



# **Somalia's Forgotten Women, Girls and Children:**

An Agenda for Action to End Sexual and  
Gender-Based Violence

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## Background

**T**he Somalia conflict started more than three decades ago, when the central government and its formal institutions collapsed, leaving the country in a state of chronic political instability, widespread insecurity and food shortages, with frequent human rights violations and abuses – including unlawful killings, destruction of property, mass displacement, rape and sexual violence. This was followed by the devastation of the economic and societal systems and structures as well as a prolonged insecurity, which had a significant impact on the lives of the Somalis in general, particularly women and girls.

Due to a combination of disasters - climatic shocks, locusts, and COVID-19 - the country has gradually developed into one of the most complex and protracted humanitarian crises in the world.

The UN estimates that 7.7 million people require humanitarian assistance.<sup>1</sup> Somalia has been on the International Rescue Committee's Emergency Watchlist for nine consecutive years but in 2022, it moved into the Top 10 (at number eight) due to intensifying political tensions and escalation both in the country and the wider region, renewed violence, and drought conditions.<sup>2</sup> Somalia is also one of the worst displacement crises.

About 2.9 million people are internally displaced persons (IDPs) – mostly women and children - across the country<sup>3</sup> and the current drought has pushed approximately half a million Somalis out of their homes. The needs of IDPs are soaring but funding is critically low,<sup>4</sup> and the conflict in Ukraine is now diverting lifesaving humanitarian aid and pushing protracted crises like Somalia in the shadows.

The disproportionate impact of conflict and other crises on displaced women, girls, and children, especially their increased vulnerability to sexual and gender-based violence (SGBV), is well-recognised and evidenced. The situation in Somalia is no different, but with an ever increasing gap between humanitarian financial requirements and the resources to meet them, the protection needs of women and children are likely to remain deprioritised.

SGBV is widespread across the country, driven by harmful societal and gender norms that have been severely exacerbated by the conflict and ongoing climate shocks. High levels of displacement, insecurity, and increased poverty are driving rape, sexual violence, and intimate partner violence (IPV), predominantly against women and girls, but also against men and boys. Often less talked about and reported, children – in particular, displaced children – are also “easy targets” for SGBV.

<sup>1</sup> OCHA, Somalia Humanitarian Bulletin, February 2022. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20SOMALIA%20HUMANITARIAN%20BULLETIN%20-%20FEBRUARY%202022.pdf>

<sup>2</sup> The International Rescue Committee, Watchlist 2022. Available at: <https://www.rescue.org/article/crisis-somalia-aid-workers-hampered-needs-rise>

<sup>3</sup> OCHA (2022).

<sup>4</sup> Source: [https://www.france24.com/en/live-news/20220309-un-worried-about-lack-of-funds-to-tackle-somalia-drought#\\_ga=2.195051951.2088439064.1647345142-96219737.1625145736](https://www.france24.com/en/live-news/20220309-un-worried-about-lack-of-funds-to-tackle-somalia-drought#_ga=2.195051951.2088439064.1647345142-96219737.1625145736)



In 2020, there was a reported increase in sexual violence against children who are taken advantage of by people in authority, including when forcibly recruited by armed groups. Girls also suffered the effect of increased violence and COVID-19 related school closures and restrictions that led to a dramatic rise in female genital mutilation (FGM).

Unfortunately, access to justice for SGBV is woefully inadequate in Somalia. A combination of factors, including a highly patriarchal society, a weak and ineffective legal system, lack of political will, and a culture of impunity allow perpetrators to continue harming the most vulnerable without fear of punishment.

Since 2013, Legal Action Worldwide (LAW) has been working with partners and collaborating with UN agencies, national actors, and other implementers, to drive transformative changes for SGBV victims and survivors, building the foundations for long-term and sustainable changes. Yet critical and significant challenges remain, not least an alarming 80 per cent rise in the number of confirmed cases of sexual violence from 2019 to 2020<sup>5</sup>, an increasingly volatile situation, and the government's regressive stance on SGBV.

 AFP/Getty Images

<sup>5</sup> UN, UN Officials Express Grave Concern over Rising Levels of Sexual Violence in Somalia, 5 August 2021. Available at: <https://www.un.org/sexualviolenceinconflict/press-release/un-officials-express-grave-concern-over-rising-levels-of-sexual-violence-in-somalia/>





## SGBV IN SOMALIA

**S**GBV is an issue of significant concern in all parts of Somalia, and particularly in Benadir and Somalia's Federal Members States (Galmudug, South West State, Jubaland, Hirshabelle, Puntland) and in Somaliland. Several factors are driving high rates of sexual violence, rape, and other forms of SGBV.

- ☛ Somalia is a **patriarchal and militarised society** with deeply entrenched gender norms and roles. FGM, child, early and forced marriages (CEFM) and intimate partner violence (IPV) impact the lives of women and girls across the country, and have worsened due to the conflict and ongoing climate shocks across the country and were made worse by the conflict and ongoing climate shocks.
- ☛ **Displacement** further the risks of SGBV. In IDP camps, inadequate physical infrastructure, distance to water points, markets, health facilities and schools, poor lighting, lack of doors on toilets and lack of disaggregation of sanitary facilities increase exposure to SGBV. Food insecurity, poverty, lack of income generating activities, and isolation also means that female-headed households and other vulnerable women and adolescent girls are being taken advantage of. They are exposed to sexual exploitation and other forms of abuse, including providing sex in exchange for food, shelter, clothes and money.<sup>6</sup>
- ☛ **COVID-19** has had a devastating impact on women and children, heightening gender-based protection risks and exacerbating an already shocking situation.
- ☛ **Prolonged insecurity and the weak formal justice system**– human rights violations and abuses against women and vulnerable groups, especially conflict-related sexual violence (CRSV) have been on the rise in Somalia in recent years. Perpetrators are most likely to be from militia groups, criminal gangs, and government forces, and play a key role in furthering injustices against women, particularly in internally displaced communities where social protection is limited. The capacity of formal justice institutions such as courts and police to enforce the law is also limited, while informal justice processes including customary law known as “Xeer,” is neither survivor-centred nor gender-sensitive and can be retraumatizing for women, particularly survivors of SGBV who are stigmatized rather than supported to access justice. Perpetuating the likelihood of impunity, many perpetrators are emboldened to commit such crimes against women, as victims have little recourse to a proper justice system.

Disruptions to essential services, school closures, restrictions on movement, loss of income, and increased political tension and insecurity have led to a rising incidence of SGBV, including IPV and FGM. SGBV is known to be under-reported due to stigma and fear of retaliation from a survivor's own family members and/or perpetrators; this means that there are likely hundreds more victims who did not come forward.

<sup>6</sup> Social Institutions and Gender Index, Somalia section, undated. Available at: <http://www.genderindex.org/country/somalia/>. UN Office of the High Commissioner for Human Rights (OHCHR), Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia, December 2017. Available at: <http://www.ohchr.org/Documents/Countries/SO/ReportProtectionofCivilians.pdf>

# OVERVIEW OF SGBV IN SOMALIA

A number of sources and studies have been considered in gathering the data below, including UN reports.

**UN Report of Secretary General on Conflict-Related Sexual Violence:** 220 cases of CRSV against girls, and 19 against women.<sup>7</sup>

**UN Report of the Secretary-General on Children and Armed Conflict:** 406 children (400 girls, 6 boys) were raped and were victims of other forms of sexual violence.<sup>8</sup>

**Victims and survivors:** From the available information, victims and survivors were predominantly women and girls, and ranged in age from 3 to 70 years. There were reports of SGBV against men and boys,<sup>9</sup> but the scope and scale of attacks against men, boys and members of LGBTIQ+ community is unclear and an area for further investigation.

**Perpetrators:** The majority of perpetrators were described as unknown or unidentified male armed actors, followed by Al Shabaab, clan militia, the Somalia national army and police force, and regional army and police forces. Attacks were often committed during or on the margins of military operations and in the vicinity of military bases.

**Forms of SGBV:** Violations and abuses included rape, gang rape, attempted rape, sexual slavery, forced and child marriage, sexual assault, sexual harassment, forced nudity, and threat of sexual violence. In addition, FGM remains widespread, with 99% of females between 15 and 49 having undergone the procedure.<sup>10</sup>

## RELEVANT LEGAL FRAMEWORKS

The legal frameworks applicable for preventing, protecting, and providing justice for victims and survivors of SGBV in Somalia derive from national, regional and international law. However, in practice, laws are poorly implemented, and regional and international obligations are largely overlooked.

National laws are complex and piecemeal and do not adopt a survivor-centred approach. When attempted, justice often favours perpetrators, and the inadequacy of formal laws leaves victims with no choice but to seek justice through customary laws, such as the Xeer system, which involves clan-based compensation and marriage arrangements that perpetuate the normalisation of SGBV and harmful gender and social norms.

Despite well-reported cases of child abuse, sexual exploitation and rape of children, there are currently no juvenile laws in the Provisional Constitution that protect children's interests in accordance with the CRC, despite 1.8 million children being at risk of violence.<sup>11</sup>

Overall Somalia's legal framework overwhelmingly relies on customary laws that largely alienate fundamental international standards and rights of women and children, with little impetus from the government to shift towards frameworks that reflect the Constitution and international human rights treaties.

An in depth review of legal aid in Somalia was undertaken by LAW in 2014, commissioned by the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA), *Legal Aid Providers Supporting Gender Based Violence Survivors in Somalia*. LAW intends to update this report.

## National Laws

The 2012 Constitution of Somalia stipulates General Principles of Human Rights accorded to all Somali citizens. Thirty-one articles set out Somali's fundamental rights and any limitations provided in their implementation. Some of the relevant articles are:

Article 10: protection of human dignity.

Article 11: protection of equality of all citizens regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect.

Article 15: protection of liberty and security of the person, including freedom from all violence against women including FGM, which is explicitly prohibited.

Articles 34 and 39: guarantee of access to courts and redress for violations of human rights.

Many of these articles fail to provide adequate detail, particularly relating to SGBV, fostering ambiguity as to rights protected, and perpetuating the relevance of customary law.

<sup>7</sup> Report of the UN Secretary General on Conflict-Related Sexual Violence, 27 April 2021. Available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report-conflict-related-sexual-violence-report-of-the-united-nations-secretary-general/SG-Report-2020editedsmall.pdf>

<sup>8</sup> UNGA, Report of the Secretary-General on children and armed conflict. 6 May 2021. Available at: [https://www.un.org/ga/search/view\\_doc.asp?symbol=S/2021/437&Lang=E&Area=UNDOC](https://www.un.org/ga/search/view_doc.asp?symbol=S/2021/437&Lang=E&Area=UNDOC)

<sup>9</sup> UNFPA Overview of Gender based violence in Somalia, 2021. Available at: [https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia\\_gbv\\_advocacy\\_brief\\_05march21.pdf](https://somalia.unfpa.org/sites/default/files/resource-pdf/somalia_gbv_advocacy_brief_05march21.pdf)

<sup>10</sup> Source: Somalia's 2020 Health and Demographic Survey.

<sup>11</sup> UNICEF, Somalia launches Child Protection Information Management System to protect vulnerable children amid COVID-19 30 August 2021. Available at: <https://reliefweb.int/report/somalia/somalia-launches-child-protection-information-management-system-protect-vulnerable>

Somalia's legal system is a combination of formal law, customary law (Xeer) and Sharia law. The contradictions and lack of harmonisation between these three legal systems make it difficult not only to have a common understanding of SGBV issues across all regions, but also to address them properly, in accordance with international standards on human rights and gender equality.

In practice, insufficient and inadequate technical capacity, lack of political will, complacency and patriarchy means that customary law is often used to resolve the majority of SGBV cases. The customary system is often better equipped than the legal system to resolve conflict effectively and sustainably, but it is ill-equipped to respond to SGBV cases because it is administered exclusively by men and relies on the strength of clans and sub-clans for its enforcement. As a result, it does not offer effective protection for women, IDPs, and other vulnerable groups. Yet, in South-Central Somalia, 60-95% of civil and criminal cases (an average of 72%) are resolved through the customary system.<sup>12</sup>

Islamic law is also used in some regions – including South-Central Somalia – although the spread and influence of Sharia courts has decreased significantly over the past few years. Where they are still used, judges tend to apply incorrect laws or standards, such as the requirement for two male witnesses in a rape case.

Formal law on SGBV mainly consists of the 1962 Penal code, which criminalises rape and other forms of sexual violence. It does not provide an age of consent and relies on a very narrow definition of crimes. In addition the outdated 1963 Criminal Procedure Code further guidance on the correct procedure for the prosecution and sentencing of SGBV offences and which in practice is applied with considerable leniency towards the perpetrators. There are no federal laws against spousal violence, including rape.



## The Sexual Offences Bill

LAW was the main technical adviser and drafter of the Sexual Offences Bill (SOB) for the Ministry of Women and Human Rights Development. The SOB is one of the most progressive pieces of legislation and provided comprehensive protection to victims and survivors of SGBV, including adequate means of redress, for the first time. The SOB sets the age of consent at 18 and defines a child as any person of any sex below the age of 18. It prohibits child marriage and people who facilitate child marriage risk five to fifteen years of imprisonment.

It also provides a very clear description of rape that pertains to a person's physical integrity. The SOB also explicitly addresses sexual offences against children, as well as sexual exploitation.

Importantly, the SOB provides protection orders for victims, a wide range of potential sources of evidence in sexual crimes, including from teachers, police officers, obstetrician/gynaecologists, medical professionals, as well as corroborative evidence. The SOB provides victims and survivors with meaningful redress by creating a justice system that meets international human rights standards.

The SOB was developed in 2017 and submitted to Parliament for adoption in June 2018 but the process has been stalling for near four years.<sup>13</sup> In addition, a new Sexual Intercourse Bill (SIB), also known as the Penetration Bill, was tabled for consideration before Parliament on 8 August 2020.

The content of the proposed SIB raises serious concerns as a serious roll back on the rights of women and survivors of sexual violence. The SIB removes significant protection set out in the SOB, including the age of consent and the provisions that the SOB introduced to protect children. It also sets out a limited definition of rape and significantly weakens the procedural safeguards included in the SOB and does not contain any sentencing guidelines.

<sup>12</sup> LAW, UNDP and UNFPA, Legal Aid Providers Supporting Survivors of Gender Based Violence in Somalia, 2014. Available at: <https://www.legalactionworldwide.org/wp-content/uploads/Legal-Aid-Providers-Supporting-Survivors-of-Gender-Based-Violence-in-Somalia-1.pdf>

<sup>13</sup> More details on the SOB can be found at: <https://www.legalactionworldwide.org/where-we-work/somalia/somalia-sexual-offences-bill/>



## Regional Human Rights Instruments

Somalia is a state party to the African Charter on Human and People's Rights, which enshrines a range of human rights and obligations, including to ensure the elimination of every discrimination against women. As a state party to the Charter, the government is duty bound to refrain from acts of violence against women and to prevent and protect women from violence. It also has a duty to punish perpetrators and compensate victims of violence. The State has not accepted the jurisdiction of the African Court but could be found responsible under international law for failure to provide reasonable and adequate measures to prevent or address women's rights violations.

Somalia has also signed (2006) but not ratified the Maputo Protocol - adopted to complement the African Charter. The Protocol incorporates the unique challenges women face in a variety of contexts – including violence in the family, at work, in their communities and during times of armed conflict.

## International Human Rights Laws

Somalia has ratified some international and regional human rights treaties and agreements establishing state responsibility for national police and armed forces relating to SGBV prevention, protection and victims' and survivors' access to justice. However, in practice, Somalia's record leaves much to be desired, and Somalia's own governmental officials – primarily security forces - continue to be key perpetrators of SGBV and remain unpunished.

*The government has not signed or ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which provides the most comprehensive set of obligations for States parties in relation to SGBV.*

Somalia is a state party to several important human rights treaties that are of direct relevance to SGBV.

UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	State authorities have a responsibility to prevent, investigate, prosecute and punish non-State actors for torture and other ill-treatment of women, including gender-based forms of violence.
International Covenant on Civil and Political Rights (ICCPR)	Prohibits discrimination based on sex and mandates state parties to ensure that individuals whose rights or freedoms are violated have effective remedy. It also protects individuals from "torture or cruel, inhuman or degrading treatment" and arbitrary or unlawful interference with his or her privacy.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Upholds the right to the highest standard of physical and mental health, including relating to violence against women. States have an implicit obligation to protect women from violence as part of their obligations. <sup>14</sup>
Convention on the Rights of the Child (CRC)	Explicitly states that children have the right to be protected from all forms of violence, including physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation (such as sexual abuse).

<sup>14</sup> See General Assembly resolutions 64/137 and 65/187, and Human Rights Council resolution 14/12.





## International Humanitarian Law (IHL)

International Humanitarian Law (IHL) is the body of law that governs conduct in conflict, also known as ‘the law of war.’ IHL is codified in the four Geneva Conventions (1949) and three Additional Protocols (1977, 2005). Somalia is a state party to all four Geneva Conventions, but not the Additional Protocols.

Parties to the conflict in Somalia, widely recognised as a non-international armed conflict and so subject to the restricted body of IHL, are likely to be bound only by Article 3, common to the four Geneva Conventions.

While the language of the provision does not explicitly reference rape and other forms of conflict-related sexual violence, depending on the form, sexual violence could constitute a breach of Common Article 3 in a number of ways, including as an adverse distinction founded on sex, violence to life and person including cruel treatment and torture, and as an ‘outrage upon personal dignity, in particular humiliating and degrading treatment.’

The International Committee of the Red Cross (ICRC), has noted that state practice and subsequent treaty law indicate that the provision includes rape and other forms of sexual violence.<sup>15</sup>

Customary international law is an additional source of IHL, comprised of binding rules that come from “a general practice accepted as law” and that exist independently of treaty law.<sup>16</sup> The ICRC published a database of customary international humanitarian law (CIHL) which identified rape and other forms of sexual violence as a war crime in the context of both international and non-international armed conflicts.<sup>17</sup>

## International Criminal Law

SGBV has also been recognised as constituting international crimes, accruing individual criminal responsibility by perpetrators and potentially others, for example those individuals exercising command responsibility over subordinates who perpetrate the violation or abuse. While Somalia has not ratified the Rome Statute (2002), which codifies international crimes under the jurisdiction of the International Criminal Court (ICC), grave violations of IHL, and violations and abuses of international human rights law, can constitute international crimes under customary law.

The most relevant international crimes for SGBV in Somalia are likely to be war crimes, which are recognised as grave violations of IHL including Common Article 3, and crimes against humanity, which require that certain violations and abuses are conducted as part of a widespread or systematic attack against a civilian population. Both categories of international crimes are often linked to state actors, however since the 1990s, non-state armed groups – particularly where they exercise control over territory – have been increasingly recognised as having duties under IHL and international human rights law. Abuses committed by members of non-state armed groups during the conflict could therefore constitute war crimes and crimes against humanity as well.

SGBV in the context of Somalia could therefore, under certain circumstances, constitute war crimes and crimes against humanity, however, to draw conclusions on the extent to which individuals could be held responsible for international crimes is beyond the scope of this paper and would require further investigation.

<sup>15</sup> International Committee of the Red Cross, Customary IHL, Rule 93, available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule93](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93).

<sup>16</sup> International Committee of the Red Cross, Customary international humanitarian law, 29 Oct. 2010, available at: <https://www.icrc.org/en/document/customary-international-humanitarian-law-0>.

<sup>17</sup> International Committee of the Red Cross, Customary IHL Database, available at: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

# SEEKING JUSTICE FOR SGBV: CHALLENGES

**V**ictims and survivors of SGBV face significant challenges in obtaining justice due to a combination of personal, family, community, political and institutional factors, that perpetuate and condone a culture of impunity due to clan protection of perpetrators and weak government capacity to hold the guilty to account.

☞ **Stigma, discrimination and rejection from families and communities.** In rural and remote areas across Somalia customary law is used to resolve SGBV cases, with decisions often made between the clans of the victims and the perpetrators, and result in ‘traditional settlements’ that do not favour the victims.

☞ **Fear of reprisal and retaliation,** for example beatings or being married off to the perpetrators or being further harmed by those responsible especially if they are government officials.

☞ **Lack of access to services,** including legal aid, especially for victims and survivors living in IDP camps, and rural and hard-to-reach areas. Women also have less access to independent financial resources,<sup>18</sup> which means that they cannot take on legal action without support.

☞ **Poor awareness of rights including around SGBV and how to seek justice.**

☞ **Limited cooperation** between the actors responding to SGBV including service providers, police, and legal stakeholders.

☞ **Insecurity** with legal and justice actors as well as victims and witnesses fearing for their lives.

☞ **Lack of capacity** of justice and security institutions.<sup>19</sup>

☞ **Lack of women in the justice/legal sector** in a system that is dominated by men, impacting reporting, investigations, prosecutions and convictions of perpetrators.

☞ **COVID-19 disruptions** led to the closure of courts, delaying justice processes for victims and survivors who pursued prosecution of perpetrators.<sup>20</sup> This contributed to prolonging the psychological trauma and lack of closure for SGBV survivors.

☞ **Overcoming those complex, multiple, and overlapping challenges require a holistic and multi-pronged approach at all levels of influence**

— from families and communities to national leaders, which focuses on a survivor-centred approach and address gender and social norms that favour the perpetrators.

## LAW in Somalia

LAW has been working in Somalia since 2013. Through direct collaboration and technical support with the authorities and legal and judicial actors, and strategic partnerships including with UNDP and the NGO Witness Somalia, the organisation has driven significant breakthroughs for victims and survivors of SGBV, challenging and addressing the key barriers that victims and survivors face to seek justice, including community norms towards women, girls and SGBV. Since 2017, LAW has:

- Documented more than 1,600 complaints.
- More than 1,100 of those complaints were related to GBV.
- More than 400 complaints were reported to police.
- Resulting in more than 190 convictions, including prison sentences and fines.

<sup>18</sup> Australian Department of Foreign Affairs and Trade (DFAT), ‘Country Information Report – Somalia’. 13 June 2017. Available at: <http://dfat.gov.au/about-us/publications/Documents/country-information-report-somalia.pdf>.

<sup>19</sup> Australian DFAT, Country Information Report – Somalia, 13 June 2017. Available at: <https://cisnet.online.immi.gov.au/CountryInfo/Library/2017/Documents/Somalia%20-%20Country%20Information%20Report%20-%20Final%20%2813%20June%202017%29.pdf>

<sup>20</sup> UNFPA Somalia Country Office, Overview of Gender-based Violence in Somalia, Advocacy Brief. 2021. Available at: [https://www.globalprotectioncluster.org/wp-content/uploads/somalia\\_gbv\\_advocacy\\_brief\\_05march21.pdf](https://www.globalprotectioncluster.org/wp-content/uploads/somalia_gbv_advocacy_brief_05march21.pdf)

# LAW IN ACTION – DELIVERING JUSTICE TO SGBV VICTIMS AND SURVIVORS IN SOUTH CENTRAL SOMALIA AND KISMAYO

**“My advice to survivors is, come forward and share your story with other women. Be brave, be strong and be resilient. The world was not made only for men to abuse us, while women remain silent.” *Casbo,<sup>21</sup> project beneficiary & survivor, turned Champion against GBV.***

In addition to providing technical expertise on the Sexual Offences Bill and FGM Bill at the Federal level, LAW - working with other agencies - has secured significant wins in selected IDP camps in South Central, Mogadishu and in Jubbaland, Kismayo, making critical advances for SGBV survivors who have been able to access support and assistance to tell their stories and seek justice through a stronger enabling environment.

LAW piloted the first Civilian Oversight Board (COB) in South-Central Somalia and the Independent Complaints Mechanism (ICM) in Mogadishu and Kismayo.

The COB is a unique entity that is comprised of IDP camp leaders, former police officers, elders, lawyers and a representative of the Attorney General's office that was successfully set up in 2017 and led to improved police practices related to respecting detainee's legal rights and the experiences of SGBV victims and survivors who formally report the violations. For example, SGBV survivors are accompanied by a COB member when they file a police report, and the COB follows up to ensure investigations proceed. The first police outpost to serve an IDP camp with three female police officers to handle SGBV cases was also established in June 2019 in north of Mogadishu in the Daynille area, and the IDP Camp Manager, District Administration, and police station now formally collaborate to refer SGBV cases.

The ICM - a community mechanism designed to enable safe and secure channels for reporting human rights violations and breaches, including SGBV - has also provided a critically important avenue for people whose rights have been violated.

The ICM paralegals provide legal information through legal awareness-raising sessions and receive complaints from within the camps. The ICM is critical for providing advice and mediation, as well as acting as a point of contact for service providers, the police, and the Civilian Oversight Board. SGBV survivors received assistance from community champions and survivor advocates in IDP camps who are determined to change the culture in the camps, including by inspiring changes from IDP camp leaders who have been increasingly motivated to be part of much needed changes.

Through capacity building and awareness raising and facilitation workshops, we also spearheaded the creation of a cadre of human rights and child protection enablers in the law and justice sector in the region, including IDP camp leaders, civil society organisations, lawyers and paralegals, security forces, law enforcement agencies and other institutions of governance at the federal and federal member state level.<sup>22</sup>

We also facilitated the foundation of the Somali Legal Aid Network (SLAN)<sup>23</sup> which brings together sixteen legal aid NGOs across Somaliland, Puntland, Jubbaland and South-Central regions of Somalia. It is the first network of its kind and the only forum to bring local NGOs working on justice issues together across all regions of Somalia, providing a unique forum to increase collective action and improve strategies to provide SGBV survivors with access to justice.

**“I was able to talk to other women in my community, especially those of my same status (minorities) about how they can take legal action if they are subjected to sexual violence. I am part of the joint awareness organizers within the ICM team, where I talk to other women and share my own case.” – Amina,<sup>24</sup> Survivor**

**“I am a woman. I am a mother. I was a victim of domestic abuse. I raise my five children alone and I am a leader of almost 190 households living in this camp. I am inspired by seeing young girls (members of ICM) working to make sure that victims of sexual violence get access to justice and other services they need. I never worked with paralegals or any other organization working with victims before the ICM. So, knowing that there are people coming to our camp, talking to us and explaining our legal rights is definitely remarkable.” – Camp Leader**

<sup>21</sup> All names have been changed.

<sup>22</sup> AMISOM, Somali security forces trained on Human Rights and Child Protection, 28 May 2021. Available at: <https://amisom-au.org/2021/05/somali-security-forces-trained-on-human-rights-and-child-protection/>; AMISOM, Jubaland Police Officers receive human rights and child protection training, 25 June 2021. Available at: <https://amisom-au.org/2021/06/jubaland-police-officers-receive-human-rights-and-child-protection-training/>

<sup>23</sup> See: <https://www.legalactionworldwide.org/where-we-work/somalia/somali-legal-aid-network/>

<sup>24</sup> All names have been changed.



## Case Study: LAW's "360" approach

In 2015 LAW, in collaboration with thirteen members of the Somali Legal Aid Network collaborated to pilot a multi-pronged, holistic approach to responding to SGBV in Somalia. This pilot has informed LAW's approach ever since, placing the communities and survivors at its heart; ensuring that they are empowered with information on their rights, options for effective legal redress and that they are supported to ensure their engagement with the criminal justice system is an empowering one.

The '360' model involved three interlinked systems for responding to reports of sexual violence:

- 'One-stop' sexual violence response centres where survivors can access medical, psychosocial and legal support and refer their case for prosecution in the same place.
- Specialised investigators, prosecutors and judges.
- Protective measures in place for witnesses and victims, including closed court sessions, pseudonyms and disguises in court.

It also included all stakeholders involved in reporting and responding to SGBV offences including the officers at the police station who initially receive the complaint; medical staff at hospitals; the Criminal Investigations Department (CID), the Attorney General's office, the Judiciary, the legal aid providers, and community members. This pilot approach was highly successful in IDP camps Mogadishu and Kismayo, and in three years of operation.



**33 to 868\***

Increase in the number of  
SGBV cases against IDPs  
documented



**215 to 1,213**

Increase in the number of  
human rights violations  
complaints by IDPs

\*2015 - 2017



# AN AGENDA FOR CHANGE: KEY RECOMMENDATIONS

With the number of SGBV incidents on the rise and the attention to the Somalia crisis at an all-time low, it is imperative that we increase efforts to support victims and survivors of SGBV. IDP populations, especially women, girls and children are facing increased risks of violence are facing complex challenges to get their stories heard and understood, and to seek justice. Despite progress, the work is only beginning.

Over the past few years, LAW has made headways in supporting IDPs in accessing justice through a holistic and whole of society

approach. We have successfully piloted new initiatives, and with other agencies, have begun to change the legal and judicial landscape for SGBV victims and survivors.

Moving forward we have identified an agenda for change that we believe will catalyse sustainable improvements for the women, girls, and children whose protection largely remains a non-priority for the government and the international community.

## LAW's AGENDA FOR ACTION

**Building on the success of innovative initiatives and our ongoing commitment to engage with all relevant actors to bring justice to the survivors of SGBV and end the culture of impunity that surrounds sexual violence crimes in the country, we will expand and strengthen our work across three main strategic priorities:**

1. Addressing and preventing SGBV by strengthening and scaling community-led mechanisms.
2. Empowering SGBV survivors by increasing our networks of champions and survivor advocates
3. Legal reform

### **We will:**

- ✦ Conduct an in-depth mapping of key stakeholders including civil society, legal and justice actors and UN and other international organisations engaged in SGBV advocacy, policy and programming with a specific focus on accountability and survivors' access to justice with a view to increasing our strategic engagement, supporting partners, and providing dedicated expertise and assistance to address identified gaps and challenges.
- ✦ Scale up our initiatives – including the COB and ICM – in new IDP camps.
- ✦ Continue to advocate with partners on the adoption of the SOB and other critical pieces of legislation and policies.
- ✦ Amplify the voices of survivors in national and international decision-making and political fora calling for increased action on SGBV in Somalia.
- ✦ Undertake an in depth analysis of the extent to which SGBV may be being used as a weapon of war and potential violation and abuse of international law, and update LAW's 2014 *Legal Aid Providers Supporting Gender Based Violence Survivors in Somalia*.

# RECOMMENDATIONS



## *The Federal Government of Somalia to*

- ✎ **Sign and ratify the global and regional human rights treaties and agreements** establishing state responsibilities for the protection of women's and children's rights, particularly for the national police and armed forces on SGBV prevention and protection, as well as the victims and survivors' right to access justice. As a matter of urgency, the government should ratify CEDAW.
- ✎ **Adopt the Sexual Offences Bill, FGM and other important bills** and policies so that women, girls, and children and other vulnerable groups most at risk of SGBV are provided with the protection and legal recourse they need. The adoption of the Bills should be followed by adequate resourcing of its implementation and monitoring.
- ✎ **Work with relevant partners including LAW** to strengthen and increase the capacity of the police and judicial system actors to provide safe and accessible services for the survivors of SGBV.
- ✎ **Take urgent action to hold perpetrators accountable for SGBV** by investigating and prosecuting acts committed by members of the state security forces and non-state armed groups.
- ✎ **Resource the Woman and Child Protection Unit (WCPU)** to ensure that it is able to effectively deliver changes for women and girls.
- ✎ **Engage community structures** in the development and implementation of its SGBV prevention, protection, and enforcement efforts.
- ✎ **Step up action to increase prevention of SGBV in IDP camps**, including through increased resources.



## *Donors to:*

- ✎ **Continue to fund lifesaving SGBV services and programmes** that aim to increase survivors' access to justice, including through legal aid services and legal information, assistance and representation, strengthen authorities and justice actors to prevent and address SGBV and provide technical assistance to survivors, empower women in the justice and legal sector, and support civil society advocacy efforts -especially women's rights organisations and women -led organisations to hold the government accountable.
- ✎ **Provide funding to scale up the 360-model approach in IDP camps.**



## *NGOs to:*

- ✎ **Raise community awareness of SGBV**, especially among the IDPs and those in rural and remote areas to reduce the cultural stigmas, discrimination and rejection that SGBV survivors suffer from their families and communities.
- ✎ **Continue to engage constructively with the authorities** – including in the camps – and actors of the justice and legal system.
- ✎ **Support local traditional authorities to improve access to justice for SGBV survivors** including through men's engagement programmes as well as improve their awareness and attention to wider GBV issues.



