PROTECTION ANALYSIS UPDATE
FEBRUARY 2022

CONTENTS

1. REPORT SUMMARY

Conflict, climatic shocks, natural disaster, and forced eviction are the major drivers of displacement that have led to a complex and protracted humanitarian crisis in Somalia[1]

In 2021, a total of 874,000 individuals were displaced across Somalia. Conflict and insecurity were the most prominent driver of displacement (544,000 individuals), followed by drought (245,000 individuals) and floods (62,000 individuals). Forced eviction is a cyclical protection concern in Somalia and in 2021, 132,909 persons had been evicted across the country[2].

The protection environment in Somalia is characterized by lack of basic services and access challenges to people in need. The legal and policy frameworks in place are stalled by weak judicial and law enforcement institutions. This is coupled with an overall lack of public awareness on basic rights, that is exacerbated by displacement and structural discrimination based on gender, ability, and clan affiliation.

This report outlines prevalent protection risks such as child marriage, gender-based violence, forced family separation, destruction of property, forced evictions, lack of access to justice, discriminatory practices against persons with minority clan affiliations, and concerns regarding the protection of civilians.

Methodology

This report was prepared through a desk review of various sources, most notably, the protection monitoring systems in Somalia, including: the Somalia Protection Monitoring System (SPMS), the Protection and Return Monitoring Network (PRMN) and the Eviction tracker.

Limitations

Data available in Somalia is limited to areas that are accessible by humanitarian actors. Those that are not accessible are under the control of Al-Shabaab [3] . A limited data set is collected from individuals that flee Al-Shabaab controlled territories by REACH, titled 'Hard-to-Reach' data. The information in this report was collected using existing reports and data collection methodologies.

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[1] Reference in this report to Somalia includes Somaliland, a semi-autonomous region. Somaliland, officially the Republic of Somaliland, is an unrecognized autonomous state in the Horn of Africa, internationally considered to be part of Somalia.

[2] Eviction Information Portal. NRC/HLP AoR. www.nrcsystems.net.

[3] "Al-Shabaab has engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to

acts that threaten the Djibouti Agreement of August 18, 2008, or the political process; and acts that threaten the Transitional Federal Institutions (TFIs), the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia. Al-Shabaab has also obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia." https://www.un.org/securitycouncil/sanctions/751/materials/summaries/entity/al-shabaab

2. CONTEXT OVERVIEW

Protection concerns in Somalia stem from acts of violence, exploitation, abuse, coercion, and deprivation, especially in situations of conflict, displacement, and through violations of International Human Rights and International Humanitarian Law. Pervasive features of the conflict in Somalia include targeted and indiscriminate physical attacks on civilians and on property, widespread sexual and gender-based violence (GBV), child recruitment, arbitrary arrest, forced displacement, evictions, land-grabbing, and clan conflicts.

The impact of the conflict is aggravated by a protection environment characterized by impediments for humanitarian workers to access people in need, limited-service provision, weak or missing protection systems, low awareness of basic rights and discriminatory and harmful socio-cultural norms relating to gender and practices which disadvantage minority clans and marginalized groups such as persons with disabilities and impact most upon women and children. Ongoing conflict, drought and flooding has devastated livelihoods of millions of people and exacerbated the acute food insecurity and malnutrition rates and induced large-scale displacement. Water is used as a weapon of conflict by al-Shabaab by levying charges on the communities to access water points.

Gender-based violence affecting women and girls remains underreported but widespread, with IDPs remaining particularly vulnerable. Gender inequality, societal power imbalances, a weak functioning justice system, protracted conflict, and displacement, all contribute to an inadequate protection environment that leaves women and girls highly exposed to GBV. Their vulnerability is increased due to illiteracy, poverty, family breakdown and unemployment, among other things. Many cases of GBV are not reported and addressed due to a fear amongst women and girls of being ostracized from families or communities, fearing divorce, or forced marriage or barriers to getting married, while other GBV survivors are not aware of services and formal structures for recourse due to unfamiliarity with options and approaches.

The Somalia Protection Monitoring System (SPMS) reveals that no access to compensation and no access to duty-bearers were some of the most prevalent protection incidents reported in 2021. IDPs, adolescent girls (12-17 years), adult women and minority groups were reported to be the most affected. In 2021, KIs reported that access was denied due to socio-economic backgrounds and access was an obstacle because the area had no formal justice systems. Physical abuse, rape and divorce cases were underreported and overlooked due to intimidation felt by the affected groups/individuals. Based on the SPMS findings, community coping mechanisms reveal that community members do in-fact report to local authorities for support, but the response is slow, due to the lack of formal courts in the area or access denied due to gender or social background. As such, the weak/limited access to formal

justice is often replaced by the informal justice system, otherwise known as ADR (Alternative Dispute Resolution) or the Xeer system in Somalia, a practice which has long functioned as an effective tool for promoting social cohesion and regulation of inter and intra-clan affairs. On the other hand, the use of traditional justice has an adverse impact particularly for victims of GBV, children, minority clans, persons with disabilities and IDPs. Aspects of the Xeer custom may violate provisions of the Somali Provisional Constitution, particularly when it comes to the rights of GBV survivors, IDPs and minority groups. Somali citizens struggle to have their grievances justly resolved as they often face discriminatory practices, are not well informed about their rights, and have access to very few functional institutions to meet their justice needs.

Many areas are reported as being unsafe for women and girls especially around settlements due to GBV incidents when fetching water and firewood. Schools especially those in rural areas are reported to be unsafe places for boys where they are potential targets for forced recruitment to armed groups. Family separation as a survival strategy leaves more women-headed and child-headed households in displacement sites, and they then become more vulnerable to other threats.

Structural protection concerns and violations associated with housing, land and property are rampant and include land grabbing, encroachment, multiple land claims, insecure land tenure, boundary disputes, demolitions, illegal land claims, squatting, illegal occupations, illegal land transactions (fees/ sales), and fraud. Poor land administration and a lack of land management systems, limited access to justice, poor legal and policy frameworks, and weak justice institutions are structural impediments to tenure security and contribute to the protracted crisis.

Forced evictions remain not only a recurring protection concern in Somalia, but also a critical factor to be considered within the broader framework of durable solutions for displaced communities.

Conflicts in Somalia have resulted in contamination from explosive remnants of war (ERW), landmines, and improvised explosive devices (IEDs), which have a detrimental impact on the physical security of civilians, especially for mobile pastoral communities. ERW, landmine, and IED contaminations limit freedom of movement and access to basic services, disrupt livelihoods, and impede stability and recovery.

Civilians bear the brunt of the multi-faceted conflict in Somalia, through death and injury, destruction of property and assets, limited access to services and humanitarian assistance, as well as by being forcibly displaced from their communities due to violence and fear of violence. Conflict also typically results over scarce resources.

The conflict is multi-faceted and layered due to the ever-present inter-communal competition and rivalries brought to the forefront through limitations in systems enabling access to land and political

power at community, regional, national and Federal Member State (FMS) level. Relations between the Federal Government of Somalia (FGS) and the Federal Member States (FMS) have been marked by competition over power, resources, and control of armed forces. Elections at the FMS level are also marred by violence and accusations of interference by the FGS.

Al-Shabaab, an Al Qaeda affiliated group, is engaged in a war with the Government of Somalia that is backed by AMISOM forces. Although Al-Shabaab, a non-state actor, has lost control of most of the major cities, they still control a majority of the rural areas, some major cities in South Central Somalia and major transport/supply roads throughout the country. They continuously attack the Somali Government and AMISOM forces within Mogadishu and other areas in South Central Somalia.

Islamic State fighters, who operate in Puntland State in Somalia, have reportedly broken away from Al-Shabaab and have carried out assassinations against government officials and businessmen. Therefore, in the Puntland State of Somalia, two non-state armed groups are present, both the Islamic State Fighters and Al-Shabaab. Recently, Puntland security forces conducted an operation that led to the arrest of several suspected Al-Shabaab fighters and in June 2021, Puntland executed 21 individuals accused of Al-Shabaab membership and for carrying out assassinations and bombings in Puntland. These fighters were tried and sentenced to death by Puntland managed court before their execution while other suspected Al-Shabaab fighters are on trial.

In areas controlled by Al-Shabaab, access constraints inhibit government and humanitarian actors from supporting affected and displaced populations. This means their ability to undertake prevention-related activities; monitor conditions and situations; and carry out an effective humanitarian response is also limited[4]. There are multiple dimensions to these access constraints. Some affected populations are unable to flee from Al-Shabaab-controlled areas into government-controlled areas to access support. Working with partners creates accountability challenges and may require "justifiable" compromises to provide assistance to those most in need[5].

Regarding conflict related displacement, in April 2021, more than 8,000 families were displaced in Berdale district of Bay region (South West State) due to Al-Shaabab demands on communities to avail their children for recruitment as fighters, forced taxation, kidnapping and destruction of properties. In the same period also, more than 1,000 families were displaced in Baadweyne town of Hobyo District, Mudug region (Galmudug State) due to fighting between Somali National Army (SNA) and Al-Shabaab fighters.

4 Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, Institutions and Coordination in Afghanistan, Colombia, the Niger, the Philippines, and Somalia. UNHCR and IOM. 26

JUL 2021. https://reliefweb.int/report/world/bridging-divide-approaches-conflict-and-disaster-displacement-norms-institutions-and
5 ibid

For elections related tensions and violence, in April 2021, more than 33,000 families were displaced by armed confrontations between government and opposition forces in Hodan and Howlwadaag districts of Mogadishu after the planned 2021 national elections were delayed and Somalia's incumbent president attempted to extend his term by two years. Elections at the federal member states are also marked by violence and have the potential of igniting clan conflicts.

Somaliland is relatively peaceful and there are no widespread reports of civilian casualties due to armed conflict. Somaliland held a peaceful parliamentary election on 31 May 2021. According to the Somalia Protection Monitoring System (SPMS), the most prevalent protection concerns in Somaliland include child marriage, sexual assault, destruction of property, no access to compensation, violence in assistance delivery and no access to duty bearers.

Legal Landscape

Somalia became the 30th African Union Member State to ratify the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in November 2019. In March 2020, Somalia deposited its instrument of ratification with the African Union. Further to the commitment under the Kampala Convention, the adoption of a draft Federal Protection and Assistance for Internally Displaced Persons (IDP) Act is a work in progress and has undergone extensive consultations. The draft Act was reviewed and submitted to the Ministry of Interior and Ministry of Justice for legal guidance before it was approved by the Council of Ministers in February 2021. The instrument is with the National Assembly for adoption. The advancement of this Act through legislative channels before its final endorsement is of priority, given the importance of such legislation for assistance, protection, and solutions for internal displacement in Somalia. The election delays in 2021 have stalled the approval process for this Act.

In the Somalia National Development Plan 2020–2024: The Path to a Just, Stable and Prosperous Somalia (NDP 9), internal displacement and IDPs feature extensively in the Government led plan, with IDPs recognized as one of the most vulnerable groups in Somalia [6]. Durable solutions to long-term displacement are prioritized as a cross-cutting imperative and solutions are included in the metrics for measuring the success of the NDP 9, which is also the mechanism for implementation of the National Policy on Refugee-Returnees and IDPs[7]. It notes conflict and disaster as key drivers and recognizes that conflict and disaster, including climate-related hazards, have led to substantial displacement.

Somalia ratified the Convention on the Rights of the Child (CRC or UNCRC) in October 2015 becoming the 196th country to ratify this

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[6] Ibid

[7] Ibid

convention. This is a critical step for Somalia given it is among the countries that record the highest number of grave violations against children. The Monitoring Reporting Mechanism (MRM) reports the recruitment and use of children as well as abduction and sexual violence to be the most alarming. Between 1 August 2016 to 30 June 2021, the country task force 8 verified 21,560 violations against 18,079 children (3,291 girls / 14,788 boys) of which the majority were attributed to Al-Shabaab9. Children, mostly boys, are at an elevated risk of recruitment to armed groups. It is expected the actual extent of grave violations of children's rights is far higher than reported and verified.

Norms Landscape

Somali society is divided along clan and ethnic groups. Root causes of clan conflicts are social injustice, clan-based identity, poverty, and resource scarcity, which sit alongside existing perceived historical injustices among clans resulting from decades of conflict and competition for resources. The divisions are further stratified by the "4.5 formula" established in 2004 as a political power-sharing agreement that gives an equal quota to [the] four major clans and a half-point to the cluster of "minority" clans. Those that make-up the .5 are comprised 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[10].

Clan is a key social, economic, and political structure throughout Somalia that mediates access to resources, opportunities, influence, protection, and relationships (e.g., marriage, patronage). Four clans are considered to be majority, "noble clans" in Somalia. Political and economic power is determined along clan lines, and due to this minority groups have unequal access to resources and do not have adequate space to be part of the decision-making process. Minority groups are considered inferior, less entitled to a full enjoyment of their rights, hence their low social, economic and political status. As a result of social segregation, economic deprivation and political manipulation, minority groups were systematically excluded from mainstream government positions and the few minorities who held positions had little power to speak on behalf of their communities.

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[8] Secretary-General report on Children and Armed Conflict May 2021; and from January to June 2021, Somalia County Task force on Monitoring and Reporting (CTFMR)

[10] Minority Learning Inclusion Review. Programs in the Horn of Africa. MRGI (2021). https://minorityrights.org/wp-content/uploads/2021/07/Revised-Final-Report_Minority-Inclusion-Learning-Review_27_07.pdf

Furthermore, because of their distinct ethnic identity, some minorities, particularly the Bantu and Bajuni have suffered

systematic confiscation of their lands and properties. Unlike other clans from dominant groups, minorities lack international support in the form of regular remittances. Recurrent insecurity caused by conflict creates an environment where minority groups are vulnerable and abnormally displaced from their homes. Notably, some displaced minority groups lost their lands, which were reallocated. Insecurity further affects the delivery of services to minority groups[11].

Economic Landscape

Somalia was affected by several shocks over the past three years - drought, floods, locust invasions, and the COVID–19 pandemic. As a result, real GDP, which grew by 2.9% in 2019, shrank by 1.5% in 2020, mainly due to COVID–19 measures such as travel restrictions and supply and value chain disruptions. Seven out of 10 Somalis survive on less than $1.90

per day, and the COVID–19 crisis has likely increased rates of poverty[12].

A significant portion of the Somali population are economically and socially vulnerable to shocks and Somalis heavily depend on remittances and humanitarian assistance that is project based, delivered through NGOs and is reliant on unpredictable financing. The influx of displaced people to urban areas has compounded existing pressures in access to services, land, and other resources, while reinforcing earlier patterns of deprivation, marginalization, and exclusion. There are an estimated 2.9 million IDPs in Somalia, primarily residing in urban centers, which has increased urbanization in the major towns. This urbanization and increase in population contributed to high demand for land and recurrent evictions trends affecting IDPs as the land price increased. Since Somali clan system is an important feature of social, political, and economic life, minority groups face the greatest inequalities and exclusion due to lack of clan protection.

Conflict and Hostilities

Somali society is divided along clan and ethnic groups. Major root causes of clan conflicts are social injustice, clan-based identity, poverty, and resource scarcity, which sit alongside existing perceived historical injustices among clans resulting from decades of conflict and competition for resources. The divisions are further

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[11] Ibid

[12] Somalia Economic Outlook. African Development Bank. https://www.afdb.org/en/countries-east-africa-somalia/somalia-economic-outlook

stratified by the "4.5 formula" explained in the Norms Landscape section.

Al-Shabaab takes advantage of inter-communal competition and clan conflicts to advance its goals of establishing their strict form of Islamic sharia law. Additionally, communities also use Al-Shabaab for political gains and to revenge their grievances on rival clans.

Political instability also contributes to inter-communal fighting. In April 2021, armed confrontations ensued between government and opposition forces in Mogadishu after the 2021 national election was delayed and Somalia's incumbent president attempted to extend his term by two years. This caused the displacement of more than 33,250 families and casualties of 63 civilians. Elections at the federal member states are also marked by violence and these have the potential of igniting clan conflicts.

In February 2007, the United Nations Security Council authorized the African Union to deploy a peacekeeping mission in support of Somalia's Transitory Federal Institutions (TFIs). The Security Council authorized the Member States of the African Union to maintain the deployment of AMISOM, as set out in paragraph 1 of resolution 2093 (2013) until 30 November 2015. "AMISOM continues to support the FGS' commitment to a credible electoral process in 2021 and is actively working closely with the FGS and SNA to bring peace and stability to the nation[13]." AMISOM's mandate was renewed in 2021 and first quarter of 2022. However, there are plans for AMISOM to handover to the Somali National Army (SNA) in the future.

Political Landscape

Somalia is faced by significant challenges and has been marked by tensions and fragile relations between the Federal Government of Somalia (FGS) and the Federal Member States (FMS) for the past four years (due to competition over power, resources, territories and control of armed forces), slow progress in the formation of the Somalia National Army and police, lack of independent and effective justice and reconciliation institutions, armed non-state actors (Al-Shabaab and Islamic State) that aim to topple the government, delayed national elections and mistrust among the stakeholders and clans has the potential to ignite an armed conflict and risk the gains made.

Clan discrimination and rivalries exist at federal and state levels in turn leading to weak government institutions that are unable to generate laws and policies. Discrimination of minorities reinforced by the 4.5 power sharing formula and the role of women in politics continue to be contentious issues across Somalia. Women are still under-represented in governance structures (at 24%) despite 30%

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[13] African Union Mission in Somalia. Brief History. https://amisom-au.org/about-somalia/brief-history/

of the seats being allocated for women under Somalia's provisional constitution. The outcome of Somalia's National elections of 2012 and 2017 is widely accepted as fair by most and did not contribute to an uptick in pre/post-election violence. However, there are growing fears that delayed and slow 2021/2022 national elections, tense and fragile relations between the President and the Prime Minister, perceived manipulations of the election outcomes by the presidents of the FMS and FGS, will all contribute to violence. Despite these challenges and delayed election, it has commenced on Nov 2021 and expected to be finalized by February 2022 as per the latest agreement by the National Consultative Council (NCC). Fighting due to delayed or postponed elections, perceived unfairness, and lack of transparency in the election process has the potential of igniting clan conflicts and causing large scale displacement mostly affecting civilians. During conflict and displacement in Somalia, protection violations can be expected to go unreported, with high levels of impunity for perpetrators.

Electoral Landscape

Men dominate the current political system in Somalia, reflecting the deeply entrenched patriarchal norms and traditions of clan based Somali society that severely limit women's participation. Minority groups are one of the most affected groups when it comes to participation in the political arena. Somalia has respectively adopted the clan-based power-sharing system known as the '4.5 formula' of representation, a discriminatory approach whereby minorities combined were considered to make up only half of one majority clan. The formula equalized representation of the four majority clans and gave to the minorities overall roughly half the number of seats assigned to each of the majority clan-families. Freedoms of association and assembly are guaranteed by the Constitution and there is a high number of civil society organizations (e.g., groups for women and youth, occupational associations etc.) operating throughout the territory. However, effective, principled programming and operations of both local Civil Society Organizations (CSOs) and international NGOs is hindered by a lack of an effective legal, regulatory, and institutional framework across all regions of Somalia.

On 31 May 2021, Somaliland held parliamentary elections, with more than a million people voting. The results were celebrated as a win for democracy when an alliance of two opposition parties merged their seats and ousted the ruling party. A member of a minority clan was elected to parliament, however, none of the 13 women who ran for office were elected, and the election was marred by reports that opposition candidates and journalist were arrested ahead of the vote. The election itself was also more than a decade late, delayed by a lack of funding and a dispute over the electoral commission's composition.

3.   PRIORITY PROTECTION RISKS

Somalia has two protection monitoring systems in the country. The first, launched in 2006, is called the Protection and Return Monitoring Network (PRMN), a network of over 31 NGOs (mostly national NGOs) that tracks displacement across the country as well protection incidents / human rights violations.

The second tool, launched in 2018, is called the Somalia Protection Monitoring System (SPMS) and is an area-based protection monitoring tool that collects protection violations and trends through key informants. In addition to PRMN and SPMS, the Eviction Tracker, is a specialized tool monitor HLP violations and prevention of HLP violations in Somalia.

From January to October 2021 the Somalia Protection Monitoring System [14] interviewed 5929 key informants (2819 female; 3112 males) across Somalia. The figure below highlights the overall protection trend in the country:

The concerns identified highlight the recurrence of a set of protection risks, aggravated by an overall impediment of the affected population to access to duty-bearers or remedies.

A major concern emerging from the SPMS is access to fair compensation, and it is one of the most pressing problems confronting the Somali society, in particular vulnerable communities.

This is mainly due to the fact that there is a lack of access to justice in Somalia and rebuilding Somalia's formal justice system is a highly challenging, complex, and long-term undertaking. In fact, there have not been any effective formal justice institutions in the country for over two decades[15].

The 2021 findings from PRMN, SPMS and the Eviction Tracker in Somalia are summarized below.

Note: The PRMN and SPMS underwent evaluations in 2020/2021. Both systems are still operational but also under revision.

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14 https://spms.drchub.org/

15 Reforming and modernizing the Alternative Dispute Resolution (ADR) system in Somalia. IDLO. 2017. https://www.idlo.int/what-we-do/initiatives/reforming-and-modernizing-alternative-dispute-resolution-adr-system-somalia

RISK 1: FORCED and CLIMATE-INDUCED DISPLACEMENT

Between January and December 2021, the PRMN registered a total of 874.000 new displacements. The population have mainly fled conflict and insecurity (62%) or moved due to droughts or floods (35%).

The last quarter of 2021 shows a steep increase of IDPs (281.000) compared to the previous quarter (99.000), mainly due to ongoing conflict, drought and flooding which have devastated livelihoods of millions of people and exacerbated the acute food insecurity and malnutrition rates and induced large-scale displacement.

Regarding conflict related displacement, in April 2021, more than 8,000 families were displaced in Berdale district of Bay region (South West State) due to Al-Shaabab demands on communities to avail their children for recruitment as fighters, forced taxation, kidnapping and destruction of properties.

In the same period also, more than 1,000 families were displaced in Baadweyne town of Hobyo District, Mudug region (Galmudug State) due to fighting between Somali National Army (SNA) and Al-Shabaab fighters.

In areas controlled by Al-Shabaab, access constraints inhibit government and humanitarian actors from supporting affected and displaced populations.

For elections related tensions and violence, in April 2021, more than 33,000 families were displaced by armed confrontations

Protection and Return Monitoring Network[16]
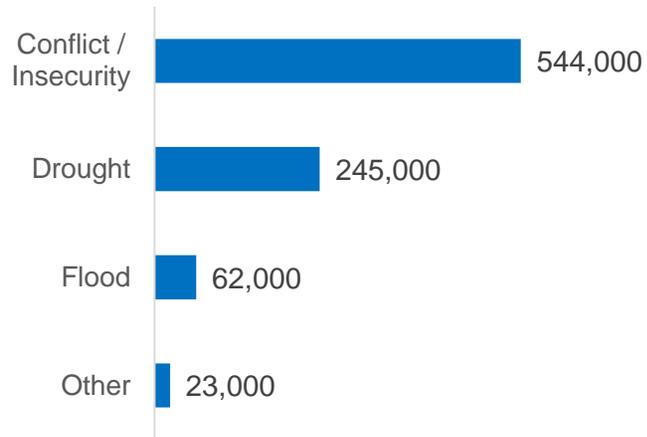**Displacement Data Analysis**

January-December 2021

874,000

NEW DISPLACEMENTS IN 2021

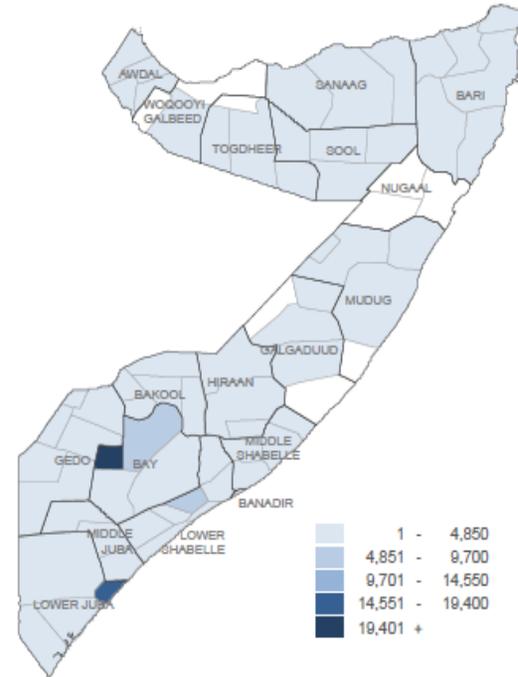[16] https://unhcr.github.io/dataviz-somalia-prmn/index.html#reason=&month=&need=&pregion=&pdistrictmap=&cregion=&cdistrictmap=&year=2020

Somalia Protection Cluster

DISPLACEMENT BY REASONS

Reason	Value
Conflict / Insecurity	544,000
Drought	245,000
Flood	62,000
Other	23,000

DISPLACEMET BY DISTRICT (DEPARTURE AND ARRIVAL)

DEPARTURE

ARRIVAL

DEPARTURE legend:
- 1 - 4,850
- 4,851 - 9,700
- 9,701 - 14,550
- 14,551 - 19,400
- 19,401 +

ARRIVAL legend:
- 1 - 71,050
- 71,051 - 142,100
- 142,101 - 213,150
- 213,151 - 284,200
- 284,201 +

DISPLACEMENT TREND

Month	Value
Jan	23K
Feb	70K
Mar	19K
Apr	258K
May	81K
Jun	43K
Jul	44K
Aug	36K
Sep	19K
Oct	138K
Nov	47K
Dec	96K

![Somalia Protection Cluster logo]

**Protection and Return Monitoring Network
Protection**

Incidents Summary / January-December 2021

7,010

PROTECTION INCIDENTS IN 2021

VIOLATIONS

Violation	Count
GBV	3,050
Physical violence	2,861
Detention	712
Child protection	247
HLP/Eviction	73
Freedom of movement	43
Basic needs	16
Exploitation	6
Denial of or unequal…	1
Indiscriminate attack	1

VIOLATIONS BY REGION

VIOLATIONS TREND

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
467	572	562	681	616	666	554	659	542	596	551	544

RISK 2: CHILD MARRIAGE

Child Marriage remains one of the most prevalent protections risks across the country, reported by 43% of KIs. Child marriage is among the extreme forms of child rights violations affecting adolescent girls. Adolescent girls, boys and IDPs were reported as the most affected groups in the community. The ongoing humanitarian crisis has exacerbated poverty, insecurity and access to education, factors which tend to increase rates of child marriage.

RISK 3: GENDER-BASED VIOLENCE

Physical abuse, rape and divorce cases were reported to not receive access to effective remedy/redress and one of the obstacles to this was intimidation of the affected groups/individuals. Somali citizens struggle to have their grievances justly resolved as they often face discriminatory practices, are not well informed about their rights, and have few functional institutions to meet their justice needs. Seeking compensation and justice is especially challenging for women, minority groups, IDPs and persons with disabilities. Key informants also reported this is a challenge for the community to access Alternative Dispute Resolutions mechanisms. Below protection concerns reported to not having access to ADR:

1. Physical abuse cases (38% of KIs)
2. Divorce cases (33% of KIs)

3. Rape cases (30% of KIs)

Somalis continue to use alternative dispute resolutions because they are accessible and low in cost. Additionally, it is reported that ADR are often better placed to respond to the immediate justice needs of the community. Despite the acceptance and accessibility, women and other vulnerable groups are unable to access such services.

RISK 4: FORCED FAMILY SEPARATION

Key informants across the country report high incidents of family separation making it the third highest protection concern reported through the SPMS. Family separation is defined in SPMS as the break-down of a family unit or the splitting of households due to circumstances that are triggered by war, displacement and/or poverty. Family separation is a common occurrence and exacerbates existing vulnerabilities.

Below are the most affected groups when it comes to family separation:

1. IDPS (28% of KIs)
2. Adult women (26% of KIs)
3. Adolescent girls (17% of KIs)
4. Adult men (14% of KIs)
5. Adolescent boys (14% of KIs)

72% of KIs reported that family separation happened due to financial reasons, and 13% of KIs reported that family separation happened due to forced evictions. 6% of KIs reported family separation was due to forced recruitment.
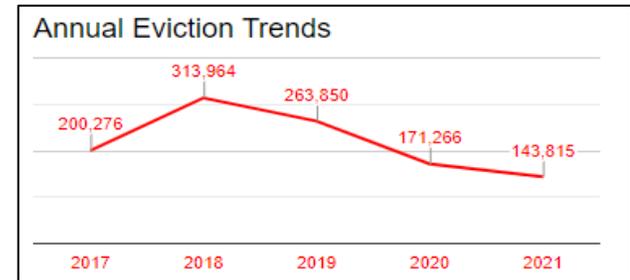
RISK 5: DESTRUCTION OF PROPERTY

Destruction of Property was reported to be the second most reported violation. Destruction of property in the SPMS is defined as property including moveable and immovable assests and livestock.

Destruction -both intentional (for example during evictions or conflicts) or related to natural hazards such as floods or accidental fires. 37% of KIs reported destruction of property was due to forced evictions, 26% of reported destruction of property was due to flooding's, 17% reported property was destroyed due to accidental fires and only 9% of KIs reported village attacks as reasons to property being destroyed.
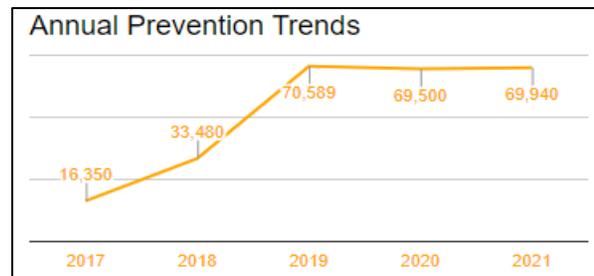
45% KIs reported IDPs as the most affected group, 15% of KIs reported women being affected and 13% of KIs reported older women (60+) also being affected. Forced evictions reported as the leading cause and landowners and local authorities were identified as the main dividers in the community.

RISK 6: IDPs FORCED EVICTIONS

Forced evictions create significant secondary, tertiary displacement of IDPs already displaced by conflict or disaster. This is

Annual Eviction Trends

due in part to the fact that many IDP sites are on private land and due to limited and ineffective land tenure and management systems 17 . To address protection and other concerns, policy changes have been adopted, such as the National Eviction Guidelines 18 , and advocacy and capacity-building efforts have sought to create moratoriums and changes in practices.

Annual Prevention Trends

Implementation and enforcement of the National Eviction Guidelines remains a challenge.

During the period of January-December 2021, the Eviction Tracker19 recorded 696 incidents of evictions affecting 143,815 persons while 94,940 persons were prevented from eviction by HLP partners.

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17 Ibid

18 National Eviction Guidelines were also adopted in 2019. The instrument seeks to "make provision for the responsibility of the Federal Government […] to refrain from, and protect against, arbitrary and forced evictions of occupiers of public and private properties, from

homes, encampments and lands, to protect the human right to adequate housing and other related human rights." IDPs are explicitly mentioned throughout the instrument.

19 https://evictions.nrcsystems.net/

FOCUS: DENIED ACCESS TO DUTY-BEARERS

The Somalia Protection Monitoring System (SPMS) findings show that **IDPs, adolescent girls and women are more often denied access to formal and informal duty bearers compared to host community members.**

Somalia maintains a pluralistic justice system, which is a legacy of four legal traditions – Xeer customary law, religious sharia law, Italian civil law, and British common law. With the collapse of Somali judicial institutions during the civil war, people relied on long-standing forms of dispute resolution, including Xeer, and ad hoc mechanisms established by militia factions. During the civil war and its aftermath, Somalis continued to rely on the strengths and durability of the Xeer system, contributing to its increased importance in the country. Indeed, through the years, Xeer has become a primary source of law used to settle disputes in Somalia.

A major challenge in the Xeer customary system is the disadvantaged position of children, women, and minority clans. Customary justice mechanisms are predominantly composed of elderly males, selected by male community members based on status inherited from family members and reputation within the community.

Somalia has ratified the UN Convention on the Rights of the Child but there is limited enforcement, and a formal juvenile justice policy is in development. Ethnic minorities and minority clans are also considered to be in disadvantaged positions due to entrenched local power dynamics that result in minorities having little prospect of remedy against members of more powerful clans. **Women remain virtually excluded from formal justice institutions and duty-bearers due to structural discrimination**, including limited education and training opportunities for women and girls, and a "culture of impunity for allegations of harassment and sexual assault". In general, women also have limited participation as decision makers and restricted influence in the Xeer system. Women's access and participation as parties in customary justice are traditionally limited due to persisting cultural stigma towards women addressing male leaders directly. Women are usually represented by a male family member or another intermediary in hearings in front of elders.

Gender-based violence against women (GBVAW) shows that enforcement of women's rights remains a challenge in both customary and formal justice systems. A Sexual Offences Bill submitted to Federal Parliament in 2019 has yet to be approved and repeated concerns have been raised in relation to the Somali Penal Code's current definition of sexual violence. GBVAW matters are often handled as collective clan responsibility, and without appropriate procedural safeguards in relation to conduct of hearings and evidentiary standards, leaving victims/survivors without justice and at risk of re-victimization and repeated trauma.

An alternative to the Xeer system is the Alternative Dispute Resolution Centers 20 (ADR) and there are currently 16 in the country. The ADR represents a unique model of justice delivery aimed at facilitating the settlement of disputes using informal dispute resolution methods. Importantly, the ADR process blends elements of arbitration, mediation and other conventional ADR methods while preserving alignment with customary norms and emphasizing consensus-building and voluntary agreement of parties. Each ADR Center has, within its respective district/region, the jurisdiction to hear and issue decisions over civil disputes and select non-serious crimes between two or more individuals that can be remedied by awarding monetary damages or restitution. In doing so, sharia law and principles and Xeer practices may be applied, provided there is no conflict with relevant human rights standards and sharia law and principles.

20 Accessing Justice: Somalia's Alternative Dispute Resolution Centers. IDLO. 20 Jan 2021. https://www.idlo.int/publications/accessing-justice-somalias-alternative-dispute-resolution-centers

4. RESPONSE
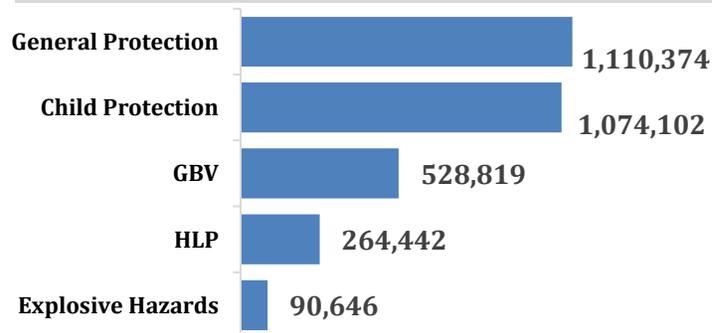
The total beneficiaries reached by Protection Cluster and AoRs as of 31 December 2021 includes:
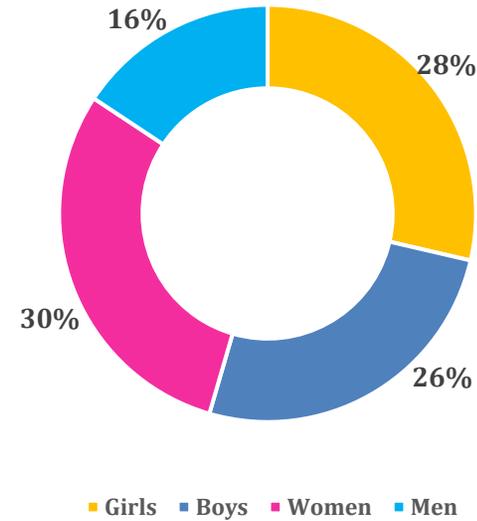
3.07 million individuals

    I. 862,000 girls

    II. 779,000 boys

    III. 897,000 women

    IV. 473,000 men

The total beneficiaries reached are those impacted by different shocks, including conflict, insecurity, human rights violations, COVID-19, eviction, emergency scenarios, droughts, and floods. The majority of the beneficiaries reached are newly displaced, followed by host community members and IDPs in protracted displacement situations.
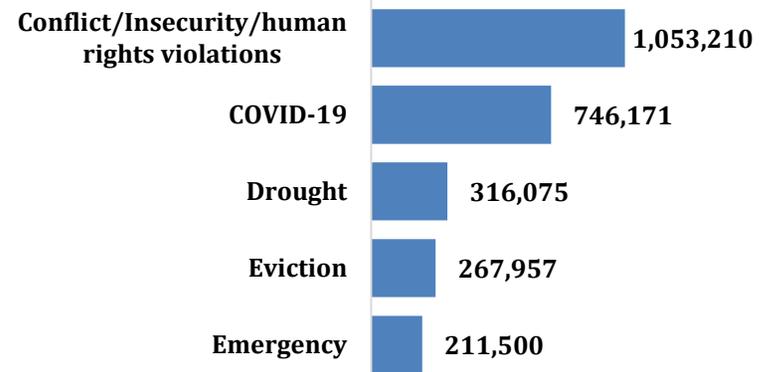
Number of Beneficiaries by AoRs

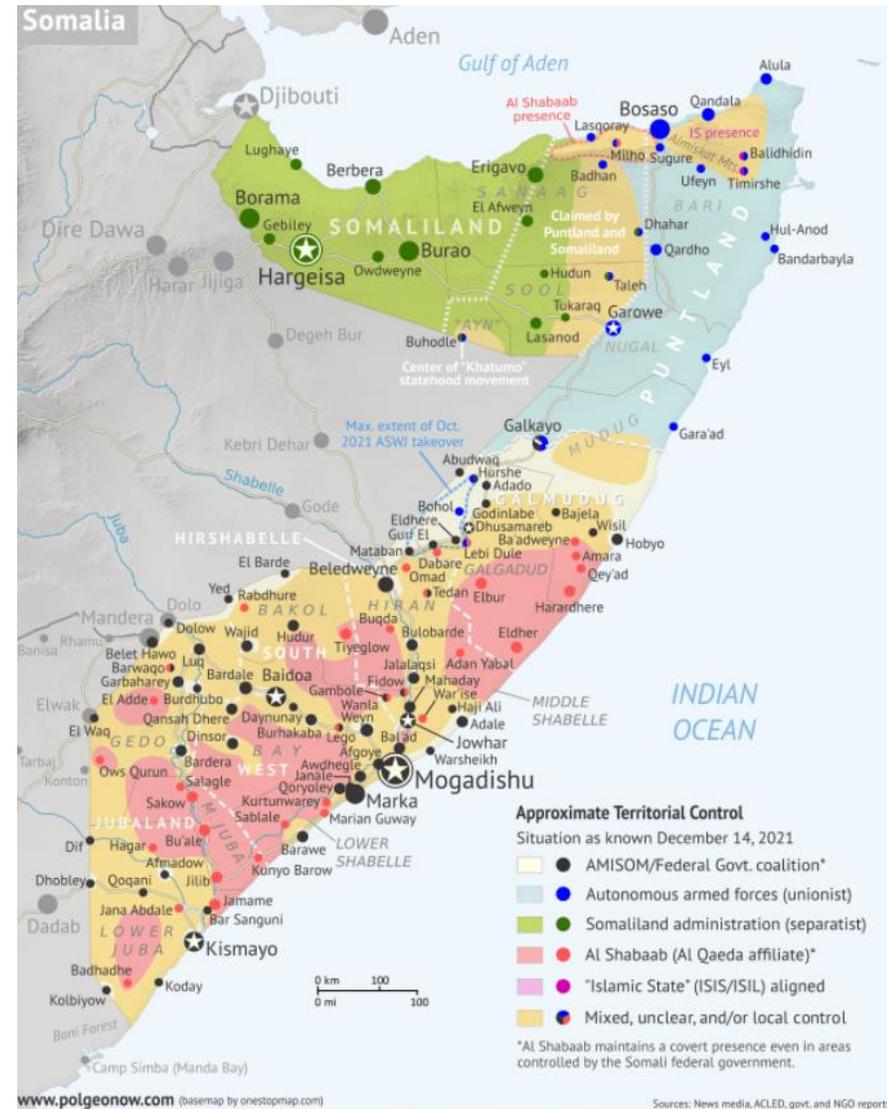| AoR	Beneficiaries
General Protection	1,110,374
Child Protection	1,074,102
GBV	528,819
HLP	264,442
Explosive Hazards	90,646

Age and Gender Break-down

- Girls 28%
- Boys 26%
- Women 30%
- Men 16%

Persons Affected by Crises (Top 5)

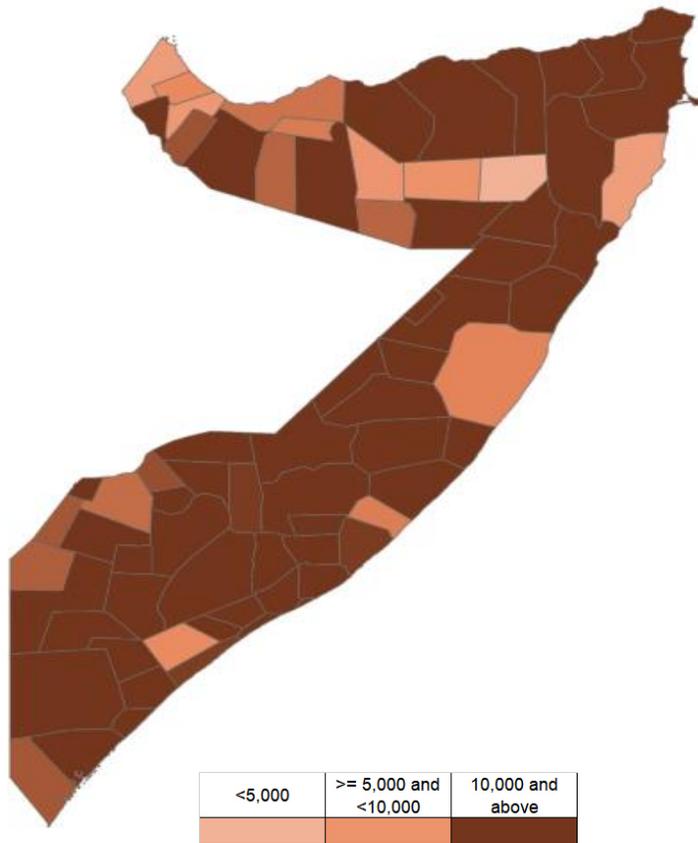| Crisis	Persons Affected
Conflict/Insecurity/human rights violations	1,053,210
COVID-19	746,171
Drought	316,075
Eviction	267,957
Emergency	211,500

Operational Access Limitations

Map [21] of Approximate Territorial Control in Somalia. Areas under the control of Al-Shabaab and ISIS/ISIL have limited to no access for humanitarians.
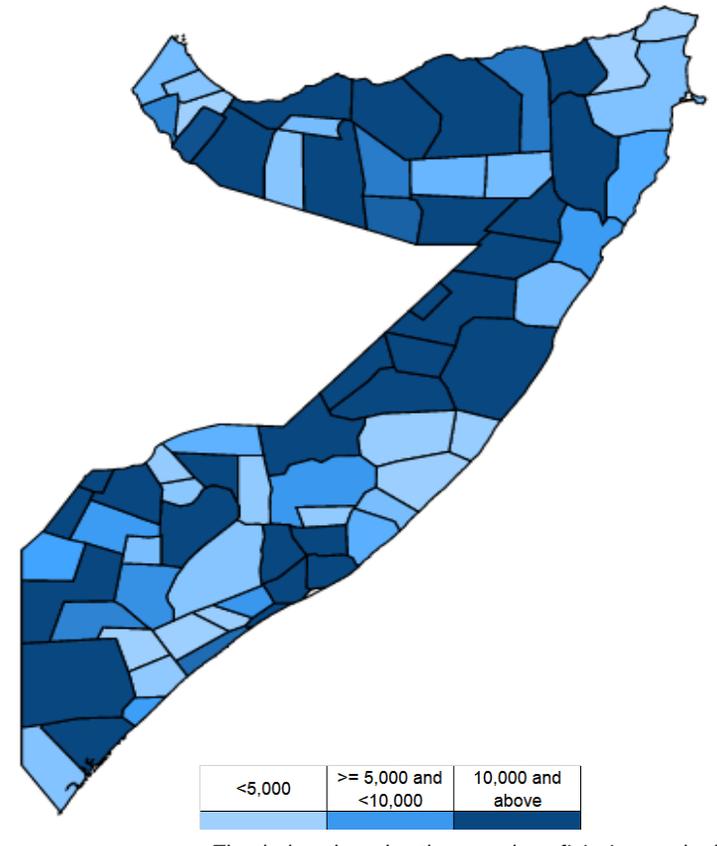

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21 Evan Centanni and Djordje Djukic.
https://www.polgeonow.com/2021/12/who-controls-somalia-crisis-timeline.html

5W Data (PIN vs Population reached)

2021 Population in Need per district	Total Beneficiaries Reached in 2021 per district

<5,000	>= 5,000 and <10,000	10,000 and above

The darker the color the more people in need.

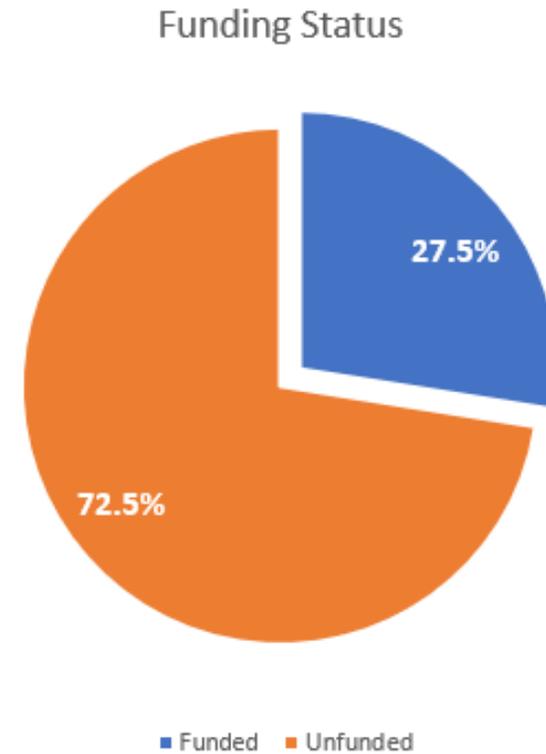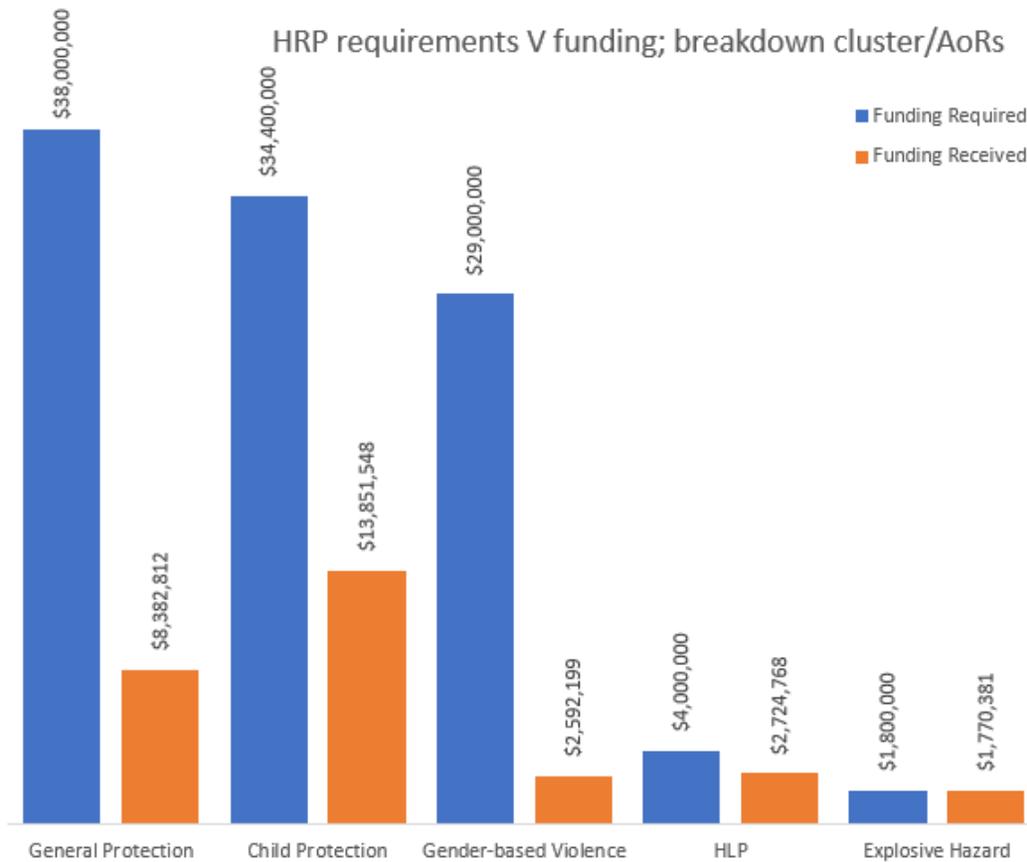| <5,000	>= 5,000 and <10,000	10,000 and above

The darker the color the more beneficiaries reached

Funding Data

The total funding requirement for the Protection Cluster and AoRs in 2021 is $106.6 million, of which, $29 million (27.5%) was received. Therefore, the funding gap of 72.5%, has led to significant gaps in protection service provision across the country.

HRP requirements V funding; breakdown cluster/AoRs

Funding Status

5. STRATEGIC PRIORITIES AND ACTIONS

Protection Cluster Strategy

1. The rights of people affected by the humanitarian crisis in Somalia are respected and promoted through effective and collaborative protection monitoring services in order to generate evidence for advocacy, programming, and efficient response to needs.

I. Mapping of and promoting available justice mechanisms.
II. Utilization of protection monitoring findings and holding Joint Analysis Workshops on protection monitoring findings.
III. Advocating and reporting on protection monitoring findings.

2. People are protected through fair and equal access to inclusive multi-sectoral responses that provide full and non-discriminatory access to essential services

I. Promote inclusion of persons with minority clan affiliations.
II. Adoption of a localization plan.
III. Support implementation of the GBV AoR and CP AoR strategies.
IV. Conduct mapping of the available services and keep referral pathways updated.
V. Contextualizing Protection Case Management Guidelines to Somalia.
VI. Promote community-based protection programs.

3. Ensuring protection is mainstreamed and humanitarian principles are upheld across the response.

I. Provision of protection mainstreaming through training and capacity building initiatives.
II. Promotion of the protection mainstreaming index (PMI) across clusters.
III. Strengthen linkages between Protection, Health, and other clusters, for MHPSS initiatives.

HCT Centrality of Protection Strategy

1. Reducing the risk of exclusion and denial of access to assistance.

I. Identifying and addressing differential forms of exclusion through principled, equitable and quality humanitarian assistance.

2. Reducing the risks associated with displacement.

I. Addressing critical protection concerns that persist due to protracted displacement in sites and the lack of appropriate solutions for the displaced.

3. Reducing indiscriminate attacks on civilians and civilian assets by the parties to the armed conflict.

I. Engagement with conflict affected communities and parties to the conflict to minimize the targeting of civilians and civilian assets.
II. Community-based protection mechanisms are strengthened, assistance is provided, and the risks for children and youth being associated with armed actors or injured due to conflict or explosive hazards is reduced.