



Home Office

# **Country Policy and Information Note**

## **Somalia: Women fearing gender-based violence**

**Version 5.0**

**July 2024**

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# Executive summary

This note considers the situation faced by women and girls primarily in Mogadishu, although some of information relates to Somalia generally.

Women and girls have some protections in law.

However, women and girls also face discrimination in law, and social, cultural and official barriers in accessing education, justice and political representation.

Sexual and gender-based violence (SGBV) is widespread and likely to be under-reported. This violence can be carried out by family members, members of clan militias, al-Shabaab and the security forces. Domestic violence is the most reported form of SGBV but women may also face conflict-related violence and abuses from societal actors. Female genital mutilation (FGM) is widely practiced and socially accepted.

Women form a particular social group (PSG) within the meaning of the Refugee Convention.

Whether a woman is likely to face SGBV which amounts to persecution will depend on the facts of her case. In general

- a woman who fears gender-based violence generally but who has family and/or clan support, has access to remittances and is able to secure access to a livelihood on return will not be at risk of persecution
- a woman who is not able to obtain family and/or clan support, does not have access to remittances and is not able access some form of livelihood on return is likely to be at risk of persecution

A woman or girl under the age of 39 who has not yet undergone FGM is likely to be subject to it upon return, which amounts to persecution.

Effective protection is unlikely to be available.

Internal relocation may be viable to Mogadishu for a woman who has not previously lived, depending on her circumstances.

Each case must be considered on its individual facts to the relevant/requisite standard of proof, with the onus on the woman or girl to demonstrate a real risk of persecution or serious harm.

If a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Assessment

## About the assessment

The assessment considers the situation of women (and girls) in south-central Somalia, with a focus on Mogadishu. However, the country information (COI) obtained from sources often refers to Somalia generally, which may also include information about the autonomous regions of Puntland and Somaliland. Wherever possible, reference is made to the geographical region to which the COI relates.

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, in **general**, a woman:

- is likely to face a real risk of persecution/serious harm by non-state actors because of her gender
- can obtain effective protection from the state (or quasi state bodies)
- can relocate within a country or territory to avoid persecution/serious harm
- if a claim is refused, it is likely to be certified as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#)
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention, Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2. Convention reason(s)

- 2.1.1 Women form a particular social group (PSG) in Somalia within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society (see [Position of women](#)).
- 2.1.2 Although women in Somalia form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.1.3 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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## 3. Risk

### 3.1 Gender-based violence (excluding female genital mutilation)

- 3.1.1 A woman is not likely to face persecution on return to Mogadishu for that reason alone. Whether a woman will face gender-based violence amounting to persecution will depend on her personal circumstances. SGBV and domestic abuse can take a wide form of actions, and may not be a persistent series of events. Factors to consider include:
  - who her persecutor is
  - if she is a lone woman
  - her family and clan links and support
  - her financial circumstances

- familiarity and links with Mogadishu
- ability to secure a livelihood and income in Mogadishu
- connections to diaspora communities
- likelihood of ending up in an internally displaced persons (IDP) camp.

3.1.2 Thus, in general:

- a woman who fears gender-based violence generally but who has family and/or clan support, has access to remittances and is able to secure access to a livelihood on return will not be at real risk of persecution
- a woman who is not able to obtain family and/or clan support, does not have access to remittances and is not able access some form of livelihood on return is likely to be at real risk of persecution

3.1.3 While having some protections in law, women face significant official, cultural and social barriers and discrimination in accessing education and justice, and experience restrictions in their family and property rights. They are also under-represented in public life and face barriers in accessing employment (see [Social and economic status of women](#) and [Equality and discrimination](#)).

3.1.4 Women and girls face various forms of discrimination and violence at home from spouses and other family and from different actors in society generally. The forms of violence including physical abuse, sexual violence and conflict-related violence. Sources state that violence is widespread with under-reporting likely, however detail is limited. The most comprehensive data set is the federal government's social and demographic health survey conducted between February 2018 and January 2019. This found that 16% of women aged 15 to 49 reported experiencing physical violence since the age of 12. This varied with location, with women in urban areas more likely to report experiencing violence than those in the countryside. Almost 60% of women reported that husbands committed those acts (see [Types of GBV and prevalence](#)).

3.1.5 Women and girls who are displaced, have disabilities or are from minority groups, are likely to be exposed and more vulnerable to greater levels of violence than women generally (see [Types of GBV and prevalence](#)).

3.1.6 In the country guidance case of [AMM and others \(conflict; humanitarian crisis; returnees; FGM\) Somalia CG \[2011\] UKUT 00445 \(IAC\) \(28 November 2011\)](#), heard 13 to 21 June and 15 July 2011, promulgated 28 November 2011, which considered the situation in south and central Somalia generally and not specifically regarding women, the Upper Tribunal (UT) held that '... except as regards the issue of FGM, it is unlikely that a proposed return to Mogadishu at the present time will raise Refugee Convention issues.' (paragraph 371).

3.1.7 The subsequent country guidance case of [MOJ & Ors \(Return to Mogadishu\) Somalia CG \[2014\] UKUT 00442 \(IAC\)](#), heard 10-13, 25 February and 9 September 2014, promulgated 3 October 2014, which considered the humanitarian and security situation, held there was no general risk to an 'ordinary civilian' of persecution or serious harm in Mogadishu (para 407(a)).

3.1.8 The UT in MOJ also held generally, applicable to women, with regard to

return to Mogadishu:

'h. If it is accepted that a person facing a return to Mogadishu after a period of absence has no nuclear family or close relatives in the city to assist him in re-establishing himself on return, there will need to be a careful assessment of all of the circumstances. These considerations will include, but are not limited to:

- '(i) circumstances in Mogadishu before departure;
- '(ii) length of absence from Mogadishu;
- '(iii) family or clan associations to call upon in Mogadishu;
- '(iv) access to financial resources;
- '(v) prospects of securing a livelihood, whether that be employment or self employment;
- '(vi) availability of remittances from abroad;
- '(vii) means of support during the time spent in the United Kingdom;
- '(viii) why his ability to fund the journey to the West no longer enables an appellant to secure financial support on return.

'Put another way, it will be for the person facing return to Mogadishu to explain why he would not be able to access the economic opportunities that have been produced by the "economic boom", especially as there is evidence to the effect that returnees are taking jobs at the expense of those who have never been away ' (paragraph 407).

3.1.9 In the later country guidance case of [OA \(Somalia\) Somalia CG \[2022\] UKUT 00033 \(IAC\), heard 14 to 18, and 21 June 2021](#), promulgated 2 February 2022, which focussed on the security and humanitarian situations and the treatment of the minority group, the Reer Hamar, in Mogadishu, the UT held that 'The country guidance given in paragraph 407 of MOJ [including the paragraphs cited above] ... remains applicable.' (paragraph 356(a)). It gave the additional guidance, applicable to men and women returning to Mogadishu:

'd. Somali culture is such that family and social links are, in general, retained between the diaspora and those living in Somalia. Somali family networks are very extensive and the social ties between different branches of the family are very tight. A returnee with family and diaspora links in this country will be unlikely to be more than a small number of degrees of separation away from establishing contact with a member of their clan, or extended family, in Mogadishu through friends of friends, if not through direct contact.

'e. In-country assistance from a returnee's clan or network is not necessarily contingent upon the returnee having personally made remittances as a member of the diaspora. Relevant factors include whether a member of the returnee's household made remittances, and the returnee's ability to have sent remittances before their return ...

'i. There is a spectrum of conditions across the IDP camps; some remain as they were at the time of MOJ, whereas there has been durable positive change in a significant number of others. Many camps now feature material

conditions that are adequate by Somali standards. The living conditions in the worst IDP camps will be dire on account of their overcrowding, the prevalence of disease, the destitution of their residents, the unsanitary conditions, the lack of accessible services and the exposure to the risk of crime ...

'k. There will need to be a careful assessment of all the circumstances of the particular individual in order to ascertain the Article 3, humanitarian protection or internal relocation implications of an individual's return.

'l. If there are particular features of an individual returnee's circumstances or characteristics that mean that there are substantial grounds to conclude that there will be a real risk that, notwithstanding the availability of the [facilitated return scheme] FRS and the other means available to a returnee of establishing themselves in Mogadishu, residence in an IDP camp or informal settlement will be reasonably likely, a careful consideration of all the circumstances will be required in order to determine whether their return will entail a real risk of Article 3 being breached. Such cases are likely to be rare, in light of the evidence that very few, if any, returning members of the diaspora are forced to resort to IDP camps.

'm. It will only be those with no clan or family support who will not be in receipt of remittances from abroad and who have no real prospect of securing access to a livelihood on return who will face the prospect of living in circumstances falling below that which would be reasonable for internal relocation purposes.' (paragraph 356(a, d to m))

3.1.10 The available country evidence does not provide 'very strong grounds supported by cogent evidence' to depart from the existing caselaw (see Country Policy and Information Note, [Somalia: security and humanitarian situation in Mogadishu](#)).

3.1.11 For general guidance on assessing risk, see [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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## 3.2 Female genital mutilation (FGM)

3.2.1 If a woman or girl who is under the age of 39, has not been subjected to FGM and has a credible fear of it, she is likely to have a well founded fear of persecution.

3.2.2 FGM continues to occur throughout Somalia with incidence rates estimated to be 99% and a strong belief in the practice persists (see [Female genital mutilation \(FGM\)](#)).

3.2.3 In [AMM and others](#) the UT held: 'The incidence of FGM in Somalia is universally agreed to be over 90%. The predominant type of FGM is the "pharaonic", categorised by the World Health Organisation as Type III. The societal requirement for any girl or woman to undergo FGM is strong. In general, an uncircumcised, unmarried Somali woman, up to the age of 39, will be at real risk of suffering FGM.' (paragraph 609)..

3.2.4 In [AMM and others](#) the UT also held:

'The risk will be greatest in cases where both parents are in favour of FGM.

Where both are opposed, the question of whether the risk will reach the requisite level will need to be determined by reference to the extent to which the parents are likely to be able to withstand the strong societal pressures. Unless the parents are from a socio-economic background that is likely to distance them from mainstream social attitudes, or there is some other particular feature of their case, the fact of parental opposition may well as a general matter be incapable of eliminating the real risk to the daughter that others (particularly relatives will at some point inflict FGM on her.’ (para 610)’

- 3.2.5 Neither [MOJ & Ors](#) or [OA](#) replaced or made additional findings to [AMM and others](#) about the risk of FGM to women or girls. The available country information does not provides very strong grounds supported by cogent evidence to depart from the UT’s findings in [AMM and others](#) (see [Female genital mutilation \(FGM\)](#)).
- 3.2.6 For further guidance on assessing risk, see the Asylum Instructions [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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#### **4. Protection**

- 4.1.1 A woman or girl is unlikely to be able to obtain protection.
- 4.1.2 The capacity of the formal justice system - the police and the courts - to enforce the law is limited and often ineffective (see [Protection and assistance](#)).
- 4.1.3 Victims of violence often use informal justice processes including customary law (‘Xeer’). However, the sources report this is not gender-sensitive and can result in discriminatory outcomes for women, especially in cases of gender-based violence (see [Protection and assistance](#)).
- 4.1.4 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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#### **5. Internal relocation**

- 5.1.1 A woman (or girl), whether alone or part of a family group, may be able to relocate to Mogadishu, even if she does not originate from there, depending on her particular circumstances. The factors that decision makers must consider are outlined in paragraph 407 of [MOJ](#) and paragraph 356 of [OA](#) (see [Risk](#) above).
- 5.1.2 For women without a spouse or male protection, especially those originating from minority groups, internal relocation will not be viable in the absence of meaningful support networks.
- 5.1.3 The law provides the right to freedom of movement for all those lawfully residing in the country. However, insecurity is likely to hinder movement, particularly for lone women, within Mogadishu (see [Freedom of movement](#) and the Country Policy and Information Note, [Somalia: security and humanitarian situation in Mogadishu](#)).

- 5.1.4 For further guidance on assessing internal relocation, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

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## **6. Certification**

- 6.1.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

## About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

Decision makers must use relevant country information as the evidential basis for decisions.

section updated: 30 May 2024

## 7. Demography; social and economic situation

### 7.1 Demography

7.1.1 Population estimates vary. The US CIA World Factbook stated that the country's population in 2024 was around 13 million, with just under half (6.4million) female<sup>1</sup>. However, the UN estimated that the population was around 16 million in 2021<sup>2</sup>.

7.1.2 The Netherlands Ministry of Foreign Affairs report, 'General country of origin information report on Somalia', June 2023, (NL MOFA report 2023) citing other sources noted: 'Mogadishu is formally part of the administrative region of Benadir. In fact, that region consists solely of the capital, Mogadishu ... According to data from the Integrated food security Phase Classification (hereinafter: IPC), the city's population was about 2,777,000 (including more than 1 million displaced persons) in August 2022.'<sup>3</sup>

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### 7.2 Social and economic status of women

7.2.1 The Federal Government of Somalia's (FGS), 'The Somali Demographic and Health Survey 2020', published in April 2020 (SDHS 2020) based on survey data gathered between February 2018 and January 2019, noted:

'Over the years, several attempts have been made to improve life for Somali women. The Provisional Constitution of Somalia has a number of positive implications for the status of women, particularly on the involvement of women in leadership and decision-making. However, most Somali women are still either excluded from decision-making and asset ownership, or operate through a patriarchal filter in these areas—mainly due to cultural restrictions on their movement and asset ownership.'<sup>4</sup>

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<sup>1</sup> CIA, The World Factbook, '[Somalia](#)', (People and society), updated 22 May 2024

<sup>2</sup> UNData, '[Somalia](#)', no date

<sup>3</sup> NL MOFA, '[General country of origin information report on Somalia](#)' (section 2.2.1), June 2023

<sup>4</sup> FGS, '[SDHS 2020](#)' (pages 228) April 2020

### 7.2.2 The SDHS 2020 noted:

‘The results show that employment varies by place of residence and wealth status of the household. Among women from nomadic areas, 3 percent were currently employed, compared to 12 percent and 11 percent of women from urban and rural areas respectively. More women from wealthier households were employed than in poorer ones; 13 percent of women in the highest wealth quintile were currently employed compared to 3 percent of women in the lowest wealth quintile.’<sup>5</sup>

### 7.2.3 NL MOFA report 2023 citing a range of sources, noted:

‘There were no formal restrictions on women’s access to the labour market in Somalia. According to one source, the extent to which single women in Somalia could survive economically and their economic room for manoeuvre depended mainly on a few individual factors. The extended family and clan or sub-clan played an important role. Through the family or clan/sub-clan network, the woman could, for example, arrange work or access to financial resources. In addition, the woman’s educational level was important. It was easier for women with a higher level of education to survive economically. The biggest challenge for women in the labour market was often not the fact that they were single, but their lack of education, as education was generally given to boys rather than girls.’<sup>6</sup>

### 7.2.4 The Bertelsmann Stiftung Country Report on Somalia covering February 2021 to January 2023, released early 2024 (BTI Somalia report 2024), stated: ‘While women increasingly fulfill crucial economic roles and often serve as the primary breadwinners for their families in Somalia, they face multiple obstacles when seeking political and economic opportunities and often find themselves in low-paying positions within business chains... Women face significant barriers to employment and developing an enterprise and have little access to capital.’<sup>7</sup>

### 7.2.5 UNData estimated that the labour force participation rate for women and girls in 2020 was 21.8% (although the source does not state how this figure was calculated)<sup>8</sup>.

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section updated: 30 May 2024

## 8. Legal rights

### 8.1 Equality and discrimination

#### 8.1.1 The United Nations High Commissioner for Refugees’s (UNHCR) ‘International Protection Considerations with Regard to People Fleeing Somalia’, September 2022, citing a range of sources, (UNHCR guidelines 2022) noted:

‘Somalia has yet to sign or ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and has signed but not

<sup>5</sup> FGS, [SDHS 2020](#) (pages 56-57) April 2020

<sup>6</sup> NL MOFA, ‘[General country of origin information report on Somalia](#)’ (section 4.1.5), June 2023

<sup>7</sup> Bertelsmann Stiftung, ‘[Somalia Country Report 2024](#)’, 2024

<sup>8</sup> UNData, ‘[Somalia](#)’, no date

ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ... In 2019, Somalia adopted a Women's Charter, which "calls for full inclusion of women across the political, economic and social spectrum in Somalia" and support for women's rights, including a 50% quota for women in government positions ... Somalia has taken limited steps to try and increase women's political participation in line with the Charter ... However, women are frequently excluded from clan and government leadership structures ...

'Women continue to face serious challenges to the full enjoyment of their economic, social, political and cultural rights ... Discrimination against women is pervasive in Somali society ... According to the Independent Expert on human rights in Somalia, "the situation of women in Somalia has been characterized by systemic violence." ...

'Girls, especially in rural areas, face barriers in accessing education ... The majority of adult women are illiterate ... Women are disproportionately affected by Somalia's weak healthcare system ... In addition women are discriminated against in their access to healthcare and procedures, with, for example, doctors refusing to perform "a caesarean section even if the women require it, if their husbands or village elders have not given them permission to undergo the surgery." ... The rate of maternal deaths in Somalia is one of the highest in the world ... Female-headed households are among the most vulnerable groups in Somalia.'<sup>9</sup>

'... situation was characterised by marginalisation in areas such as social and political participation ...

'Ahead of the 2022 elections, Prime Minister Mohamed Hussein Roble had announced a target of thirty percent of parliamentary seats to be filled by women. However, this target was not achieved: twenty percent of the elected members of the Lower House and Senate were women. The percentage of female members of parliament thus fell compared to the nearly twenty-five percent of women elected to parliament in the 2016 election ...'<sup>10</sup>

8.1.2 Freedom House in its 'Freedom in the World 2023 – Somalia' report, covering events in 2022, released in March 2023 (FH report 2023), noted:

'Women's political participation is limited by discriminatory attitudes and hostility from incumbent elites, and the interests of women are poorly represented in practice. The parliamentary framework mandates a 30 percent quota for women's representation, but the elections that ended in April 2022 resulted in only 54 women in the House of the People (less than 20 percent); there are 14 women in the Upper House (less than 26 percent) ... While the provisional constitution and legal system offer some formal protections against discrimination based on [amongst others] sex ... they have little force in practice. Women face widespread disadvantages in areas including housing, education, and employment ... Women do not enjoy equal rights to inherit property and are often denied the assets to which they are legally entitled due to discriminatory social norms.'<sup>11</sup>

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<sup>9</sup> UNHCR, '[International Protection Considerations ...](#)' (pages 93 to 94), September 2022

<sup>10</sup>NL MOFA, '[General country of origin information report on Somalia](#)' (section 4.1.5), June 2023

<sup>11</sup> FH, '[Freedom in the World 2023 – Somalia](#)', 9 March 2023

8.1.3 The USSD 2023 Country Reports on Human Rights Practices: Somalia (USSD human rights report 2023) stated:

‘The law and regulations prohibited discrimination regarding race, sex, disability, political opinion, color, language, or social status. Despite these provisions, women did not have the same status as men and experienced systematic subordination to men. Women experienced discrimination in credit, education, politics, employment, and housing.

‘Only men administered sharia, which often was applied in the interests of men. According to sharia and the local tradition of blood compensation, anyone found guilty of the death of a woman paid to the victim’s family only one-half the amount required to compensate for a man’s death. While formal law and sharia provided women the right to own and dispose of property independently, various legal, cultural, and societal barriers often prevented women from exercising such rights. By law girls and women could inherit only one-half the amount of property to which their brothers were entitled. The labor code required equal pay for equal work, but the government did not enforce the law. There were legal barriers to women working the same hours as men and restrictions on women’s employment in some industries.’<sup>12</sup>

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## 8.2 Domestic and gender-based violence

8.2.1 The USSD human rights report 2023 observed ‘The law criminalizes rape of a woman and provides penalties of five to 15 years in prison for violations ... Military court penalties for rape include death sentences ... There are no federal laws against spousal violence, including rape ...’ and that ‘... laws prohibit[...] any form of violence against women ...’<sup>13</sup>

8.2.2 The NL MOFA report 2023 noted:

‘In 2018, the Somali cabinet drafted a bill on sexual offences. The Sexual Offences Bill was seen as progressive. It aimed to criminalise a wide range of gender-based violence, including rape and child marriage. The bill set clear tasks for police, investigators and prosecutors and provided specific protection to vulnerable groups such as children, people with disabilities and displaced persons. In response, religious conservative MPs introduced a counter-proposal in 2020 known as the Sexual Intercourse Bill. According to the sources consulted, many of the improvements from the Sexual Offences Bill were reversed in this. Contrary to the provisions of the Sexual Offences Bill, the provisions of the Sexual Intercourse Bill actually eroded the protection of victims of gender-based violence ...’<sup>14</sup>

8.2.3 Human Rights Watch in its ‘World Report 2024’, covering events in 2023, (HRW report 2024) noted: ‘At [the] time of writing, the sexual offenses bill of 2018, a progressive sexual violence legislation that stalled following backlash, citing religious objections, has not been presented before parliament. The Somali criminal code classifies sexual violence as an “offense against modesty and sexual honor” rather than a violation of bodily

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<sup>12</sup> USSD, ‘[2023 Country Reports on Human Rights Practices: Somalia](#)’ (section 6), 23 April 2024

<sup>13</sup> USSD, ‘[2023 Country Reports on Human Rights Practices: Somalia](#)’ (section 6), 23 April 2024

<sup>14</sup> NL MOFA, ‘[General country of origin information report on Somalia](#)’ (section 4.1.5), June 2023

integrity.’<sup>15</sup>

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### 8.3 Female Genital Mutilation (FGM)

8.3.1 The Danish Immigration Service in their country of origin information report, Somalia: Female Genital Mutilation (FGM), dated February 2021, based on a range of sources, noted: ‘Somalia’s provisional constitution describes FGM as being cruel and degrading and likens the practice to torture, but there is no national legislation in place that provides a clear definition of the phenomenon nor criminalises the performance of FGM.’<sup>16</sup>

8.3.2 The USSD in its human rights report covering events in 2023 similarly noted: ‘... the provisional federal constitution described the “circumcision” of women as cruel and degrading, equated it with torture, and prohibited the circumcision of girls ...’<sup>17</sup>

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section updated: 30 May 2024

## 9. Types of gender-based violence (GBV) and prevalence

### 9.1 Overview and drivers of GBV

9.1.1 The SDHS 2020, based on surveys with over 16,000 women and girls aged between 15 to 49 across Somalia between February 2018 and January 2019 – acknowledging that ‘[t]he collection of data on GBV is often marred by under-reporting due to the culture of silence around the topic’ - stated:

‘... 14 percent of women aged 15-49 have experienced physical violence since the age of 12, while 8 percent reported they had experienced physical violence in the 12 months preceding the survey. Younger women are more likely to experience physical violence; with 16 percent of women in the 15-19 age group reporting they had experienced violence since the age of 12 and 10 percent in the same age group reporting they experienced violence in the 12 months preceding the survey. Among older women aged 45-49, 11 percent reported they had experienced physical violence since the age of 12, while 4 percent reported they had experienced physical violence in the 12 months preceding the survey. The likelihood of experiencing physical violence does not vary by age ... Physical violence is highest among urban women at 18 percent and lowest among nomadic women at 11 percent.’<sup>18</sup>

9.1.2 The SDHS 2020 also asked the women and girls interviewed who were the main perpetrators of abuse, noting ‘More than half (59 percent) of women believe that husbands commit the most violent acts against women in the community, and that daughters and sons commit the least violent acts.’<sup>19</sup>

9.1.3 The UNHCR guidelines 2022 noted: ‘Gender-based violence against women and girls in Somalia remains widespread, with the overall number of cases suffering from “severe underreporting” ... GBV increased during the COVID-

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<sup>15</sup> HRW, ‘[World Report 2024](#)’ (Somalia – Events of 2023), 11 January 2024

<sup>16</sup> Danish Immigration Service, ‘[Somalia: Female Genital Mutilation \(FGM\)](#)’, (section 6), February 2021

<sup>17</sup> USSD, ‘[2023 Country Reports on Human Rights Practices: Somalia](#)’ (section 6), 23 April 2024

<sup>18</sup> FGS, [SDHS 2020](#) (page 195) April 2020

<sup>19</sup> FGS, [SDHS 2020](#) (page 195) April 2020

19 pandemic, and there was a “marked increase” in the number of reported rapes in 2020.’<sup>20</sup>

- 9.1.4 The United Nations Population Fund (UNFPA) in their report, ‘Overview of Gender-Based Violence Situation in Somalia - Advocacy Brief, 2022’, published 14 April 2022, (UNPFA report 2022) considering the situation in Somalia generally, noted:

‘The already large number of recorded incidences of Gender-Based Violence (GBV) in 2021 continued to increase in 2022 [NB the source does not provide an absolute number of incidents or relative increase], especially for sexual violence and Intimate Partner Violence (IPV), due to multiple displacements, flooding, droughts and armed conflicts ...

‘Since November 2021, over 600,000 people have been displaced due to the unprecedented drought. Rising food prices, sporadic conflict over resources, limited humanitarian support and interrupted market systems have all exacerbated the crisis, eroding livelihoods and crippling traditional coping mechanisms across the country, thus affecting the livelihoods of Somalia’s population ... As a result, there have been increasing incidences of IPV, rape, sexual exploitation and harassment, and abuse, with higher impact on women and girls living with disabilities. In Internally Displaced Persons (IDP) camps and host communities’ inadequate physical infrastructure; distance to water points and markets; health facilities; schools; poor lightning; lack of doors on toilets; and lack of disaggregation of sanitary facilities are all major factors resulting in the increase of GBV exposure. Distance to distribution centers and lack of specific measures to ensure women’s inclusion and participation in food distributions continue to worsen levels of exposure of women and girls to GBV risks.’<sup>21</sup>

- 9.1.5 The UNFPA report 2022 noted: ‘GBV continues to occur everywhere in Somalia however the data collected in 2021 revealed that 53 per cent of the reported incidents occur in the survivors’ residence, while the remainder others occur on the streets or in gardens, forest and/or bush, in addition to markets and areas of commerce, in the residence of the perpetrator, or around latrines in camp settings.’<sup>22</sup>

- 9.1.6 The 2022 Somalia Humanitarian Response Plan (HRP) for the Gender-Based Violence (GBV) Area of Responsibility (AoR) had estimated that ‘2.3 million people will need GBV programs and services across Somalia ... The risk of GBV is more significant for women and adolescent girls living with disabilities who are particularly disadvantaged, due to difficulty to report/escape violence or access services.’<sup>23</sup>

- 9.1.7 The NL MOFA report 2023 noted

‘Single women in Somalia remained vulnerable, especially when living in IDP camps or at informal IDP sites. Here they were at increased risk of experiencing sexual violence. The risk was even higher for women belonging to a minority clan. The main source of protection in Somalia remained the

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<sup>20</sup> UNHCR, [‘International Protection Considerations with Regard...’](#) (section III-A-10), September 2022

<sup>21</sup> UNFPA, [‘Overview of Gender-Based Violence Situation in Somalia...’](#) (page 5), 14 April 2022

<sup>22</sup> UNFPA, [‘Overview of Gender-Based Violence Situation in Somalia...’](#) (page 7), 14 April 2022

<sup>23</sup> UNFPA, [‘Overview of Gender-Based Violence Situation in Somalia...’](#) (page 5), 14 April 2022

woman's extended family. When a woman was not with her extended family, her safety decreased. Women who belonged to a majority clan could therefore expect some degree of protection, but according to a source this protection was not complete, as sexual violence could also be committed by members of one's own clan.'<sup>24</sup>

9.1.8 Legal Action Worldwide (LAW), an independent non-profit organisation comprised of human rights lawyers and jurists working in fragile and conflict affected areas, in their report 'Somalia's Forgotten Women, Girls and Children: An Agenda for Action to End Sexual and Gender-Based Violence', published 23 May 2023 (LAW report 2023) noted:

- 'Somalia is a patriarchal and militarised society with deeply entrenched gender norms and roles. FGM, child, early and forced marriages (CEFM) and intimate partner violence (IPV) impact the lives of women and girls across the country, and have worsened due to the conflict and ongoing climate shocks across the country and were made worse by the conflict and ongoing climate shocks ....
- 'Displacement further the risks of [sexual and gender-based violence] SGBV. In IDP camps, inadequate physical infrastructure, distance to water points, markets, health facilities and schools, poor lighting, lack of doors on toilets and lack of disaggregation of sanitary facilities increase exposure to SGBV. Food insecurity, poverty, lack of income generating activities, and isolation also means that female-headed households and other vulnerable women and adolescent girls are being taken advantage of.... They are exposed to sexual exploitation and other forms of abuse, including providing sex in exchange for food, shelter, clothes and money.
- 'COVID-19 has had a devastating impact on women and children, heightening gender-based protection risks and exacerbating an already shocking situation. Disruptions to essential services, school closures, restrictions on movement, loss of income, and increased political tension and insecurity have led to a rising incidence of SGBV, including IPV and FGM. SGBV is known to be under-reported due to stigma and fear of retaliation from a survivor's own family members and/or perpetrators; this means that there are likely hundreds more victims who did not come forward ...
- 'Prolonged insecurity and the weak formal justice system-human rights violations and abuses against women and vulnerable groups, especially conflict-related sexual violence (CRSV) have been on the rise in Somalia in recent years. Perpetrators are most likely to be from militia groups, criminal gangs, and government forces, and play a key role in furthering injustices against women, particularly in internally displaced communities where social protection is limited.'<sup>25</sup>

9.1.9 The USSD human rights report 2023 observed:

'As was the case in previous years, government forces, militia members, and individuals wearing what appeared to be government or other uniforms

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<sup>24</sup> NL MOFA, '[General country of origin information report on Somalia](#)' (section 4.1.5), June 2023

<sup>25</sup> LAW, '[Somalia's Forgotten Women, Girls and Children: An Agenda for...](#)' (page-3) 23 May 2023

reportedly raped women and girls ... Gender-based violence, including rape, affected women and girls when going to collect water, going to the market, and cultivating fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans, and unidentified armed men ... Some survivors of rape were forced to marry perpetrators.

‘Over the past several years the United Nations recorded hundreds of instances of gender-based violence, including sexual violence against women and girls by unidentified armed men, clan militiamen, al-Shabaab elements, and members of state security forces.’<sup>26</sup>

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## 9.2 Conflict-related violence

9.2.1 Human Rights Watch (HRW) in their world report 2023, Somalia - Events of 2022 coering the country generally noted: ‘The UN continued to report incidents of conflict-related sexual and gender-based violence, including of girls, in which the victims were often killed. Sexual violence against displaced women and girls is well documented and humanitarian actors warned enhanced protection measures are needed, including legal and policing reforms as well as improved humanitarian responses.’<sup>27</sup>

9.2.2 The UNHCR guidelines 2022 noted:

‘Women and girls in Somalia are subjected to conflict-related sexual violence by “clan militias and Al-Shabaab, the Somali Police Force, the Somali National Army, regional forces and unknown armed elements.” Al-Shabaab uses sexual violence as a tool to “subjugate areas under its de facto control.” In 2021, UNSOM verified conflict-related sexual violence perpetrated against 19 women, one man, 306 girls and one boy, primarily “attributed to unidentified perpetrators, Al-Shabaab and clan militia”. Girls were subjected to rape and to forced marriage. Customary law approaches to rape include forcing the victim to marry the perpetrator. There are reports that families may force unmarried adolescent girls to have abortions.’<sup>28</sup>

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## 9.3 Internally Displaced Persons (IDPs)

9.3.1 The UNHCR guidelines 2022 noted:

‘An estimated 2.97 million people are internally displaced in Somalia due to conflict and natural disasters; the number of IDPs is one of the highest in the world ... An estimated 43 per cent of IDPs in Somalia have been displaced due to conflict ... Many IDPs live in highly precarious conditions and most require emergency humanitarian aid; however, access to humanitarian aid is difficult in many areas due to conflict, generalized violence and other barriers ... Women and girls who are displaced are more vulnerable to all types of

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<sup>26</sup> USSD, ‘[2023 Country Reports on Human Rights Practices: Somalia](#)’ (section 6), 23 April 2024

<sup>27</sup> Human Rights Watch, ‘[World report 2023, Somalia- Events of 2022](#)’, January 2023

<sup>28</sup> UNHCR, ‘[International Protection Considerations with Rega...](#)’ (section III-A-10-A), September 2022

GBV.<sup>29</sup>

9.3.2 The UNHCR guidelines 2022 noted:

‘Displaced women and girls are particularly vulnerable to GBV, as are women and girls with disabilities, and women from minority clans. Reportedly, divorced and widowed women are also more vulnerable to GBV because they work outside the home and due to societal perceptions that they are looking for a husband. Survivors of GBV are stigmatized, and reportedly fear social and familial exclusion, abandonment and poverty. In some cases, perpetrators have published photos of survivors as a form of cyber violence, resulting in stigmatization and, in at least one case, suicide.’<sup>30</sup>

9.3.3 United Nation’s Report of the Secretary-General- Conflict-related sexual violence, covering period from January to December 2022 dated 22 June 2023, (UN SG CRSV report 2023), which looked at the situation in Somalia generally, noted:

‘... internally displaced women and girls were particularly vulnerable to conflict-related sexual violence owing to protracted conflict, structural gender inequality and limited access to justice and services. Difficulties in accessing areas controlled by Al-Shabaab and weak rule of law, as well as clan protection for alleged perpetrators, all contributed to chronic underreporting. The United Nations Assistance Mission in Somalia (UNSOM) verified 19 cases of conflict-related sexual violence, including gang rape, and attempted rape, perpetrated against 14 women and 5 girls. As part of monitoring grave violations against children, the United Nations verified incidents of rape and other forms of sexual violence affecting 219 girls and 2 boys. Almost half of the attacks occurred in isolated areas, including village outskirts and farming fields, with 55 girls attacked in or around displacement sites.’<sup>31</sup>

9.3.4 According to UN Office for the Coordination of Humanitarian Affairs, (UNOCHA) in its report, Somalia Humanitarian Needs Overview 2023 (February 2023), published 8 February 2023:

‘Approximately 3.0 million IDPs and non-displaced populations across 74 districts in Somalia are in critical need of GBV services, thus the 32 per cent increase of people in need of the GBV AoR compared to the previous year. This increase is due to the impact of severe drought, conflict and displacements which have increased protection risks. Consequently, women and girls have been raped, sexually harassed, abused and exploited due to poor shelter, sanitation, overcrowded camps, poor lighting, long treks to water and service delivery points. In addition, women have been subjected to increasing intimate partner violence (IPV) resulting from friction over limited resources and men's resistance to change gender roles.’<sup>32</sup>

9.3.5 The USSD human rights report 2023 commented on the situation generally:

‘A drought caused by five sequential failed rainy seasons, extreme flooding

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<sup>29</sup> UNHCR, [‘International Protection Considerations with Regard...’](#) (section II-F), September 2022

<sup>30</sup> UNHCR, [‘International Protection Considerations ...’](#) (pges 99 to 100), September 2022

<sup>31</sup> UN, [‘Report of the Secretary-General - Conflict-related sexual viol...’](#), (paragraph 53), 22 June 2023

<sup>32</sup> UNOCHA, [‘Somalia Humanitarian Needs Overview 2023’](#), (section 3.6.2) 8 February 2023

once rains started, and continued conflict led to an increase in internal displacement, and the country was home to more than 3.8 million IDPs ... Increased reports of gender-based violence accompanied increased displacement, including reports of sexual exploitation and abuse committed by various armed groups and state security personnel. Women and children living in IDP settlements were particularly vulnerable to rape by armed men, including government soldiers and militia members. Gatekeepers in control of some IDP camps reportedly forced girls and women to provide sex in exchange for food and services within the settlements.<sup>33</sup>

9.3.6 Amnesty International in their report 'The State of the World's Human Rights; Somalia 2023', published 24 April 2024 noted:

'Internally displaced people continued to face significant human rights violations and abuses. More than 2.9 million people were displaced due to the floods, drought, conflict and food insecurity. According to the UN, over 105,000 individuals – the majority already internally displaced people – were forcibly evicted between January and December across the country.

'Most of those displaced were older people, children and women, including pregnant women and lactating mothers. The lack of adequate shelter and privacy in overcrowded internally displaced people's settlements increased women's and children's vulnerability to violations such as gender-based violence, including rape and physical assaults.'<sup>34</sup>

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## 9.4 Domestic violence

9.4.1 The UNHCR guidelines 2022 noted: ... 'Domestic violence is the most commonly reported type of GBV.'<sup>35</sup>

9.4.2 The SDHS 2020 gathered data on levels and nature of violence – physical, emotional and sexual – obtained from interviews undertaken between February 2018 and January 2019 with 16,486 married and never-married women aged 15 to 49 across south and central Somalia<sup>36</sup>. The interviewees were asked about what they understood domestic violence to include as well as their experience of violence<sup>37</sup>. '

9.4.3 The SDHS 2020 provided on data on female interviewees' understanding of what constituted domestic abuse, noting that:

' ... Over 60 percent of women considered physical abuse, denial of education, forced marriage, rape, sexual harassment, forced labour as forms of domestic violence.

'Women from urban areas have a better understanding of acts that mean domestic violence compared to women from rural and nomadic areas. Less than half of nomadic women believe that no participation in household decision-making, no participation in decision-making for children, better treatment of males than females, failure to meet basic living costs and denial

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<sup>33</sup> USSD, '[2023 Country Reports on Human Rights Practices: Somalia](#)' (section 2F), 23 April 2024

<sup>34</sup> AI, '[Somalia 2023](#)' (Internally displaced people's rights), 24 April 2024

<sup>35</sup> UNHCR, '[International Protection Considerations with Regard...](#)' (section III-A-10), September 2022

<sup>36</sup> FGS, '[SDHS 2020](#)' (pages 10 and 13), April 2020

<sup>37</sup> FGS, '[SDHS 2020](#)' (page 194), April 2020

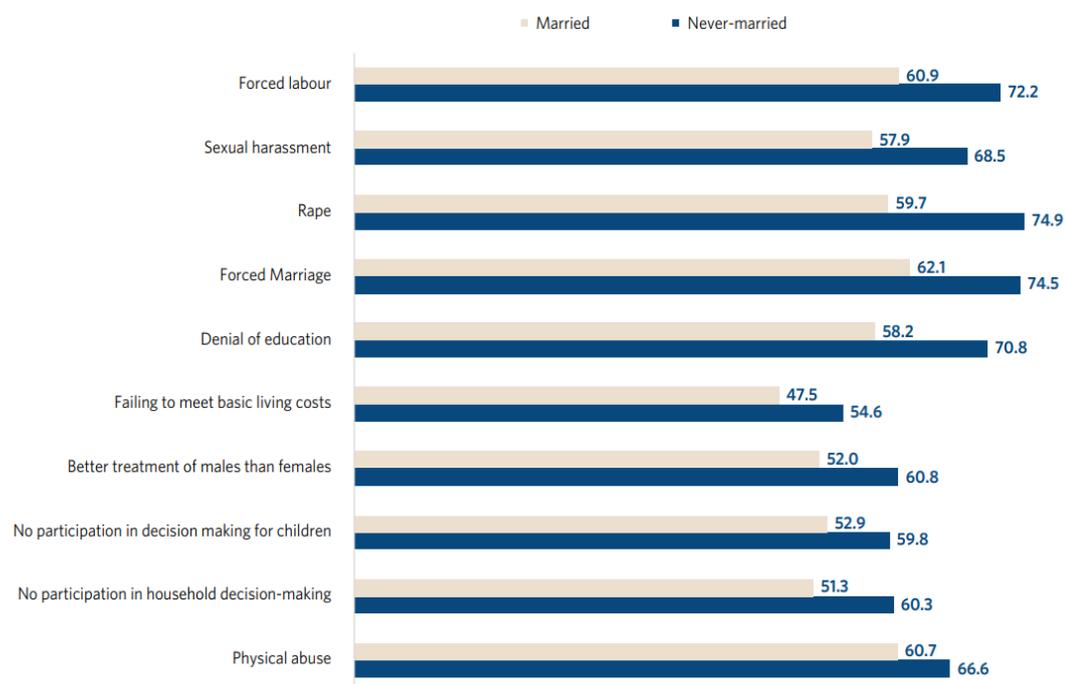
of education constitute acts of domestic violence (45 percent, 46 percent, 46 percent, 43 percent and 49 percent respectively).

‘... never-married women have a better understanding of acts that constitute domestic violence compared to currently married women.

‘Educational attainment plays a role in the understanding of domestic violence. Women with higher education generally have a better understanding of acts that constitute domestic violence than women with no education, primary or secondary education.’<sup>38</sup>

9.4.4 The table below taken from the SDHS 2020 shows the percentage of women aged 15 to 49 who understand domestic violence to mean specific acts according to their marital status<sup>39</sup>:

Percent of women aged 15-49 who understand domestic violence to mean various specified acts, according to marital status



9.4.5 The data in the table above indicates that a significant proportion – 25% and more - of the women interviewed did not consider physical abuse, rape, sexual harassment and forced labour as forms of domestic violence.

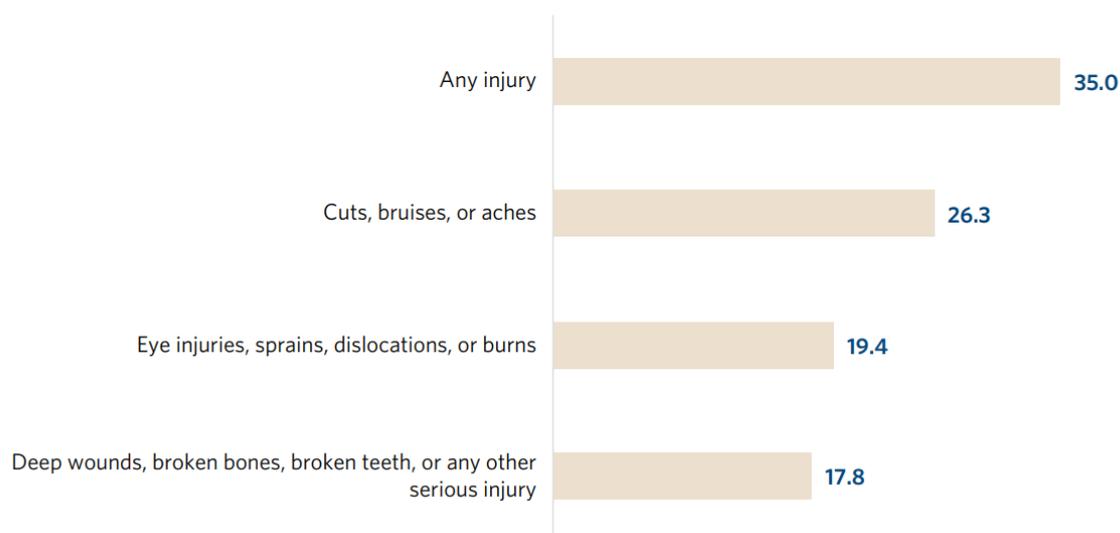
9.4.6 The figure below from the SDHS 2020 shows of ever-married women who had experienced violence by a spouse (12%), the percentage of injuries they had received.<sup>40</sup>

<sup>38</sup> FGS, [SDHS 2020](#) (page 194), April 2020

<sup>39</sup> FGS, [SDHS 2020](#) (page 194), April 2020

<sup>40</sup> FGS, [SDHS 2020](#) (page 199), April 2020

Percent of ever-married women aged 15-49 who have experienced specific types of spousal violence by types of injuries resulting from the violence



9.4.7 The SDHS 2020 noted: ‘With regard to women’s opinions on who the most common perpetrators of violent acts against women are, the survey found that over half (59 percent) of women believe that husbands commit the most violent acts against women in the community. Twelve percent of ever-married women reported they had been abused physically by a spouse, while 4 percent reported emotional abuse by a spouse.’<sup>41</sup>

9.4.8 The Bertelsmann Stiftung Country Report on Somalia covering February 2021 to January 2023 stated: ‘Domestic violence is rampant across Somalia ... In some regions, women have been beaten for leaving the house without a male relative or for failing to obey strict dress codes.’ The source, however, did not provide specific details of number, location or source of this information<sup>42</sup>.

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## 9.5 Early/forced marriage

9.5.1 The SDHS 2020 noted: ‘Early marriage is common, particularly for women—35 percent of women aged 20-24 interviewed were married by the time they turned 18 and, overall, almost all Somali women are married by the age of 35. In comparison, 7 percent of men aged 20-24 had entered their first marriage by the time they turned 18. According to the survey, the median age at first marriage is 20 for Somali women aged 25-49 and 23 for men aged 25-64.’<sup>43</sup> The SDHS 2020 went on to observe: ‘Somali parents encourage the marriage of their daughters while they are still young, in the hope that marriage will benefit the girls both financially and socially, while also relieving financial burdens on the family. This traditional practice prevents young girls from realizing their full potential in life, limiting their physical, psychological and economic development.’<sup>44</sup>

<sup>41</sup> FGS, [SDHS 2020](#) (page 30), April 2020

<sup>42</sup> Bertelsmann Stiftung, ‘[Somalia Country Report 2024](#)’, 2024

<sup>43</sup> FGS, [SDHS 2020](#) (page XXVII), April 2020

<sup>44</sup> FGS, [SDHS 2020](#) (page 74), April 2020

- 9.5.2 The UNHCR in their 'International Protection Considerations with Regard to People Fleeing Somalia' published September 2022 noted:

'The government of Somalia has not effectively addressed forced marriage of women and girls either in law or in practice. Reliance on customary law and Sharia law in Somalia may also undermine efforts to prevent forced marriage ... women who are raped may be expected or forced to marry the perpetrator. As a result, women may not report other types of GBV out of fear of forced marriage. Some women in forced marriages are unable to leave for fear they will lose custody of their children. Disabled women are at higher risk of forced marriage, as well as GBV.'<sup>45</sup>

- 9.5.3 The NL MOFA report 2023 covering the period from December 2021 to June 2023, citing a range of sources, noted:

'Forced marriages were common both before and during the reporting period. This was a culture-related phenomenon found throughout Somalia, particularly in the more rural areas. Girls could be married off from puberty onwards. In rural areas this happened from the age of eleven or twelve, while in urban areas it was often several years later - but usually before the age of eighteen. According to data collected by UN Women, 17% of Somali women aged 20 to 24 were married before the age of fifteen. 36% of women were married before the age of eighteen. The NGO Girls not Brides gave the same percentages. However, UNHCR pointed out that there were no complete data available on the prevalence of forced marriage and that it was very likely to be underreported. This could also be related to the circumstance pointed out by the EUAA in a June 2022 report, that in the Somali context the distinction between "forced" and "arranged" marriages could be subtle.'<sup>46</sup>

- 9.5.4 The NL MOFA report 2023 also noted: 'It is clear from the sources that the ongoing drought and food shortages faced by the Somali population led to an increase in child marriages. Displaced families in particular were said to be increasingly inclined to marry off their daughters.'<sup>47</sup>

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## 9.6 Female Genital Mutilation (FGM)

- 9.6.1 The SDHS 2020 noted:

'Overall, 99 percent of Somali women have undergone female circumcision. Pharaonic [type 3] is the most common type, which has been performed on 64 percent of the women. The findings show that 12 percent of women have undergone the Intermediate type, while 22 percent have undergone the Sunni type. Two percent did not know the type of female circumcision they had undergone earlier in their lives ... Most women aged 15-49 in urban (58 percent), rural (66 percent) and nomadic (72 percent) areas have undergone the worst form of FGM/C —the Pharaonic type. On the other hand, the highest proportion of women practiced Sunni type are from the urban areas at 28 percent, followed by women from rural areas at 21 percent and the

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<sup>45</sup> UNHCR, '[International Protection Considerations with Regard...](#)' (section 10-C), September 2022

<sup>46</sup> NL MOFA, '[General country of origin information report on Somalia](#)' (section 4.1.5), June 2023

<sup>47</sup> NL MOFA, '[General country of origin information report on Somalia](#)' (section 4.1.5), June

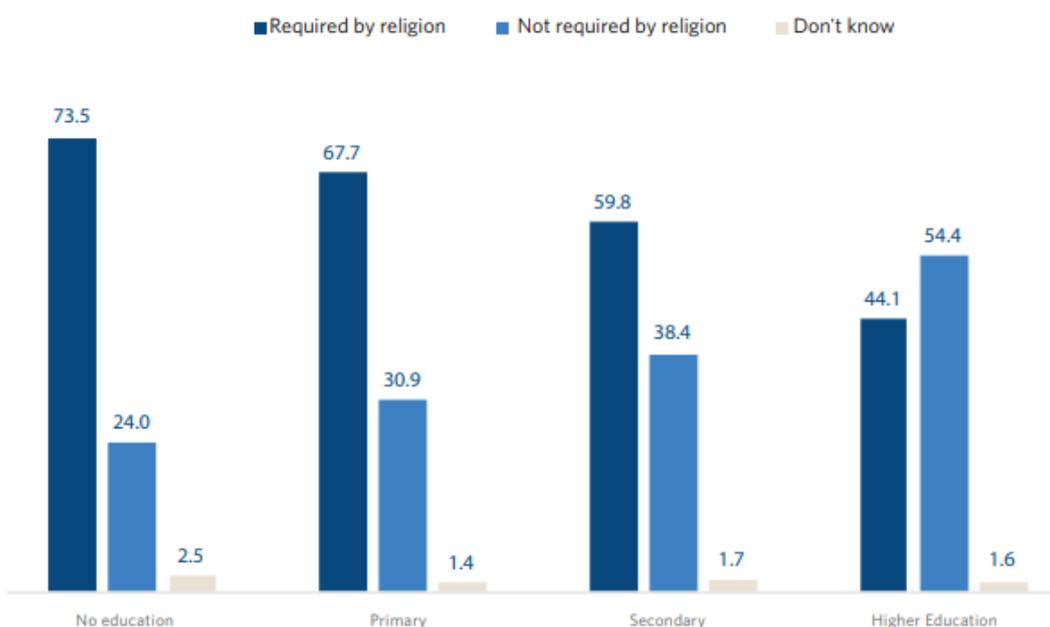
lowest were those from nomadic areas at 14 percent.<sup>48</sup>

9.6.2 The SDHS 2020 also stated:

‘Overall, 72 percent of women believe that FGM/C is a religious requirement. There is little variation in the women’s beliefs by age as 76 percent of the women within the age group 15-19 believe it is a religious requirement, compared to 73 percent of those in the age group 45-49 ... The variation on beliefs around female circumcision by respondents’ place of residence is small. Sixty-seven percent of women in urban areas, 72 percent of women in rural areas and 78 percent of women from nomadic areas believe that female circumcision is a religious requirement.’<sup>49</sup>

9.6.3 Figure below shows percentage distribution of women aged 15 to 49 by their religious beliefs regarding female circumcision, according to their ages and other background characteristics.<sup>50</sup>

**Figure 10.1** Opinions on female circumcision by education  
Percent distribution of women aged 15-49 by whether female circumcision is required by religion according to education



9.6.4 The UNFPA report 2022 noted:

‘FGM is normalized violence in Somalia: it is socially accepted, considered to be for the good and protection of the female child and therefore performed on most girls ... FGM is not understood as a violation of the human rights of women and girls and has remained pervasive and a strong social norm as it is seen as a requirement for girls to marry. Families seeking to escape poverty and build social acceptance and affinity, will chose to mutilate their

<sup>48</sup> FGS, [SDHS 2020](#) (page 213), April 2020

<sup>49</sup> FGS, [SDHS 2020](#) (page 212-213), April 2020

<sup>50</sup> FGS, [SDHS 2020](#) (pages 212 to 213), April 2020

female children. According to the findings of the SHDS, there has been a shift from the extreme type 3 Pharaonic FGM to type 1 Sunna, which is a step in the right direction, however as most communities do not consider Sunna as FGM or harmful in any form (physical or psychological), it remains a normative practice. As of yet, Somalia does not have a law against FGM.<sup>51</sup>

9.6.5 The UNHCR guidelines 2022 noted ‘Since FGM is perceived as a religious requirement and as a practice that makes a girl more eligible for marriage, refusal or evasion of the practice can have serious social consequences for a child and for their families, including exclusion and marginalization.’<sup>52</sup>

9.6.6 The UNHCR, ‘Somalia: Protection Analysis Update September 2022’, dated 30 September 2022, reported: ‘FGM in Somalia is a largely culturally-accepted social practice, with disagreement within the wider community of its basis within Islam. While there are segments of the population who disagree with the practice, inspiring a change extensive enough to counter long-held beliefs continues to require long-term strategies and coordinated efforts.’<sup>53</sup>

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section updated: 30 May 2024

## 10. Protection and assistance

### 10.1 State and informal justice response

#### 10.1.1 The DIS FGM report 2021:

‘Despite the intentions articulated in the provisional constitution, the capacity of the state apparatus in Somalia is very limited and this means that Somalis rely on their clan for protection. The UNFPA maternal and reproductive health specialist argued that the lack of a legal framework has weakened the Federal Government of Somalia’s (FGS) ability to change the perception of the public as there are no consequences for the people upholding the tradition [of FGM].’<sup>54</sup>

10.1.2 The report of the UN Independent Expert on the situation of human rights in Somalia, 19 August 2022, considering the country generally, noted: ‘Securing access to justice through the current legal system remains a significant challenge and cases tend to be resolved through the clan system, where male clan elders apply customary law and practice and sharia law, and in most instances do not protect women’s rights.’<sup>55</sup>

#### 10.1.3 The UNHCR guidelines 2022 noted:

‘Somali Xeer, or customary law, is a collection of unwritten agreements, passed down orally from generation to generation ... Xeer is one of the most common forms of dispute resolution in Somalia; by one estimate, “between 80- 90% of all legal cases in Somalia are settled through the informal justice system, of which Xeer is the most prominent.” However, Xeer can result in discriminatory outcomes for persons from minority groups and for women,

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<sup>51</sup> UNFPA, ‘[Overview of Gender-Based Violence Situation in Somalia..](#)’ (page 13), 14 April 2022

<sup>52</sup> UNHCR, ‘[International Protection Considerations with Regard...](#)’ (section 10-C), September 2022

<sup>53</sup> UNHCR, ‘[Somalia: Protection Analysis Update ...](#)’, (pages 6 to 7), 30 September 2022

<sup>54</sup> Danish Immigration Service, ‘[Somalia: Female Genital Mutilation \(FGM\)](#)’, (section 6), February 2021

<sup>55</sup> UNHCR, ‘[Report of the Independent Expert on the situation of....](#)’ (Paragraph 72) 19 August 2022

especially in the context of gender-based violence (GBV).<sup>56</sup>

10.1.4 LAW report 2023 noted:

‘The capacity of formal justice institutions such as courts and police to enforce the law is ... limited, while informal justice processes including customary law known as "Xeer," is neither survivor-centred nor gender-sensitive and can be retraumatizing for women, particularly survivors of SGBV who are stigmatized rather than supported to access justice. Perpetuating the likelihood of impunity, many perpetrators are emboldened to commit such crimes against women, as victims have little recourse to a proper justice system.’<sup>57</sup>

10.1.5 LAW report 2023 noted:

‘The legal frameworks applicable for preventing, protecting, and providing justice for victims and survivors of SGBV in Somalia derive from national, regional and international law. However, in practice, laws are poorly implemented, and regional and international obligations are largely overlooked ... National laws are complex and piecemeal and do not adopt a survivor-centred approach. When attempted, justice often favours perpetrators, and the inadequacy of formal laws leaves victims with no choice but to seek justice through customary laws, such as the Xeer system, which involves clan-based compensation and marriage arrangements that perpetuate the normalisation of SGBV and harmful gender and social norms.’<sup>58</sup>

10.1.6 NL MOFA report 2023 noted, ‘ ... the position of women in Somalia was a cause for concern. According to various sources, women increasingly met with gender-based violence and there was a lack of effective legal protection and assistance options in this respect.’<sup>59</sup>

10.1.7 The USSD human rights report covering 2023 observed:

‘The government did not effectively enforce the law [against rape] ... While authorities sometimes arrested security force members accused of such [GBV] abuses, impunity was the norm.

‘ ... Gender-based violence, including rape, affected women and girls when going to collect water, going to the market, and cultivating fields. Dominant patterns included the abduction of women and girls for forced marriage and rape, perpetrated primarily by nonstate armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans, and unidentified armed men. Police were reluctant to investigate and sometimes asked survivors to do the investigative work for their own cases. Some survivors of rape were forced to marry perpetrators.

‘ ... in most instances [of GBV] families and survivors preferred to refer survivors to traditional courts. In some cases, these bodies awarded damages to survivors’ male family members or directed the perpetrator and survivor to marry, in accordance with local customary law. The United

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<sup>56</sup> UNHCR, [‘International Protection Considerations with Regard to...’](#) (section II-1), September 2022

<sup>57</sup> LAW, [‘Somalia’s Forgotten Women, Girls and Children: An Agenda for...’](#) (page 3) 23 May 2023

<sup>58</sup> LAW, [‘Somalia’s Forgotten Women, Girls and Children: An Agenda for...’](#) (page-4) 23 May 2023

<sup>59</sup> NL MOFA, [‘General country of origin information report on Somalia’](#) (section 4.1.5), June 2023

Nations reported sharia and customary law often resulted in further victimization of women and girls, with no justice for survivors and impunity for perpetrators. While the United Nations noted that the federal government approved a national action plan on ending sexual violence in conflict ... impunity remained the norm.<sup>60</sup>

- 10.1.8 The USSD human rights report 2023 also noted: ‘Survivors faced considerable obstacles accessing necessary services, including health care, psychological support, and legal assistance; they also faced reputational damage and exclusion from their communities. In several cases survivors and providers of services for gender-based violence survivors were directly threatened by authorities when such abuses were reportedly perpetrated by men in uniform.’<sup>61</sup>

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## 10.2 Civil society assistance

- 10.2.1 UNPFA report 2022 noted:

‘GBV service provision across Somalia remains low as compared to the needs and geographical landscape response. Limited specialized services, such as rape treatment for rape survivors, case management, psychosocial support, and higher levels of mental health care for traumatized women and girls are major hindrances to expanding provision of timely, confidential and quality GBV services. A limited number of GBV specialized service providers continues to impact both quality and reach of services. GBV AoR in Somalia has 74 partners that report on the 5Ws matrix<sup>7</sup> reporting, out of which only few are specialized service providers. In 2021, there was slight improvement in the prioritization of GBV prevention, response, and mitigation, however, the efforts remain inadequate in light of number of people in need of GBV services.’<sup>62</sup>

- 10.2.2 The report of the UN Independent Expert on the situation of human rights in Somalia, 19 August 2022, considering the country generally, noted ‘Local and international NGOs working to combat gender-based violence in Mogadishu, Puntland, Jubbaland and South-West State continue to implement programmes to assist women to prosecute cases in statutory courts for violence against women, and others are assisting in formulating policies, disseminating information, conducting training and providing paralegal support to survivors.’<sup>63</sup>

- 10.2.3 UNFPA in its ‘Humanitarian Response In Somalia - Situation Report’ issued May 2023 stated:

‘UNFPA is actively strengthening the capacity of its partners to deliver SRH services and responding to GBV, and meet the growing demands. Health facilities and mobile clinics play a vital role in providing support for maternal and newborn health, birth-spacing options, and the Clinical Management of Rape (CMR). Furthermore, safe spaces designed for women, girls, and

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<sup>60</sup> USSD, ‘[2023 Country Reports on Human Rights Practices: Somalia](#)’ (section 6), 23 April 2024

<sup>61</sup> USSD, ‘[2023 Country Reports on Human Rights Practices: Somalia](#)’ (section 6), 23 April 2024

<sup>62</sup> UNFPA, ‘[Overview of Gender-Based Violence Situation in Somalia..](#)’, (page 6), 14 April 2022

<sup>63</sup> UNHRC, ‘[Report of the Independent Expert on the situation of.....](#)’ (Paragraph 72) 19 August 2022

young people, as well as one-stop centers, offer mental health and psychosocial support services for survivors of GBV... For the year 2023, the UNFPA Somalia Country Office (CO) has proactively mobilized additional resources to expand its response capacity in key humanitarian hubs throughout the country. UNFPA, alongside its implementing partners, is prioritizing access to life-saving GBV and SRH services for vulnerable women and girls in these high-priority locations.’<sup>64</sup>

10.2.4 LAW in their report ‘Somalia's Forgotten Women, Girls and Children: An Agenda for Action to End Sexual and Gender-Based Violence’ of March 2023 noted:

‘The ICM - a community mechanism designed to enable safe and secure channels for reporting human rights violations and breaches, including SGBV – has also provided a critically important avenue for people whose rights have been violated. The ICM paralegals provide legal information through legal awareness-raising sessions and receive complaints from within the camps. The ICM is critical for providing advice and mediation, as well as acting as a point of contact for service providers, the police, and the Civilian Oversight Board. SGBV survivors received assistance from community champions and survivor advocates in IDP camps who are determined to change the culture in the camps, including by inspiring changes from IDP camp leaders who have been increasingly motivated to be part of much needed changes.’<sup>65</sup>

10.2.5 LAW also reported that

‘... working with other agencies – [it had] ... secured significant wins in selected IDP camps in South Central, Mogadishu and in Jubbaland, Kismayo, making critical advances for SGBV survivors who have been able to access support and assistance to tell their stories and seek justice through a stronger enabling environment.

‘LAW piloted the first Civilian Oversight Board (COB) in SouthCentral Somalia and the Independent Complaints Mechanism (ICM) in Mogadishu and Kismayo. The COB is a unique entity that is comprised of IDP camp leaders, former police officers, elders, lawyers and a representative of the Attorney General’s office that was successfully set up in 2017 and led to improved police practices related to respecting detainee’s legal rights and the experiences of SGBV victims and survivors who formally report the violations. For example, SGBV survivors are accompanied by a COB member when they file a police report, and the COB follows up to ensure investigations proceed. The first police outpost to serve an IDP camp with three female police officers to handle SGBV cases was also established in June 2019 in north of Mogadishu in the Daynille area, and the IDP Camp Manager, District Administration, and police station now formally collaborate to refer SGBV cases.’<sup>66</sup>

10.2.6 UNFPA in their report Somalia GBV Quarterly Advocacy Brief, January-March 2023, published 1 May 2023 noted: ‘GBV service provision across

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<sup>64</sup> UNFPA, [‘Humanitarian Response In Somalia -Situation Report’](#) (page 3,4) May 2023

<sup>65</sup> LAW, [‘Somalia's Forgotten Women, Girls and Children: An Agenda for...’](#) (page 4) 23 May 2023

<sup>66</sup> LAW, [‘Somalia's Forgotten Women, Girls and Children: An Agenda for...’](#) (page-4) 23 May 2023

Somalia remains low as compared to the needs and geographical landscape of response. Despite the improved funding for GBV in 2023, there are still needs for sustained CMR provision, Psycho-social counseling and support; direct cash support to meet basic needs and need to integrate GBV prevention in service delivery for IDP and host communities.<sup>167</sup>

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section updated: 30 May 2024

## 11. Freedom of movement

### 11.1 Mogadishu

11.1.1 There is no specific information on the freedom of movement of women in the sources consulted (see [Bibliography](#)).

11.1.2 The Immigration and Refugee Board of Canada (IRBC) in their response to information request of 7 January 2022, citing other sources noted:

'The UNHCR office in Mogadishu stated that the Federal Government's forces control the "[m]ain checkpoints" inside Mogadishu (UN 1 June 2020). The Norwegian Country of Origin Information Centre, Landinfo, an independent body within the Norwegian Immigration Authorities, indicates that the police were operating checkpoints on most of Mogadishu's main roads during Landinfo's visit in September 2017, and the primary purpose of the checkpoints was to prevent attacks by al-Shabaab on government agencies (Norway 15 May 2018, 2, 11). An article on safety tips for humanitarians working in Somalia by Iman Elman, former Director of External Affairs at Somalia's Ministry of Internal Security and Head of Programs and Security for CTG, a "private sector company enabling humanitarian and development projects in conflict settings" (CTG n.d.), states that security checkpoints in Mogadishu are commonly located every one to two kilometers, including at airport compounds (CTG 22 Jan. 2019). The same article indicates that identification documents ensure the ability to "freely travel" across Mogadishu (CTG 22 Jan. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.'<sup>68</sup>

11.1.3 The European Union Agency for Asylum (EUAA) COI Report: Somalia - Security situation, published February 2023 noted:

'In the peripheral districts of Mogadishu, there were illegal roadblocks manned by members of armed groups wearing military uniforms who extorted money from traffic users, businesses, and residential places. These roadblocks present a 'recurrent security challenge', according to a report by the Mogadishu-based think tank Somali Public Agenda. In what the source calls the semi-periphery zone, comprising the districts surrounding Maka Al-Mukarama Street, the authorities, in order to prevent attacks, only allowed 'highways with several security checkpoints' to remain open. The remaining roads, 'often purposefully blocked with stones', suffer from traffic congestion, and security forces 'sometimes use live ammunition to open the jammed

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<sup>67</sup> UNFPA, ['UNFPA Somalia GBV Quarterly Advocacy Brief – January-March'](#) (page:4), 1 May 2023

<sup>68</sup> IRBC, ['Somalia: Update on entry and exit requirements...'](#) (paragraph 3.1), 7 January 2022

streets', causing casualties.<sup>69</sup>

- 11.1.4 The USSD human rights report 2023, commenting generally on freedom of movement across Somalia, noted:

'The law provided that all persons lawfully residing in the country had the right to freedom of movement, to choose their residence, and to leave the country. Freedom of movement, however, was restricted in some areas, particularly in Somaliand ... Checkpoints operated by government forces, allied groups, armed militias, clan factions, and al-Shabaab inhibited movement and exposed citizens to looting, extortion, harassment, and violence. Roadblocks manned by armed actors and attacks on humanitarian personnel severely restricted movement and the delivery of aid in the southern and central regions.'<sup>70</sup>

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## 11.2 Returnees

- 11.2.1 There was no specific information on the treatment of female returnees in the sources consulted (see [Bibliography](#)).

- 11.2.2 The European Union Agency for Asylum (EUAA) in their 'Country of Origin Information Report Somalia Key socio-economic indicators', published on 1 September 2021, citing a range of sources, noted:

'The majority of returnees from neighbouring countries as well as from the diaspora settle in cities, such as Mogadishu, Kismayo or Baidoa, with many opting "not to return to their areas of origin, preferring to settle in urban areas". DIS explained in their report from July 2020 that there were no support structures in place regarding failed asylum seekers returning to Somalia from Europe without a network. Large numbers of returnees who lack financial means end up in IDP camps where the living conditions are no different than for those internally displaced, thus with "limited access to basic services.'" The urban system is "already overburdened due to a lack of funding to cover the needs of a rapidly growing urban population."<sup>71</sup>

- 11.2.3 The above report also noted:

'... some sources outline that returnees educated and trained abroad may come back with a broader set of skills that allows them to access better jobs compared to those who have remained in Somalia. Meanwhile, Bakonyi emphasised that networks of families, neighbours, and friends are highly significant for returnees. The support they may be able to muster depends, among others, on whether a person has maintained social networks (including clan-based networks) and can upon return mobilise help from it. In a similar vein, clan-based networks play a crucial role, which is why most returnees (though not all) settle in areas where they can find members of their own clan.'<sup>72</sup>

- 11.2.4 The NL MOFA report 2023, citing a range of sources, noted:

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<sup>69</sup> EUAA '[COI Report: Somalia - Security situation,](#)' (section 2.3.4) February 2023,

<sup>70</sup> USSD, '[2023 Country Reports on Human Rights Practices: Somalia](#)' (section 2D), 23 April 2024

<sup>71</sup> EUAA '[Somalia Key socio-economic indicators-2021](#)' (Paragraph 1.4.2.1), 1 September 2021

<sup>72</sup> EUAA '[Somalia Key socio-economic indicators-2021](#)' (Paragraph 1.4.2.1), 1 September 2021

‘As in the previous reporting period, little concrete information is available on any problems that returning asylum-seekers and refugees may encounter in Somalia. In a general sense, the picture which emerges from the sources is that the degree to which returnees are at risk in Somalia is closely related to their individual circumstances and their social network. Returnees who could afford to live in secure districts of Mogadishu, and those who returned to an area where they had strong clan or other social ties, were generally less at risk.’<sup>73</sup>

#### 11.2.5 The NL MOFA report 2023 also noted:

‘According to a confidential source, returnees from Western countries were usually easily recognised after returning to Somalia. This applied particularly to returnees who had been out of Somalia from a young age. According to the source, they often had difficulty acquiring Somali everyday practices, which meant they could face discrimination and exclusion. This picture broadly corresponds to the picture that emerged from earlier public sources, namely that returnees from Western countries often brought with them practices that were unknown in Somalia, and could be seen as un-Islamic or un-Somali in Somali society. Returnees from the West were also said to be recognisable due to having a different accent, way of dressing, gait or posture. They could therefore have difficulty integrating into Somali society. Another confidential source confirmed that this was still potentially the case during the reporting period. A 2018 Finnish report noted that many returnees from abroad therefore preferred not to travel outside Somalia’s urban centres.’<sup>74</sup>

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<sup>73</sup> NL MOFA, [‘General country of origin information report on Somalia’](#) (section 6.2), June 2023

<sup>74</sup> NL MOFA, [‘General country of origin information report on Somalia’](#) (section 6.2), June 2023

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and i provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context (considering laws that protect and/or discriminate constitution, criminal, penal and civil codes) applicable to
  - general anti-discrimination provisions
  - specific to women and girls in political, economic, social, cultural, civil or any other field
- Domestic and public violence against women (from state and non-state. Violence may take many forms including sexual, such as rape, honour crimes, and harassment (particularly in the workplace) child marriage, FGM. For each of these:
  - nature of violence and perpetrators
  - legal status
  - prevalence, including variations amongst particular groups
- State attitude and assistance.
- State protection.
- Accessibility to protection and justice.
- Assistance and support for victims of GBV.
- Freedom of movement
  - legal freedoms/restrictions
  - safety of movement
  - vulnerabilities of different groups, such as single women, single mothers
- Returnees

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **July 2024**

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### **Official – sensitive: Not for disclosure – Start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

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## Changes from last version of this note

Includes updated COI and new country guidance caselaw.

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