew up under this rule equated state power with treachery and violence. Indeed, the atrocities perpetrated by the clan militias in the 1990s mimicked the recurrent behaviour of the security apparatus since the late 1970s. The collapse of the schooling system, the ruined economy and the lack of state funds led many young men to join militias and to use their weapons for self-protection or to obtain what they needed.<sup>58</sup>

#### 4.2. SGBV during the years of conflict: 1991–2009

By 1991, state institutions had withered and there was an extreme politicisation of clan segmentation, due to the implementation of large-scale clan-based violence against civilians. Those clans who were seen to have benefited from the former regime or to have supported it were immediately targeted indiscriminately by the incoming militias, and this was used as a justification for violence against them. Traditional clan authorities became involved in the civil war, with men and male youth being recruited into clan militias, which were ruthless, forced women into prostitution, and used men of minority clans as forced labour.

With the conflict underway, there was no law and order. Social protection that existed under customary law giving protection to women, children and the elderly was no longer respected. All forms of physical, sexual, emotional and psychological violence were prevalent and there was no avenue for reporting such cases or seeking redress. The displacement caused by the conflict, along with the breakdown and separation of families, communities and clans, led to more severe consequences for protection networks. The combination of the use of weapons, khat, alcohol and other drugs, began altering positive traditions, behaviours and social norms in Somali communities.

Child and forced marriages were common and were seen as a means of finding protection for girls as well as a form of sexual bondage. FGM continued to be a common practice. Revenge killings were used as a means of retaliation, especially for rape cases against majority clan women and girls. As clan elders' authority eroded and with no ability to keep peace, prevent crimes or seek redress for wrongdoings, Somali communities simply began normalising and accepting horrific acts of violence. Traditional authorities shifted from peacebuilding to war, encouraging the formation of clan militias. Some male members from minority *sheegad* clans, who had previously enjoyed protection from the government, were forced to participate in the continuing civil war, while at the same time use of *social exclusion* against their communities became ever popular and rose to an alarming level.<sup>59</sup> In addition, religious leaders could not agree on how to find a peaceful way forward and rebuild their state. Instead, the formation of Islamic militias gained popularity, further contributing to the proliferation and normalisation of violence in Somalia.

As a way to reduce violent acts against women, communities and circumstances began chastising as well as forcing women and girls to change their dress codes and styles to that of Middle Eastern women – to wear veiled dresses and headscarves.<sup>60</sup> Wearing Islamic-style clothes from Middle Eastern communities was not new

58. D. Compagnon, *State-sponsored violence and conflict under Mahamed Siyad Barre: The emergence of path dependent patterns of violence*, World Peace Foundation, 2013, [http://sites.tufts.edu/reinventingpeace/2013/10/22/state-sponsored-violence-and-conflict-under-mahamed-siyad-barre-the-emergence-of-path-dependent-patterns-of-violence/#\\_ftn1](http://sites.tufts.edu/reinventingpeace/2013/10/22/state-sponsored-violence-and-conflict-under-mahamed-siyad-barre-the-emergence-of-path-dependent-patterns-of-violence/#_ftn1)

59. Majority clans misappropriated agricultural lands of minority groups and used forced labour against men, women and children; see L. Cassanelli, *Op. cit.*, May 1995.

60. Only a few women from coastal minority groups such as Banadirs and Bravanese communities were wearing veils and headscarves prior to the civil war. Moreover, labour migrants and their families from Somalia to the Middle East in 1970 contributed to behavioural changes of some women from other Somali communities to wear veils and headscarves. Nevertheless, the majority of Somali women were wearing traditional (*dirac* and *guntiino*) and Western clothes (long and short pants and short dress) prior to the civil war.

to women and men prior to the civil war. However, its actual enforcement created behavioural changes even towards children as young as one year old,<sup>61</sup> who also were made to wear long Islamic gowns, headscarves and veils. This was entrenched with the rise of Islamist militias and Islamisation.

FGD participants reported that, during the conflict, no one talked about any redress for any form of SGBV as it was regarded as a non-life-threatening condition. Killings, family separations and displacements were a greater priority to all family members. At times, clan militias took revenge against other militias when sexual violence against their women and girls were reported.

### *4.3. SGBV in the 'post-conflict' and statebuilding era: from 2009 onwards*

The stateless condition of Somalia was seen as a major challenge to reducing human rights violations that were taking place during the civil war. Communities in South Central Somalia continued to experience civil war, while the formation of several transitional governments and Islamic states ended in failure, as they were unable to provide security, services or basic protection against human rights violations. In 2012, a tentative peace was brokered between various clans and Islamic militias, successfully leading to the formation and recognition of the FGS.

The interviewees from the host communities stated that there was a slight decline in the incidence of SGBV during the post-conflict period. Clan militias who were alleged to be the biggest perpetrators are disappearing in Mogadishu, reducing the incidence of rape and sexual assault. Those most vulnerable to SGBV are IDPs and minority groups (boys, women and girls), who are easy targets due to their status in Somali society, lack of societal protection (through clan or by the government) and lack of access to justice. IDP minorities confirmed that most of the sexual violence was allegedly carried out by the host community men and youth, including military men or men wearing military uniform.

Harmful practices such as FGM and child and forced marriages are still taking place and are common, although they are constitutionally against the law. From the research, it was found that people used the local term for a type of FGM, 'Sunnah',<sup>62</sup> which is considered to be a 'lighter' version by locals, but mostly they still practise the most extreme type of FGM, which is locally called 'pharaonic', as described in Section 4.1. Many stated that, through awareness-raising initiatives by community-based organisations (CBOs), NGOs and religious organisations, the most extreme type of FGM (which involves infibulation) had been replaced by a slightly milder form – which involves incision or pricking of the clitoris without infibulation – although, in practice, there has been simply a change in the use of the local name to 'Sunnah'.

After several years of open conflict, an entire generation has grown up witnessing violence. This has had an impact on their attitudes and behaviours and their seeing violence as a normal occurrence. Intimate partner violence (IPV) is increasing in Mogadishu<sup>63</sup> as a result of the continuum of violence within the society.

61. Islamic doctrine does not require girls who have not reached maturity (puberty) age to cover their body but, as a way to normalise permanent dressing of Hijaab and headscarves, young girls begin to wear them before puberty age.

62. The first form of FGM is called by the local people 'Sunnah circumcision' or Type I. The term 'Sunnah' refers to the tradition as taught by the Prophet Mohamed. This involves the "removal of the prepuce with or without the excision of part or all of the clitoris" (see World Health Organization definition – <http://www.fgmnetwork.org/eradication/state/who.php>).

63. IPV represented 73% of the GBV cases received at the health centres supported by CISP in Mogadishu between February 2013 and May 2015.

As much as sex as a trade is said to be rampant in Somalia, most of the community members and authorities refuse to acknowledge it exists. This is due to the prevailing social norms that consider sex as taboo; and also to the fact that Somali people follow Islamic teaching. KII and FGD respondents shed light on this, indicating that the sex trade became less visible and went underground during the more recent years of war (2006–09), due to the influences of Islamic religious leaders as well as Islamic militia. Notwithstanding its invisibility, the sex trade continues and has resulted in the rampant practice of soft prostitution in which all communities, host and IDP, are involved as a means of earning wages. A few of the KIIs conducted for this research revealed the locations where clients and service providers meet. These locations are spread throughout Mogadishu and dubbed Guriga Shirkada ('Company House'). Moreover, pimps (male and female) are more accessible now than ever, as mobile phones have made it easier to set up meetings and transfer payments. Most of those who provide the services are adults and children, male and female, who predominantly are between 16 and 35 years of age.

## 5. SOCIAL NORMS, TRADITIONAL PRACTICES AND SOCIO-ECONOMIC FACTORS THAT PERPETUATE SGBV

The contributing factors to SGBV and its continuance in Somalia can be attributed to social norms and structures that condone gender discrimination and unequal power relations between men and women – taking into account their class, ethnicity and opportunities to access and control resources. The domination of women and girls is upheld and justified through social, moral, cultural, religious, political and economic norms, which consistently place women and girls at a lower position than men and boys, and lower them further depending on their clan identity and socio-economic status.

### 5.1. Social and cultural norms

Social and cultural norms are rules and behaviours that can derive from customary laws, religious teaching or practices that have become a norm because many people are expected to behave in a certain way by the larger community/social group. These norms also define the ways SGBV is conceptualised and defined in Somalia.

#### 5.1.1 Concepts of SGBV in traditional Somali societies

A study examining the concepts of sexual assault in Somali society and the way society deals with rape traditionally has shown that there are two specific words for acts of sexual assault in traditional Somali society.<sup>64</sup> The first one is “*Kufsi*”, which could be translated by the Western term ‘rape’. Traditionally, the word was used to describe forced sexual intercourse with a woman. The study stressed that “*kufsi*” comes from the work “*ku*” which means ‘to fall down’, and implies ‘both the use of force to make the victim fall down and a drop in value to the honor and prestige of those who are forced to fall down’.<sup>65</sup> The second word is “*Faro-xumeyn*”, which means ‘bad-fingered’, and describes acts of physical and psychological violence against women (wife-beating, rape). Traditionally, both terms are interchangeable.

Somali tradition also defines other types of sexual abuse. They include: rape to force a marriage, which happens when the bride-wealth of a girl is considered too high. In that case, the eligible suitor will rape the girl and then negotiate with her family in order to obtain a reduction in the payment. The family usually accept as they will be anxious to arrange a speedy marriage. Another type of forced marriage called “*Dhabar-garaac*”, defined the abduction of a girl by a group of raiders. The practice involves physical and psychological abuses to force the girl to marry the abductor. It had disappeared but was revived during the war, when an increase number of women found themselves without protection. These two forms of forced marriage occurred mainly in

64. F. Musse, War crimes against women and girls, in J. Gardner and J. El Bushra (eds.), 2004, Op. cit., pp.69–96

65. Ibid.



nomadic societies. The last form of sexual abuse is called '*Laheyste-galmo*', which means sexual hostage. This practice, which used to occur during the time of inter-clan warfare, involved armed men raiding the settlement of an opposing clan to either kidnap women and young girls or occupy the settlement and keep the women in captivity in their own homes. The victims were then used as sexual slaves to not only provide sexual services but also cook, clean and watch the herds of their kidnappers. This practice was also revived during the war, particularly in Somali refugee camps within Somalia or in neighbouring countries such as Kenya.<sup>66</sup>

### 5.1.2 The complexity of norms surrounding physical and sexual violence

These practices described above, in particular physical and sexual violence, more particularly rape, abduction, killing/murder, physical assault, torture and unintentional wounding, are prohibited by the customary laws in Somalia. This violence is against the traditional, social and cultural norms that dictate the rules of conduct for people to live and work together in peace. This code of conduct stipulates the avoidance of physical damage, the honour of social contracts, and compensation or restitution for those whose personal and property rights have been infringed. During warfare, these tend not to be followed or binding.

However, these rules of conduct also allow for some forms of physical violence that are regarded as disciplinary methods for parents (male and female), guardians (male and female) and men. These include physical, emotional and psychological violence against children (male and female) and women (wives, daughters, cousins, etc.). Customs offer limited interference with respect to certain types of physical violence, such as domestic violence against married women.<sup>67</sup> In practice, IPV or violence against children is considered a family affair where neighbours or relatives have no say, unless the victims are severely harmed. In the case of the IDP communities in Mogadishu, there might not be the protection of the clans, so, even in case of severe injuries, victims might not be helped by neighbours.

FGD and KII participants voiced their concern and disagreement on severe and harmful injuries that result from physical and domestic violence against women and children. Some respondents also noted that there are traditional means of addressing it: *xaal marin* (compensation for violation) that could either be a verbal apology and financial remuneration and/or *maslaxo* (addressing the interest of the victim), which requires paying medical bills to restore the survivor to his/her pre-SGBV condition. Nevertheless, physical violence is widely viewed as a method of discipline that can be rightfully used by men over their wives and parents over their children according to their interpretation of Islamic doctrines and traditional practices.

IPV and domestic violence are resolved through the traditional clan system, even in the most severe forms, when it results in a miscarriage of pregnancy or severe physical injuries that impair or disable women. Throughout the FGDs and KIIs conducted, women participants stated that there are fewer known cases of domestic violence against men,<sup>68</sup> which is indiscriminately viewed as improper by Somali society and is immediately dealt with either through divorce and/or legal redress that results in emotional and financial punishment for women.

66. Ibid.

67. The customary law defines marriage as a legal and binding institution of a man and a woman whereby the husband has usurpation rights to his wife's womb and offspring, while her family and clan lineage have the rights of her body (blood and bones). Therefore, the customary laws are against severe domestic violence against married women that can result in heavy and visible wounds and they allow a survivor means of redress through her immediate family and/or clan lineage (men only) to represent and gain compensation, which she may or may not receive from them.

68. Adult female participants from host communities and IDPs reported that financial difficulties coupled with multiple marriages of men are the main drivers of violence against men, which may include use of boiled water and/or oil over their bodies.

Religious and social norms prohibits sexual violence; however, as in every society, rape and sexual assault happen within the society. The social norm around sexual behaviours in Somalia is that talking about sex is taboo. This hinders the capacity of victims or witnesses of sexual violence to talk about incidents, or seek medical, psycho-social and legal services. Sexual violence within marriage is even more taboo; the social norm within marriage is that a husband has the right to sex unless the wife is sick or unwell.<sup>69</sup>

The social norm that indicates that a woman belongs to a clan or a family also does not encourage justice or health-seeking behaviour after a sexual violence incident. Indeed, a survivor might feel she needs to protect her dignity and the dignity of her family and decide not to report the case to service providers or family members. The fact that she knows that obtaining justice is not feasible will further reinforce her decision not to report, especially in the case of women from minority clans.

## Testimony 2

IDP girl

*Child marriage*

I am a 14-year-old girl from non-host community. I live with my grandparents who are old. They fled from Middle Shabelle during the civil war, losing all they had, home and farming land. When they arrived in Mogadishu both of them became beggars. I was brought to them when I was five years old along with my other brother who was then seven years old. After few years, my grandparents who were old got sick and unable to provide for my brother and me. They asked my brother to go out and work and he began begging too.

As I grew up, the grandparents became feeble and my grandmother lost her sight. My brother continues to beg for us and I look after them. After I serve them breakfast, my grandmother and I talk social life and she shares with me family stories and how my grandfather was a successful farmer who saved money to buy public transport vehicle to make extra money for his family. I developed an intimate and loving relationship with my grandmother.

One day, after an elder visited them, my grandmother called and told me that the elder wants to marry and that she and grandfather gave him consent to marry me. I was shocked and frightened. I don't want to marry an old man but I'm afraid to make them unhappy if I say no. I don't want to be "caasi" and be cursed by them. I don't know what to do now.

*After the interview, the research staff asked her what could happen if she insists on saying no to the offer. She offered no answer but hinted that she will not be able to go home and that she has nowhere else to go. The staff asked her if she had a place to go would she consider saying no and she answered yes.*

69. These norms were collected by CISP staff during community dialogues and trainings of service providers.

### 5.1.3. Traditional practices: Child/forced marriage and FGM

There are two forms of traditional harmful practices that most participants in FGDs stated as being on a relative decline in Somalia: (i) child/forced marriage, and (ii) the severe (pharaonic) practice of FGM. Although child/forced marriage and FGM have been regarded recently in Somalia as malpractice of Islamic doctrine, authoritative and coercive parents or grandparents perpetuate these practices.

In Somalia, marriage of children<sup>70</sup> is not contrary to Islam and customary. Likewise, in the statutory law, Article 28, Section 5 of the Provisional Constitution makes no prohibition of child marriage, but specifies a conditional clause that requires consent of both marrying parties and that they have reached the 'age of maturity'. Although Article 29, Section 8 defines a 'child' as a person under 18 years of age, there is no prohibition of child marriage as the age of maturity is not defined, which leaves room for various interpretations.

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*"If we don't force and/or arrange marriage for our (female) children, they will face a lot of social problems such as rape and pregnancy that marriage covers up."*

**Female IDP from a minority clan – Karaan**

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Some children are married through parental coercion<sup>71</sup> and/or in order for the child to avoid being accused of disobedience (*caasinimo*), which may result in physical violence being used against them. Islamic law permits boys and girls to marry at the age of *baaluq* ('maturity'), which is determined based on a child's physical development. For boys, this usually coincides with when they are around 15 years or older and when their bodies are able to secrete semen. For girls, some Somalis' understanding of 'maturity' is when they begin menstruating, which can start between the ages of 9 and 15. Other people in Somalia understand that maturity of girls can be more than the menstruation, for example, the development of the hips/pelvic bones or the psychological development to an adult state. However, this point of view remains the one of a minority of more educated people. Many Somali communities do not view forced and child marriage as a type of SGBV.

IDP communities stated child and forced marriage among their youth has increased and is continuing in that direction. Among the IDPs and minority clans, child marriage is believed to be an economic and social means to address some of their challenges. They believe that active discrimination and social exclusion have made their community vulnerable to SGBV.<sup>72</sup> Marriage is often seen as a means of improving the status of young girls and boys within the community, and it can solve all negative and social stigmas attached to girl survivors of sexual violence. Child marriage provides remedies when girls lose their virginity or become pregnant as a result of sexual violence or of 'secret marriage'.<sup>73</sup> According to adult (male and female) IDP participants, it is difficult for a girl who has been sexually violated to marry. In some cases, the perpetrators of violence are forced to make marriage offers.

Several social norms converged towards the idea that child marriage is actually a normal practice. The interpretation of the age of maturity (by men mainly) and, more strongly within minority groups, the belief that marriage can protect a girl from rape or can protect her dignity after a rape are both contributing to the normalisation and practice of child marriage. These social norms are reinforced by the economic aspect of marrying a child: the dowry will bring money to the family.

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70. Children are defined in this report according to the international standards, meaning any person under 18 years old. The local point of view might differ sometimes.

71. It is not easy to grasp the extent of this practice. At the time of writing this report, there are no available data.

72. KIs and FGDs with IDPs and minority groups in the three research districts

73. Secret marriage is a local concept for sexual intercourse before marriage.

Nearly all participants in FGDs and KIIs believed that the most extreme type of FGM (infibulation, or the more severe form of incisions) is fading in favour of the 'Sunnah' form (which is considered locally less severe). However, the diverse interpretations and practices of the more extreme or less extreme forms of FGM are very different depending on who is talking. It seems that the new social norm is for people to accept the 'less extreme' type of FGM, which is still a norm that supports FGM, whether it is supported by some interpretations of Islam or by cultural norms. Whether the malpractice of FGM results from financial gains of practitioners, or the socio-political interest of Somali communities in subjugating women and girls, the reason(s) for the continuing demand for FGM are complex. The newly adopted Somali Constitution prohibits FGM practices. However, neither the local nor the federal authorities enforce the law.

Some religious leaders regard FGM in the less extreme (Sunnah) form as *mustahab* ('desirable'), although not obligatory, and, in many Muslim countries outside Africa, FGM is simply not practised. On the other hand, in Somalia, no girl under 10 years of age can demand exemption from circumcision. Such a demand is seen as *caasinimo* ('disobedience') to one's religion and parents. However, recently improvements have been seen towards ending this traditional harmful practice: some religious leaders in Mogadishu are starting to declare publicly their opposition to all forms of FGM.<sup>74</sup>

Most of the FGD and KII participants attribute the decline in the practice of the most extreme forms of FGM to the ongoing campaigns sponsored by international donors, international NGOs, CBOs and religious leaders. The MWHRD stated that UNICEF sponsored the first draft of a policy designed to enforce the FGM ban. However, female parliamentarians of Somali Women's Caucus interviewed as part of this study claim that lack of communication between them and federal ministries on all agendas pertaining to the rights for women and girls is slowing down the process.

#### 5.1.4. Societal attitudes

- *Emotional and psychological violence*

The effects of verbal and non-verbal abuse that undermine a person's sense of wellbeing is widely used against women, girls, children, people with disabilities and minority groups (particularly Bantu and occupational outcasts). However, verbal abuse is a common practice among almost all Somali communities. Participants including youth groups reported that there are reasons behind use of emotional and psychological violence. Firstly, communities commonly employ name calling, labelling of unwanted characteristics, and blasphemies such as fool, thief, liar, prostitute or loser. Such verbal abuses are used in traditional poetry forms and are geared towards making a person respond in self-defence. They respond in the negative form that is demeaning, such as saying, "I am not that." Such verbal abuse is used to make a person feel worthless in order to establish control over them. Youth and adult participants from host communities stated that emotional and psychological violence is often used against minorities in order to subjugate them. Host communities often use the expression *looma ooyaan waa looma aaraan* ('no one cries for you and no revenges for you') to describe the presumed pathetic conditions of Bantu life.

Other verbal abuses that aim to subjugate are everyday threats against minorities and weaker clan members. Another commonly used expression is 'the worth of your life is a bullet', which literally refers to the low cost of a bullet (US\$0.25) that could be used to kill the person. Host community youth interviewed in this study, who talked about their participation in SGBV, vividly explained the notion of superiority. When the youth are

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74. Religious leaders workshop organised by CISP in 2015: [www.cisp-som.org](http://www.cisp-som.org)

accused of sexual violence, they themselves or their families come to their defence by saying: “*how dare you accuse me of using inferior women and girls,*” and “*how dare you degrade my superiority and say I used inferior women and girls.*” This language is further indicative of how rape is viewed in Somali society – in these expressions, it is replaced by the word ‘use’.

Within the host communities, girls are subjected to more frequent verbal abuse than boys. Parents and male siblings threaten their daughters or sisters so that they don’t stray outside, and are not tempted to engage in activities that could get them into trouble. Most participants reported that many Somalis either don’t understand the implications of emotional and psychological violence, or they often overlook or ignore it.

- *Social norms encouraging social exclusion*

The practice of ‘social exclusion’ is among the key issues that underpin SGBV, reinforcing inequality between the clans. If perpetrators are from the majority clan, the minority elders usually have very little bargaining power to ask for compensation. The real threat of further violence – including eviction from the camps and the enormous challenges they face due to disbelief of their ordeal by local authorities – guarantees their silence and further exclusion.

This exclusion of minorities has been further entrenched in the political system of the country. The FGS was selected using the ‘4.5’ system – a power-sharing formula that provides equal political representation to the four major clans, while the country’s remaining minorities receive an additional half-share as a collective. However, the 4.5 clan-sharing agreement has been controversial. While it does provide representation for minority clans, it has been criticised for deepening social divisions. It also fails to reflect the size and diversity of Somalia’s minorities, reducing all of the various minority clans into a 0.5 sub-group that is not based on the actual net population and ignores the range of societal customs that characterise each one. Ultimately, under the FGS, Somalia has seen the revival of clan elders’ authority and the use of customary law.

## **5.2. Socio-economic factors**

A range of socio-economic factors are thought to underpin and contribute to the occurrence of SGBV – such as illiteracy and poor education, unemployment, limited or lack of financial means, urban migration, family breakdown, poor shelters, parental negligence of underage children, limited or lack of household responsibilities for men, and poor quality of male leadership and male role models. Some of these factors are examined below.

IDPs live in poor insecure shelters that are made of plastic materials, cardboards and tins, and with no doors. As a result, perpetrators (armed and non-armed) of physical and sexual violence have easy access to get in and on some occasions make male members (husbands, sons, other relative men) and children watch their acts.

IDP communities are engaged in daily-wage jobs, such as laundry service, garbage collection, cleaning, market porter, etc. Most of the local authority and federal jobs are held by host community members or those from the major clans, with the authorities failing to promote equal employment opportunities. Currently, the private sector is the largest employer, and women and minority groups have limited access to job opportunities.

Most IDP men used to be herders in the rural areas. Their new status as unemployed or casual workers can be frustrating for them and, therefore, might be a trigger to use violence in their house towards their wife or children. In the data collected by service providers on the ground, most of the alleged perpetrators were unemployed or casual workers.

Due to displacement and lack of job opportunities, women increasingly function as sole breadwinners in Somali families, and the roles between men and women and husband and wife are shifting. Domestic violence against women is often rooted in the particular financial situation of the household. Firstly, as men have 'granted' permission to women and children to work outside the household, in return, men expect financial remuneration from their earnings. Moreover, when the woman or the children do not bring home the expected amount of money each day, it is justification for the man to beat his wife and/or children. There is a saying to describe this situation in Somali: *Maxaad keentay, kistay isii* – 'what you have bought, give me my share'. Some men are also frustrated at not being able to play their role as breadwinners and manifest this frustration in physical violence. This demonstrates how the deterioration in social and economic structures can result in thwarted masculinities and subsequently lead to violence by men.

Research participants mentioned that children in IDP camps have lower access to education than in the host communities, and children from IDP camps are involved in child labour to support their family from an early age. There is a vicious cycle of poverty, lack of education, child labour and unemployment of adults that is mainly happening in IDP camps and in lower-income neighbourhoods. This vicious cycle contributes to child marriage and higher risks of physical and sexual violence towards children and women.

### Testimony 3

Woman from IDP community in Yaqshid

*The socio-economic impact of SGBV*

I'm a 29-year-old mother of three children from an IDP community. My husband is a porter and earns very little amount of money, about US\$2–3 a day. I supplement my husband's income with sales of naturally grown greens, '*bukuraay*', which I harvest from riverine areas near Afgowe town, Middle Shabelle. '*Bukuraay*' is part of the daily food that I also cook for my family. My daily routine begins with fixing breakfast for my children and joining later with other women who have similar endeavour. We take a local bus for my daily travel. One day, while in the middle of harvest, two friends and I were approached by four men in military uniform with guns. Then I was sexually assaulted and my return transport money and hand telephone were robbed. My friends also had similar experiences. We may recognise the perpetrators but we don't know where to find them.

The shock of the sexual violation along with the loss of communication with my family and means of transport, I decided with my friends to walk to a nearby village where they knew people who could host and support us. Upon returning home the next day, I decided not to share my experience of violation with my husband and I kept silent. I reckon that my husband respects my silence with understanding that the violation is beyond our capacity to address it.

After being sick for a few days with depression, anxiety and fear, coupled with loss of supplemental income and nutrition for my family, I decided to search a job in town. I found a casual labour job as cloth washer for a neighbour not far from my IDP camp but I became unhappy with the job. I began dialogues with women from my family and neighbours who also collect '*bukuraay*' for their families and then we all decided to go out in a larger number, more than five persons. Since then, nothing has happened but we are always alert when we are harvesting greens. A slight wind sound occasionally sent us in all directions to run.

### 5.3. Limited access to justice for victims

Victims are often reluctant to come forward to disclose their experiences and report incidents of GBV to the relevant authorities, because of social norms encouraging silence around such events. The unfavourable interaction between a weak statutory justice system and a strong customary system leaves victims of SGBV without justice. The judicial system suffers from interference by elders in cases of SGBV, where they prefer to deal with such cases under customary law.

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*“Rape has become an everyday crime that wiggles itself free from any justice.”*

**Female interviewee from Karaan**

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Customarily, issues of sexual violence are seen as communal crimes and not crimes against individuals. Survivors of SGBV are normally represented by their male family members and compensation is paid to the *diya* paying group, which is the male lineage. This traditional settlement does not ensure justice for the survivors and propagates violent acts against women; it deprives them of financial support, while they are suffering violent trauma.

The formal judicial system is not strongly established in Somalia. Survivors encounter challenges in obtaining justice for cases of SGBV. One major challenge is the preference of the courts and elders to refer back to the elders to settle the incident to the benefit of the male members of the family. Secondly, the process of gathering evidence of a sexual assault is complicated, with only one hospital in Mogadishu authorised to carry out medical examinations of SGBV survivors. Moreover, the cost of the legal proceeding and the imprisonment of the perpetrator falls back on the survivor and her family. All these challenges contribute to limited access to justice for women survivors.

When properly executed, the current procedural steps for investigating and enforcing laws around SGBV are as follows. It costs approximately US\$100 for a survivor to open a case with the Regional Court. When rape survivors report to the police station, a medical examination form is issued to them by police officers and they are then escorted to the emergency ward of Medina Hospital in Mogadishu.<sup>75</sup> The medical form has two sections – one covering light injury, and the second covering severe injury. Only severe injury cases are considered for legal action.<sup>76</sup> The police issue an arrest warrant if the survivor can identify the alleged perpetrator(s). When the perpetrator(s) is arrested, the district police station sends a brief report directly to the Banadir Regional Court that handles incidents of sexual violence.<sup>77</sup> The Regional Court sets a hearing date, while a police criminal investigator assigned to the case is charged with preparing all evidence and witnesses.<sup>78</sup> This study interviewed a key informant from the Regional Court who claimed that only five rape cases were adjudicated in 2014. Legal enforcement authorities favour customary law settlements when clan elders are involved. However, even when a case is tried in a Regional Court, if the judicial system sees the involvement of clan elders in

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75. Medina Hospital is the only hospital that the police authorise for all medical examinations of reported incidents of violence. There is only one doctor who is responsible for signing the police medical report.

76. Severe injuries include evidence of rape penetration (external and internal semen), together with corroborating forms of body injuries, such as laceration, bruises or bleeding.

77. Almost all of the clan elders of the perpetrator/s and survivors are aware of the maximum 48-hour jail period and attempt to withdraw the case from the district police before they pass it to the Regional Court. FGD and KII participants stated that limitations on financial resources to pay for the illegal release service make some clan elders no-shows. This often relates to violations made by minority groups as well as poor households from major clans. In addition, clan elders are aware that, if they fail to pay the illegal release service at district level within 48 hours, the case will go to regional level where the cost of the release increases.

78. Some participants stated that, at times, some clan elders approach and bribe the police criminal investigators who are handling the case to bypass the district police heads in order to reduce the release cost. Later, they wait for a verdict before they begin lobbying at the Regional Court if the criminal investigator fails them.

the case, it provides the court reassurance that it is a valid case. CBOs provide legal aid services for some survivors of SGBV, and they act as one of the few avenues for survivors to access any form of justice. FGD and KII participants stated that most survivors, and in particular the minority groups, refrain from ever following up their cases in court because of financial costs,<sup>79</sup> fear, stigma, lack of confidentiality and the negative behavioural attitudes towards them by the legal authorities. The impunity that perpetrators are given by default is encouraging the use of physical and sexual violence.

## Testimony 4

Journalist from Mogadishu  
*Media and SGBV*

I'm a professional journalist working for a privately owned media that uses radio broadcasting and website publications of current news and social events in Somalia. I got interested in SGBV issues and heard about local debates on SGBV data published by international news channels and international donors and UN Human Rights. I followed up a case and I was able to interview the survivor who was from the host community. I made radio broadcasting and website publication of the interview. The survivor has alleged she was gang raped by colleagues who also happen to work for the National Security Agency.

After the broadcasting, security forces came to shut down my workstation. I was told that they are taking all of my radio equipment, computers and other office materials as evidence against me. Shortly afterwards, I was arrested, tortured with electricity and physically beaten while I was in a blindfold. After nearly a month, I was released on bail. The allegation against me is that I made a false report and that my actions were meant to give a bad image of government officials thus contributing to civil unrest in the country. My court hearing is pending.

79. FGD and KII participants confirmed that access to justice involves not only paying the court fee but also paying for the services of the legal authority as '*howl iududeen*' (services expedition) to avoid the costs that survivors may incur when seeking justice. These include loss of wages, transportation, etc.



## 6. NORMALISATION OF VIOLENCE

### 6.1. Normalisation of sexual violence at community level

Somali communities have come to see SGBV as 'normal'. FGD and KII participants (excluding local and federal authorities, and parliamentarian women) confirmed that the 'normalisation' of violent acts resulted from the high frequency of violence during the civil war period, as well as limited redress in the current peacetime period.

Rape is broadly considered a form of SGBV in Somalia, although some part of the population, including some authorities' representatives, do not recognise 'attempted' rape as a form of SGBV. Nevertheless, some current rape incidents are not regarded as a common crime if the perpetrators' motives are related to the prospect of marriage deals.<sup>80</sup>

According to research participants, rape is a rather common occurrence in their respective districts, Yaqshid, Bondhere and Karaan. Moreover, host communities confirm that IDP communities from minority groups have a higher incidence of rape. Most FGD and KII participants claim that local authorities often fear for their own security when dealing with incidents of rape (for example, they might be sacked if they go after a well-connected perpetrator) and, in most cases, refer to clan elders for intervention. Thus, local authorities, in acts of self-preservation, do not inform federal authorities, who remain unaware of what is happening in these communities. Some representatives of the authorities fear that Somalia will suffer negatively, especially in the eyes of the international community, if it is labelled a country where sexual violence and rape is normal.<sup>81</sup>

Minority women IDPs, who comprise most of the rape survivors, stated that they use the normalisation of rape in their favour, to hide such incidents from their husbands and other male relatives, who are unable to prevent these acts and/or to support their female relatives in gaining redress, due to their minority status. In a way, they expressed that they want to protect themselves and their male relatives from more trouble. These minority women stated that their claims as rape survivors often draw punitive actions, such as belligerence, arbitrary arrest and eviction from IDP camps by host communities or local and federal authorities. As a result, many are frightened to officially report the incidents of rape even to their immediate families.

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*"I see the perpetrator walking free in our neighbourhood, as if he did nothing wrong and without any sign of being remorseful. I have learnt that he was not alone in contemplating the act of violation against my daughter. He hangs around with peers who are said to be doing harmful violations against girls in the community. No one talks about the danger they pose to our neighbourhood. The perpetrator's family never came to offer an apology. It seems that the violation against my daughter is seen as a normal incident like two kids fighting."*

**Testimony from a mother from a host community**

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80. In rural and urban settlements, men often commit rape when the bridal dowry of women becomes unaffordable to them. The acts were often a single rape by one perpetrator who may be supported by members of his family and/or clan lineage to abduct and rape a woman. Apparently, gang/group rape is currently practised with no prospect of marriage offers.

81. Human Rights Watch, 'Here, rape is normal' – A five-point plan to curtail sexual violence in Somalia, New York: Human Rights Watch, 2014, [https://www.hrw.org/sites/default/files/reports/somalia0214\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf)

There is finger pointing between host and IDP communities about who are the perpetrators of rape and there are no available data to support either side. However, in FGDs and KIIs with youth participants, youth from host and IDP communities stated that youth acts of rape often target minority IDP communities whom they view as inferior ethnic groups. Other participants stated that men in uniform (military and police) and men in civilian clothes with weapons (rifles and guns) are the main perpetrators. In general, within the host community, there is a reluctance to acknowledge that sexual violence can be perpetrated by family members, relatives or family friends. They perceive rape as being mostly the affair of poor IDPs with perpetrators being armed groups.<sup>82</sup> During the research, household members, such as male relatives (maternal and paternal), neighbours, and secular and Islamic educators were also identified in FGDs and KIIs as perpetrators of rape against children, sometimes as young as three years old.<sup>83</sup> In addition, youth participants from host and IDP communities reported some incidents of rape against young boys who suffer developmental and mental health problems. During FGD discussions, some youth from minority groups also reported that during sports and game events, when youth from minority clans win a game, the young men from the majority clans use sexual violence as a way of emasculating them and showing them that winning the game is nothing. Male respondents also reported that incidents of rape happen to men they know.<sup>84</sup>

With the exception of youth participants, all adult research participants, including local and federal authorities, confirmed that there were fewer incidents of SGBV (excluding FGM) before the civil war. Furthermore, prior to the war, cases of SGBV were dealt with through government laws that gave satisfactory outcomes to survivors of SGBV and without the interference of traditional clan elders. This should be qualified, however: statutory laws were enforced in urban cities and towns. In rural settlements, clan and/or community elders were involved in redress discussions. During the civil war, SGBV and in particular rape was rampant and there was no legal redress, not even through the traditional system. Rape incidents at that time were settled through fighting among different clan members who were armed. This often served to prolong and exacerbate inter-clan strife. Incidents of rape against minority clans, who were typically not armed, went unnoticed and were regarded as normal. Settling rape cases through violence was considered a privilege accorded only to those who were armed.

At present, host and IDP communities have seen some degree of peace and claim there are changes in the aggression and threats from the civil war period. IDP communities stated that clan militias who were the perpetrators of rape incidents have disappeared, but have been replaced by men in uniform. FGD and KII participants from minority groups cited insecurity, discrimination, injustice, and lack of recognition of equality between powerless minority groups and powerful majority clans as some of the challenges that continuously face rape victims, even when local and federal authorities are present.

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82. This observation had been made through community dialogues and training of service providers by CISP.

83. During the data collection in Bondhere district, a criminal investigation police officer allowed the research leader to review and attend a court hearing of a sexual molestation case of an eight-year-old girl. The alleged perpetrator was a maternal uncle who had migrated from a rural settlement and was staying with his sister's family. He used a knife and threats of an incoming attack by Al Shabab to subdue the girl while taking her outside the house and raping her. In this case, the father of the alleged perpetrator declined any use of traditional elders and opted for the use of statutory laws, and as a result the district police began processing the case.

84. Somali communities see sexual violence of men as a reduction of their masculinity and often label survivors as "he's been womanised". As a result, men are often silent about it, even when survivors could be members of the research participants group. In this case, they will shyly give you examples of hearing it indirectly from other male victims.

Adult participants of FGDs and KIIs, from host and IDP communities, reported that incidents of date rape<sup>85</sup> are increasing. Moreover, host community youth groups confirmed that date rape cases are the least reported cases, even though it targets women and girls from host and IDP communities. When young girls reject sexual innuendoes or relationships with young men, they take such rejection as *Jees-Jees* (mockery) and see it as a devaluation of their manhood. Young men stated that they attempt by any means to rape these girls to show them they are 'men' with manhood (*raganimo*) traits. They lure and trick young girls into relationships – for example, they promise offers of marriage – and then take them to houses and rape them. They stated that use of modern technology, such as telephones with video recording, Facebook and YouTube, are tactics employed by the youth and men to humiliate and keep women and girls quiet. Most of the survivors keep silent for fear that their parents or guardians will blame them.

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*“If you approach a girl from your community and she refuses to have a dating relationship, then you share your disappointment with your peer group. We talk about how to deal with the girl. Based on your feeling and experience about her, you can opt to go back to her, make yourself humble and speak softly with her. If she continues her refusal, then another person from the peer group attempts to win her and if she refuses then another one goes for her. We continue this until she falls for one among the peer group. After he dates her for a few weeks, we arrange to rape her collectively. We do this for discipline and to give her an example of what manhood is.”*

**FGD with youth group in Karaan**

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Research male participants stated that the rape of women and girls results sometimes from the demands of formal marriage that become costly and unaffordable to many young men. In order to reduce the obligated amount of the dowry, men will often make plans to rape women and girls, which, in turn, reduces their worth for a dowry. During FGDs and KIIs, youth participants from host and IDP communities stated that acts of date rape are regarded as a right to exercise *raganimo* (manhood).

After the war, behavioural changes such as lack and/or limited respect towards women, parents, community and clan elders, coupled with the normalisation of violence and transgression, were noted to be underlying factors that contribute to incidents of SGBV. There is an alarming trend now that perpetrators of rape prefer gang or group rapes over single rape. Group or gang rapes require less compensation payment to the survivor's family. Clan elders treat collective (gang) rape of a single woman or girl as one incident, which means the *diya* settlement is the same amount for individual and gang rapes. The difference is that, in a gang rape, all those who participated split the obligated amount to be paid, which comes to nearly nothing.

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85. Date rape is a local term for rape occurring when a young man invites the girl for a 'date' and then the rape occurs while they are on that date. Service providers working with CISP have often reported that young men promise marriage but commit rape instead.

## Testimony 5

IDP community youth

*Addressing SGBV through child marriage*

I was a 13-year-old student (grade 6) from non-host community and I lived with my paternal aunt who raised me in her family since I was four years. My aunt is a community activist and she works with a CBO and her husband is a casual labourer. My aunt pays the school fees for her children (two girls and a boy) and me. I was very happy with my life until things went wrong one day.

It was Friday and I had no school. I washed and combed my hair but I needed hairbands to hold them together. My aunt gave me some money to go to a nearby shop to purchase some. I went to the store but the owner wasn't there. A female relative was looking after the business. She said that they had run out of hairbands but she would get me some from the house, which was adjacent to the store. Once she had served the other clients, she guided me in two rooms behind the store while calling someone and giving confirmation that she got it [me].

As we entered the room, she told me, "Wait, I want to get some stuff from the other room," and left. While I was in the room alone, I heard a man's voice from outside and he entered. He was a teen boy who was also a relative of the shop owner and I knew him. He immediately attacked me, slapping my face then putting his hand around my neck to choke me. I began screaming for help but he forcefully covered my mouth until I got short of breath. He then allowed me to breathe but threaten to beat more if I screamed again. He then raped me.

After the incident, I went home and kept silent. I was afraid that my aunt would blame me for going inside a house that doesn't belong to us. The next day, a neighbour who saw me going inside the shop owner's house and later heard my scream asked my aunt if I was raped. When my aunt came back from work, she called me and enquired what happened. I denied that I was raped. Nevertheless, my aunt went to the shop owner and complained about the incident. The shop owner confirmed to my aunt that something happened and that she also heard it from her neighbours. The shop owner told my aunt that the perpetrator is her brother-in-law and that she has no say in his wrongdoing but will share the complaint with her husband.

Since then, nothing has happened. The perpetrator is still roaming around the neighbourhood and I encountered him a few times. My heart beat fast and my whole body became weak. I yearn of dying immediately on the spot and that I shouldn't be around this world to face him again. I feel completely insecure in this neighbourhood but I can't ask my aunt to move us to another district. My cousins and friends escort me when going to school now and I also became fearful of my teachers.

A few weeks later, my father who was aware of what happened to me came to visit us. After he left, my aunt called me and informed me that I'm engaged to someone who lives in Saudi Arabia who also is a close relative. The news was from my father who without consulting me consented to marrying me off. I told my aunt that I wanted to finish my school before I marry but she refused to hear me and told me that it was a done deal and that the marriage contract was made between my father and my husband. I was told that it was hard to find a husband for a raped girl and the marriage is for my own protection.

I have no exit to what happened to me as I was told that I'm a legal wife of someone that I know nothing about. Since then, my so-called husband sends monthly remittance of US\$100 and occasionally calls to converse, mostly with my aunt, and we speak only few words of greetings. I am now turning 14 years old and I feel lucky to continue my studies. I don't know what the future holds for me. I regret and feel guilty about the rape incident and I blame myself for trusting the lady who trapped me.

## 6.2. Effects of normalisation of violence at household level

All of the above factors have led to the ‘normalisation of violence’, whereby affected communities feel *helpless* and do not see violence as an issue that they can change. The normalisation of violence is happening at two levels: at the community/society and at the personal/family level. After more than 20 years of war, the culture of violence has evolved and has reached the family sphere, where it is sustained by social norms encouraging gender inequality and by poverty and unemployment. The majority of the cases seen at the health centres supported by CISP are related to domestic violence,<sup>86</sup> and most of the stories collected state that the women were bitten for not preparing meals well, refusing sex or for going outside the house to seek employment. Most of them are young women married to young men who have known only war as they were growing up, and therefore see the use of violence as the only option to express their frustrations. We are unable to measure the extent of sexual violence within marriage as it is considered a taboo subject and non-existent.

Survivors face enormous challenges – including not being believed by some local authorities, who might claim that it is a way of gaining support and aid from international organisations, and by wider society. Some perpetrators receive unwavering support from their families, even when a positive identification is made, and they use derogatory words and phrases to discredit survivor claims. Minority groups of men and women therefore remain silent. They fear the consequences of reporting SGBV, which can include imprisonment, eviction from IDP camps, physical assault, threats and emotional terror for all members of their household, including children.

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*“I did not tell anyone about the incident [rape], even my family – to not make them involved in any problem with the attacker’s clan and to protect myself because the community will talk about me, about my dignity; they will assault me with bad words and no man will marry me if they knew that I am a raped woman... I felt afraid to make a report.”*

**Testimony from a female IDP interviewee from Yaqshid**

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The normalisation of SGBV has also resulted from *limited or no communication and dialogue* among Somali communities at household level on peace and non-violence. It is also an outcome of government suppression of freedom of expression of individual rights – particularly among survivors of SGBV – who are predominantly from minority groups.

All of the research participants unanimously confirmed that they have seen changes in traditions, behaviour and social norms towards SGBV. Box 2 shows examples of changes noted by FGD and KII participants.

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86. Although it is believed that rape cases are underreported.

## BOX 2. Changes in traditions, behaviour and social norms encouraging SGBV

- Normalisation of incidents of physical and sexual violence, including rape, domestic violence, child marriage and child labour.
- Behavioural changes from single perpetrator towards group/gang perpetrators with intention to offer collective compensation as a single rape and no marriage offers.
- The use of violence within families is normal and justified by culture and religion.
- Revival and use of clan customary law that disempowers women and children (male and female), especially from minority groups, who are the most frequent survivors of SGBV.
- Revival and use of social exclusion, discrimination, injustice and inequality between men and women and majority and minority clans.
- Loss of traditional protection offered by majority clans for minority groups.
- Lack of confidence in rule of law.
- Participation of clan elders in politics and statebuilding instead of peacebuilding from the community level upwards.
- Child marriage is seen as a protective measure for girls.
- Forms of FGM are still considered desirable by communities and some religious leaders.

### Reasons that have brought about these changes were stated to be:

- Collapse of Somalia's central government, which contributed to the breakdown of the society, communities and families.
- Prolonged civil war that has marked the evolution of traditions, behaviour and social norms towards women, children and minorities.
- Change of roles played by traditional clan elders and use of customary laws.
- Change of roles played by religious leaders and community diversity in religious (Islamic) practices and beliefs.
- Witness and encounter of violence by the general population during more than 20 years, especially the younger generation.
- Impoverishment of the society, especially IDP communities.

## 7. COPING MECHANISMS AT COMMUNITY LEVEL AND STATE INTERVENTIONS

The previous sections have shown that the incidence of SGBV in Mogadishu derives from multiple and complex factors, related to social norms, history of violence, social exclusions, lack of fair justice system and poverty. This is a reality that different actors must act upon, whether at individual, community or state level. This section will discuss the community-level coping mechanisms and state interventions that are in place or in process to be implemented to tackle the rising and complex problem of SGBV.

### 7.1. *Community-level coping mechanisms*

At community level, there are extremely diverse views on SGBV from community members and service providers that are reflective of their personal experiences. For example, in dialogues with IDPs from minority groups, the issue of SGBV is largely framed in their experiences of social exclusion, and silence has become their foremost coping mechanism. On the other hand, dialogues with host communities show sympathy with survivors, anger and disappointment towards clan elders, and an overall willingness to participate in awareness-raising for SGBV incidents.

Minority women stated that their claims as rape survivors often result in punitive actions – such as belligerence, arbitrary arrest and eviction from IDP camps by host communities as well as local and federal authorities. There is resignation and fear that the authorities or police would not help survivors, and the threat of secondary victimisation – against themselves and their male relatives – has led to silence as a coping mechanism in the community. As discussed previously, survivors of rape or sexual assault stated that they use the normalisation of violence in their favour to hide such incidents from their husbands and other male relatives, who are unable to prevent these acts and/or to support their female relatives in gaining redress. In a way, they expressed that they want to protect themselves and their male relatives from more trouble.

However, the acceptance of the normalisation of violence and silence as a coping mechanism is not unique to IDPs or women and girls from minority clans but to all survivors of SGBV. Survivors of domestic violence or child marriage are also resigned to accept their situation, as accessing justice is limited, and these incidents are considered private affairs by relatives, community members and law enforcement actors. The fear of sexual violence is deeply engrained and this impacts the society, as it affects education (drop out from schools), health, both physical and psychological, and employment.

## Testimony 6

Host community youth

*A coping strategy against fear of sexual violence*

I am a 17-year-old school dropout from host community. I left my school because of sexual harassment with intention of rape. A male schoolmate approached me and requested to have a relationship with me. When I turned him down, he got angry with me and then organised his peers to harass me when I was going to or leaving the school. When I shared this with my mother who is a divorcee and breadwinner of my family, she advised me to stay out of the school. I knew nothing else to do but to listen to my mother. It has been two years since then and I miss my education and friends from school.

## Testimony 7

Host community youth

*A prevention strategy against the fear of sexual violence*

I'm a 16-year-old high school student from the host community. My father is a taxi driver and my mum is a housewife. One day, a classmate asked me to be his girlfriend but I refused. He had my telephone number and he began harassing me. I knew that my classmate and his peers can collectively rape, and I became fearful about all the boys in the school. I told my parents and they went to visit and talk to his parents. They only met with his mother and she denied that her son could harass any girl. I was not with my parents that day. When they shared with me the news, I got angry and couldn't believe how my parents were treated. I showed my telephone that had numerous calls and text messages from him.

They called ex-militia men and military personnel who are relatives of my mum and they provided me with an escort service to and from school with a car and weapons. All my classmates started talking about the escort services and many boys made remarks to me: "You are dangerous and no one can come near you."

After that, my parents went back to my classmate's family and were able to meet both of his parents. When they showed the calls and text messages from his number, the father became furious and called his son to attend the discussion. When my mother arrived back home, she shared with me that my classmate is the same clan family as ours and that his parents guaranteed that they would oversee him not to harass me again. She also informed me that, after he confessed to his parents about his wrongdoing to me, he also shared that he had no interest in me but his friend was, and that he was pressured to initiate innuendoes of getting me close to his peers.



Despite these findings, there are some positive developments in this area. For instance, various local and international organisations are working to provide services to survivors and the community at large. These services include community-based care through the Mother and Child Health Centres (MCHs), specialised health and psycho-social services, referral to legal services, livelihood support through skills training and child protection services.

## 7.2. State interventions

The government has treated a few cases of rape very seriously and some perpetrators have been sentenced, while a number of alleged perpetrators are awaiting trial. Moreover, the GBV Advisor to the Minister of Women and Human Rights Development described SGBV prevention as a key priority for the FGS and has urged donors to support the important work of the UN-led Somalia Gender-Based Violence Working Group (GBV WG).<sup>87</sup>

In December 2014, the MWHRD drafted the Sexual Offences Bill, which defines and addresses incidents of rape and other forms of SGBV. The new law will also outline the role of public officials and the police in investigating and prosecuting cases. In addition, it will criminalise any party, such as clan elders, who attempt to obstruct justice and/or to offer settlement of cases outside of the judicial court. The Bill contains key provisions<sup>88</sup> which:

- Impose a duty on public officials to investigate and prosecute sexual offences and criminalise obstruction of justice through interfering with investigations or prosecutions of these offences;
- Introduce progressive practices in the investigation and prosecution of sexual violence by providing for collection of evidence of all forms by forensic experts that will be used in prosecuting offenders;
- Protect the identities of injured parties and witnesses by making it an offence to disclose these identities to the media or any member of the public, and provide the option for closed session testimony available to witnesses during the hearings of these cases in court;
- Introduce a range of crimes that relate specifically to the sexual exploitation of children and people with mental disabilities, and these include trafficking, sexual exploitation and the use of children or people with mental disabilities in pornography;
- Criminalise the deliberate transmission of HIV and sexually transmitted diseases or sexually transmitted infections;
- Establish the right to free medical care by survivors of sexual violence, which includes emergency contraception and post-exposure prophylaxis against HIV infection; and
- Place a duty on the government to implement the Bill through establishing a National Framework guiding the enforcement of the Act by all government departments and institutions with the objective of ensuring that the implementation of the Act is uniform, normalised and standardised.

The greatest challenge for the legislation after enactment is implementation and the adherence to the key provisions. There is a disconnection between the local and federal authorities in Somalia in dialogue on SGBV.

87. Somalia: Gender-Based Violence Working Group Strategy 2014–2016, [http://unsom.unmissions.org/Portals/UNSOM/GBV%20WG%20Strategy%20final%20Jan%2029%202014\\_new.pdf](http://unsom.unmissions.org/Portals/UNSOM/GBV%20WG%20Strategy%20final%20Jan%2029%202014_new.pdf)

88. <http://legalactionworldwide.org/sexual-offences-bill/>

KIIs with authorities on both the local and federal side revealed some of the main administrative challenges to participating in dialogue on SGBV. First of all, within the wider security focus of statebuilding, SGBV is not seen as a pressing issue. Although the federal authorities are mandated to intervene on issues such as SGBV, the national security agenda predominantly focuses on prevention and intelligence gathering on Islamist extremist violence. Furthermore, the government does not have systematic data collection on SGBV at regional and local levels that could be shared with the federal administration and, as a result, the federal institutions are not able to quantify the scale of the problem due to lack of this knowledge, which also impacts on their response towards SGBV.

Information sharing between the federal and local authorities remains limited with respect to SGBV. Communication between federal institutions and local authorities is mostly limited to participation in ceremonial events and training activities organised by federal institutions. For example, the MWHRD invites local authorities to participate in gender training activities, but at the same time provides no visible or tangible support to local authorities' action plans or funding to address women's rights – economic or social – including SGBV. At the regional level, there is a gender office and a regional gender focal person. However, the gender office has neither an action plan nor funding that can translate into empowerment initiatives at the district level. Likewise, the social service departments established at the district level receive insufficient funding to perform effective service delivery activities.

Women and gender issues, particularly SGBV, are not taken into account in policies and legislation. Women's and girls' needs and interests continue to be marginalised and discriminated against. During this period of state and institutional building, the FGS has a golden opportunity to build a state that is inclusive and accountable to all citizens, including women and girls.

## 8. CONCLUSIONS

The research findings pinpoint that SGBV in Somalia is deeply rooted in the practice of tradition, behaviour and social norms, where inherent social exclusion and gender inequality are the norm. The severity of violence during the civil war, coupled with the inhumane practice of social exclusion practised by majority clans against minority groups, led to the widespread displacement of Somalia's minority groups. These IDPs have since been viewed as inferior and unwanted populations of Somalia. Treated as less than human by society, IDP communities are an easy target for incidents of SGBV. SGBV in minority communities is said to be "a daily crime that wiggles itself free from any justice system". Survivors have very few options for seeking justice, facing exclusion from both statutory and customary laws. Within the minority clans and IDP communities, gendered social norms, the fragile environment and socio-economic vulnerabilities are all factors that contribute to the increase of incidents of SGBV, more specifically child marriage, FGM, domestic violence and sexual violence.

The complexity of the legal system results in very few cases of rape being reported, and, crucially, no domestic violence, child marriage or FGM cases can be reported, as there is no provision in the current legal system to deal with them unless physical injuries are severe. Most reported rape cases are dealt with by statutory law but never tried because they lack evidence. The lack of trust of the authorities, coupled with a justice system that is ill-equipped to handle sexual violence offences or the survivors, reinforces the impunity of perpetrators. There is also very limited knowledge among survivors about timely seeking medical services and preserving other relevant evidence. Thus, rape is committed with impunity, and survivors in general and IDP minority groups are further encouraged to remain silent.

Redress for SGBV crimes through the current practices of customary law is considered one of the major challenges to future prevention. A woman seeking redress for an individual violation of rights against her is outside traditional norms.

Women from IDP communities suffer double marginalisation – they are excluded on account of their gender and clan. They are the primary survivors of SGBV, have the most limited access to redress, and exponentially suffer the impact of social exclusion on their livelihoods and income-earning potential. They have limited knowledge of where to turn to defend their rights, and are excluded by the customary system and completely unaware of the statutory one. Fear of stigma and further aggression towards them and their household members is said to be compelling them to stay silent about SGBV. Moreover, women from non-host communities who suffer socio-economic violence cannot afford to seek statutory legal redress services, where the providers are predominantly from host communities that reinforce the practice of social exclusion.

Youth from host communities who participated in the research confirmed that the customary legal system does not act as a deterrent, but rather could be encouraging acts of gang rape, which is treated as one act whereby the collective perpetrators of the crime will each be responsible for paying only a portion of the blood money required in a rape case – which makes it a very affordable affair. Moreover, youth demonstrated a complete lack of awareness and lack of fear of statutory laws regarding SGBV. These attitudes and practices facilitate a

negative masculine image of Somali men and boys as aggressors that conforms to common characteristics of *raganimo* during wartime.

The engagement of clan elders in state affairs has resulted in strong negative sentiments towards them. The traditional norm that segregates the role of clan elders in politics versus community affairs has been breached. They are seen to provide services only to those who can afford to be members of *diya* paying groups or who have the ability to lobby for their interests at the state level. This obviously excludes already marginalised populations. The population has come to believe that clan elders act increasingly out of self-interest and to preserve their political stature, rather than as real leaders of their communities, therefore excluding the interests of minorities. The transparency and accountability of the customary system is slowly eroding, although the frequency of its use is not. Moreover, the disconnection of clan elders from the communities they serve that has resulted as part of the statebuilding process has contributed to the perpetuation of SGBV into peacetime.

There is no one institution that has reliable and accurate data on SGBV, and disputes regarding the prevalence of SGBV exist among local and federal authorities. Participants in this research believe it is the role of the state to come up with reliable and accurate data on SGBV incidents. Verbal denial by the state cannot make the figures reported by NGOs disappear, nor can it erase the voices of survivors.

The continuum of violence from the pre-civil war era to today has proved that the culture of violence and social norms encouraging violence have slowly but surely permeated all parts of Somali society, from social violence to physical violence and sexual violence within the state structures, the communities and the families. The research has shown that most of the population are not aware of their rights and have given up on trusting in a fair justice system that would protect them. The lack of efficiency of the justice system combined with economic and social exclusion has encouraged impunity of perpetrators at all levels of the society. The fact that girls are forced into marriage to sustain the family financially or to preserve their dignity after being raped, and that the society agrees with this, shows that the most vulnerable people (often women) are the victims of social and cultural norms that are entrenched in the culture of violence.

The national government is starting to take actions towards the provision of laws and the access to justice for SGBV survivors. The National Action Plan drafted in June 2014 and the FGM and Sexual Offence Bills that will be presented to parliament soon show that the government is also interested in seeing a change towards the end of the vicious circle of violence and impunity for perpetrators.

Throughout the FGDs and KIIs, participants advocated for the development of a Somali-owned initiative for the prevention of SGBV. Dialogues are needed for establishing community and individual ownership of any such initiative. As seen in this report, communication on SGBV is limited between household members, communities, and local and federal authorities. Private and public media are said to censor their reporting on SGBV, further limiting options for dialogue. This raises the question of whether it is realistic to believe a Somali-owned initiative for preventing SGBV is possible. Further, it raises the issue of whether communities have enough confidence in the current peace- and statebuilding process the country is engaged in to restore more positive cultural and behavioural practices. Perhaps clan elders can offer answers if Somalis can find ways to hold them accountable to serve the positive interests of everyone equally in their communities.

## 9. RECOMMENDATIONS

The following recommendations are based on the findings of the report. They are addressed to the Federal Government of Somalia, funding agencies and institutions supporting the federal statebuilding process, as well as international and local civil society organisations (CSOs) working on SGBV and the promotion of women's and girls' rights in South Central Somalia. They are formulated around six main areas of intervention.

### 1. Adoption of policies and implementation of actions that promote justice and the human rights of SGBV survivors

- Ensure that the Sexual Offences Bill and the FGM Bill are aligned with the international legal framework, enacted, implemented and widely disseminated, with various stakeholders (local authorities, service providers, community and religious leaders, local CSOs) being sensitised to its provisions.
- Strengthen the capacity of MWHRD to coordinate all GBV interventions across all line ministries and mainstream gender-sensitive approaches in all government actions.
- Put in place mechanisms to enhance collaboration, coordination and communication between local and federal authorities on issues concerning SGBV.
- Review the use of only one medical facility, Medina Hospital, for issuing police medical reports for survivors of sexual violence. This would allow survivors to use the nearest medical facilities for check-ups, while obtaining certified police medical reports.
- Encourage and strengthen the capacity of CSOs to participate actively in government consultations on policies on women's rights and gender equality.
- Ratify, adopt and implement relevant SGBV legislation including CEDAW, UNSCR 1325 and other regional conventions that protect the rights of women and girls.

### 2. Provision of quality services to GBV survivors

- Support and fund safe and confidential holistic services to SGBV survivors in Somalia.
- Develop curriculums in Somali universities on counselling, case management (social workers) and clinical management of rape (nurses).

### 3. Civic education, community dialogue and reconciliation to build peace and reduce SGBV in families and communities

- Sensitise community leaders (elders, religious leaders, district authority leaders, women's group leaders) on human rights in relation to leadership and governance using available tools such as legal frameworks, CRC and CEDAW.
- Provide civic education for community members, IDPs, host communities and minorities, on citizen participation, human rights and governance.
- Facilitate community dialogues between clans about the history of violence, normalisation of violence, social norms and hate narrative, and how they contribute to SGBV today. These dialogues will encourage face-to-face conversations on SGBV between stakeholders – community elders, religious leaders, women's groups, youth groups, service providers and state officials, such as police officers or district commissioners.

**4. Engaging men in the prevention of SGBV**

- Engage men as 'champions for change' in leading community dialogues and other prevention initiatives of all forms of GBV.
- Develop an innovative behavioural change programme for perpetrators to transform them into champions of change. This needs a multi-disciplinary approach, involving economic rehabilitation through livelihood opportunities and psycho-social rehabilitation.

**5. Promoting livelihoods and psycho-social support for households: an integrated approach of response to IPV**

- Engage men and women in livelihood programmes with life and skills training to ensure they enter into the skilled jobs market, reducing the risks of conflicts within households that lead to IPV.
- Create support/counselling groups for IPV perpetrators and for women survivors. Through participation in both economic and psycho-social rehabilitation, the chance of re-victimisation is reduced.
- Encourage the implementation of communal day-care for children and provide CRC sensitisation for the caregivers and parents. This would allow women to seek employment and reduce the risk of GBV on unattended/neglected children.

**6. Addressing traditional harmful practices (FGM/child marriage)**

- Long-term strategies engaging multiple actors should be developed to address these harmful practices.
- Engage with prominent opinion leaders who are already opposed to harmful practices, such as religious leaders, to discuss with mothers and FGM practitioners the health and psychological consequences of FGM/child marriage and the religious stand on harming girls through FGM and child marriage (marriage of children under 18 years old).
- Encourage religious leaders to publicise their stand against FGM and child marriage through media talks, radio drama or public events broadcast on TV.
- Support alternative livelihood programme for traditional birth attendants (TBAs: FGM practitioners): engaging TBAs in, for example, communal day-care for children of low-income families.

# ANNEX 1. METHODOLOGY

Qualitative methods – focus group discussions (FGDs), key informant interviews (KIIs) and collection of testimonials – were used to explore and generate a greater depth of understanding of SGBV in the target districts. A team of 11 local research assistants (including three supervisors), led by a Somali consultant, conducted interviews in the Somali language. A sample of 350 qualitative people (51% male and 49% female) were interviewed in FGDs and KIIs to collect reliable data and answer the key study questions. Of these interviews, 28% were youth below 18 years of age. The age range of participants was between 10 and 80.

The study employed the Quota Sampling Method whereby the population of each district was segmented into mutually exclusive sub-groups and then judgement was made on the specified proportion that the study should comprise. The research participants were: IDPs<sup>89</sup> (from minority clans) and host community members. All IDP communities were selected from IDP camps in the target areas. Table 1 depicts the total sample drawn by the study that includes the categories of informants: community leaders, religious and youth leaders, elders, women's group leaders, media and CSOs. Table 2 indicates the breakdown of FGD participants, Table 3 the KII participants, and Table 4 shows the number and type of participants of the testimonies.

**Table 1:** Quota sample in the three target districts in Mogadishu

	Total Sample	IDP (Male)	IDP (Female)	IDP Youth	Host (Male)	Host (Female)	Host Youth	District Officials	Federal Officials	Media	Testimony
<b>Yaqshid</b>	<b>107</b>	17	17	17	16	17	16	5			2
<b>Karaan</b>	<b>111</b>	17	17	14	17	17	17	9			3
<b>Bondhere</b>	<b>113</b>	17	17	17	17	17	16	9			3
<b>Others</b>	<b>19</b>								13	4	2
<b>Total</b>	<b>350</b>	<b>51</b>	<b>51</b>	<b>46</b>	<b>49</b>	<b>51</b>	<b>49</b>	<b>23</b>	<b>13</b>	<b>4</b>	<b>10</b>

A sample of 350 people was identified within IDP communities, as well as host communities and non-host communities in the three districts. The categories of informants in the three communities included: community leaders, religious and youth leaders, elders and CSOs. District- and federal-level government officials were also interviewed. Furthermore, a total of 10 testimonials were collected from survivors of SGBV and the wider community in the three districts. Field research and data collection took place in Mogadishu in November and December 2014.

It should be noted that, while conducting the FGDs and KIIs, the consultant and supervisors identified persons of interest for the collection of testimonials. The testimonies were not limited only to survivors of SGBV, but also included wider members of the communities. A total of six testimonials were collected from each district and an additional four were collected from the wider KII participants of the study.

89. These are internally displaced people who have settled in the areas where they do not originally come from. The non-host community IDPs targeted in this research came from diverse regions of South Central Somalia.

**Table 2: FGD participants**

No	FGD group	Total	Yaqshid	Karaan	Bondhere
1	IDP (Adult women)	36	12	12	12
2	IDP (Adult men)	36	12	12	12
3	IDP Youth (3 male FGDs & 3 female FGDs)	36	12	12	12
4	Host (Adult women)	36	12	12	12
5	Host (Adult men)	36	12	12	12
6	Host (Youth)	36	12	12	12
	<b>Total</b>	<b>216</b>	<b>72</b>	<b>72</b>	<b>72</b>

**Table 3: KII participants**

No	FGD group	Total	Yaqshid	Karaan	Bondhere	Others
1	IDP (Adult women)	15	5	5	5	
2	IDP (Adult men)	15	5	5	5	
3	IDP Youth	12	5	2	5	
5	Host (Adult women)	15	5	5	5	
6	Host (Adult men)	14	4	5	5	
7	Host (Youth)	13	4	5	4	
8	District officials	23	5	9	9	
9	Federal officials	13				13
10	Media	4				4
	<b>Total</b>	<b>124</b>	<b>33</b>	<b>36</b>	<b>38</b>	<b>17</b>

**Table 4: Testimony participants**

No	FGD group	Total	Yaqshid	Karaan	Bondhere	Others
1	Host adult woman	1	1			
2	Host adult man	1	1			
3	IDP youth (female)	2		2		
4	Host youth (female)	1			1	
5	IDP adult woman	1			1	
6	Head of district police	1			1	
7	Private journalist	1				1
8	Public journalist	1				1
9	District judge	1		1		
	<b>Total</b>	<b>10</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>2</b>



The research also used additional secondary data from CISP office in Mogadishu and the service providers they are working with.

In order to maximise the reliability of the study findings, an initial three days for pre-testing the research questions was incorporated into the study methodology. The research assistants included four CISP staff and four external local researchers who each had previous experience conducting field surveys and research. Furthermore, the research assistants underwent a rigorous, four-day training on the methodology, hypothesis, questionnaire design, approach and timetable. The training also included ethical considerations, sampling, avoiding elite data capture and other biases, and procedures for reporting and follow-up response. Strategies to avoid intimidation of research assistants and respondents were also part of the training. Finally, the training included a practical component with supervision, feedback and discussion before commencing the study.

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ISBN: 978-1-911080-05-3