



Home Office

# Home Office Response to IAGCI Review Somalia CIG, April 2014

17 June 2014

## PART 1: REVIEW OF MODULES 1,4,5 AND 6 BY BEN PARKER

<i>Review Conclusions/ Recommendations</i>	<b>Response</b>
<b>General comments</b>	Thank you for the general observations at the beginning of the review – consisting primarily of additional information – which will be taken into account when updating the report(s).
<b>Risk profiles</b> The document at various points highlights different risk profiles but some are not stated, including, for example, cases regarding sexual orientation. The UNHCR document of January 2014 contains a list that could be inserted at some point in the document to ensure all potential risk profiles are flagged.	Thank you for listing 12 risk profiles for consideration of inclusion within this report.  The purpose of the CIG report is to focus on the most common asylum claim types in the UK, overlapping with a number of the UNHCR risk profiles. We do not propose including the full UNHCR list. However, should decision-makers handle a type of claim not covered in the report they are able to contact CPIT for advice and information as necessary.
<b>Typos and URL errors - general</b>	All typos and any URL sourcing errors indicated by the reviewers will be amended in the updated CIG report, where these sources are used. We will also revise the descriptions of AMISON, UNSOA and UNSOM.  Any suggested additional sources and those published since the publication of this report will also be considered for inclusion when the report is updated.

Review Conclusions/ Recommendations	Response
<p><b>Section 1 – Introduction.</b> This includes the phrase: “...depend on whether the person can get to that area safely and, if so, the general humanitarian situation in that area.” This sentence should refer to the security situation as well as the humanitarian situation as indeed the later sections from 1.1.9 onwards do. It is unclear whether the term “humanitarian” also can be taken to refer to the ability to earn a living.</p>	<p>Thank you for the observation, we will review the introduction when updating this section.</p>
<p><b>1.1.6</b> reference is made to <i>AMM and others</i> mentioning the declaration of famine. It would be worthwhile to note here and later in the humanitarian section that the UN famine declaration, which applied to only some parts of the country, was made in July 2011 and lifted from all areas in February 2012 (<a href="http://www.fao.org/news/story/en/item/122091/icode/">http://www.fao.org/news/story/en/item/122091/icode/</a>).</p>	<p>Noted. We will review for the next update.</p>
<p><b>1.1.12</b> refers to the risk of someone being accused of spying for western governments, or the FGS or AMISOM. It might be more comprehensive to say spy for “foreign” governments, so as to correctly capture the risk. For example, in May 2014 Al Shabab reportedly executed a man for spying for Ethiopia, rather than AMISOM, of which Ethiopia is a contributing nation (<a href="http://www.barkulan.com/2014/05/30/al-shabaab-executes-three-men-in-lower-shabelle-region/">http://www.barkulan.com/2014/05/30/al-shabaab-executes-three-men-in-lower-shabelle-region/</a> ).</p>	<p>Noted. We will review and update this paragraph in the next update. Thank you for the additional source.</p>
<p><b>1.1.13</b> The translation of the word “kufr (apostasy)” needs checking – typically apostate is translated as <i>murtad</i>, while <i>kufr</i> would mean “unbeliever”. (<a href="http://sunnahonline.com/library/beliefs-and-methodology/87-types-of-kufr-disbelief/">http://sunnahonline.com/library/beliefs-and-methodology/87-types-of-kufr-disbelief/</a> ).</p>	<p>Noted, thank you. This is the translation of Kufr used by the Upper Tribunal and is quoted three times in ‘AMM and others’. However it does appear that this may not be a precise translation and we will set out the alternative translations.</p>

<b>Review Conclusions/ Recommendations</b>	<b>Response</b>
<p><b>1.2.3</b> (revision) As mentioned [previously], the UN itself performs no active military function, however, there are other organized military actors in the Somalia theatre, broadly operating in alliance with the Mogadishu government. Leaving aside non-combat military assistance and training, these (excluding Puntland and Somaliland) could perhaps be grouped in three categories (governments, private companies and militia) in 1.2.3 whilst a fourth element could retain a mention of UNSOM's broad political and security sector reform coordination role.</p>	<p>Thank you for the clarifications. We will review for the next update.</p>
<p><b>3.1.6</b> The meaning of this sentence is unclear: “women who have a well founded fear of persecution as a result of their gender are members of a particular social group”.</p>	<p>Thank you. We will review this paragraph but believe it will be understood by decision makers: women, as a group, in Somalia fall within the definition of ‘particular social group’ in the UN Refugee Convention. Therefore if a woman is able to demonstrate persecution because of her gender, we would recognise her as a refugee.</p>
<p><b>5.2.17</b> Regarding the security of courts and the judiciary, the serious attack of April 2013 on the Mogadishu courts should be mentioned, as evidence of insecurity inhibiting the expansion of the rule of law and also as it marked the beginning of a new phase of Al Shaba complex attacks in the capital:  <a href="http://bigstory.ap.org/article/gunmen-attack-mogadishu-court-complex-witnesses">http://bigstory.ap.org/article/gunmen-attack-mogadishu-court-complex-witnesses</a></p>	<p>Accepted, thank you: we will consider including this information when the report is updated.</p>
<p><b>6.1.7</b> refers to “famine conditions” – better to refer to “humanitarian situation” as the formal famine declaration was lifted in February 2012, although the food security situation in 2014 is already of concern to humanitarian agencies (see above).</p>	<p>Thank you. We will consider the wording of this section when the report is updated.</p>

## **PART 2: REVIEW OF MODULES 2 AND 3 BY ZUHARA MAHAMED**

<b><i>Review Conclusions/ Recommendations</i></b>	<b>Response</b>
<p><b>Module 2- Tone:</b> Major clans and their sub-clans- suggests that the character of the conflict has shifted from being a clan-based conflict to one between groups with rival Islamic projects. While this is true the extent to which this displaces the centrality of clan dynamics in the conflict in Somalia is limited. Al-Shabab’s successes as well as those of their rivals have always come from either an astute reading and manipulation of clan identities/rivalries. It would be an oversimplification to view the conflict through the prism of competing Islamic polities.</p>	<p>Thank you for your observations on this module.</p> <p>We do not seek to oversimplify the clan/conflict dynamics but, as the reviewer acknowledges, sources indicate that clan rivalries are no longer central to the conflict, though the clan system remains a factor in considering individual cases.</p>
<p><b><u>Structure</u></b></p> <p>There is [a] good review of relevant evidence and counter-evidence on the clan system in Somalia in Module 2- Major clans and their sub-clans. Useful information is presented. However, the way in which it is presented prevents the reader from gaining a clear overall impression. Further clarity could be introduced through organizing the information presented in a different fashion. Currently we are presented with evidence for a thesis and then counter-evidence and then evidence in support again. The information is often conflicting and sometimes repetitive, making it difficult to form a general overall impression. The guidance does not come across as particularly authoritative or helpful to an official. It might be an idea to use sub-headings and group the evidence and counter evidence separately in order to aid the reader to reach an informed decision on the relevant issues.</p>	<p>Thank you for your observations on the structure. This is a relatively new approach to producing country information and guidance in an integrated product, so we are still in the process of refining this.</p> <p>We welcome feedback and suggestions such as this, which we will take into account when updating – and improving – both the Somalia report(s) and others in future.</p>

Review Conclusions/ Recommendations	Response
<p><b>2.1.4</b> “While Al Shabab were in power, the clan system became less relevant.”</p> <p><u>Comment:</u></p> <p>Does this wording relate to a particular geographical region? It is not clear whether this is a general or particular claim. Al-Shabab, even at the height of their strength, were not in power in all of the country. 2.2.8 contains a similar claim, although that seems to be particular to Mogadishu. In any case, it is a little optimistic to suggest that the clan system has become less relevant in any part of Somalia. Politics in Somalia has always been influenced by external political events and the ascendancy of Islamic political actors in the region is no exception to this historical trend. However, it is perhaps naive to say that the clan system was sidelined by Al Shabab tactics. It was neither their strategy nor within their capabilities to undermine the clan system. Al-Shabab themselves were frequently constrained by clan politics e.g. their tactic of deploying human resources from within a clan to attack targets within the same clan.</p>	<p>Thank you. As stated above, sources indicate the clan system in Somalia is not as relevant as it used to be. The statement (not specific to a region) in para 2.1.4 (part of the guidance section) is based on available country information, including that provided in para 2.2.8 which is a quote from Amnesty International, and appears valid.</p> <p>The nature of the conflict in Somalia is complex and difficult to obtain clear and robust information on, for various reasons. We are always seeking to widen our range of information about the clan system and how it fits into the current conflict to better understand how this is relevant to the individual asylum seeker. If the reviewer would be happy to be contacted formally to this end, we will make the necessary arrangements. Equally, we can understand and appreciate if this is something they are neither willing nor able to do.</p>
<p><b>2.2.4</b> “The clan system has changed over time, and in at least some geographic areas it is no longer fully functioning.”</p> <p><u>Comment:</u></p> <p>It is true that the clan system has been transformed and adapts to socio-political circumstances, but it would be a mistake to describe it as no longer fully functioning. Also given that the clan system is multi-functional, one wonders which functions in particular are being discussed here. Is it the <i>mag</i> or <i>diya</i> system which is the subject of the paragraph that is considered no longer fully functional or all aspects of the clan system? Some clarity here would be helpful.</p>	<p>Noted. This information is sourced from a Swedish fact finding mission report (there is also further information from other sources on the subject of changes to the clan system in the section).</p> <p>As above, if the reviewer has further information in order to provide a clearer picture they would be willing and able to share/contribute, we would welcome this.</p>

<b>Review Conclusions/ Recommendations</b>	<b>Response</b>
<p><b>2.2.7</b> “ A joint Danish Immigration Service / Landinfo fact finding mission in October 2012 was told by OCHA that clan influence in Somalia has increased again since February 2012.</p> <p><u>Comment:</u></p> <p>If by clan influence we mean clan political influence, then of course clan-based actors would benefit from the political losses of Al-Shabab but clan influence is broader than just political power and extends to all features of social life.</p>	<p>Thank you for this observation, the rest of the module expands on what is meant by clan influence.</p>
<p><b>2.2.7</b> “The same source [as above] explained that individuals now seek assistance and support from respectable and well off individuals rather than their clan or sub clan.</p> <p><u>Comment:</u></p> <p>This claim must be treated with some scepticism. It is difficult to conceive of this being an actual widespread phenomenon. It may be the case that people seek assistance and support from respectable and well-off individuals from <i>within</i> their clan or sub-clan, but it is unheard of for them to do so outside of their clan family, especially given that the educational and institutional contexts where such relationships might be established are limited.</p>	<p>Thank you for this observation. Does the reviewer have a source that contains some additional evidence that we could lay along side the Danish Immigration Service/Landinfo report?</p>
<p><b>2.2.7</b> “..this means that if you are Hawiye Haber Gedir Sa’ad you can only expect to be protected by Sa’ad sub sub clan, not Hawiye in general.”</p> <p><u>Comment:</u></p> <p>This is inaccurate or at least misleading. The extent to which wider support would be available would depend on where the threat originated from. If the threat was from another Hawiye clan, then this statement would be correct. However, if the threat was from another tribe, such as Issaq or Darood it could be reasonable to expect to mobilise resources at the Hawiye level.</p>	<p>Thank you for this observation. This information was provided by an international NGO to the Danish / Norwegian fact finding mission team.</p> <p>Does the reviewer have a source that contains this evidence which we could use here?</p>

<b>Review Conclusions/ Recommendations</b>	<b>Response</b>
<p><b>3.1.3</b> “Most lone females with no protectors or resources are likely to be in need of international protection.</p> <p><u>Comment:</u></p> <p>While this is true it is also important not to forget the position of women in relationships, who are unlikely in any case to have any control over resources. A study by the international Rescue committee in 2011 found that “Participants identified IPV [Intimate Partner Violence] as the most common form of gender based violence (GBV)” Most GBV,,as is the case outside of Somalia, is committed by women’s’ partners.</p> <p>Source: International Rescue Committee, Gender Based Violence Rapid Assessment, Dadaab, Kenya 2011</p> <p><a href="http://mhpss.net/?get=129/1312457004-IRCFINALGBVRapidAssessment-DadaabJuly2011.pdf">http://mhpss.net/?get=129/1312457004-IRCFINALGBVRapidAssessment-DadaabJuly2011.pdf</a></p>	<p>Noted, thank you.</p>

<b>Review Conclusions/ Recommendations</b>	<b>Response</b>
<p><b>3.1. 4</b> “Factors to be taken into account include: access to family networks or clan protection and support, age, health, economic status, family responsibilities, connections with the diaspora (which can be material both in terms of income and ability to find work with reference to the diaspora driven economic upsurge) and other individual circumstances of the person.”</p> <p><u>Comment:</u></p> <p>Clan protection is not a factor to be taken into consideration in this regard. Leaving aside the tension between the evidence presented in Module 2 on the perceived diminishing importance/influence of the clan system in Somalia, its importance in protecting vulnerable women should not be overstated. There are several reasons why clan protection is not an option for women at risk:</p> <ol style="list-style-type: none"> <li>1. The clan system is largely reactive and seeks resolution and restoration, not protection</li> <li>2. Traditional notions of justice are preoccupied with finding balance, and so their solution to women being raped from one clan might be to rape women from the perpetrators clan, which is perhaps not the type of protection one would wish for.</li> <li>3. Resolutions might involve further threats to wellbeing such as forced marriage to the perpetrator and thus further acts of gender based violence.</li> </ol>	<p>Noted, thank you. We will review this paragraph in the next update.</p>
<p><b>3.1.9</b> “However, there is evidence that in some areas of Somalia it [FGM] may be declining.”</p> <p><u>Comment:</u></p> <p>It would be useful to present the evidence to support this claim, especially in light of the counter-evidence presented in 3.2.3 p56 that cites the UN as saying that “no significant changes in FGM/C prevalence [In Somalia] can be observed.”</p>	<p>Accepted, thank you: There does not appear to be any corresponding evidence to support this claim in the COI presented in the CIG. We will review during the next update.</p>

<b>Review Conclusions/ Recommendations</b>	<b>Response</b>
<p><b>3.1.9</b> “an uncircumcised, unmarried Somali woman, up to the age of 39, will be at real risk of suffering FGM.”</p> <p><u>Comment:</u></p> <p>Although data on its prevalence is lacking, re-infibulation after childbirth and divorce is not an unheard of phenomenon, and therefore it is possible that not only unmarried girls and women are at risk of this procedure.</p> <p><u>Source:</u></p> <p>Jaldesa et al (2005) Genital Cutting among the Somali of Kenya and Management of its Complications</p> <p><a href="http://www.popcouncil.org/uploads/pdfs/frontiers/FR_FinalReports/Kenya_Somali.pdf">http://www.popcouncil.org/uploads/pdfs/frontiers/FR_FinalReports/Kenya_Somali.pdf</a></p>	<p>Accepted, thank you: We will consider including this information in the COI section when the report is updated.</p>