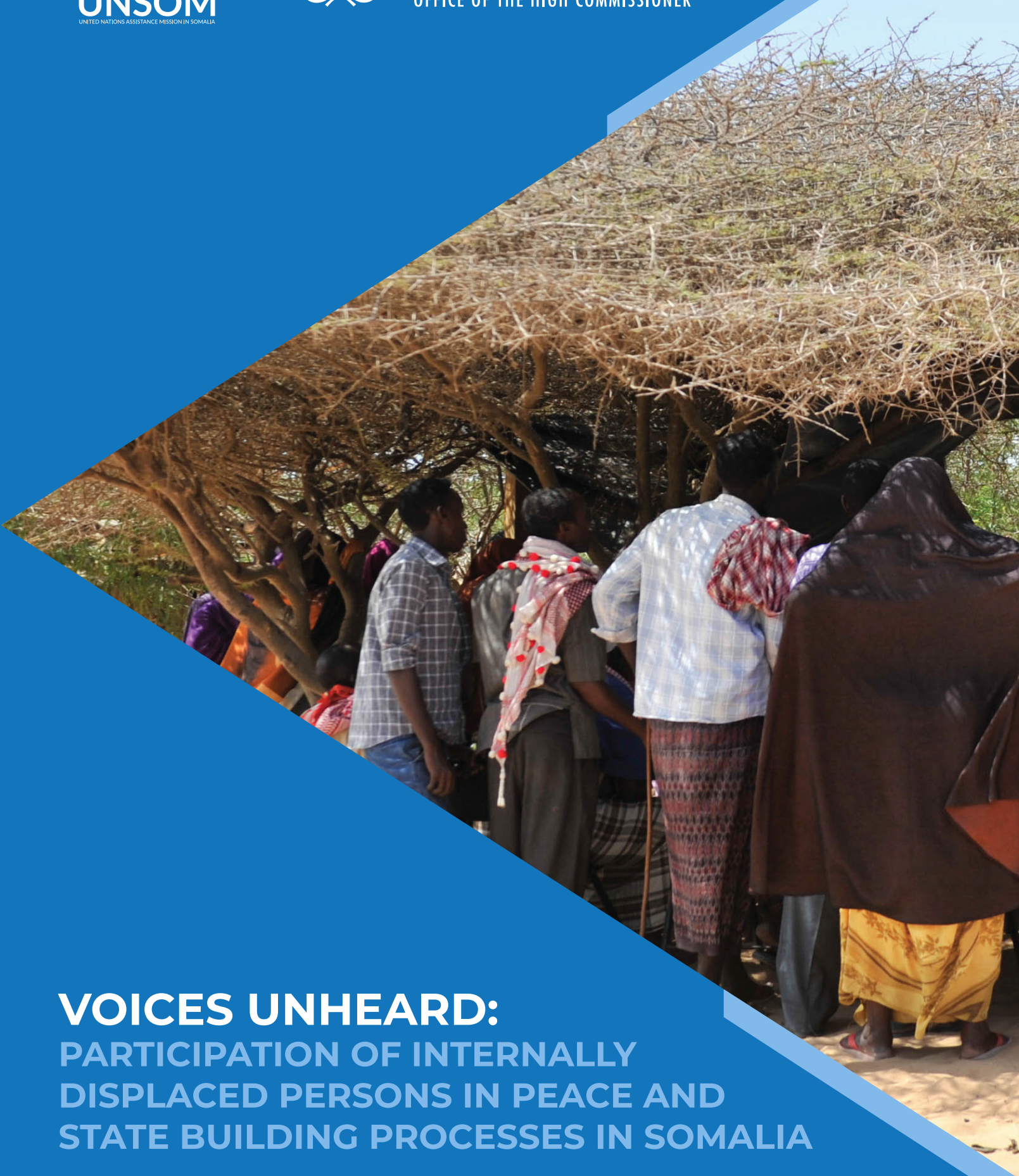




UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



VOICES UNHEARD:
PARTICIPATION OF INTERNALLY
DISPLACED PERSONS IN PEACE AND
STATE BUILDING PROCESSES IN SOMALIA

September 2019



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METHODOLOGY

The information on the participation of IDPs in peace and state building processes was collected through the administration of a specifically-created questionnaire between April and August 2018.¹ The questionnaire focused on five rights provided for in the Provisional Constitution of the Federal Republic of Somalia, namely: the right to political participation; the right to participate in public affairs; the right to freedom of opinion and expression; the right to freedom of association; and the right to assembly.

The questionnaire contained 30 questions aimed at eliciting answers using Likert scales.² Three further questions were included aimed at obtaining answers concerning obstacles faced by IDPs and ways to overcome them, where pre-selected choices were provided to respondents. Additionally, to obtain qualitative information, four questions asked for examples of actions that were taken by IDPs in the realm of public affairs or actions that could improve their participation in public life.

UNSOM HRPG, implementing partners and Community Liaison Officers (implementing partners of the United Nations Mine Action Service, UNMAS) conducted the interviews. UNHCR and one of their implementing partners also cooperated in the project collecting data in one area in Galgaduud, Galmudug.³

Eight hundred and thirty-two (832) interviews were conducted as follows: 222 interviews were carried out in Somaliland, 119 in Banadir, 105 in Jubaland, 104 in Hirshabelle, 102 in Puntland, 100 in Galmudug, and 80 in South West State. The respondents were 386 women and 446 men; 657 of them were IDPs and the remaining ones included government officials, civil society members, women groups, youth activists and politicians. Out of 832 respondents, 419 chose not to provide information on their clan affiliation. This should be considered when the information presented in the report refers to responses expressed by respondents based on their clan affiliation. Out of 419 respondents who did not provide information on their clan affiliation, the majority (222) was in Somaliland.⁴

Respondent IDPs chosen for interviews were either a random selection of IDPs, whilst ensuring that men and women IDPs, disabled IDPs, IDPs from different clans, and those who appear to be more vulnerable were interviewed; IDPs whom the interviewers were familiar with or had a prior working relationship; IDPs who approached or gathered around the interviewers; or IDPs who were selected by leaders of IDP camps. The sample of respondents chosen for this research is aimed at providing information from a broad range of interlocutors (832, both IDPs and non-IDPs) with knowledge of IDP matters, who could offer insights and perspectives on these issues. It does not aim to be statistically representative of Somalia's population or of the IDP population.

The findings of the report are based on the 832 interviews. Variables employed in analyzing the collected information include: location of the respondents; their displacement status; their sex; and their declared

1 Before drafting the questionnaire, UNSOM HRPG carried out consultations within other UNSOM offices, other United Nations entities (OHCHR, the Office of the United Nations High Commissioner for Refugees, and the Office for the Coordination of Humanitarian Affairs) and the Protection Cluster. Following the development of a draft questionnaire, UNSOM HRPG held pre-testing sessions with selected interlocutors to determine the adequacy of questions and the user-friendliness of the questionnaire. Feedback from those sessions was used to finalize the questionnaire

2 A Likert Scale is a type of rating scale used to measure attitudes or opinions. With this scale, respondents are asked to rate items on a level of agreement, <https://www.statisticshowto.datasciencecentral.com/likert-scale-definition-and-examples/>.

3 Training on how to conduct the questionnaire was provided to UNSOM HRPG field staff. In instances where interviews were conducted by implementing partners, UNSOM HRPG field staff briefed its implementing partners on the selection criteria for interviews.

4 During the pre-testing, some of the interviewees had stated that they were not going to take part in the research if they had to provide that information. Therefore, UNSOM HRPG decided to exclude the clan question from the questionnaires administered in Somaliland.

clan/community affiliation. Respondents were asked to give their consent for their comments to be included in such a way as to preserve anonymity. The sample was constrained by lack of access to certain areas and security concerns.

No previous usable baseline regarding the topics explored in this research was available. For this reason, it was not possible to draw inferences or make comparisons regarding changing of views by locations, in time, and by categories of respondents. At the same time, the results of this research can constitute a baseline for future endeavours aimed at exploring the enjoyment by IDPs of rights relating to participation in peace and state building processes.

EXECUTIVE SUMMARY

This report on survey results is released by the United Nations Assistance Mission in Somalia (UNSOM) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) and was prepared pursuant to the mandate of UNSOM under United Nations Security Council Resolution 2158 (2014). The report examines the rights of internally displaced persons (IDPs) related to their participation in peace and state building processes, views of the role they play and/or might play in the public arena and the obstacles they face.

It is estimated that around one fifth of Somalia's population lives in conditions of (at times multiple and prolonged) internal displacement, facing various challenges with regard to their enjoyment of civil and political as well as economic, social and cultural rights. This report stems from the findings of an OHCHR/UNSOM report on human rights published in August 2018 concerning the 2016/2017 electoral process in Somalia, which revealed that IDPs faced marginalization during this process.

The information reflected in the report is based on responses to a specifically-tailored questionnaire administered by the UNSOM Human Rights Protection Group (UNSOM HRP)⁵ to 832 respondents (386 women and 446 men), including 657 IDPs and 175 non-IDPs,⁶ as well as individual interviews between April and August 2018. The report explores the participation of IDPs in peace and state building processes (from the local to the national level) and the obstacles they face.

The questionnaire focused on a cluster of rights provided for in both international human rights instruments and in the Provisional Constitution of the Federal Republic of Somalia. They are the rights: to participate in public affairs; to political participation; to freedom of opinion and expression; and to freedoms of association, assembly, and demonstration.

The survey's results show a lack of (or very reduced) participation of IDPs in peace and state building processes, together with a sense of disenfranchisement amongst IDPs. This suggests a significant disconnect between IDPs and figures of authority in Somali society from the camp/settlement level upwards.⁷

Although the participants gave different responses based on variables including location, being or not being internally displaced, sex, and declared clan affiliation, an overall picture indicating exclusion and marginalization of IDPs from peace and state building process emerged from the research.

The respondents stated the existence of an overall lack of representation and of their absence in decision-making processes, which fuels sentiments of not belonging and may contribute to further divide communities. The survey revealed that IDPs have a limited trust in the authorities.

Their exclusion and marginalization also led to a fear to speak up, let alone to express criticism, with individual IDPs more reliant on traditional, clan-based channels of communications. Similarly, IDPs do not feel empowered to exercise their rights to peaceful assembly or to form or join an association.

5 Under the United Nations Security Council Resolution 2158, UNSOM is mandated "to monitor, help investigate and report to the Council on, and help prevent any abuses or violations of human rights or violations of international humanitarian law committed in Somalia." This report stems from the findings of research carried out for an OHCHR/UNSOM report on human rights in the 2016/2017 electoral process in Somalia, which revealed that IDPs faced marginalization in the electoral process, the Centrality of Protection Strategy adopted by the Somalia Humanitarian Country Team for 2018-2019 adopted in December 2017.

6 Non-IDPs included civil servants, members of civil society, clan elders, religious leaders, women, youth, aid workers and politicians.

7 In the absence of a previous usable baseline regarding the topics explored in the report, it was not possible to draw inferences or make comparisons regarding changing of views by locations, in time and by categories of respondents. At the same time, the results of this research can constitute a baseline for future endeavours aimed at exploring these aspects of the lives of IDPs.

These results appeared to be more marked taking into account the views held by communities that have historically been excluded and marginalized in Somalia, such as the Somali Bantu community. They seem to suffer from the double effect of internal displacement and belonging to a disadvantaged group. Traditional gender roles were also identified as contributing to reducing the chances of an already restricted degree of participation in peace and state building processes.

Recommendations to the Federal Government of Somalia and Federal Member States highlight the need to take a proactive approach to further IDPs' enjoyment of human rights at different levels: from the individual (starting from their safety and security and their security of tenure) to the larger community as a whole (their engagement in the constitutional review process and electoral processes both at federal and local levels).

The national processes for Somalia's peace and state building have generally been characterized by reduced public participation and their foundations largely remained fragile. Somalia is at a critical juncture, with the ongoing elections in the Federal Member States and the preparations for the 2020-21 one-person-one-vote national elections,⁸ the constitutional review process and other legal reforms, deepening federalism, and the planned transition of the primary responsibility for security to the Somali security institutions and forces and the implementation plan for the national security architecture. In this context, the voice of a significant segment of the population cannot remain unheard on these processes that will shape the Constitution of the Somali state for decades to come.

The report was shared with the Federal Government of Somalia and the Federal Member States, and no factual errors were identified.

8 The National Independent Electoral Commission (NIEC) is currently working on plans to start voter registration for 2020-21 elections in the third quarter of 2019. In a TV interview in September 2018, the Chairperson of NIEC estimated that the Commission would register three million voters in the country. <https://goobjoog.com/xaliimo-yarey-oo-ka-hadashay-suurtagnimada-doorasho-dalka-ka-dhacday-2020/> (last accessed 15 April 2019).

1. CONTEXT

1. IDPs are estimated to constitute around 20 per cent of Somalia's population. Some have been displaced since the former Government collapsed in 1991 and others have suffered multiple displacements due to one or more factors, including conflicts, droughts and flooding. The focus by the international community and the Federal Government of Somalia on IDPs is generally centered on their humanitarian needs to address the situation of vulnerability in which they live.
2. Civilians continue to suffer from the persistent armed conflict in Somalia. It is estimated that there are 2.6 million IDPs in the country⁹ representing more than one fifth of the total estimated population.¹⁰ Females make up an estimated 50.63 per cent of the IDP population.¹¹ From 1 January 2017 to 31 July 2019, UNSOM HRPG recorded 4,821 civilian casualties of which 2,233 were killed and 2,588 were injured. This number included 96 IDPs, 25 killed and 71 injured. These figures represent what UNSOM HRPG documented and are not a full and complete record of all civilian casualties in Somalia during the reporting period. In addition to vulnerabilities created by multiple and prolonged displacement, precarious security of tenure, and loss of clan¹² protection, IDPs face many other risks, including arbitrary arrests and detention, violent incidents during the distribution of humanitarian assistance, forced evictions, as well conflict-related sexual violence and exclusion from key peace and state building processes.
3. Of the estimated 2.6 million IDPs in Somalia, more than 1.5 million have been subjected to further displacement—mainly from rural areas to urban centres¹³—since November 2016 as a result of drought, conflict and flooding.¹⁴ The four main reasons of internal displacement are conflict or fear of conflict (for 22 per cent of respondents), drought (22 per cent), a lack of

9 The United Nations Office for Coordination of Humanitarian Affairs (OCHA), Somalia: Humanitarian Dashboard, August 2018 at https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Humanitarian%20Dashboard_August%202018.pdf (last accessed on 3 October 2018); Report of the Secretary-General on Somalia, S/2018/800, 4 September 2018, para. 75, at <https://undocs.org/S/2018/800> (last accessed 14 November 2018).

10 Estimated at 12,316,895; see United Nations Population Fund (UNFPA), Population Estimation Survey Somalia 2014, p. 18, at <https://somalia.unfpa.org/sites/default/files/pub-pdf/Population-Estimation-Survey-of-Somalia-PESS-2013-2014.pdf> (last accessed 11 November 2018).

11 Somalia Humanitarian Response Plan 2019.

12 Somalis are divided into clans and numerous sub-clans and the clan structure remains socially and politically important in every aspect of Somali life. The main four clans are: Darod, Hawiye, Digil and Mirifle (sometimes referred to as Rahanweyn) and Dir. Somalia uses a 4.5 formula, which is a political power-sharing agreement that gives an equal quota to these four major clans and a half-point to the cluster of "minority" clans made up of a host of "smaller" and marginalized clans which are categorized into two groups: ethnic groups (Somali Bantu, Banaadiri and Arabs who fall outside the traditional Somali clan structure and are seen to be of foreign origin) and occupational groups (a caste of artisans). The half-point (0.5) denotes the assumption of their being regarded as small in numbers and not carrying significant weight politically and socially. The 4.5 formula was originally put forward as the basis for a power-sharing matrix at the Sodere Conference, sponsored by Ethiopia and attended by most of the main armed factions in 1996-7. It later evolved into a power sharing formula agreed to by Somali clan and political leaders during the 2000 Arta Peace Conference in Djibouti, which produced the Transitional National Government (TNG) and it has been in place since then. See Interpeace Report "A History of Mediation in Somalia since 1988" p. 67 at https://www.interpeace.org/wpcontent/uploads/2009/05/2009_Som_Interpeace_A_History_Of_Mediation_In_Somalila_Since_1988_EN.pdf. The 4.5 formula has no legal basis and was devised as a temporary solution. See also UNSOM Fact sheet on Somalia's 2016 electoral process, at https://unsom.unmissions.org/sites/default/files/fact_sheet_on_somalias_2016_electoral_process.pdf (last accessed 17 October 2018). Somalia's population is generally defined as homogeneous but as stated above Somalis are diverse in terms of ethnicity (Somali Bantu, Arabs) and the way of life (pastoralism, agriculture and fishing). Somalia's political class is accused of denying or ignoring the existence of strong 'ethnic minorities' with different identity and origins in the country. See Mohamed Trunji, *Somalia: Untold History 1941 - 1969*, Looh Press, 2015, p. 432. The majority of IDPs are considered to be from the minority and marginalized clans, see Somalia Human Development Report 2012: Empowering Youth for Peace and Development, UNDP 2012 at p. 33.

13 Report of the Secretary-General on Somalia, S/2018/800, 4 September 2018, para. 96, at <https://undocs.org/S/2018/800> (last accessed 14 November 2018).

14 Camp Coordination and Camp Management, Operational Portal IDP Situations, at https://data2.unhcr.org/en/situations/cccm_somalia (last accessed 5 November 2018).

livelihood opportunities (16 per cent) and evictions (five per cent).¹⁵ These have contributed to clan-based conflicts¹⁶ that caused civilian casualties and displacement. Due to Somalia's fragile security situation and developing institutions, clan militias have often filled the security gap, with weak and marginalized clans rendered even more vulnerable to insecurity and prone to internal displacement.¹⁷

4. The majority of IDPs live in approximately 2,000 IDP sites,¹⁸ mostly in urban centres, as these offer more opportunities of obtaining humanitarian assistance and to earn a livelihood. The majority of these sites are informal settlements on private land in urban areas. Mogadishu hosts the largest number of IDPs, with an estimated 485,731 people—19 per cent of the country's total IDPs.¹⁹
5. IDPs are among the most vulnerable people with respect to food security²⁰ and fare worse than the general population with respect to indicators such as poverty.²¹ Protection is a major concern for IDPs in general and for internally displaced women and girls in particular.²² The IDP camps are often located on the outskirts of cities and towns, where the presence of State security agencies is minimal.²³
6. Somali women and girls bear an unequal brunt of the hardships occasioned by poverty, conflict and clan-based culture which promotes strict male hierarchy and authority. This is further exacerbated by cultural limitations on the role and status of women in Somali society. As a result, deeply rooted gender inequality prevails. Somali women are either excluded from formal decision-making and asset ownership or operate through a patriarchal filter. Somalia has extremely high rates of maternal mortality, rape, female genital mutilation, violence against women, and child marriage.²⁴ Women's access to justice is restricted both within the formal and clan based judicial systems. Women face limited access to economic resources and assets. This is compounded by women's low participation in politics and decision-making spheres.

15 Somali Human Rights Response Plan 2019 at https://reliefweb.int/sites/reliefweb.int/files/resources/20190118_humanitarian_response_plan.pdf (last accessed 18 April 2019).

16 UNSOM HRPD documented 157 civilian casualties (87 deaths and 70 injuries) resulting from drought-related clan conflicts during the peak of a drought between January and June 2017. The conflicts also generated civilian displacements.

17 International Crisis Group, Instruments of Pain (III): Conflict and Famine in Somalia, briefing No. 125/Africa, 9 May 2017, <https://www.crisisgroup.org/africa/horn-africa/somalia/b125-instruments-pain-iii-conflict-and-famine-somalia> (last accessed 3 October 2018); Report of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, S/2018/896, 8 October 2018, para. 4, at https://www.un.org/ga/search/view_doc.asp?symbol=S/2018/896 (last accessed 28 November 2018).

18 OCHA, Somalia: Humanitarian Dashboard, August 2018 (issued on 17 September 2018), at https://reliefweb.int/sites/reliefweb.int/files/resources/Somalia%20Humanitarian%20Dashboard_August%202018.pdf (last accessed 3 October 2018). Report of the Secretary-General on Somalia, S/2018/800, 4 September 2018, para. 75, at <https://undocs.org/S/2018/800> (last accessed 14 November 2018).

19 Camp Coordination and Camp Management, Operational Portal IDP Situations, at https://data2.unhcr.org/en/situations/cccm_somalia (last accessed 5 November 2018).

20 See Report of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, S/2018/896, 8 October 2018, paras. 3-5, at https://www.un.org/ga/search/view_doc.asp?symbol=S/2018/896 (last accessed 28 November 2018), and Food Security and Nutrition Analysis Unit (FSNAU)-FEWS NET 2018 Post Gu Technical Release, 2 September 2018, at <http://www.fsnau.org/in-focus/fsnau-fews-net-2018-post-gu-technical-release-02-sep-2018> (last accessed 28 November 2018).

21 International Bank for Reconstruction and Development, Somali Poverty Profile 2016, Report No: AUS19442, p. 23, at https://reliefweb.int/sites/reliefweb.int/files/resources/Output-P160456-v7_0.pdf (last accessed 3 December 2018). The results on poverty incidents refer to Somalis living in IDP settlements.

22 Studies has shown that internally displaced women and girls have limited access to sexual and reproductive health services. This can have grave consequences, such as unintended and unwanted pregnancy, maternal mortality and morbidity, as well as other risks to the health of mothers and newborns. Women and adolescent girls are also at greater risk of gender-based violence, including intimate partner violence, rape, early marriage and trafficking. https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/ga_bp_conflictnrcrisis_2017_07_25.pdf (last accessed 12 April 2019).

23 As stated by the Mayor of Mogadishu in an address delivered at the Exchange on Local Solutions to Urban Displacement in Mogadishu on 21 October 2018, at <http://regionaldss.org/wp-content/uploads/2018/12/Exchange-Local-Solutions-Programme-21-Oct-2018-Report-Revised-Final.pdf> (last accessed 4 March 2019).

24 UNDP, Gender in Somalia, <https://www.undp.org/content/dam/rbas/doc/Women's%20Empowerment/Gender_Somalia.pdf>.

7. Gender-based violence, including sexual violence, remains widespread and internally displaced women and girls are extremely vulnerable due to lack of preventive measures, limited access to justice and weak clan protection.²⁵ IDPs represented over 80 per cent of the survivors of recorded gender-based violence incidents in 2018.²⁶ The 2017 Secretary-General's Report on Conflict-Related Sexual Violence noted that the intrinsic vulnerability of IDPs in Somalia may be compounded by the weak clan protection enjoyed by them while fleeing or in their place of displacement.²⁷ UNSOM HRPG has documented 32 rape incidents perpetrated against IDP women and girls (24 of the rape incidents occurred in 2017 and the remaining eight in 2018). Seventeen of the recorded incidents occurred in South West State;²⁸ 11 in Puntland; two in Hirshabelle; one in Galmudug; and one in Jubaland. Twenty-four of the incidents occurred in 2017, 22 of which in the first half of that year, when internal displacement reached its peak due to the drought. The alleged perpetrators included: members of the security forces; Al Shabaab; unidentified gunmen (in some cases wearing military or police uniforms); and police officers.
8. The practice of "gatekeeping" has contributed to the insecure environment in IDP camps in Somalia. "Gatekeepers" are self-appointed individuals from dominant local clans with connections to local security forces and militias, who decide on important aspects of IDP life, including security, location of the camp/settlement, and registration of IDPs to access humanitarian assistance.²⁹ "Gatekeepers" act as *de facto* IDP camp managers³⁰ and many of them allegedly profit from the distribution of aid reaching the settlements, often charging forms of rent to the IDPs they claim to protect and represent.³¹ Given the existing power structures and the ways IDP camps have been established and managed by "gatekeepers", together with no or limited governmental role in their management, IDPs have largely been disenfranchised and left vulnerable to exploitation and abuse.³² Displaced women and girls who are already in a vulnerable position bear the brunt of the protection gaps relating to right to liberty and security of the person.³³
9. Between 1 January 2017 and 30 September 2018, UNSOM HRPG documented the cases of 29 IDPs (22 men, three women and four children) who were arbitrarily arrested and/or held in prolonged detention by police and other security forces. All these cases took place in Puntland. Nineteen individuals were released after periods ranging from one week to seven weeks without having been charged and without appearing before a court. The remaining 10 were released after appearing before a court more than 48 hours after their arrest and were never charged; detentions lasted from 11 days to 16 months. For example, in one case, a Somali Bantu male IDP was arrested during a security operation in North Galkayo, on 22 August 2016. He was held in Galkayo central prison for 15 months without any charges being filed against him.

25 See Report of the Secretary-General on Conflict-related Sexual Violence, S/2017/249, 15 April 2017, para. 54, at <https://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf> (last accessed 6 November 2018).

26 Report of the Secretary-General on Somalia, S/2018/800, 4 September 2018, para. 70, at <https://undocs.org/S/2018/800> (last accessed 14 November 2018).

27 Report of the Secretary-General on Conflict-related Sexual Violence, S/2017/249, 15 April 2017, para. 54, at <http://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf> (last accessed 16 October 2018).

28 Sixteen of which occurred in Baidoa town between January and March 2017.

29 See, for instance, Human Rights Watch, *Hostages of the Gatekeepers: Abuses against Internally Displaced in Mogadishu, Somalia*, at <https://www.hrw.org/report/2013/03/28/hostages-gatekeepers/abuses-against-internally-displaced-mogadishu-somalia> (last accessed 3 November 2018).

30 See Camp Coordination and Camp Management Cluster, *Camp Management Committee Guidelines, Somalia*, para. 2 at <https://reliefweb.int/sites/reliefweb.int/files/resources/61760.pdf> (last accessed 14 November 2018).

31 Rift Valley Institute/Heritage Institute for Policy Studies, *Land Matters in Mogadishu: Settlement, ownership and displacement in a contested city*, 2017, p. 79, at <http://riftvalley.net/publication/land-matters-mogadishu#.XL6ygOgzZdh> (last accessed 14 November 2018).

32 See, for instance, Refugees International, *Gatekeepers and Evictions: Somalia's Displaced Population At Risk*, 1 November 2012, at <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/56ab83608b38d48c8e279637/1454080864> (last accessed 11 November 2018).

33 Article 15, Provisional Constitution of Federal Republic of Somalia, August 2012.

10. On 22 August 2017, Puntland police arrested a Somali Bantu pregnant IDP woman who had reportedly been gang raped by armed men in military uniforms in her IDP camp in Garowe town, Puntland, on 20 August 2017 for sharing her account of the incident with local media. The Garowe District Court ordered her release and that of her husband after five days in detention. No charges were filed against those involved in her arrest.
11. UNSOM HRPD documented incidents at food distribution sites coordinated by local authorities during the period between April and June 2017, which saw the highest number of incidents such as looting, indiscriminate shooting and stampedes, resulting in 48 casualties (15 killed and 33 injured). This was reportedly due to poor crowd control during food distributions and possibly linked to poor training of local police and security forces and limited engagement of humanitarians with them to share best practices on distribution and crowd control.
12. IDPs have also been the victims of Al Shabaab. On 16 April 2017, a 17-year-old boy was killed and two other boys (aged 13 and 14) were wounded by the detonation of a remotely-controlled improvised explosive device targeting a World Food Programme convoy passing through an IDP settlement in Deyniile district, Mogadishu. Al Shabaab claimed responsibility for the explosion, stating they were targeting United Nations personnel.³⁴
13. Frequent forced evictions have aggravated the already dire situation of IDPs. IDPs live in a condition of constant insecurity of tenure, as showed by consistent forced evictions.³⁵ A spike in forced evictions was recorded in 2018 and 2019. According to the Eviction Trends Analysis, issued by the Housing, Land and Property (HLP) Rights Sub Cluster, Somalia Protection Cluster, 313,964 individuals were evicted in 2018, which was 113,688 more than the forced evictions reported in 2017. The evictions continued in 2019 and by the end of April, 114,295 individuals have been evicted. On average, more than 155,000 IDPs have been evicted in Somalia every year since 2015 and more than 11,000 on average are evicted every month.³⁶
14. In Mogadishu, between 29 and 30 December 2017, Somali security forces consisting of Somali Police, Somali National Army (SNA), and National Intelligence Services Agency carried out one of the largest forced evictions of IDPs in recent years in and around Mogadishu.³⁷ It reportedly affected at least 5,807 households (an estimated 34,734 individuals) from 38 IDP settlements in two different locations in the Kilometre 13 area of the Mogadishu-Afgoye Road.³⁸
15. A committee established by the Banadir Regional Administration in February 2018 to investigate the forced evictions issued a public report in April 2018 and found that undue force was used during evictions and properties of IDPs were destroyed, with 4,220 families [25,320 people] rendered homeless. The committee further added that the right to an effective remedy was not provided. It concluded "... that actions taken by local landowners and local authorities using local/federal government resources (Somali police force, military personnel and regional security) on 29 to 30 December 2017 violated IDPs right to life, safety and protection of property.

34 See Al Shabaab statement on 16 April 2017 claiming the responsibility of a landmine attack targeting a United Nations personnel in a convoy at K13 area in Deyniile district) at <http://somalimemo.net/articles/6814/Faah-Faahin-Weeraro-Isugu-Jira-Qaraxyo-iyo-Duqeymo-Oo-Ka-Dhacay-Muqdisho-iyo-Duleedkeeda> (last accessed 11 November 2018).

35 See, for instance, Amnesty International, No place like home. Returns and relocations of Somalia's displaced, February 2014, at www.amnesty.org/en/documents/AFR52/001/2014/en/ (last accessed 3 October 2018).

36 Report of the Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, S/2018/896, 8 October 2018, para 23, at http://www.un.org/ga/search/view_doc.asp?symbol=S/2018/896 (last accessed 28 November 2018).

37 This was the most significant forced mass eviction of IDPs in recent years. It took place in Kaxda district. See Norwegian Council, Back to Square One, at <http://reliefweb.int/sites/reliefweb.int/files/resources/back-to-square-one-28post-eviction-assesment-in-somalia29.pdf> (last accessed 16 October 2018). The exact number of security forces involved in the operation is unknown, but the information available suggests they could have been in the hundreds.

38 Norwegian Refugee Council, Back to square one, 12 December 2018, at <https://reliefweb.int/sites/reliefweb.int/files/resources/back-to-square-one-28post-eviction-assesment-in-somalia29.pdf> (last accessed 16 October 2018).

The committee underlined that these actions further impaired the resilience and coping mechanisms of communities with limited capacity and resources to deal with their situation.”³⁹

16. The Federal Government of Somalia, with the support of the United Nations and the international community in Somalia, has been working on a Durable Solutions Initiative for IDPs, which includes a “combination of humanitarian, development, peace and state building approaches.”⁴⁰ It provides for multi-sectoral interventions to find long-term solutions for IDPs on land tenure security, protection and urban development.⁴¹ The initiative anticipates both voluntary return to places of origin and local integration.⁴² The Federal Government is also in the process of finalizing a National Policy on Refugee-Returnees and Internally Displaced Persons (the Policy),⁴³ which is currently before the Federal Cabinet for approval. It aims to encourage participation of refugee-returnees and IDPs in public affairs and in all processes, that affect them on an equal basis with resident communities, to counter marginalization and build social cohesion. It provides for the right of refugee-returnees and IDPs to associate freely and participate equally in community affairs and the right to vote and participate in public and governmental affairs. The Policy further calls upon all actors under it to create an enabling, inclusive and participatory environment for refugee-returnees, IDPs and other displacement-affected communities to be informed about, consulted on and able to participate in all major decisions “affecting their lives and future”. If adopted and fully implemented, this will be a positive development which will enable refugee-returnees and IDPs to have a voice in peace building and state building activities in their communities.
17. On 22 January 2019, the Banadir Regional Administration launched a Policy for Internally Displaced Persons in Mogadishu as part of its strategic plan for 2018-23. The Banadir Regional Administration presented the policy as being in line with the 2017-2019 National Development Policy, indicating it was developed to provide a coherent and coordinated response to the current IDP crisis in Mogadishu.⁴⁴ In addition, in January 2019, the Banadir Regional Administration launched a Durable Solutions Unit (DSU) to implement its IDP policy in Mogadishu with the stated mission of “creating an inclusive prosperous region in which displacement affected communities have access to basic services, economic growth and fully participate at all levels of government.”⁴⁵
18. Due to ongoing insecurity, limited humanitarian assistance and livelihood opportunities in their places of origin, the rate of voluntary return by IDPs in Somalia has been very low.⁴⁶ The option of local integration does appeal to IDPs, as indicated by 47 per cent of Mogadishu’s IDP population surveyed in 2016.⁴⁷ However, this has often proven elusive, as demonstrated by the large numbers of IDPs from the 1990s who are still living in IDP camps and settlements in Mogadishu.

39 Banadir Regional Administration, 29-30 December 2017, Forced Evictions Committee Report, at http://www.globalcrrf.org/crrf_document/29-30-december-2017-forced-evictions-committee-report-april-2018/ (last accessed 16 October 2018).

40 Special Advisor: Durable solutions for displaced persons in Somalia require combined humanitarian, development, peace approach, at <https://unsom.unmissions.org/special-advisor-durable-solutions-displaced-persons-somalia-require-combined-humanitarian>, para. 12, (last accessed 15 November 2018).

41 Special Advisor: Durable solutions for displaced persons in Somalia require combined humanitarian, development, peace approach, at <https://unsom.unmissions.org/special-advisor-durable-solutions-displaced-persons-somalia-require-combined-humanitarian> (last accessed 6 November 2018).

42 The Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons at <https://www.unhcr.org/50f94cd49.pdf> (last accessed 13 November 2018).

43 Draft National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs), Federal Government of Somalia, July 2019.

44 The Banadir Regional Administration Policy for Internally Displaced Persons in Mogadishu – launched on 22 January 2019.

45 <https://dsu.so/about/> (last accessed 4 March 2019).

46 See Report of the Secretary-General on Somalia, S/2018/800, 4 September 2018, para. 96, at <https://undocs.org/S/2018/800> (last accessed 14 November 2018).

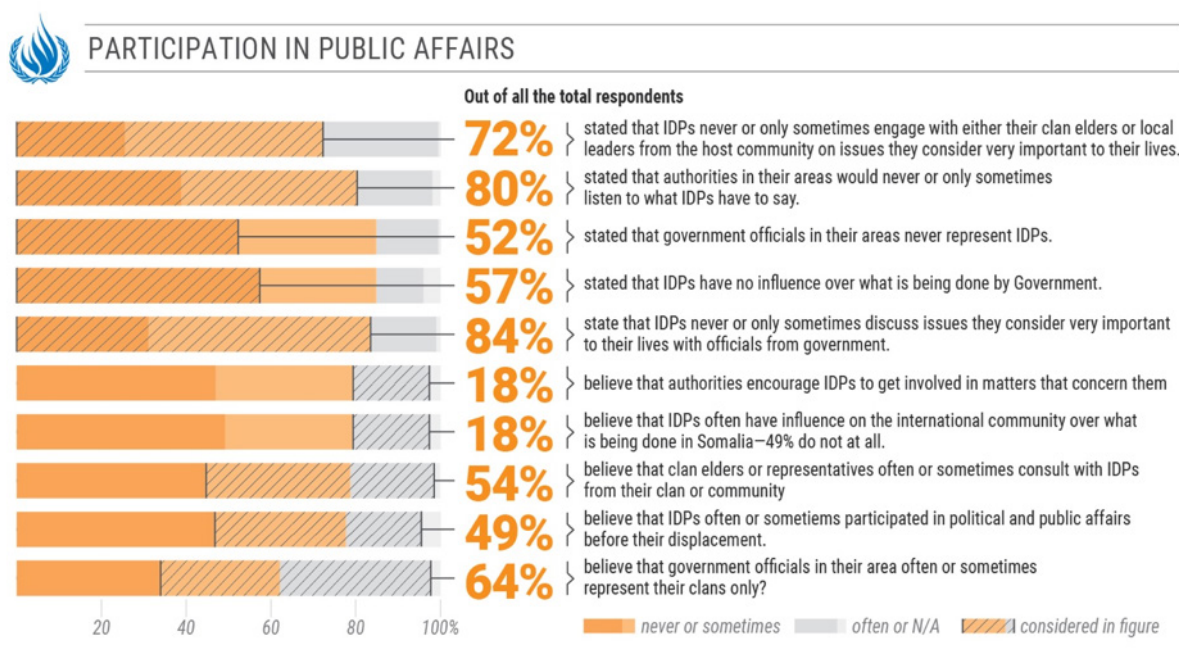
47 Internal Displacement profiling in Mogadishu Report, April 2016, p. 48, at <https://www.jips.org/jips-publication/profiling-report-mogadishu-somalia-2016/> (last accessed 6 November 2018).

19. Despite being a sizeable segment of Somalia's population, in 2016-17, IDPs consistently expressed concern at their marginalization in the electoral process. Marginalization, discrimination and social exclusion have been reported to be particularly frequent among IDPs belonging to minorities and traditionally marginalized groups, or who have lost clan protection because they fled from their places of origin to areas dominated by different clans.⁴⁸

⁴⁸ International Bank for Reconstruction and Development, Somali Poverty Profile 2016, Report No: AUS19442, p. 23, at https://reliefweb.int/sites/reliefweb.int/files/resources/Output-P160456-v7_0.pdf (last accessed 3 December 2018). The results on poverty incidents refer to Somalis living in IDP settlements.

2. Participation of Internally Displaced Persons in public affairs

2.1 Key findings regarding the right to participate in public affairs



Creation Date: 30 April 2019 Source: United Nations Assistance Mission in Somalia (UNSONM)

20. Local community leaders and clan elders are central actors in Somalia for a wide range of issues such as traditional dispute resolution, peace and reconciliation, electoral processes and delivery of humanitarian assistance. The survey results indicate that respondent IDPs view their involvement in discussions with their local community leaders on issues they consider very important to their lives as limited. Seventy-two per cent of respondents stated that IDPs would never or only sometimes engage with their community leaders, both their clan elders and local leaders from the host community. Slightly more than a quarter of all respondents (27 per cent) stated that IDPs would often get involved in discussions with their local leaders.⁴⁹
21. A possible explanation for this response may be that women make up 46.39 per cent of respondents and correspondingly, women and children make up 81.54 per cent (adult women 20.94 per cent and children 60.6 per cent) of the IDP population⁵⁰ and traditionally in Somali society women and children had only limited or no access to consultations and decision-making processes regarding important community issues. The traditional gender roles and division of labour in the public/private spheres—e.g. women caring for children and charged with household chores—may also be a factor. Almost half of IDP families (47 per cent) are

⁴⁹ No significant variation among clan groups, IDPs and no-IDP and male and female respondents. For example, 25 per cent of female respondents stated that IDPs often get involved in discussions with their local leaders.

⁵⁰ The Food Security and Nutrition Analysis Unit - Somalia (FSNAU)/Somalia Humanitarian Response Plan 2019.

headed by females⁵¹ and that puts additional pressure on women as mothers as well as the main income earners. It is therefore unlikely that the IDPs who were surveyed could participate in community affairs on an equal basis with both the host community leaders and their own clan elders.

22. Additionally, considering the practice of “gatekeeping”,⁵² it is unlikely that IDPs surveyed are actively involved in discussions on issues affecting them and decision-making processes, as this is limited to a small number of individuals, mostly men, from dominant clans of the host community. The Somalia Camp Coordination and Camp Management Cluster⁵³ summed up the general situation as follows: “In the Somali context, there is often a disconnect between the site manager and the IDP population. Moreover, residents tend to feel as if their voices are not being heard by those managing sites, leaving individuals to feel marginalized and hopeless.”⁵⁴
23. Nevertheless, “gatekeeping” is not the exclusive reason why the relationship between IDPs and leaders from the host community and clan elders from the IDPs is weak. Respondents in Hargeisa, Somaliland, where gatekeeping appears not to be as prominent, stated that IDPs were scarcely involved in discussions with community leaders/clan elders, with 67 per cent stating they would never get involved in discussions.⁵⁵ Responses from some interviews described below explain the other important factors.
24. Eighty-four per cent of the respondents stated that IDPs would never or only sometimes discuss issues with government officials.⁵⁶ Respondents reported the attitude of the community leaders and local authorities towards IDPs to be indifferent and saw this as a major obstacle to their participation in the affairs of their community. A university student in Mogadishu suggested that “IDPs are not allowed to meet government [officials] because they [IDPs] are not considered as important.”
25. Some respondents indicated that government officials would meet IDPs only when they wanted to obtain something from them. For example, in Awdal region, Somaliland, where different levels of elections had been held, IDP respondents stated that the only time they saw local government officials was when an election approached, and never afterwards.
26. Irrespective of actual engagement on the part of authorities, the survey responses indicate that IDPs did not feel attention was paid to their needs: 80 per cent of the respondents stated that authorities in their areas would never listen to what IDPs had to say or only sometimes. A Somali Bantu community activist in Mogadishu gave two inter-related reasons for this, stating that “no one listens to the IDPs as they don’t have voice. They also don’t have access to government offices.” A male IDP in Mogadishu added that “IDPs are not allowed even to speak and no opportunities are given to them to do so.” Other respondents offered a bleaker view, as in the case of an IDP respondent in Galgaduud region, Galmudug, who stated that “they [authorities] listen to us [IDPs] but they do not act on it.”

51 The World Bank Group/ Global Program on Forced Displacement, *Analysis of Displacement in Somalia*, 2014, para. 5.4, at <http://documents.worldbank.org/curated/en/889591468321538763/pdf/932380WP0P12640t0DC0edits009012014.pdf> (last accessed 12 November 2018).

52 Defined as a “system that lacks any pretense of accountability and transparency, and in which IDPs are treated as a commodity.” See Mark Yarnell, *When Push Comes to Shove: Displaced Somalis Under Threat*, Refugee International, at <https://www.refworld.org/pdfid/528488ac4.pdf> (last accessed 23 November 2018).

53 The Somalia Camp Coordination and Camp Management Cluster supports the coordination, provision and monitoring of basic services at the site level, ensuring participation of IDPs and host community. UNHCR is the Lead Agency.

54 Camp Coordination and Camp Management (Cluster Somalia), *Camp Management Committee Guidelines* issued on 31 January 2018, para. 1, at <https://data2.unhcr.org/en/documents/details/61760> (last accessed 18 November 2018).

55 At the other end, percentages of respondent saying that IDPs would often get involved reached 56 per cent in Kismayo town, Jubaland, suggesting that in that area, for reasons that are not immediately obvious and might deserve further exploration, IDPs might be more engaged with community leaders.

56 Eighty six per cent of female respondents stated that IDPs never or only sometimes discussed issues with government officials.

27. Additionally, there seems to be a generalized feeling of lack of authorities' representativeness: more than half of all respondents (52 per cent) stated that government officials in their areas did not represent IDPs, and one third said that they represented IDPs only sometimes.⁵⁷ As to responses by declared communities, respondents from the Somali Bantu community expressed more negative views than the average of the total respondents on this issue: 59 per cent of them stated that local government officials did not represent IDPs. The majority of Somali Bantu respondents reflect their experience as one of the most marginalized and excluded groups in Somalia.⁵⁸
28. Being uprooted from their place of origin has repercussions on all aspects of IDPs' lives and the enjoyment of their rights as well as their legal status as Somali citizens. It often results in a lower level of protection. For example, in the absence of a fully functioning formal justice system, local customary law (*xeer*) is widely used as the main traditional dispute resolution framework. IDPs coming from another part of the country may find themselves outside of the coverage of the local *xeer* of the host community.⁵⁹ In Puntland, it has been noted that traditional elders faced "the challenge of dealing with issues of crime and conflict that arise from disputes with migrants from Ethiopia and IDPs from Southern Somalia, who do not have a jural status (meaning that these IDPs have no agreement with the clans for their legal issues to be adjudicated) with clans in Puntland, because they are not party to any *xeer*."⁶⁰
29. In addition to grievances about the lack of representation by local government officials, results indicate bias and favouritism towards certain clans on the part of government officials. In total, almost two thirds of all respondents (64 per cent) believe that government officials in their area represent often or sometimes their clans only, which generally happen to be the dominant clans in the places hosting IDPs.⁶¹
30. As to responses by declared clan, Somali Bantu expressed more negative views, with 71 per cent of them stating that government officials represented their clans only. An IDP respondent in Baidoa town, South West State, linked the favouritism to the way power is currently shared in the country, stating that "the government is based on the 4.5 formula and government members represent their clans only."⁶² Additionally, IDPs, as an identity group, find themselves outside of these 4.5 political and power sharing arrangements, that further disenfranchises them. Despite the use of the 4.5 formula as the basis for power sharing since 2000, some have argued that this is insufficient to guarantee broad representation of the interests of all Somali stakeholder interests and political inclusiveness.⁶³ Effectively, this could mean that IDPs, given

57 Only a small minority (15 per cent) of respondents deemed that local government officials represented IDPs.

58 See Norwegian Refugee Council, Background information on the IDP situation in Somalia, 10 July 2002, at <https://reliefweb.int/report/somalia/background-information-idp-situation-somalia> (last accessed 26 November 2018); Human Rights Watch, Hostage of the Gatekeepers: Abuses against Internally Displaced in Mogadishu, Somalia, March 2013, p. 26, at https://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf (last accessed 26 November 2018); Mohamed A. Eno and Abdi M. Kusow, Racial and Caste Prejudice in Somalia, *Journal of Somali Studies* 1 (2014): 91-118, at https://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=1007&context=soc_las_pubs (last accessed 26 November 2018). A member of the Lower House of the Federal Parliament made a speech in the parliament in Mogadishu on 24 September 2018, demanding the end of discrimination against the Somali Bantu community. <https://www.radiodalsan.com/en/2018/09/24/end-somali-bantu-discrimination-mp-nuur-tells-parliament/> (last accessed 18 November 2018).

59 See Gundel J. and Dharbaxo A. A., The Predicament of the 'Oday': The Role of Traditional Structures in Security, Rights, Law and development in Somalia, Danish Refugee Council, November 2006, p. 24, at https://logcluster.org/sites/default/files/documents/Gundel_The%2520role%2520of%2520traditional%2520structures.pdf (last accessed 22 November 2018).

60 Ibid. This means they have no agreement with the clans for their legal issues to be adjudicated.

61 This view is held by all respondents except those from the Galgaduud region of Galmudug who presented a different view: 60 per cent of them stated that government officials in their area did not represent their clans only.

62 The 4.5 formula political power-sharing agreement is explained above in footnote 12.

63 See Interpeace Report "A History of Mediation in Somalia since 1988" page 67. https://www.interpeace.org/wp-content/uploads/2009/05/2009_Som_Interpeace_A_History_Of_Mediation_In_Somalila_Since_1988_EN.pdf (last accessed on 9 June 2019).

their unique status as a group of people, do not have anyone representing them in local and state institutions and processes as all these are based on clan affiliation.⁶⁴

31. This bias might have significant implications for the IDPs, as local government officials are, inter alia, the primary duty bearers, with the responsibility for an impartial delivery of essential services, including humanitarian assistance. When IDPs flee their places of origin, they often settle in locations where their clans are not dominant, and end up living on the margins of society, even if their numbers might be high.
32. The view that government officials do not represent them can also prevail among people displaced close to their areas of origin, as in the case of Somali Bantus IDPs near Jowhar, Hirshabelle. Eighty-five per cent of Somali Bantu respondents in Jowhar town⁶⁵ stated that local authorities never represent them.
33. In some instances, the line between local government officials and dominant clans seems to blur. A female respondent from the Somali Bantu IDPs in Jowhar stated that members of “dominant clans never allow IDPs and minorities to participate in important [community] affairs.” Another respondent, a Somali Bantu activist in Mogadishu, stated that, “major clans don’t want a change.”
34. A sense of powerlessness and an implied lack of recognition seems to emerge when respondents talk about the influence IDPs exercise on government actions. The majority of respondents (57 per cent) stated that IDPs have no influence on what is being done by the government.⁶⁶ The perception of the respondent IDPs of not being able to influence government action might partially help explain—together with other more practical factors, such as difficulties in earning a livelihood and precarious security of tenure—why the likelihood of the respondent IDPs attending municipal/local council meetings is slim: 78 per cent of all respondents stated that it was not likely or less likely for IDPs to attend these meetings.⁶⁷
35. IDPs’ attendance of municipal/local council meetings considered in the light of the declared clan/community affiliation of the respondents do not present wide differences: they are all equally negative. For example, 95 per cent of respondents who identified themselves as Hawiye (the dominant clan in Mogadishu) stated that IDPs were unlikely to attend such meetings, even in Banadir region, where district administrations are well established and functioning. Some respondents appeared to attribute the limited attendance of IDPs in municipal/local council meetings to the attitude of government officials towards IDPs. From the responses, it does not seem that municipal authorities accept or even view IDPs as partners (or even actors to be consulted) in decision-making processes, in which their views at the very least could contribute to informed decisions.
36. While only 11 per cent of respondents believe that IDPs have influence on government actions, results suggest that IDPs are in a (only) slightly better position to influence what the international

⁶⁴ IDPs do not have a separate identity as displaced persons, but their identity is through the clans to which they belong.

⁶⁵ Thirty-three respondents.

⁶⁶ Respondents in five regions had more negative views than the average percentage of all respondents: Hiraan, Hirshabelle (75 per cent), Galgaduud, Galmudug (74 per cent), Middle Shabelle, Hirshabelle (70 per cent), Waqooyi Galbeed, Somaliland (69 per cent) and Banadir (64 per cent).

⁶⁷ The percentages of respondents stating that IDPs were not likely or less likely to have any influence were higher than the total average of all respondents by more than 10 points in the following regions: Awdal, Somaliland (94 per cent), Lower Shabelle, South West State (93 per cent), Banadir region (91 per cent), and Galgaduud, Galmudug (90 per cent). The results regarding Banadir are particularly significant, since IDPs in Mogadishu make up almost 27 per cent of the total population and possibly constitute the majority population in some districts. According to the United Nations Population Fund (UNFPA)’s Population Estimation Survey of Somalia (2014), the non-IDP population of Mogadishu was estimated to be 1,280,939, while the IDP population was estimated to be 485,731. See at https://data2.unhcr.org/en/situations/cccm_somalia (last accessed 5 November 2018).

community is doing in Somalia. On average, 18 per cent of respondents stated that IDPs had influence on the international community, with the percentage reaching 33 per cent among Banadir respondents. One reason that might partly explain the latter result is the strong presence and visibility of the international community in Banadir and frequent interactions between international agencies (or their implementing partners) and IDPs. For example, an IDP respondent in Mogadishu showed confidence in the usefulness of the contribution of IDPs, stating that “information collected from IDPs contribute to the operations of international community.”

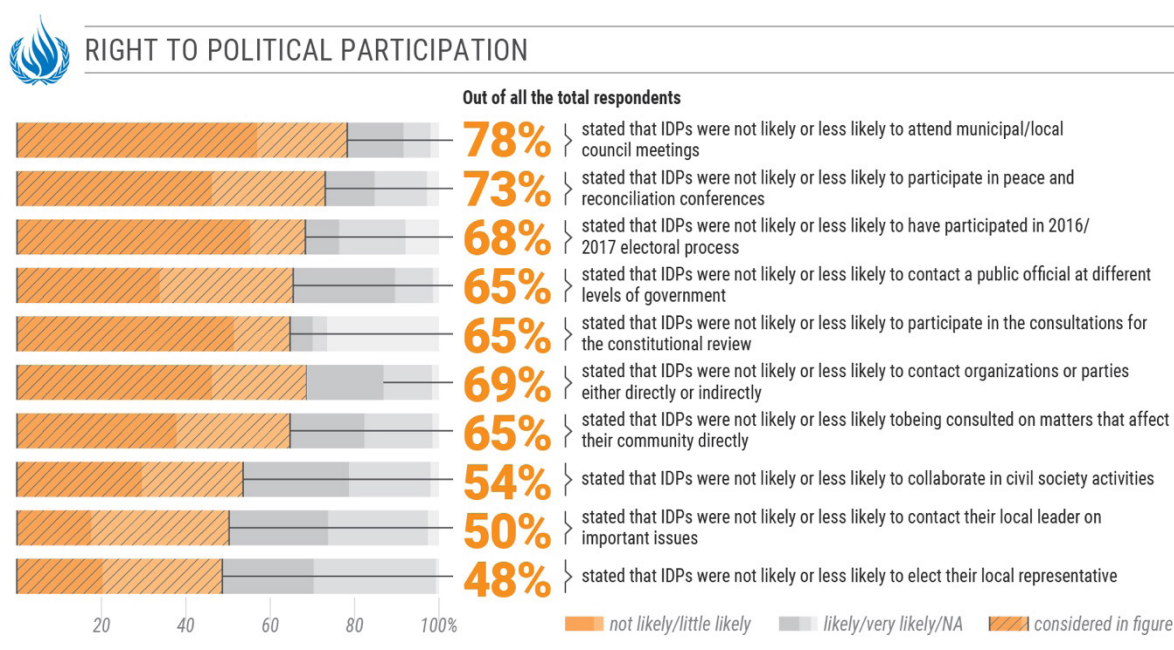
37. Nevertheless, still almost half of the total respondents (49 per cent) stated that IDPs had no influence on the actions of the international community in the country. In some regions, the negative response was even stronger: Middle Shabelle, Hirshabelle (67 per cent), Galgaduud, Galmudug (60 per cent), and Waqooyi Galbeed, Somaliland (65 per cent). A human rights activist respondent in Mogadishu stated that “IDPs do not have a unified voice as to advocating with the international community and then being able to influence it.”
38. Civil society organizations have been important actors in Somalia since the fall of the central Government in 1991. They have been important players in public life in several fields, from provision of basic humanitarian services (health, water, education, and social protection) to promotion of development and resilience, and from peacebuilding to the protection and promotion of human rights. Despite this, more than half of all respondents (54 per cent) stated that IDPs were not likely or less likely to collaborate in civil society activities.⁶⁸ Nevertheless, in regions like Banadir and Bay, South West State, responses regarding IDPs’ collaboration with civil society and non-governmental organizations (NGOs) were relatively high, with 61 per cent and 60 per cent, respectively.⁶⁹ The presence of NGOs is strong and highly visible in Banadir and Bay regions, which have the largest and the second-largest IDP populations in the country.
39. It is not clear from the responses whether IDPs’ collaboration with civil society supported or promoted IDP participation in the public affairs in their areas and their communities. However, it could be assumed that collaboration could not be expected to promote such participation, if that was restricted to a certain group of people such as “gatekeepers” and traditional leaders. In any case, the potential role of civil society in supporting IDP voices is needed and recognized by IDPs. A male IDP respondent in Borama, Awdal region, suggested that “agencies [international NGOs] have to push the government to get representatives for us.” A female respondent in the same area clearly expressed how the action of civil society/NGOs might be beneficial to IDPs: “IDPs should be unified first, then our voice should be respected. Usually we don’t know our rights, so agencies should support how we should claim our rights.”
40. As regards participation at the local/community level, the IDPs who participated in the survey displayed more engagement in their local affairs. Respondents stated that IDPs were involved in the planning of the priorities of their communities, from humanitarian issues (including setting up new camps, food distribution and participating in sanitation and hygiene campaigns in the camps) to development issues (including creation of livelihood opportunities and small-scale businesses).
41. When asked about examples of IDPs’ involvement in activities regarding their community, 38 per cent of the overall examples given by respondents referred to development-related

⁶⁸ It should be noted that, according to reports, many local NGOs reflect the clan structure of the society and, in a number of cases, local NGOs are run by family members of those holding powerful positions who, unlike IDPs, are most likely from dominant clans.

⁶⁹ Including *likely* and *very likely* responses.

activities within IDPs' community and 36 per cent mentioned humanitarian affairs in their locations. These responses suggest respondent IDPs as actors at the local level—possibly in activities that can to some degree escape the control of “gatekeepers” or leaders and/or that do not challenge the role of the latter—despite a low degree of interaction with authorities and other agencies.

2.2 Key findings regarding the right to political participation



Creation Date: 30 April 2019 Source: United Nations Assistance Mission in Somalia (UNSOM)

42. Slightly more than half of all respondents (51 per cent) stated that IDPs were likely or very likely to elect a representative at camp or district level (also known as their local representative), although some sharp geographical differences emerged.⁷⁰ Most of the respondents in Mudug (90 per cent), Puntland; in Bay, South West State (77 per cent); and Lower Juba, Jubaland (76 per cent), stated that IDPs were likely or very likely to elect a local representative. However, the majority of respondents in other areas expressed negative views (not likely and less likely) on the same issue: Banadir (72 per cent); Waqooyi Galbeed, Somaliland (67 per cent); Hiraan (73 per cent) and Middle Shabelle (67 per cent) in Hirshabelle.⁷¹
43. In terms of declared clan affiliation of respondents, the majority of those respondents that declared their clans/groups to be Hawiye (60 per cent) and Somali Bantu (59 per cent) stated that IDPs were not likely or less likely to elect their local representative. This could be—at least partially—explained by the fact that these groups are mainly displaced in locations like Mogadishu where the “gatekeeping” practice is strong.
44. Sixty-five per cent of respondents stated that IDPs were not likely or less likely to contact a public official at different levels of government. Even in Banadir region, where Mogadishu is located, and the government is relatively well established, 83 per cent of the respondents said that IDPs were unlikely to contact a public official at different levels of government.⁷²

70 In Somaliland citizens including IDPs participate in the election of mayors and members of councilors for their towns and districts. Similarly, in Puntland, indirect local elections are held where local councilors elect mayors in towns like Bossaso but the role of IDPs is reportedly minor. For the rest of Somalia including Mogadishu, no local elections at any level are held, and all the local leaders are appointed either by the FGS or FMSs. At the camp level, the survey shows that IDPs have limited influence on the election of camp leaders and members of camp committee.

71 Combining not *likely* and *less likely* responses.

72 Combining not *likely* and *less likely* responses.

45. Factors contributing to the limited contact between public officials and the respondent IDPs could be the latter's lack of access to public officials and also, the absence or limited presence of authorities in some IDPs-settled areas. Security is also a significant factor. IDP respondents in Marka town, South West State, noted that the security situation in their area restricted their contact with public officials due to a strong presence of both clan militias and Al Shabaab operatives. Another possible factor is that the respondent IDPs do not possess enough information as to whether authorities could support them and what services they could provide or, more generally, about the range of activities carried out by authorities.
46. As to the engagement between respondent IDPs and political organizations/parties,⁷³ the results of the Survey indicate that it was limited: more than two thirds (69 per cent) of the respondents stated that IDPs were not likely or less likely to contact organizations or parties directly or indirectly.⁷⁴ Respondents who declared themselves as Somali Bantus (83 per cent) and as Hawiye (81 per cent) tended to express more negative views than the other sub-groups with regard to the likelihood of IDPs' contacting organizations or parties directly or indirectly. This result should be considered against the background of Somalia having only recently started registering political parties⁷⁵ and with all the political activities and power sharing arrangements in the recent past having been conducted through the clan based 4.5 formula, coupled with loose political associations.
47. Waqooyi Galbeed, Somaliland was the only location where, according to the respondents, the engagement with political parties was reported as positive: 57 per cent of the respondents stated that they were likely or very likely to contact organizations or parties directly or indirectly. A possible explanation for this is that an active multi-party system has been in place in Somaliland for almost two decades and political parties have been regularly competing at different levels since 2003, from the municipal to the presidential elections.⁷⁶
48. Another area explored by the survey was the participation of IDPs in peace processes. Conflicts have been the main driver of internal displacement in Somalia⁷⁷ and, being among the main victims of the multiple conflicts, IDPs could and should be important stakeholders in peace processes, particularly when their clans are involved and when peace talks take place in the location of displacement (like the case of Somali Bantu IDPs from Jowhar district of Middle Shabelle who are displaced just outside Jowhar town). However, 73 per cent of respondents stated that they were not likely or less likely to participate in peace and reconciliation conferences.⁷⁸ For example, since 2013, UNSOM HRPG has documented at least eight major peace and reconciliation agreements signed by clans in Lower Shabelle, Middle Shabelle, Hiraan and Mudug.⁷⁹ Civilians displaced in the conflicts were excluded in the negotiation and

73 In May 2019, the amendments to the Political Party Law was submitted to Parliament.

74 Respondents in the following regions suggested that IDPs' engagement with political organizations and parties was even more limited: Mudug, Puntland (94 per cent); Middle Shabelle (89 per cent) and Hiraan (88 per cent), Hirshabelle; Lower Shabelle, South West State (87 per cent); Galgaduud, Galmudug (83 per cent) and Lower Juba, Jubaland (75 per cent).

75 In December 2017. Goobjoog News, Somalia formally registers first political parties in 50 years, 4 December 2017, at <http://goobjoog.com/english/somalia-formally-registers-first-political-parties-in-50-years/> (last accessed 17 October 2018).

76 See Somaliland National Electoral Commission, Election Results, at <https://www.slsec.com/elections/election-results/> (last accessed 3 December 2018).

77 The World Bank Group/ Global Program on Forced Displacement, Analysis of Displacement in Somalia, 2014, at <http://documents.worldbank.org/curated/en/889591468321538763/pdf/932380WP0P12640t0DC0edits009012014.pdf> (last accessed 17 October 2018). Also see UNDP, Somalia Human Development Report 2012: Empowering Youth for Peace and Development, p.33, at http://hdr.undp.org/sites/default/files/reports/242/somalia_report_2012.pdf (last accessed 11 December 2018).

78 Neither Inevitable nor Accidental: The Impact of Marginalization in Somalia, The UN Accountability Project-Somalia, in War and Peace in Somalia: National Grievances, Local Conflict and Al-Shabaab, C. Hurst & Co. (Publishers) Ltd., 2018 by Michael Keating and Matt Waldman, eds., at p. 41.

79 Ibid.

formulation of these agreements and lack of implementation has been a common feature of all these agreements.

49. Excluding respondent IDPs from peace processes means that they often view peace processes as belonging only for powerful and well-armed parties in the conflict,⁸⁰ which can close the door to future political participation.⁸¹ As a result, marginalization and displacement would continue, and durable solutions, including sustainable voluntary returns to places of origin, would be difficult to achieve.
50. Similar concerns of limited participation were expressed concerning the review of the Provisional Constitution, with 85 per cent of the respondents stating that IDPs were not likely or less likely to participate in the consultations for the review. This view is consistent among all sub-groups of respondents, irrespective of locations, gender, declared clan affiliation, and being or not being displaced.⁸² A respondent in Mogadishu suggested that including specific provisions on the rights of IDPs in the Constitution would serve to improve their protection.
51. The 2016-2017 electoral process was a political transition process with some limited electoral features that took almost two years and involved lengthy negotiations.⁸³ The survey revealed that IDPs consistently complained of marginalization as a result of the clan-based system. The survey found that more than two thirds of the respondents (68 per cent) stated that IDPs were not likely or less likely to have participated in the 2016-2017 electoral process. Responses in some regions showed an even lower likelihood of IDPs' participation in that process: Hiraan, Hirshabelle (95 per cent); Galgaduud, Galmudug (94 per cent); Middle Shabelle, Hirshabelle (92 per cent); Bari, Puntland (92 per cent); Mudug, Puntland (90 per cent); and Lower Juba, Jubaland (81 per cent).
53. UNSOM HRPG documented several individuals who managed to participate in the electoral process as voter delegates not because of their displacement status, but through their clans. Despite earlier advocacy efforts to secure the participation of IDPs in the electoral process as a community,⁸⁴ IDPs did not participate in the Somali National Consultative Forum which was used to achieve wider public participation in the process and reach a consensus decision on the electoral model. According to the Facilitation Guide for the Somali National Consultative Forum on Electoral Process in 2016, the consultations would be "conducted by the Task Force and involve the participation of representatives of the regional assemblies, elders, civil society, community leaders, the business community, women, youth and minorities". There is no specific mention of IDPs in that key document for the electoral process.⁸⁵
54. While the 4.5 formula excludes IDPs, some view that, while not perfect, it at least gives marginalized clans and groups some representation and participation in peace and state

80 Donald Steinberg, A seat at the table for IDPs, in *Forced Migration Review*, No. 30, April 2008, p. 70, at <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/burma/steinberg.pdf> (last accessed 19 November 2018).

81 United States Institute of Peace, *Integrating Internal Displacement in Peace processes and Agreements*, Endowment of the United States Institute of Peace and Brookings Institution, 2010, p. 15.

82 This question was not posed in Somaliland due to the very political nature of the question and its sensitivity.

83 See UNSOM and OHCHR's Public Report: *Securing Political Participation: Human Rights In Somalia's Electoral Process*, August 2018 at https://unsom.unmissions.org/sites/default/files/13082018_somalia_report_on_hrv_in_the_electoral_process.pdf (last accessed 29 May 2019). See also, SOMALIA 2016-2017 LIMITED ELECTION PROCESS EU ELECTION EXPERT MISSION Final report at https://eeas.europa.eu/sites/eeas/files/eu_eem_somalia_final_report.pdf (last accessed 29 May 2019).

84 Meeting between UNSOM, international partners, Somali Federal and State leaders in Baidoa, 23 June 2016.

85 The Facilitation Guide for the Somali National Consultative Forum was developed by the FGS under the leadership of the Ministry of Interior and Federal Affairs (MoIFA) with the support of International Community in Somalia. The NCF meetings were held between October 2015 and January 2016 in Mogadishu, Garowe, Puntland, Kismayo, Jubaland, Adado, Galmudug, Baidoa, SWS, and at the Embassy of Somalia in Nairobi.

building processes in the country.⁸⁶ Marginalized clans and groups make up 11 per cent (31 out of 275 seats) of the current Lower House of the Federal Parliament⁸⁷ which is based on the 4.5 formula. This is an illustration of how this formula ensures some minimal inclusion, and voice in the political decision-making for the marginalized clans and groups. Where the 4.5 formula is not applied, the representation of marginalized clans is almost non-existent. For example, the current Upper House of the Federal Parliament has 54 senators, who were elected through an indirect election by the Parliaments of Federal Member States, and marginalized clans and communities in the country are represented by one female senator.⁸⁸ Other major clans are well represented in the Upper House of the Federal Parliament: Darod has 17 senators, Hawiye 14 senators, Dir 14 and Digil and Mirifle eight.⁸⁹ If the 4.5 formula had been used, the number of senators representing marginalized clans and communities would have been six.

55. The composition of the National Leadership Forum, which was a key decision-making body for 2016 electoral process, was another clear example of how the absence of the power sharing formula affects marginalized clans and communities. The National Leadership Forum was not based on the 4.5 formula and marginalized clans and communities had no representation in it and its members included the Federal Government of Somalia President, Federal Member State Presidents, the Speaker of the Federal Parliament and the Federal Government Prime Minister and his Deputy—who are all from dominant clans.⁹⁰ The composition of parliaments in Federal Member States is not based on the 4.5 formula as not all clans have equal presence or political influence in all regions. In each region, there is an alleged dominant clan despite the presence of other clans and the absence of accepted data on population numbers or geographical distributions makes challenging the alleged dominance difficult.⁹¹
56. The pros and cons of the 4.5 formula as a viable power sharing arrangement for peace and state building processes has created debate among Somalis and experts on Somalia. While some have suggested it ensures at a minimum, participation and political voice for marginalized

86 Minority Rights Group International's Report: No redress: Somalia's Forgotten Minorities, Martin Hill (2010) at page 14 <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf> (last accessed 8 June 2019). The report makes the finding that "While the 4.5 formula gave minorities a voice in political decision-making, it was weak and largely unheard within the context of the failures of the TFG [Transitional Government of Somalia], which has been in continual conflict and crisis. It helped to put minority rights on the international agenda for reconstruction but without much impact so far."

87 Prior to January 2017, the Federal Parliament of Somalia was unicameral.

88 Senator Fartuun Cabdulqaadir Faarax Karaama from Hirshabelle State.

89 Although Digil and Mirifle is one of the major clans, it obtained eight seats from South West State (seven) and one seat from Jubaland. The other three major clans obtained more seats from two states or more each from the Federal Member States. For example: Darod obtained seats from Puntland, Jubaland and Somaliland (Sool and Sanaag Regions). It should be noted further that, although Digil and Mirifle is a major clan, it has been historically marginalized even though they have been represented in the successive political systems in the country. The clan is over-represented in IDP camps and their members together with Somali Bantus were the main victims of the 1992 famine as well as the 2011/2012 famine (see Majid, N., McDowell, S., Hidden dimensions of the Somalia famine. Global Food Security (2012). Digil and Mirifle. were described as 'silent sufferers'. They were lumped together with other marginalized clans and groups like Somali Bantus as minorities. Some other reasons for this could be their dialect (Maay) and their different way of life agropastoralism as compared to other nomadic clans like Hawiye, Darod and Dir.

90 See UNSOM and OHCHR's Public Report: Securing Political Participation: Human Rights In Somalia's Electoral Process, August 2018 at https://unsom.unmissions.org/sites/default/files/13082018_somalia_report_on_hrv_in_the_electoral_process.pdf p.21 (last accessed 29 May 2019).

91 The representation of marginalized clans is highest in Hirshabelle State with a total of 99 Members of Parliament (MPs) and 17 representing marginalized clans (17 percent). In Jubaland, out of a total of 75 MPs, eight represent marginalized clans (11 percent). In South West State, out of a total of 145 MPs, 13 represent marginalized clans (nine percent) and out of 66 MPs in Puntland, two represent marginalized clans (three percent representation). Given the level of representation in these Federal Member State Parliaments, marginalized clans and in some instances minorities, are not well represented and have no sufficient voices or numbers. Important decisions that affect their lives are made in the absence of their voices. In Somaliland, only the Gabooye clan one of the minority clans, has an MP in the House of Elders or Guurti (Upper House). The UNDP 2012 report entitled Somalia Human Development Report 2012: Empowering Youth for Peace and Development, at page 33 makes a finding that the majority of IDPs are from marginalized clans.

clans and groups,⁹² others described the formula as “state structure built on the foundation of a clan power segregation system.”⁹³ The 4.5 formula has divided Somalis along clan lines. This was confirmed in a survey entitled “Citizens’ View on Selection of Next Somalia Parliament” conducted between October and November 2015 by the Mogadishu-based Heritage Institute for Policy Studies. Sixty-four per cent of those surveyed stated they opposed the clan-based 4.5 power sharing formula while 32 per cent stated that they are “happy with it.”⁹⁴ The views of IDPs, as a separate identity group, and marginalized clans and groups on the 4.5 formula were not captured in the survey results.⁹⁵ The results of this survey show that the debate on the 4.5 formula is not a simple and straight forward issue and how it is viewed is dependent on which clan a person belongs.⁹⁶

57. In Somaliland, a separate presidential election was held in November 2017, based on a one-person-one-vote system, unlike in the rest of Somalia. On average, 68 per cent of the respondents interviewed in the three regions of Somaliland stated that IDPs participated in the Somaliland presidential election in 2017. The greatest participation was in Waqooyi Galbeed region (85 per cent), which includes two important urban centres—Hargeisa and Berbera—and Awdal (72 per cent).⁹⁷
58. The higher electoral participation of respondent IDPs in Somaliland, compared to the rest of Somalia, does not necessarily imply a closer relationship between these IDPs and government officials. The IDPs respondents in Borama town, Awdal region, who declared they were involved in the electoral process in 2017 as voters or participants in the campaigning for the three main political parties in Somaliland, stated that the last time they had seen government officials was on the voting day. A female IDP in Burco town, Somaliland, echoed the experiences of IDPs in Borama town, stating that she would like to ask local council members in her town “why did not they come back to us [IDPs] after we [IDPs] had elected them.”
59. The Survey also aimed at exploring IDPs’ involvement in public/political affairs before their displacement. Almost half of the respondents (49 per cent) stated that IDPs participated in public/political affairs sometimes or often before displacement. Forty-seven per cent stated that IDPs never did so. Interestingly, respondents from the Somali Bantu community expressed relatively negative views on participation in public/political affairs before their displacement, with 57 per cent of them stating they had never participated. This could be related to the long-running experiences of marginalization and exclusion experienced by this community.

92 Minority Rights Group International’s Report: No redress: Somalia’s Forgotten Minorities, Martin Hill (2010) at page 14 <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf> (last accessed 8 June 2019).

93 Eno, Mohamed A. and Eno, Omar A. (2011) “Intellectualism amid Ethnocentrism: Mukthar and the 4.5 Factor,” *Bildhaan: An International Journal of Somali Studies*: Vol. 9, Article 13. Available at: <https://digitalcommons.maclester.edu/bildhaan/vol9/iss1/13> (last accessed on 9 June 2019).

94 Selection of the next Somalia Parliament: The Citizens’ View, The heritage Institute for Policy Studies, December 2015. See page 4 at <http://www.heritageinstitute.org/wp-content/uploads/2015/12/Selection-of-the-Next-Somalia-Parliament-The-Citizens%E2%80%99-View.pdf> (last accessed on 6 June 2019).

95 Ibid. The survey also acknowledged that “Most Somali cities are dominated by one clan or related clans and it is highly likely that the survey did not capture views of representative number of minority communities sometimes referred as the 5thClan or the .5 clans, since these minority clans are often dispersed throughout the country.”

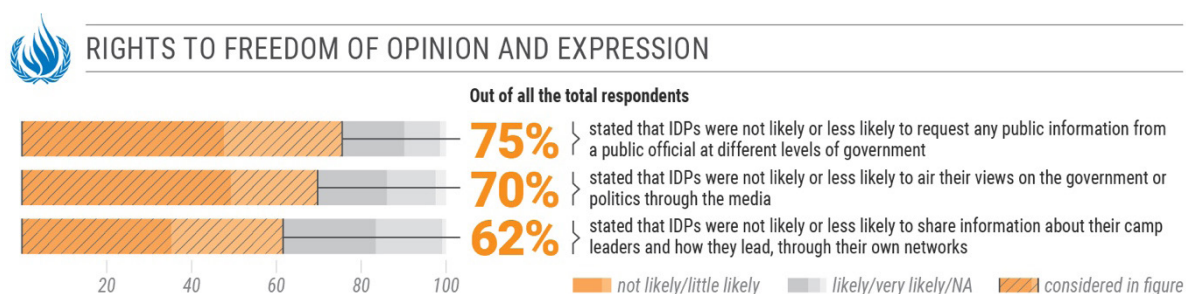
96 For example, the results of the same survey show that 71 per cent of those surveyed in Baidoa, a major town dominated by Digil and Mirifle clans, stated they favored the 4.5 formula. As a historically marginalized clan, Digil and Mirifle members see the application of 4.5 formula as an opportunity that gives them a political voice in Somalia (see footnote 83). Those surveyed in towns dominated by Darod and Hawiye opposed the use of the formula. In addition, during the negotiations for the 2016 electoral model, the Government of Puntland expressed strong opposition to the use of the 4.5 formula, which many Puntlanders [clans in Puntland] believe disadvantages their majority clans. See Report of the Secretary-General on Somalia dated on 9 May 2016 on page 1 at https://unsom.unmissions.org/sites/default/files/s_2016_430.pdf

97 A lower percentage was recorded in Togdheer region, where 46 per cent of the respondents stated that IDPs had participated in the process.

60. Respondents offered suggestions to improve the participation of IDPs in public/political affairs. Fifty-two per cent of the proposals related to capacity building, training and awareness-raising, as well as creating employment opportunities. Nineteen per cent of the responses pertained to key issues such as ensuring IDPs representation and respect and recognition of their rights. Additionally, 15 per cent of the responses concerned improving the living conditions of IDPs and meeting their basic human needs. Other suggestions related to durable solutions (nine per cent), such as integration of IDPs into local communities, and housing, land and property rights for IDPs. Finally, voluntary returns were mentioned. For instance, an IDP respondent in Kismayo town stressed the importance to “work on peace and security so that we can go back to the areas from where we came.”

3. Rights to freedom of opinion and expression

3.1 Key findings



Creation Date: 30 April 2019 Source: United Nations Assistance Mission in Somalia (UNSOM)

61. Over two thirds (70 per cent) of respondents stated that IDPs would not air their views on the government or politics through the media.⁹⁸ Concerns about their own safety and security may explain these results, as suggested by an IDP respondent in Mogadishu stating that “they [IDPs] feel that they could be targeted or attacked” for airing their views through the media.
62. Given the precarious environment for IDPs who were surveyed, the existing power structures and the ways camps have been established and managed,⁹⁹ it is unlikely for respondent IDPs to speak openly about camp leaders and their style of leadership. Results of interviews illustrated this, with 62 per cent of all respondents indicating that IDPs were not able to share information through their own networks about their camp leaders and how they lead.¹⁰⁰
63. As to the question regarding how likely it was for IDPs to request information from public officials, 76 per cent of the respondents stated that they would not do so.¹⁰¹ The number of respondents stating that IDPs would not request information was significantly higher in three regions: Lower Shabelle, South West State (100 per cent);¹⁰² Galgaduud, Galmudug (92 per cent); and Banadir region (86 per cent). While State authority is not yet fully established in Lower Shabelle and Galgaduud due to the quite recent establishment of Federal Member States and the fragile security situation, the situation in Banadir is different. A large majority of respondents in Banadir region expressed the unlikelihood of IDPs to request information from public officials which may point to a not fully developed relationship between public officials and IDPs in the area.

98 Less than a third of respondents stated that IDPs could do so, with 16 per cent saying it was likely and 11 per cent considering it was very likely. In three regions, the percentages were clearly higher than the average: Mudug, Puntland (90 per cent); Waqooyi Galbeed (80 per cent), and Awdal (78 per cent), both in Somaliland This combines *not likely* and *less likely* responses.

99 See for instance United Nations Office for the Coordination of Humanitarian Affairs, 2018 Humanitarian Needs Overview, at https://reliefweb.int/sites/reliefweb.int/files/resources/20172911_somalia_humanitarian_needs_overview_2018.pdf, p. 22 (last accessed 11 October 2018).

100 The percentage of female respondents saying that IDPs were not likely or less likely to share information about camp leaders was slightly higher than the average and quite higher than that of male respondents (66 per cent as opposed to 57 per cent). In five regions, percentages were higher than the average of all respondents: Galgaduud, Galmudug (78 per cent); Waqooyi Galbeed (76 per cent) and Awdal (74 per cent) in Somaliland; Banadir (71 per cent); and Hirshabelle (70 per cent).

101 Around 23 per cent of respondents stated that IDPs are *likely* or *very likely* to request information from officials. This combines *not likely* and *less likely* responses.

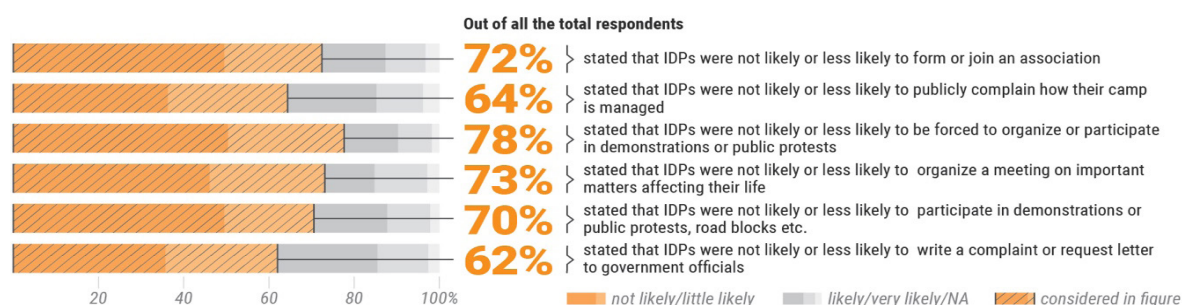
102 In Lower Shabelle, research—with a reduced sample (15 respondents)—was conducted in Marka Town: a conflict area with multiple actors involved, including Al Shabaab, and a government which is not fully functioning yet.

4. Rights to freedom of association and freedom of assembly¹⁰³

4.1 Key findings



RIGHT TO FREEDOM OF ASSOCIATION AND FREEDOM OF ASSEMBLY, DEMONSTRATION, PROTEST AND PETITION



Creation Date: 30 April 2019 Source: United Nations Assistance Mission in Somalia (UNSOM)

64. Sixty-two per cent of respondents stated that IDPs would not write a complaint or a letter with requests to governmental authorities.¹⁰⁴ Variations in responses were recorded based on the location of respondents: 92 per cent of respondents in Galgaduud, Galmudug, and 87 per cent in Lower Shabelle, South West State, stated that IDPs were unlikely to lodge a complaint or submit a request to the government. Eighty-three per cent of respondents who declared their clan as Dir stated that IDPs would not write a complaint or a letter with requests to governmental authorities. While the number of respondents who declared themselves as members of the Dir clan was limited,¹⁰⁵ the fact that 80 per cent of them declared to be from the Biyomaal sub-clan in the conflict-torn Lower Shabelle region might contribute to partially explaining these results.¹⁰⁶
65. The reasons for these results may be multiple: from IDPs being reluctant to contact the authorities; not being very familiar with writing complaints or submitting a request in writing;¹⁰⁷ or not knowing to whom correspondence should be addressed. According to some respondents, when IDPs need assistance, they tend to fall back to their traditional support network. As a senior government official in Galgaduud, Galmudug, put it: “when IDPs face problems they consult with their clans.”

¹⁰³ Article 21 of the International Covenant on Civil and Political Rights recognizes the right to peaceful assembly. Article 22 of the Covenant provides that everyone shall have the right to freedom of association. It should be further noted that under international human rights law, there is no right to petition as such. This “right to petition” is derived from paragraph VIII, which is on access to justice under Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

¹⁰⁴ Combining not likely and less likely responses.

¹⁰⁵ Thirty respondents.

¹⁰⁶ They come from a region which experienced profound clan conflict, with units of SNA siding with Habar Gedir/Hawiye militias. This could have left a mark with regard to their relationship with authorities. See the reports by the Somalia Eritrea Monitoring Group reports of 2014, at <https://undocs.org/S/2014/726>, and 2016, at <https://undocs.org/S/2016/919> (last accessed 19 November 2018).

¹⁰⁷ This can also be due to the literacy rate among IDPs. For example, as for IDPs in Mogadishu, it has been reported that 69 per cent of the profiled population aged 15 years and above could neither read nor write. See Internal Displacement Profiling in Mogadishu, April 2016, at <https://www.jips.org/jips-publication/profiling-report-mogadishu-somalia-2016/> (last accessed 24 October 2018).

66. According to the results of the survey, IDPs do not lodge complaints with authorities even when they suffer at the hands of “gatekeepers” and landlords. This is even more likely when the victims are members of minorities and marginalized clans. For instance, a respondent narrated how “gatekeepers” and landlords allegedly exploited the work of a group of IDP families from the Somali Bantu community, who were seeking a place to settle in the Weydow area on the Mogadishu-Afgoye road. “Gatekeepers and landlords told the IDP families to clear bushes and shrubs in a new large site and then settle a part of it. After two months of clearing and having settled the site, the Somali Bantu families were forcibly evicted.” The incident reportedly took place in 2013 and the affected families did not lodge any complaint with the authorities. One of the main reasons for not reporting an incident to the police might be lack of trust in the institution, as indicated by a previous research.¹⁰⁸
67. There appears to be recognition among respondents that government officials have the primary responsibility for ensuring the enjoyment of protection of and humanitarian assistance to the IDP population. Sixty per cent of respondents stated that if IDPs had a chance to ask someone a question touching on their life, that person would be a public official at different levels of government.¹⁰⁹ The suggested responses seem to shed light on the priorities of IDPs including humanitarian issues (26 per cent), development issues (10 per cent), political issues (14 per cent), the future of IDPs (nine per cent), and protection and security (two per cent).
68. When the focus turns to reporting complaints at the camp level, 64 per cent of the respondents stated that they were not willing to publicly complain about how their camps were managed as opposed to 32 per cent stating that they were willing to do so.¹¹⁰ Considering the control “gatekeepers” exercise on the IDP camps in Somalia,¹¹¹ the reluctance of IDPs to report complaints at the camp level is not surprising. As an IDP respondent in Bay put it: “they [IDPs] are not interested in complaining publicly, but they prefer [complaining to] INGOs.”
69. Engaging in peaceful public protests is another means through which citizens can raise their concerns and make their voices heard. Over two thirds (71 per cent) of respondents indicated that IDPs did not participate in demonstrations, including protests.¹¹² Those who declared themselves as Somali Bantu (84 per cent) and Digil and Mirifle (81 per cent) expressed more negative views than respondents from other clan groups or those who did not declare their clan affiliations. However, some of the IDPs surveyed sometimes carry out public protests, particularly in the locations where they live and with regard to issues that directly affect them. As a respondent in Lower Shabelle noted: “IDPs demonstrate when they get forcibly evicted and when someone among them is killed.”
70. Another question aimed at exploring the possibility of IDPs being forced to organize or to participate in demonstrations. Most of the respondents (78 per cent) stated that IDPs were

108 See Internal Displacement Profiling in Mogadishu, April 2016, p. 43, at <https://www.jips.org/jips-publication/profiling-report-mogadishu-somalia-2016/> (last accessed 24 November 2018).

109 Out of the 832 respondents interviewed, 657 respondents were IDPs.

110 Higher percentages of negative responses (76 per cent) were recorded in three areas: Waqooyi Galbeed and Awdal, Somaliland, and Galgaduud, Galmudug. This combines not likely and less likely responses.

111 See Camp Coordination and Camp Management, CCCM Cluster Somalia Strategy, July 2017, at <https://data2.unhcr.org/es/documents/download/60059> (last accessed 24 October 2018).

See also United Nations Office for the Coordination of Humanitarian Affairs, 2018 *Humanitarian Needs Overview*, at https://reliefweb.int/sites/reliefweb.int/files/resources/20172911_somalia_humanitarian_needs_overview_2018.pdf, p. 22 (last accessed 24 October 2018).

112 Results revealed marked variations from the average in several regions: 90 per cent of respondents in Mudug, Puntland, and 81 per cent in Lower Juba, Jubaland, chose the options *not likely* or *less likely*. On the other hand, higher percentages of respondents in two regions - Lower Shabelle, South West State, (60 per cent) and Togdheer, Somaliland (42 per cent) - expressed positive views (*likely* or *very likely*). This combines *not likely* and *less likely* responses.

unlikely¹¹³ to be forced to organize or participate in demonstrations or protests.¹¹⁴ The percentage of males stating that IDPs were forced to organize or take part in protests was nine points higher than that of female respondents. This difference perhaps reflects actual occurrences directly experienced or narrated by others.¹¹⁵ Some IDP respondents were quite forthcoming and mentioned camp leaders and landlords were among those forcing IDPs to organize or participate in demonstrations. For instance, an IDP respondent in Mogadishu stated that “Most of the times, land owners force us [IDPs] in indirect ways”, and an IDP respondent in Baidoa, South West State, declared that “IDPs are forced to participate in protests by camp leaders.”

71. More than two thirds of respondents (72 per cent) stated that IDPs would not be able to form or join an association.¹¹⁶ Quite high negative views were put forward by respondents who declared themselves Somali Bantu (82 per cent) and Hawiye (81 per cent).¹¹⁷ As to the former, their replies might reflect the history of marginalization and exclusion suffered by their community as well as their difficulty in establishing organizations to claim respect for their rights.
72. The results concerning the ability of IDPs forming or joining an association could be explained by several factors: from the fact that most IDPs must focus on pressing practical issues in their daily lives (first and foremost, securing a livelihood), through the possible preference for individual strategies in trying to solve their problems, to the control exercised by other actors (such as the “gatekeepers”) as to how IDPs can frame issues that interest them. The fragile situation in which IDPs live in, including a constant insecurity of tenure and the lack of established support networks in the areas of origin, might encourage (or force) IDPs towards the search of individual solutions rather than collective actions.¹¹⁸
73. Even when a question concerned initiatives apparently less complex than forming or joining an association, that is, organizing a meeting on important matters affecting their life, almost 60 per cent of the respondents considered that they would not be able to do so.¹¹⁹ Thirty-eight per cent of respondents stated that they were able to organize a meeting on important matters affecting their life.¹²⁰

113 Combining *not likely* and *less likely* responses.

114 In three regions, at least one third of respondents stated that IDPs were *likely* or *very likely* to be forced to organize or participate in demonstrations or public protests: Lower Shabelle, South West State (40 per cent); Hiraan, Hirshabelle (35 per cent); and Banadir (35 per cent).

115 Twenty-five per cent as opposed to 16 per cent. Differences also emerged between non-IDP and IDP respondents, with 29 per cent of the former stating that IDPs were likely or very likely to be forced to organize or participate in demonstrations or public protests as opposed to 18 per cent of the latter.

116 The percentage of respondents holding this view was particularly higher than the overall average in four regions: Mudug, Puntland (96 per cent); Hiraan, Hirshabelle (93 per cent); Galgaduud, Galmudug (92 per cent) and Middle Shabelle, Hirshabelle (84 per cent). Only 24 per cent of all respondents answered that it was *likely* or *very likely* for IDPs to form or join an association. These results are in line with the reality that there is no known association established by or for IDPs.

117 Combining *not likely* and *less likely* responses.

118 Whilst IDPs do not have associations that represent them on peace and state building processes, the Marginalized Community Advocates (MCA) a Mogadishu-based local human rights NGO, advocates for the rights of IDPs from the Somali Bantu, a major segment of the IDP population. IDPs and women are represented in the leadership of the MCA and their activities include capacity building and awareness raising; monitoring, reporting and documenting human rights and protection issues/incidents affecting the IDPs. MCA shares information about Somali Bantu IDPs with Somali authorities, national and international organisations for advocacy and accountability purposes.

119 Higher percentages were recorded in three regions: Hiraan, Hirshabelle (73 per cent); Galgaduud, Galmudug (73 per cent) and Middle Shabelle, Hirshabelle (72 per cent).

120 Higher percentages were recorded in: Nugal, Puntland (87 per cent, but with only 15 respondents); Lower Shabelle, (60 per cent) and Bay region (59 per cent), both in South West State; Bari, Puntland (49 per cent) and Awdal, Somaliland (47 per cent).

5. Obstacles to the participation of Internally Displaced Persons in the affairs of their communities

74. Respondents were asked to identify the three main obstacles to their participation in the affairs of their community as: IDPs as a group, male IDPs, and female IDPs. The questionnaire allowed respondents to choose these three main obstacles from a list of 10 obstacles specific for each subset (IDPs, male IDPs and female IDPs). As respondents selected all the obstacles in the list, no single obstacle emerged as highly problematic, but rather a range of barriers to participation were identified.

5.1 Main obstacles to the participation of Internally Displaced Persons in the affairs of their community because of their identity¹²¹

75. The results show that the largest number of respondents (21 per cent) identified “IDPs are too busy to meet basics (food, water, shelter etc.)”¹²² as the first main obstacle to their participation in the affairs of their community. These responses are a reminder that humanitarian needs still play a central role in their lives and their satisfaction will be essential if they are expected to meaningfully participate in public life. Also, the fact that almost half of the IDP families (47 per cent) are headed by females also places a special burden on them and can further hinder their participation in public life.¹²³

76. As to the second main obstacle, 16 per cent of all respondents chose “IDPs are not seen as capable of contributing to the affairs of their community.”¹²⁴ This choice could reflect the actual power imbalance between respondent IDPs and local authorities and community leaders, including “gatekeepers” who are usually from the dominant host communities/clans. In some cases, this might be compounded by a general negative attitude by the host community towards IDPs, as indicated by the 62 per cent of respondents in Borama town, Awdal region, who complained about demeaning treatment on the part of the host community and demanded to be considered as key stakeholders.

77. As to the third main obstacle faced by IDPs, 14 per cent of respondents selected “IDPs are not seen as important by local authorities and camp leaders, who do not want their involvement in the affairs of their community.” Seventy-three per cent of IDP respondents identified this as the third main obstacle, as compared to 23 per cent non-IDPs.

121 Out of the 832 respondents interviewed, 768 considered that identity was among the three main obstacles to IDPs participation in the affairs of their community.

122 These rights are included in the International Covenant on Economic, Social and Cultural Rights to which Somalia is a State Party.

123 The World Bank Group/ Global Program on Forced Displacement, Analysis of Displacement in Somalia, 2014, at <http://documents.worldbank.org/curated/en/889591468321538763/pdf/932380WP0P12640t0DC0edits009012014.pdf> (last accessed 12 November 2018). Para 5.4.

124 The percentage of IDP respondents who selected this reply/option as the second main obstacle was 56 points higher than among non-IDP respondents (78 per cent as opposed to 22 per cent).

78. In sum, respondent IDPs' daily struggle to secure a livelihood and shelter emerged as the first main obstacle. As to the second and third main obstacles, almost a third (30 per cent) of the respondents chose options expressing a lack of value and capacity to play an active role attributed to IDPs by external actors, including those who are supposed to involve them in community affairs (local authorities and camp leaders).

5.2 Main obstacles to the involvement of Internally Displaced Men in the affairs of their community

79. Sixteen per cent of the respondents identified "male IDPs do not get information of what activities, processes, initiatives are going on in their communities" as the first main obstacle to male IDPs' involvement in the affairs of their community. This result might be related to the fact that access to information and transparency remain issues, as a few unelected individuals from dominant clans cover the leadership positions in the IDP camps.

80. It is essential to point out, however, that differences emerged when analyzing the responses from particular locations and declared clan groups. Respondents in Banadir region and those who declared their clan affiliation as Dir identified "fear of Al Shabaab retaliation" as the first main obstacle to male IDPs' involvement in the affairs of their community. However, respondents who identified as Somali Bantus considered "male IDPs are not considered important by their elders, camp leaders and local authorities" as the first main obstacle. The responses of Somali Bantus could be linked to the history of marginalization and exclusion of their community.

81. The second main obstacle chosen by the majority of respondents (15 per cent) was "male IDPs don't have time and resources to get involved in these issues".¹²⁵ The majority of respondents in Banadir region differed from the rest with regard to choosing the second main obstacle, stating that "IDP clan elders do not allow other male IDPs to participate in the affairs of the community." The same view was held by respondents who declared their clan as Dir and Somali Bantu.

82. As to the third main obstacle, the largest percentage of all respondents (14 per cent) chose "IDP clan elders do not allow other male IDPs to participate in the affairs of the community." The majority of respondents from Banadir region and those who declared their clan affiliations as Dir and Somali Bantu chose "fear of clan militia in the camps" as the third main obstacle to male IDPs' involvement in the affairs of the community.

83. In sum, as to the first two main obstacles faced by male IDPs, almost a third of respondents (31 per cent) attributed them to lack of information and limited resources and time. As to the third main obstacle, respondents identified the restraining action or influence exercised by figures in a position of power vis-à-vis the IDPs, namely the clan elders. Additionally, respondents in Banadir region chose as two of the three main obstacles faced by male IDPs options linked to insecurity: "fear of clan militia in the camps" and "fear of Al Shabaab retaliation." It is not clear whether these choices reflect a situation characterized by more insecurity in these areas compared to others or the view of not being offered enough protection vis-à-vis these threats, or whether these stem from other considerations.

5.3 Main obstacles to the involvement of Internally Displaced Women in the affairs of their community

84. Concerning the three main obstacles to female IDPs' involvement in the affairs of their

¹²⁵ Of those who selected this obstacle, variations were recorded between males (56 per cent) and females (43 per cent) as well as and more accentuated between IDPs (80 per cent) and non-IDPs (20 per cent).

community, the majority of respondents¹²⁶ (26 percent) identified the top main obstacle to be “female IDPs are too busy with caring for children and household chores.” This option was chosen by more males than females (54 as opposed to 46 per cent) and more IDP respondents than non-IDP respondents (77 compared to 23 per cent). As mentioned above, generally in addition to taking care of domestic issues, IDP females are the breadwinners for almost half of the IDP households in the country. This should also be seen against the background of entrenched traditional gender roles and gender inequality in Somalia,¹²⁷ relegating women to the domestic sphere.

85. Regarding the second main obstacle to female IDPs’ involvement, nineteen (19) per cent of respondents identified “male IDPs do not allow female IDPs to get involved in the affairs of their community.” The third main obstacle affecting female IDPs’ involvement emerging from the choices of the respondents (17 per cent) was “female IDPs are not consulted in the affairs of their community.”
86. In sum, with respect to the first two main obstacles to female IDPs’ involvement in community affairs, almost half of the respondents (45 per cent) attributed them to a traditional gender division of labour in the public/private spheres and strict gender roles enforced by males. The third main obstacle (lack of consultation) seems to reflect a more general, non-gender specific problem affecting IDPs as a segment of the population, as this research has shown.

¹²⁶ Out of the 832 respondents interviewed, 698 answered this question.

¹²⁷ See UNDP, *Gender in Somalia: Brief II*, 2014, pp. 3-4, at <https://reliefweb.int/sites/reliefweb.int/files/resources/Gender%20in%20Somalia%20Brief%202.pdf> (last accessed 27 October 2018); UNDP (2012) *Somalia Human Development Report 2012: Empowering Youth for Peace and Development*, p. xviii, at http://hdr.undp.org/sites/default/files/reports/242/somalia_report_2012.pdf (last accessed 12 November 2018).

6. CONCLUSION

87. The rights of IDPs to participate in matters that affect them are provided for in national and international legal human rights norms and standards.¹²⁸ However, the IDPs surveyed do not enjoy their participatory rights, and their engagement/interaction with both authorities and local community leaders is reported as low. The voices of respondent IDPs are both stifled by a system of management (and control) of the IDP camps/settlements by unelected figures such as the “gatekeepers” and neglected or overlooked by the authorities. A wide gap seems to separate the respondent IDPs from their host communities, and efforts to bridge this gap remain a significant challenge.
88. The survey results indicate that respondent IDPs have not been meaningfully involved in crucial processes, such as elections and the constitutional review. Their voices are also absent from peace and reconciliation efforts at different levels, even though they have been among the main (often recurrently) victims of conflicts, and any outcome would likely considerably affect their lives. Additionally, respondent IDPs find themselves outside of the current political and power sharing arrangements, which have been built around the clan-based 4.5 formula.¹²⁹ It would appear that the clan-based 4.5 formula provides apparent inclusivity, but it does not seem to tackle deep-rooted structural issues.
89. The IDPs who participated in the survey face challenges that are common to most Somalis, including difficulty in obtaining adequate livelihoods, scarce access to services, security risks, lack of access to effective remedies for human rights violations and abuses, and, for females, the barriers posed by rigid gender structures. However, respondent IDPs also face obstacles that, although not unique to them, mostly affect them due to their condition: loss of clan protection, vulnerability to predatory/exploitative practices, and marked insecurity of tenure punctuated by frequent forced evictions. Participation in peace and state building processes requires at a minimum the feeling of belonging to a place and a projection into the future, elements that, due to the IDPs’ conditions, can hardly be expected to shape their plans, decisions and actions.
90. As the findings of the survey could illustrate the general experience of IDPs in Somalia, in addition to the need for humanitarian, development actions and political efforts aimed at improving the lives of the IDPs in the present and in the longer-term, it would be circumspect to ensure that IDPs are brought into the mainstream of public and political life in Somalia considering the size of this segment of the population and their presence throughout the country.
91. It falls on Somali authorities at all levels, as the primary duty-bearers, to proactively engage with IDPs so as to gain a better understanding of their level of participation in public and political affairs. This assumes particular importance when decisions taken directly affect their lives, but also when decisions more generally aim at shaping the future of the country.

¹²⁸ Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1997/39, Addendum, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, at <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> (last accessed 28 November 2018).

¹²⁹ For an explanation of the clan-based 4.5 formula, please see footnote 12 above.

7. Recommendations

To the Federal Government of Somalia

92. With the support of the international community, and in consultation with local stakeholders, including IDPs, ensure the achievement of the Durable Solutions Initiative, including voluntary returns, in safety and dignity, to places of origin and sustainable local integration.
93. Undertake further research/study with a view to understanding and ensuring that IDPs enjoy the same fundamental rights and freedoms as other Somali citizens, as enshrined in Somalia's Constitution and international and regional human rights law, including participatory and political rights; the rights to freedoms of opinion and expression, association and peaceful assembly.
94. Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).
95. Ensure the active participation of IDPs in the elaboration and adoption of policies including in the development of a victim-centred evictions policy to be implemented and complied with should evictions prove necessary and decisions that affect them, and that these are in conformity with the Guiding Principles on Internal Displacement and other relevant international human rights standards, including the Guidelines for States on the effective implementation on the right to participate in public affairs.¹³⁰
96. Create an enabling environment for IDPs' meaningful participation in ongoing and future national processes, including the constitutional review, security sector reform, elections, including the voter registration process. Additionally, establish a system of representation for 2020 and other future elections that is inclusive of all citizens, including IDPs and other marginalized segments of Somali society, applying the one person, one vote principle.
97. Propose to the Parliament a draft law on access to information, as provided for in the Provisional Federal Constitution, which contains clear provisions regarding a proactive approach to promote access to information by IDPs and other marginalized groups.
98. Ensure that exploitative practices against IDPs, such as gatekeeping, be replaced with leaderships freely chosen by IDPs, and that camp management structures represent the interests and aspirations of IDPs.
100. Take appropriate measures to ensure IDPs enjoy their rights relating to physical safety and integrity, including with regard to prevention and response to sexual and gender-based violence in and around settlements where IDPs live; ensure that State security forces assigned to protect IDPs-settled areas include female officers trained in prevention and response to sexual and gender-based violence as well as members from marginalized clans/communities.
101. Pay special attention to the use of force in the context of distribution of humanitarian assistance, only when absolutely necessary and that force should be proportionate; and ensure training and sharing of good practices with authorities providing security at distribution sites.

¹³⁰ Draft guidelines for States on the effective implementation of the right to participate in public affairs, A/HRC/39/28, at <https://undocs.org/A/HRC/39/28> (last accessed 23 April 2019).

To Federal Member States, Municipalities and Local Councils

102. Ensure the active participation of IDPs in the elaboration, adoption and implementation of legislation and policies that affect them at the Federal Member State levels in conformity with the Guiding Principles on Internal Displacement and other relevant international human rights standards, including the Guidelines for States on the effective implementation on the right to participate in public affairs.
103. Undertake measures to improve engagement of local authorities with in host areas with IDPs; ensure they regularly provide IDPs with information related to their situation, in a manner and language that are understandable to them; ensure that local authorities and security forces are aware of the rights of IDPs as enshrined in Somalia's Constitution and international human rights law.
104. Take appropriate measures to ensure the safety and security of IDPs, in particular with regard to prevention and response to sexual and gender-based violence in and around settlements where IDPs live.
105. Pay special attention to the use of force in the context of distribution of humanitarian assistance, only when absolutely necessary and that force should be proportionate and ensure training and sharing of good practices with authorities providing security at distribution sites.
106. Take action to provide IDPs with security of tenure and refrain from carrying out forced evictions; develop a victim-centred evictions policy to be implemented and complied with should evictions prove necessary, such as when the areas settled by IDPs are unsuitable, all proper procedures must be followed, and adequate alternatives must be provided to IDPs; action should be taken against those who order, engage in and carry out evictions (both State and non-state actors) which do not follow relevant human rights standards.

To the International Community

107. Provide financial and technical assistance to the programmes contributing to the Durable Solutions Initiative.
108. Ensure that the provision of aid and support to peace and state building processes takes into account the needs of and is responsive to IDPs and considers protection issues including the prevention of sexual exploitation and abuse and the levels of exclusion and marginalization in the target areas.
109. Continue to encourage Somali authorities to ensure IDPs enjoy participatory rights, including with regard to the constitutional review, elections, security sector reform and peace and reconciliation processes.
110. Invite and facilitate participation, including through financial assistance, of IDP representatives to international forums so they can share their views and participate in shaping policies that may affect them.
111. To remain committed to support the mainstreaming of IDPs inclusiveness and participation by mainstreaming protection in their activities as well as ensuring that interventions are delivered in a safe, accountable manner, providing meaningful and equal access to services and empowering communities.

112. To contribute to long-term reconciliation between IDPs and host communities through the identification of positive mechanisms to act on issues of marginalization and exclusion of IDPs and translate this into their core activities.

To Civil Society Organisations

113. To increase engagement and outreach by civil society groups with IDPs that reside within their communities, with the aim of supporting and promoting their political participation including local, regional and national elections.
114. To ensure that projects, programmes and policies of civil society organisations incorporate the specific needs of IDPs, with a special focus on addressing the differential impact upon gender that comes as a result of being internally displaced.
115. To play a larger role in community inclusiveness to serve as the catalyst for increased acceptance of IDPs in host communities to ensure the full realization of their rights.

Annexes

Legal Framework

Rights of Internally Displaced Persons

IDPs— and other vulnerable groups—enjoy the same rights as other people in their country. At the international level, the key text specifically covering IDPs are the Guiding Principles on Internal Displacement,¹³¹ which reflect international human rights law and humanitarian law.¹³²

The Guiding Principles on Internal Displacement provide that IDPs shall not be discriminated against as a result of their displacement in the enjoyment of, inter alia, the following rights: of freedom of opinion and expression; to associate freely and participate equally in community affairs; to vote and participate in governmental and public affairs, including to have access to the means necessary to exercise this right.¹³³

The 2030 Agenda for Sustainable Development adopted by the General Assembly in September 2015 recognizes IDPs and other vulnerable groups and the need to empower them.¹³⁴ The Sustainable Development Goals (SDGs) are strengthened by the Agenda for Humanity, which includes a commitment to *Leave No One Behind*. Specifically, the Agenda for Humanity calls upon states to “address displacement.” This approach to addressing and reducing displacement emphasizes the need to meet “immediate humanitarian needs and improving displaced persons and their host communities’ resilience and self-reliance.” States are required to address and reduce internal displacement in a dignified and safe manner by at least 50 per cent by 2030.¹³⁵

At the domestic level, the Provisional Federal Constitution does not contain provisions regarding IDPs and there is no domestic legal instrument concerning this sizeable segment of the country’s population. The only legal text at the federal level related to IDPs is the Law for Establishment of a National Agency for Repatriation of Refugees and Resettlement of IDPs passed by the Federal Parliament on 3 February 2016.¹³⁶ The respective Constitutions of the Federal Member States and Somaliland do not contain provisions regarding IDPs.

131 Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Addendum, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, at <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> (last accessed 28 November 2018). The Principles set forth rights regarding protection from displacement and protection during displacement as well as humanitarian assistance and return, resettlement and reintegration. The then Human Rights Commission in 2004 expressed its appreciation of the Guiding Principles as an important tool for dealing with internal displacement and welcomed the fact that an increasing number of States, United Nations agencies and regional and NGOs were applying them as a standard. See E/CN.4/RES/2004/55, 20 April 2004, at http://ap.ohchr.org/documents/dpage_e.aspx?si=E/cn.4/res/2004/55 (last accessed 28 November 2018). At the regional level, Somalia signed the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) on 23 October 2009, but it has not ratified it or acceded to it.

132 Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Addendum, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, para 9, at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement> (last accessed 28 November 2018). See also Report of the UN Special Rapporteur on the human rights of internally displaced persons (A/72/202), 24 July 2017, para. 18, at <https://www.ohchr.org/Documents/Issues/IDPersons/A-72-202.pdf> (last accessed 28 November 2018). For the purposes of the Principles, “(...) internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” (para. 2).

133 Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, Addendum, Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 11 February 1998, Principles 22(a), 22(c) and 22(d), at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement> (last accessed 28 November 2018).

134 Resolution adopted by the General Assembly on 25 September 2015 (A/RES/70/1), at https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E (last accessed on 4 March 2019).

135 Agenda For Humanity, 5 Core Responsibilities, 24 Transformations at <https://agendaforhumanity.org/agendaforhumanity> (last accessed on 4 March 2019).

136 Signed into law by the President of the Federal Republic of Somalia on 21 February 2016.

The issue of internal displacement in Somalia features in the current Somalia National Development Plan (2017-2019) which was adopted by the Federal Government of Somalia in June 2016.¹³⁷ The plan identifies key challenges faced by IDPs,¹³⁸ and stresses the need for durable solutions. Moreover, the Human Rights Roadmap for Somalia (HRRM), adopted in August 2013 and led by the FGS Ministry of Women and Human Rights Development, includes a thematic area on the rights of IDPs, refugees and Persons with disabilities and other vulnerable groups. The Action Plan for the Implementation of HRRM foresees activities for addressing humanitarian needs and for the achievement of durable solutions for IDPs.

Right to participate in public affairs and to political participation

Article 25 of the International Covenant on Civil and Political Rights recognizes the rights of citizens to participate in public affairs, to vote and to be elected, and the right of equal access to public service.

International human rights law does not permit any distinctions on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.¹³⁹ Any restrictions should be based on objective and reasonable criteria (for instance, setting the minimum age for exercising the right to vote), and the exercise of these rights by citizens may not be suspended or excluded, except on grounds established by law and which are objective and reasonable.¹⁴⁰

While the International Covenant on Civil and Political Rights does not impose any particular electoral system, such a system must be compatible with the rights protected by Article 25, and the principle of one person, one vote, must apply.¹⁴¹ The United Nations Human Rights Committee affirmed that the Covenant requires States to adopt measures to ensure that citizens have an effective opportunity to enjoy the rights it protects.¹⁴²

The obligations articulated in the Covenant are expressed in the 2012 Provisional Constitution of the Federal Republic of Somalia (the Provisional Federal Constitution). Article 3.4 of the Provisional Federal Constitution recognizes a “participatory consultative and inclusive government” among its Founding Principles. Article 22 recognizes the right of political participation, which comprises: the right to form political parties and to participate in the activities of political parties, and the right to be elected for any position within a political party. Article 46 (“The Power of the People”) provides that the public representation system will give everyone the opportunity to participate. Article 38 of the Provisional Federal Constitution outlines admissible restrictions to the enjoyment of rights.¹⁴³ All the Constitutions of the Federal Member States and Somaliland recognize the right to political participation and the right to participate in public affairs.¹⁴⁴

137 Federal Government of Somalia, National Development Plan 2017-2019, December 2016. p. 152, at <http://mop.gov.so/wp-content/uploads/2018/04/NDP-2017-2019-1.pdf> (last accessed 4 March 2019).

138 They are: rule of law and governance, access to land and tenure security, inclusive development, individual documentation, social inclusion and participation, access to services and labour markets, and rural reintegration capacity. See Federal Government of Somalia, National Development Plan 2017-2019, December 2016, p. 151, at <http://mop.gov.so/wp-content/uploads/2018/04/NDP-2017-2019-1.pdf> (last accessed 26 November 2018).

139 United Nations Human Rights Committee, General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), Fifty-seventh session (1994), para. 3.

140 *Ibid.*, paras 4 and 10.

141 *Ibid.*, para. 21.

142 *Ibid.*, para. 1. Positive measures should be taken to overcome specific difficulties, such as poverty and impediments to freedom of movement, see paras. 11 and 12. In appropriate cases, affirmative measures may be taken to ensure that there is equal access to public service for all citizens, see para. 23.

143 Article 26 of the Hirshabelle Constitution contains a similar provision.

144 Charter of Galmudug State, Article 21, on the rights to elect and be elected; Constitution of Hirshabelle, Article 25, on the rights to political participation and to vote and be elected; Constitution of Jubaland, Article 22, on the rights to political representation and to participate in public affairs, and article 25, on electoral rights; Constitution of Puntland, Article 41, on the rights to participate in the election process, to vote and be elected, and Article 15, generally on the right to participate (political activities are not mentioned in the list); Constitution of the South West State, Article 13, on the rights to vote and be elected, and Article 9.6.b, more generally on the right to participate (but only for those born in the state); Constitution of Somaliland, Article 22, on the right to participate in the political, economic, social and cultural affairs and to vote and be elected.

Article 5(c) of the International Convention on the Elimination of All Forms of Racial Discrimination¹⁴⁵ provides that States Parties undertake to prohibit and to eliminate racial discrimination in all its forms, and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, in the enjoyment of many rights. They include the right to participate in elections (to vote and to stand for election) based on universal and equal suffrage, and to take part in the Government as well as in the conduct of public affairs at any level, and to have equal access to public service.

Paragraph 20 of the Draft Guidelines for States on the effective implementation of the right to participate in public affairs¹⁴⁶ (the Draft Guidelines) provide that “States should recognize, protect and implement the rights to equality and nondiscrimination, and ensure inclusiveness in the exercise of the right to participate in public affairs.” They further foresee that “the necessary legislative and policy measures, including temporary special measures, and institutional arrangements should be identified and adopted to promote and ensure equal participation of individuals and groups that are marginalized or discriminated against, at all levels of decision-making processes and institutions.”¹⁴⁷

Right to freedom of opinion and expression

The International Covenant on Civil and Political Rights provides for the right to freedom of opinion without interference¹⁴⁸ and for the right to freedom of expression, which comprises the right to seek, receive and impart information and ideas of all kinds.¹⁴⁹ The right to freedom of opinion and expression applies to “everyone”, regardless of status.

International human rights law allows no restrictions to opinion.¹⁵⁰ On the other hand, the right to freedom of expression can be limited if the high threshold established by Article 19(3) is met. This means that restrictions must be “provided by law” and be necessary and proportionate in order to protect one of the enlisted legitimate objectives of the provisions,¹⁵¹ namely to respect the rights or reputations of others, and to protect national security, public order, public health, or morals.¹⁵² Nevertheless, these restrictions must not be construed in a way that puts the right in “jeopardy”.¹⁵³

At the domestic level, Article 18 of the Provisional Federal Constitution provides for the right to freedom of expression and opinion. All the Constitutions of the Federal Member States and Somaliland recognize the right to freedom of opinion and expression.¹⁵⁴

145 Ratified by Somalia on 26 August 1975. With regard to the issues treated in the present report, the Convention may apply to instances of “racial discrimination” as defined in its Article 1.1.

146 Draft guidelines for States on the effective implementation of the right to participate in public affairs A/HRC/39/28 20 July 2018.

147 Draft guidelines for States on the effective implementation of the right to participate in public affairs A/HRC/39/28 20 July 2018, paragraph 20 (e).

148 International Covenant on Civil and Political Rights, Article 19.1.

149 International Covenant on Civil and Political Rights, Article 19.2.

150 United Nations Human Rights Committee, General Comment No. 34 (2011), para. 11.

151 Ibid., para. 22.

152 International Covenant on Civil and Political Rights, Article 19.3.

153 United Nations Human Rights Committee, General Comment No. 34 (2011), para. 21.

154 Article 20 of the Charter of Galmudug State; Article 20 on the right to express views, speech and innovation in the Constitution of Hirshabelle; Article 20 on freedom of speech and opinion in the Constitution of Jubaland; Article 14 on freedom of expression in the Constitution of Puntland; Article 12 on freedom of expression in the Constitution of the South West State; and Article 32 on Freedom of Public Demonstration, Expression of Opinion, Press and other Media in the Constitution of Somaliland.

