



**A SUMMARY OF
RESEARCH TO
INFORM AREA BASED
PROBLEM DRIVEN
SECURITY AND JUSTICE
PROGRAMMING IN
SOMALIA**

Photo source: AU-UN IST PHOTO / STUART PRICE

EXECUTIVE SUMMARY

The Research Report to Inform Area Based Problem Driven Security and Justice Programming in Somalia (referred to as 'the main research report' from now on) presents a unique understanding of the challenges and opportunities facing the development and delivery of future security and justice programmes in Somalia.

The study is based on research that harnessed a range of techniques to illuminate practice across four different geographical areas and four themes: motivation of members of the security forces; accountability of those actors; sexual and gender-based violence (SGBV); and the impact of land disputes. It also delivers valuable insight on citizens' security and justice priorities.

The main report concludes that security and justice in Somalia today is disproportionately impacted by a total of 11 key characteristics – many of them related to social norms. These characteristics highlight: the fundamental role that clan and kinship play at all levels of security and justice; the direct involvement of elders in key issues such as SGBV; and the fact that it is clans that provide the only reliable safety net available to citizens in many instances.

The findings reveal a direct correlation between the prevalence of an issue and the priority that it is accorded in the minds of citizens, with theft regarded as the single greatest security and justice priority. They show too how these priorities are largely ignored in the realities of daily policing duties and how prevailing systems leave citizens with little confidence in state institutions. They are often too scared to report crimes, including the most serious SGBV cases, and unable to access support because of a lack of effective services.

The key characteristics found in the research provide insights into the security forces themselves, showing how their members can be involved in harmful behaviours despite knowing that they are inappropriate. The research also demonstrates that oversight, in all its forms, can act as a valuable accountability mechanism and inhibit such activity.

Finally, these characteristics expose the emblematic role that land disputes play in Somalia by highlighting deficiencies across the security and justice chain and how, despite only directly affecting a small number of people, these disputes have a disproportionate influence on security and justice today.

This summary highlights the implications of these headline observations and, above all, recognises: the critical importance of engaging elders in the changes required; the opportunity for a wider public debate about the role of police today; the need to enhance safeguarding for women seeking justice; and the need to strengthen the capacity of state courts to adjudicate in the land disputes that impact so widely across the country.

1. INTRODUCTION

Security and justice systems that are both accessible and accountable are fundamentally important to the peace and stability that Somalia needs. These priorities have been the focus of multiple internationally supported programmes in recent years, with training, equipment, community engagement, support for fledging institutions, the establishment and review of frameworks and other measures funded to support the formation of the security and justice sectors in south-central Somalia and Somaliland.

Recent evidence clearly highlights progress but also shows the scale of the security and justice challenges that lie ahead, with election violence in spring 2021, serious issues around behaviour of security forces, incidents of rape and gang rape continuing at epidemic levels and survivors left with little or no agency in how - or if - justice is ultimately served.

The United Nations Office for Project Services (UNOPS) commissioned First Call Partners (FCP) to deliver research that could shape theories of change for the design of future security and justice programmes in Somalia and provide a strong evidence base to support development and delivery of programmes that are both fine-grained and locally appropriate.

The main research report combines insight from multiple rounds of data collection, rapid political economy analysis and a literature review. It is guided by a belief that problem-solving approaches can be more effective than those that focus on developing institutions.

The report recognises geographical differences in the range and extent of security and justice issues across the four areas in its study (Baidoa, Burco, Hargeisa and Kismayo) and concentrates on four key issues found, in early literature reviews, to be common in all areas - accountability of security services, motivation of members of the services, SGBV and land disputes.

This summary report presents an overview of the key findings across these issues, looking first at the priorities that the public and security forces each attach to different security and justice issues before considering the motivations and allegiances of security forces who, during the recent elections, openly sided with government or opposition forces, often along clan lines.

It then considers pathways for improving accountability of those security forces who operate with impunity and even meet citizen complaints over human rights violations with indignation.

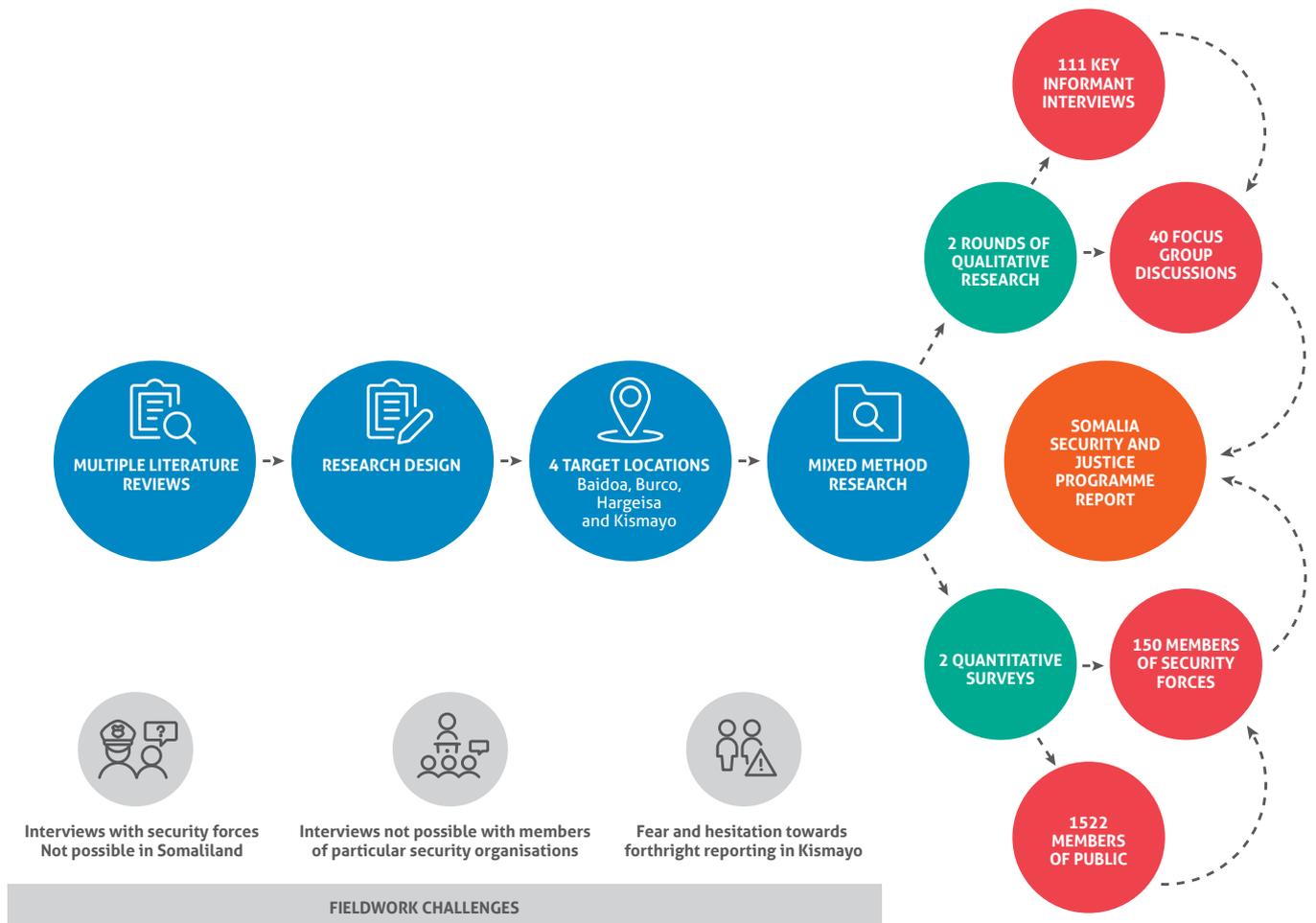
The summary next examines potential pathways to improve justice for women, particularly survivors of the SGBV that remains rife in the wake of Somalia's civil war. The fifth and final findings section focuses on opportunities to improve justice and security provision for land-related matters in order to address issues – from threats of violence to political interference – which too often characterise land disputes.

This summary ends by presenting a series of conclusions - 11 key characteristics of beliefs and practices that impact on Somalia today - and the implications for the design of programmes on security and justice reform in Somalia.

2. METHODOLOGY

The study that informed the main report used a range of methods and an iterative design, with three distinct rounds of qualitative research, including interviews during the rapid Political Economy Analysis (PEA), and two separate quantitative surveys with the general public and security forces, respectively. The research design built on insights gained from both multiple literature reviews conducted prior to the rapid PEA and from the rapid PEA itself. Research was completed in two target locations in south-central Somalia (Baidoa in South West State and Kismayo in Jubaland) and two in Somaliland (Burco and Hargeisa). In total, primary data consists of 111 Key Informant Interviews (KIIs), 40 Focus Groups Discussions (FGDs), 1,522 surveys with the general public and 150 surveys with members of security forces.

The report itself used a model designed to help investigate the influence of social norms on harmful behaviours. The methodology is set out in the following illustration:



3. FINDINGS

3.1 Security and justice priorities

The main report provides a valuable overview of the security and justice priorities and needs of Somali citizens, highlighting the following:

Robbery and theft are by far the greatest concerns of citizens:

Almost 80% of community members see theft as an issue in their community and more than a third personally know someone who has been robbed in the past year.

Theft is not just a widespread problem. It is also seen as a priority area by regular citizens, with almost half (48.7%) saying that police should prioritise it above any other single issue in a list of eight security concerns that also included al Shabab, clan/group conflict, murder and assault, land conflict, traffic accidents, intimate partner violence (IPV) and rape/sexual assault.



Indeed, more citizens across all four locations rank theft as the top security and justice priority in their community than any other issue. Prevalence of theft is highest in Hargeisa, where over half (52.2%) of respondents personally know someone who was robbed within the last year.

"I gave theft as the number one issue because it happens daily. For example, my phone just got stolen by a thief on my way here."

FGD participant

The fact that so many citizens regard theft as an issue reflects the link between the frequency and prevalence of a crime and the priority that it is accorded by citizens. The impact of this finding is consistent with evidence from outside Somalia that the public's priorities are shaped by their own experiences and those of people close to them.

More broadly, citizens are at least as concerned about everyday issues such as theft as they are about more violent crime, group-based conflict, or al Shabaab, even in those areas where al Shabaab is a threat.

From a gender perspective, the research suggests that theft affects women more than men, not necessarily because they experience robbery more often, but because the threat of robbery has a bigger impact on their lives.



Rape and sexual assault were identified as the second priority issue by citizens. However, there is a substantial gap between first and second priority, with 48.7% of people ranking robbery and theft as the most important issue but only 12.4% ranking rape and sexual assault as the most important (rape and sexual assault were emphasised more frequently in Somaliland than in south-central Somalia).

The key finding linking perceived prevalence of a crime to the priority it is accorded by a group of people is highlighted further by the fact that people in Burco and Hargeisa, where rape and sexual assault are prioritised more, were more than twice as likely as people from elsewhere to report personally knowing someone who was raped within the last year. The difference can be mostly explained by the fact that women are much more likely to acknowledge personal knowledge of a rape survivor in Burco and Hargeisa, whereas male response patterns do not differ substantially across locations.

The study also shows that single and younger women are more likely to rate rape and sexual assault as a key issue than older and non-single women. This may be because of the potential consequences that sexual assault is more likely to present to them - marriage to their attacker, reduction in their ability to get married, reduction in their expected bride price and so on.

Men and women share similar security and justice priorities. Women are only slightly less likely than men to rate rape and sexual assault as the most important security and justice issue facing their communities. More generally, gender perspectives on security and justice issues do not diverge appreciably, although women named fewer security issues than men overall, suggesting that they have a less wide-ranging view of the security issues that face their communities.

While there are differences in how men and women prioritise security issues, with women focusing slightly more on 'day-to-day' security issues of theft and rape than men who emphasise land conflicts and al Shabaab, these gaps are small and do not reflect large differences in opinion.

The issue of IPV and domestic abuse is an exception, and represents the biggest gender gap in security concerns, with 27.4% of men listing it as an issue compared to 19.2% of women. There are two possible reasons for this: men tend to select a larger number of issues as security and justice priorities; and brothers and fathers of women survivors are often deeply involved in IPV and spousal abuse cases, as they are typically the first individuals a woman will approach to help her resolve the issue.

The priorities of security force respondents mirror those of citizens. As with the general public, police tend to name theft and rape as primary problems facing them and their communities while land disputes and killings are also frequently mentioned. They also refer to the security concern presented by al Shabab.

The priorities of people working in different forces naturally tends to vary according to the mandate of the particular force that they belong to, with police and neighbourhood watch groups placing greater emphasis on crimes, especially theft, and less emphasis on al Shabab. In contrast, more security-oriented organisations – the Somali National Army, Jubaland Darawiish forces, members of the Banaaney and Dulmi Diid community security organisations – place al Shabaab as a more central concern to their communities.

Citizens and security forces both perceive bias in the police and judicial systems, particularly along clan lines and to wealthy individuals (and this is an example of how clan norms override professional social norms). There are other similarities in the views of the public and security forces. Citizens are concerned about clan bias within the security and justice systems as well as the incidence and impact of crime. Clan bias is viewed as commonplace within the judiciary, with favouritism in some places toward the most powerful clans and 'small clans' failing to receive a fair trial and unable to enforce decisions, even when the court finds in their favour.

Clan bias is seen as an even bigger problem within the police in some areas with one key informant plainly stating: "The police mostly serve their clans." This bias manifests itself when police target clans with which they have disputes. They may also make conscious decisions to behave ethically when it benefits a fellow clan member.

Police raise similar issues of clan bias, lack of accountability, police abuse and general inability to attain justice, and openly identify issues of clannism and discrimination that affect the police and judiciary. This bias is not just about favouritism towards a specific clan but is a more general phenomenon in which bias occurs along clan lines, regardless of which clans are involved.

Wealth, as well as clan bias, influences access to justice, with citizens sometimes having to pay police or “buy them khat” to obtain meaningful support – especially in the context of land cases that have large financial implications. The problem continues into the court system where wealthy people are more likely to win court cases and bribe a judge to be released after arrest.

Crime is concentrated in poorer, more densely populated areas. Geography and wealth impact on the prevalence of crime, with people living in wealthier areas better able to pay for more effective security personnel and neighbourhood watch groups than people living in poorer areas.

Geography influences crime levels in other ways, with most outlying areas appearing to be quite safe because people moving in and out of the areas are more visible and criminal activity is therefore riskier. Conversely, people living on the edges of a town where dense populations start to become dispersed communities may face greater risks, prompting the observation that crime occurs at the nexus where victims are located, police presence is weak, and entry and exit are relatively unfettered.

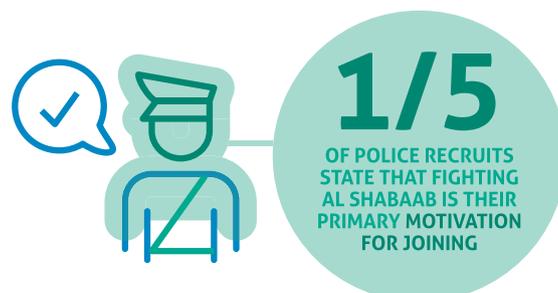
Routine police tasks are weighted towards static security issues (e.g., guarding buildings, escorting VIPs, and manning checkpoints) whereas citizens highlight theft, rape and sexual assault. FMS (Federal Member State) police officers describe typically acting as bodyguards for police commanders or politicians, who are routinely targeted by al Shabaab for assassination, staffing checkpoints on either the interior or exterior of the city, and guarding the police station, which includes guarding against potential al Shabaab attacks. Conversely, comparatively few FMS officers say they spend time conducting investigations, patrolling neighbourhoods, or other traditional policing activities. This is significant because it suggests a critical mismatch between citizens’ priorities and the way in which security forces are actually deployed.

3.2 Security Forces – Motivations, Allegiance & Incentives

Motivations to join

The most common motivation for joining security forces was a desire to help their community and country. Further, female police officers sometimes express a more specific desire to support communities, stating that they joined the male dominated forces to help counter the under-representation of women and bias against them and help other women.

Fighting al Shabaab is the primary motivation for a fifth of all recruits. This is significant because it suggests that large numbers of police officers in Somalia would rather be fighting al Shaabab than attending to community policing, crime prevention, and provision of justice, which are the duties that citizens say matter most to them. As such, the observation presents another illustration of the scale of the apparent gap between public priorities and how security forces perceive their duties.



Low salaries make it challenging for police officers to meet the financial obligations they face as a salaried family member. Police officers in some forces are paid as little as US\$100 a month. Like people in many other areas of Somali society, they do not just pay rent and support their spouse(s) and children, but they also pay other expenses for their wider family members or support family members whose parents are deceased. They often also have additional responsibilities in the form of *diya* payments (the compensation payment owed following a murder) for other male family members.

Implications of Kinship Ties on Recruitment, Behaviour and Accountability of Security Forces

Elders play a critical role in endorsing the applications of their clan members to join the police. This places a reciprocal obligation upon the police officers. Almost two thirds of security force applicants required an endorsement of some kind and the vast majority of those (77.3%) were endorsed by one of their clan elders. Endorsing an applicant places obligations on the clan elder or other endorsing party, which has important potential implications for police behaviour. The endorser is not financially responsible for their endorsee's actions in a formal sense but will be responsible for 'making things right', such as organising the *diya* payment if the endorsee makes a costly mistake. This situation places a reciprocal obligation on the police officer.

"You need to have someone who is responsible for you if you want to join, like your elders."

Interviewee

The clan quota system for police recruitment has some unintended consequences. It implies that police officers are representatives of their clan; it reinforces the social importance of clan ties (and their immediate impact on lives); and it makes positions in the security forces a shared resource to which the clan has gained access. Where a security force member occupies one of the clan's scarce positions there is a social obligation that he will share the benefits with other clan members. Almost 60% of security force respondents (and more than 85% in South West State) say a clan quota was used when they were recruited into their organisation. Whilst this may not implicitly translate into clan bias, research shows that a broader bias toward one's clan is a likely byproduct.



Many security force members anticipate social sanctions from their clan elders and/or clan members if they fail to meet their requests for assistance. More than half of security force members would expect other clan members to lose respect for, or be upset with, them if they failed to help their fellow clan members, with state and non-state security force staff reporting similar experiences. However, forces in South West State are much more likely to report that elders and members of their clan would be upset with them than their counterparts in Jubaland. Further, minority groups are more likely than non-minority groups to expect that they will suffer both loss of respect from clan members and the chance of an elder helping them in the future. The fact that police officers expect to lose the respect of their peers and the assistance of a particular clan elder is precisely how most group-based social norms are enforced.

There appears to be a degree of clan bias in demands from the police for unofficial payments. Members of locally dominant clans are more likely than members of minority or marginalised clans to report knowing someone who has paid a bribe in the last year. However, members of the latter groups do not expect police to let them avoid paying and bribe demands seem to be applied broadly – though with frequent exceptions made by police to systematically favour the officers' fellow clan members.

In Baidoa it was claimed that security force members from one of the two locally dominant clans target those of the other most politically influential and well-armed clan, suggesting that, rather than 'preying on the defenceless,' there is a felt obligation not to extort members of one's own clan group.

Abuses of power

Police bribe demands are a regular feature of life in Somalia. More than three quarters of citizens expect that police will demand bribes and these demands are typically made at checkpoints. Some citizens, especially those in Somaliland, are reluctant to admit that bribery is common, but the research shows that demands for unofficial payments not only occur in all four study locations but also in a range of other contexts. Some of these take place during food quality and health/safety standard inspections at supermarkets and restaurants and during construction projects.

Bribe demands are an example of just one of the harmful behaviours that are perpetrated by security and justice providers despite knowing their actions are inappropriate and which appear to characterise security and justice in Somalia today.

Social pressures within the security forces and public dictate that it is unacceptable to demand bribes, with 57% of police commanders likely to disapprove strongly of their subordinates extracting bribes. Nevertheless, bribery has not only become a normalised form of corruption within security and justice sectors tolerated by many elders and senior officers. Police who witness corruption by their peers may not report it because such activity generally goes unpunished and is so rife. More significantly, there is a fear that reporting it could invite retaliation. There is a similar resignation from citizens that reporting is futile.



The common practice of making mass arbitrary arrests is a policing tool and seems to stem from poor training and lack of accountability. Arbitrary mass detention is ubiquitous across all four areas and often takes place during criminal investigations. Those responsible may have financial or clan-based motives or see it as good investigative practice. However, there are some indications that the practice results from a lack of training, poor capacity for investigation and poor surveillance or monitoring of the population – which would otherwise enable police to track down potential suspects or witnesses later without placing them under arrest.

Women are at significant risk of abuse by police officers when reporting crimes such as rape and sexual assault. Around 50% of citizens say that it is likely or very likely that an officer would threaten a female survivor seeking to report rape in order to dissuade her from filing a report – even if he didn't know the rapist. Potential consequences such as this clearly make women less willing to report crime in the first place and add to the impact that this kind of intimidation – and the fear it induces - has on security and justice in Somalia today.

Cases of rape and sexual assault by security forces are driven by a sense of impunity and a desire to demonstrate power and authority. The research suggests that officers' perpetration of rape is compounded by the sense that they are above the law, can do what they want and have a right to commit rape. Further, a desire to feel and demonstrate authority and power is regarded as a central driver of rape and sexual assault in all cultures and is also cited as a factor for Somali security forces.

"It is possible they thought that because of the uniform they wear, they can do whatever they want."

Female security officer Key

Court decisions are often not enforced due to bribes, clan influence, intersectional barriers facing women and internally displaced persons (IDPs) from minority clans, and a lack of accountability in the justice system.

The most common view of selective enforcement of court decisions is that complainants in a court case must have money available to facilitate enforcement of the decision in their favour. Indeed, it is commonly accepted that you need money to pay police for their time and energy if you want an enforcement of a ruling in your favour (although there are exceptions).

Connections to powerful people and to a powerful clan are also critical factors used by some individuals to prevent enforcement of rulings against them. However, the fact that the clan system disadvantages women and IDPs in the first place means they are less able to leverage clan support for enforcement of court decisions.

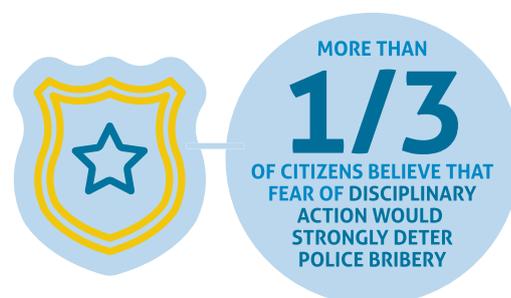
There are also institutional factors that impact on enforcement with lack of accountability of judges – and evidence of bias and corruption amongst them – presenting another barrier to enforcement and further discouraging individuals from filing disputes in the first place.

3.3 Accountability of the Security Forces

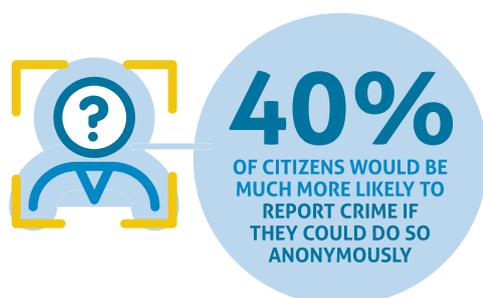
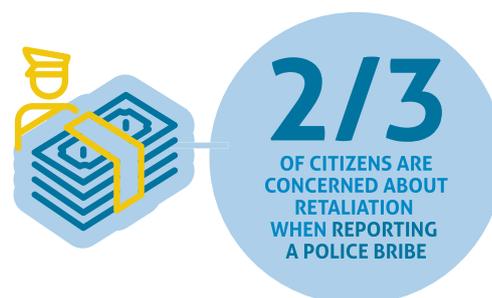
Kinship-based motivations and drivers of behaviour are extremely strong accountability mechanisms that effectively moderate the behaviour of security actors - for good and bad - through their membership and allegiance to clans. Furthermore, clan and kinship norms are often stronger than professional norms among justice and security actors and this factor has a significant influence on security and justice in Somalia today. These motivations amplify the obligation that members of an in-group feel towards other group members. This is reflected in police officers' willingness to support clan members in security and justice matters, for example, by refraining from extorting or arbitrarily detaining clan members. It is also reflected in the fact that they are more likely to enforce court decisions that favour their clan members and not enforce those which do not. In this way, clan status can influence police reports, resulting in an officer being held accountable.

Security force respondents identified the need for security forces to have a clearer statement of mission and purpose. Among security forces respondents there was the lack of clear and commonly understood mandates for the different security forces. Whilst some members of the police used terms like security, law and order, and safety, arguing that the mission of their unit was to "protect the community" or "maintain the security and safety of the community," this was not widely seen in the research. Respondents identified the need, at the most basic level, for security forces to have a clearer statement of mission and purpose, a point upon which there was near unanimous agreement.

Community policing was identified as an important avenue for local accountability. The findings highlight the gap between how police resources are currently deployed and the priorities of citizens. Greater focus on community policing and criminal justice issues (theft, sexual violence, and enforcement of court decisions) identified as citizen priorities is seen as valuable in shifting accountability away from clans and patrons to communities themselves. Police and non-police respondents suggested that training on community policing or training "on the rights of their community, including all types of people" would support this shift.



Citizens are fearful of repercussions of reporting abuses by the police. People do not just fear intimidation when they report a crime. They fear it when reporting abuses actually committed by the security forces too. Indeed, only a third of people would not be concerned at all about retaliation after reporting a bribe, with the rest either quite concerned (35.7%) or very concerned (31%). This concern is most acutely felt in Kismayo. However, fear of repercussions remains an issue in all areas and reinforces the impact that intimidation, and the fear it inspires, has as one of the key influences on security and justice in Somalia.



Establishing anonymous and independent reporting channels would significantly incentivise reporting of police abuses. More than 40% of citizens who are very concerned that they would experience retaliation if they reported bribery say they would be much more likely to report the crime if they could do so anonymously. Similarly, 34.9% would be much more likely to report if it was to someone who was not a police officer (for instance, a government oversight official).

The plausible threat of disciplinary action is seen by security forces and citizens as one of the most effective deterrents for abuses. Both

citizens and members of the security forces agree that a plausible threat of disciplinary action would be one of the most effective methods of preventing bribery and corruption. Only a third of members of the security forces know of an officer who has been disciplined for demanding unofficial payments. This seems a relatively low rate considering the scale of bribery identified in the research.

Lack of oversight of security forces is a key issue highlighted in the research, with bribery and corruption apparently thriving in situations where there is no oversight from the authorities, such as checkpoints 'hidden' on the edge of towns. Steps to improve oversight of rank-and-file members of the various forces, as well as disciplinary action, could therefore also help to reduce bribe-taking and corruption.

There is a high level of mistrust between citizens and security forces and a lack of belief that reporting will lead to change. Despite support for the options of reporting bribery anonymously, or to someone other than a police officer, almost a third of citizens who said they would not report a bribery incident said neither option would make them more likely to report the crime. This suggests a deep-rooted mistrust that reporting would remain anonymous and ultimately lead to any change and a fundamental lack of public faith in state institutions.

"...if clan elders suggest something, no one can refuse, whether he is a soldier or commander, because every commander and soldier comes from a clan, and each clan has a clan elder, and clan elders pay the diya for everyone, whether soldier or a civilian."

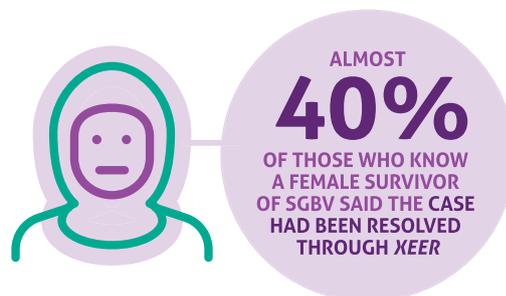
Male Security Officer, Kismayo

The prominence of clan elders cannot be overstated. There is widespread belief that clan elders, more than business people, politicians and even religious leaders, could exercise positive influence over police commanders in the context of maintaining unit discipline and holding their unit members accountable. Overall, the absence of other avenues through which police commanders could be influenced was notable.

3.4 Responses to sexual and gender-based violence

Elders and male relatives stand to receive a significant portion, or even the entirety, of the compensation payment (*xaal*) for a case of sexual violence – a potential financial incentive to disregard a survivor’s preferences. Around a fifth of people think that financial motivations at least partly influence family and clan elder decisions to use the *xeer* system to deal with the rape of women – despite the survivor’s preferences. The view that lucrative payments could motivate the choice of clan elders is shared by an equal proportion of men and women, though more women than men thought this might be the case for male family members.

Elders are still the principal adjudicators for SGBV cases even though interviewed elders themselves appear aware that this is inappropriate and illegal. Almost 40% of those who knew women who had experienced sexual abuse in the last year said the case had been entirely resolved through the *xeer* system. There are situations when elders are partly involved, for example where cases are reported first to the elders, and then referred to the district court, and occasionally act as the prime investigators of cases, even when they are referred to the court. In total, just 16.3% of cases did not involve clan elders at all.

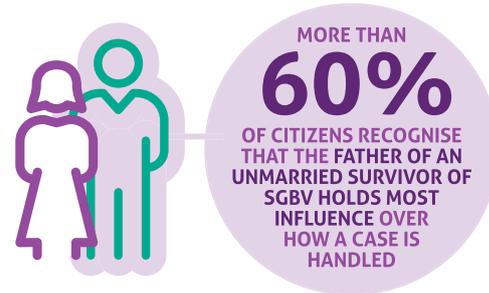


The research also shows that women generally want to play a bigger part in their own cases and that they favour survivor-centred resolutions, but these are not facilitated by the use of *xeer*. This gap between women’s preferences and what actually happens – both in terms of procedures and outcomes – is a key reason for giving women more choice over the venue in which their cases are adjudicated.

“The case will be taken out of the police’s hands and the elders will take it as their responsibility. The case will be handled by the elders outside of the police force.”

Young Man, Minority Clan Member, Burco, Int. 234

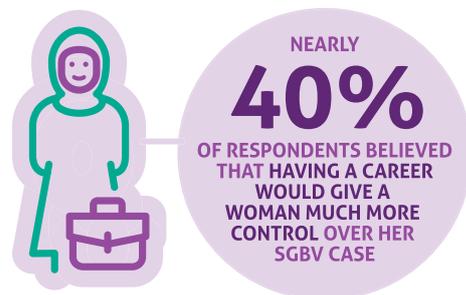
An unmarried woman’s father and brother and a married woman’s husband hold most influence over how a case of sexual violence is handled. It is a recognised norm for men to respond to a rape case on a woman’s behalf and more than 60% of people recognise that a rape survivor’s father will hold most influence over how the case is handled if she is unmarried. Where she is married, almost half (47.2%) of citizens believe the husband will have the most important influence (assuming it is a non-marital rape case), followed by her father and then her mother.



Collectively, these findings suggest that survivors are not centrally involved in the response to sexual violence perpetrated against them and this is likely to undermine their autonomy and dignity further.

A rape survivor’s financial status and educational attainment is perceived to increase the chances that she will be able to influence decisions related to her case, but even better-educated women are still expected to conform to their family’s preferences. More than 50% of citizens think that a woman with an influential position will have much more control over decision making in her case and more than a third believe that having a job or owning a business would give a younger, unmarried woman much more control over her case. Education, too, is an important factor, with around a third of men and women saying that women with a higher-level education have more input into decisions about how their cases are handled.

While a woman's preferences are reportedly more likely to be supported by her husband than her father, a married woman's husband would be expected by many people to prefer *xeer*. Further, the implications of a woman resisting or rejecting the preferences of her husband or father would be a serious matter, with ultimate consequences involving divorce and/or being 'counted out of her clan'.



Members of marginalised groups are more likely to support a rape survivor's preference for courts, possibly because *xeer* proceedings and enforcement are dominated by powerful clans. Clan status can influence women's preference for using the statutory system, with minority clan members less capable of negotiating a favourable outcome and/or enforcing an outcome through *xeer*. Minority clan members are inclined to prefer justice systems that are, or seem to be, more equitable and less directly tied to clan power.

Women from marginalised or locally weak clans are less likely to report IPV if they are married to a man from a locally powerful clan, due to these women's dependence and lack of clan power. The consequence of this reduced ability to report is, in the view of at least two interviewees, more abuse within women's marriage. A woman's protection, especially in marital disputes, is derived from her father and, by extension, his clan. A marriage between a woman from a weak clan and a man from a strong clan puts the woman at a permanent power disadvantage.

Even influential clan elders cannot always sway the opinions of survivors' male family members over the way in which rape cases should be handled. More than three quarters of people believe a *caaqil* (higher level elder or chief) can persuade some people in a survivor's circle to use the courts over *xeer* to resolve a rape case and this influence is likely to be strongest with female family members. Conversely, male family members, including the survivor's father, uncles and brothers, are least likely, according to respondents, to be persuaded by a *caaqil* to use the courts over *xeer*. This resistance to the *caaqil's* influence is strongest in Kismayo, where 73.1% of respondents feel male family members will insist on using *xeer* despite advice from the *caaqil* and weakest in Hargeisa at 42%.

Female police officers are thought to be more supportive of women reporting sexual violence and seeking justice, more likely to maintain confidentiality and more likely to refrain from corruption. This trust is reflected in the fact that almost 60% of people believe that female family members would be more likely to report a theft if they could speak to a female police officer and 65% say that a woman would be more likely to report a rape in the same circumstances. The trust in female police officers contrasts with the finding that women face significant risk when reporting abuse to a male police officer.

Services for SGBV survivors remain few, unreliable and often relatively ill-equipped, insufficiently capacitated, or with limited availability. Gender desks, One-Stop Centres, and women's safehouses all focus on reporting cases and supporting SGBV survivors but present practical shortcomings for women users. Just 5.1% of people are aware of gender desks and their performance is seen as variable. Gender desk staff are seen as under-qualified and in need of further training on handling cases. 15.6% of women have heard of a One-Stop Centre in their area but, despite being in local hospitals, these centres offer no extra, specialised services outside normal working hours. Further, just 7.4% of people aggregated across all locations were aware that safehouse are available in their city.

User satisfaction is high amongst respondents who have used, or know someone who has used, a One-Stop Centre. Only 5.9% of women surveyed report knowing someone who used a One-Stop Centre although most report user satisfaction. Amongst these women, 96.2% say the service-user was very satisfied. Survey suggestions for improving the centres include provision of psychological or psycho-social support, well-trained medical staff and more anonymous access.

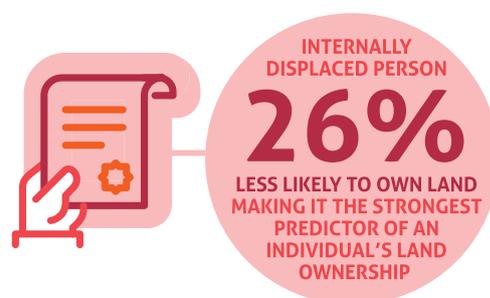
3.5 Land disputes

Clan, wealth, access to wealth and displacement status determine one's ability to prevail in a land dispute, because they enable parties to enforce claims, influence authorities and intimidate the other party to the dispute. Less than 50% of people would expect someone from a smaller clan, but holding a title, to win a court case against someone from a dominant clan who knew a prominent member of the local government. Majority clan status is seen as allowing a claimant to bribe the judge, benefit from the judge's inherent bias, or even kidnap or harm the other claimants. The support of prominent businesspeople and access to money or wealth and to a lesser extent, gender, also shape the outcome of land disputes.

"In this area, nobody cares about u dhashay or ku dhashay. If you have the power, you can have your land. I don't know any other way it works here except through power."

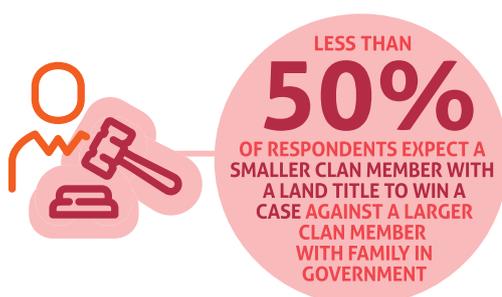
- Male Minority Clan Elder, Kismayo.

Members of marginalised clans and women are less likely to own land. The combined effect of being a woman from a marginalised clan makes it less likely they will prevail in a land dispute. These factors compound each other so that a man from a dominant clan would be seen as having a 72.4% likelihood of owning land, while a female IDP from a marginalised clan has just a 23.4% likelihood. Further, evidence shows marginalised groups, particularly IDPs and minority clans, are treated unfairly by police during land disputes and the biases towards these groups in the security and justice system influence land disputes as well. This bias against marginalised groups helps to create a situation where people who are already displaced from their lands arrive in a new area and are denied access to land, repressed by police and excluded from political representation.



Institutions for alternative dispute resolution are used differently and inconsistently in each location and perceptions of them often seem to be shaped by perceptions of broader politics around land, especially if they are linked to the government. Different commissions have been set up as alternatives to courts or the *xeer* system to handle land disputes. Though these are government entities, their precise form varies between Somaliland and south-central Somalia. In Somaliland these committees are typically the first stop for land disputes. If they cannot be resolved, they are referred to the district court. Baidoa and Kismayo also have land dispute commissions. In Baidoa it was reported to not be functioning while the Kismayo land dispute commission acts as a primary option prior to cases being transferred to the district court.

Land registries lack capacity and are subject to interference. In south-central Somalia, only Kismayo currently operates a land registry. In Somaliland, these operate, but lack capacity, rely on private notaries and are still subject to forgery or duplication of titles (such duplication is rampant in Somalia). Government institutions in Somaliland vie for jurisdiction and land cases tend to be the most subject to interference by political officials, wealthy individuals, and armed paramilitary or security forces aligned with either party.



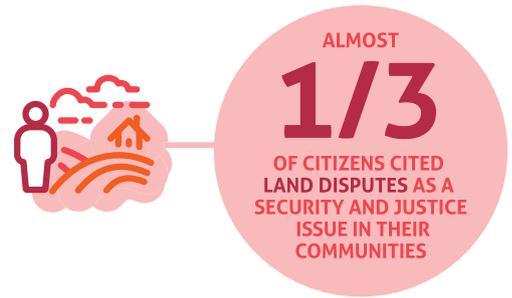
Government-backed land dispute commissions in both Somaliland and south-central Somalia are not viewed as impartial arbiters of disputes, with just 46.8% of south-central Somalia citizens viewing them as 'very fair' and 33.8 percent of respondents in Somaliland viewing their version of district land dispute commissions as 'very fair'. Alternative Dispute Resolution (ADR) Centres are seen as being slightly fairer, especially in Baidoa, where 65.2% of people say they are 'very fair'. However, both ADR centres and district land dispute commissions are seen as largely powerless. Islamic Arbitration Centres are much more likely to be viewed as fair and – despite being least affiliated with the government – more able to enforce their decisions.

Despite their criticisms of district courts, most citizens still deem courts the appropriate venue for land disputes, though it is not clear whether this is because citizens believe courts actually are trustworthy institutions or because they believe they should be, in principle.

In three out of four areas, district courts are seen as the most trustworthy option for land disputes, with more than 70% of people in Baidoa selecting them as the most reliable option when compared to *xeer*/elders, ADRs and district land committees.

The comparative lack of faith in district land committees could be explained by the fact that they lack the expertise and the perceived fair-mindedness of judges, but the lack of faith in ADR Centres and Islamic Arbitration Centres is less expected as each has other facets that would be expected to inspire trust.

Patterns of trust in district courts are more nuanced. In Burco and Hargeisa, members of marginalised clans report less faith in district courts than do members of more powerful clans, while the opposite pattern is observed in both Baidoa and Kismayo.



4. CONCLUSIONS

Research to inform Area Based Problem Driven Security and Justice Programming in Somalia presents a unique understanding of the challenges and opportunities facing the development and delivery of future security and justice programmes in Somalia.

It identifies a total of 11 key characteristics, many related to social norms, which have disproportionate impacts on security and justice in Somalia today. These key characteristics are:

Dominance of clan and kinship norms over professional norms among justice and security actors

Security and justice agencies are appointed, first and foremost, as representatives of their clan, not the wider society of which they are part. They rely on endorsement from clan elders to get their jobs and are appointed according to quotas that reflect balance of power between clans in an area.

Although police officers often criticise the influence of clannism, this norm impacts on the relationship that they have towards other clan members and makes them more willing to support clan members in a variety of security and justice matters (for example, refraining from extorting or arbitrarily detaining clan members and enforcing court decisions according to how they favour clan members).

These clan loyalties influence enforcement of justice decisions in other ways, with better-armed clans able to avoid complying with decisions in favour of less-well-armed clans.

Clan as the only reliable social safety net for most Somalis

The need for clan support influences the actions of security forces because, on top of requiring clan endorsement when applying to join security forces, poorly paid police officers often need financial clan support, and this places a reciprocal obligation upon those officers.

The need for clan support also influences the actions of women, including survivors of SGBV and IPV, with economically independent women perceived as more likely to wield decision-making power when it comes to the choice of justice venue, the ability to report without interference, and the likelihood of obtaining justice, including in land disputes.

Wealth and clan power are the two key factors that influence security and justice behaviours, and even outcomes, in a landscape where many people lack other reliable sources of livelihood or access to resources.

Lack of confidence in state institutions (despite demand for more effective security and justice provision)

Members of the community and security forces do not expect that state institutions will provide adequate, reliable, and unbiased protection and justice. Indeed, there is a perception of impunity for the actions of members of the security forces, widespread concern that reporting misconduct will result in retaliation, and an unwillingness to put stock in accountability mechanisms until after seeing security force members held to account.

There is also an expectation amongst police officers and clan elders that they will get a favour in return if they protect colleagues or members of another clan accused of misconduct or abuse. Further, the fact that most people expect police officers to threaten a woman reporting a rape, regardless of whether the officer knows the perpetrator, illustrates the widespread distrust of officers. It also highlights the extent of deterrents for those who do attempt to pursue formal routes towards, what they hope will be, justice.

Mismatch between citizens' security and justice priorities and deployment of police

Routine police tasks focus on 'static' security issues – guarding buildings, escorting VIPs and so on - and are at direct odds with the kind of policing issues that the research shows matter most to citizens, with theft, rape and sexual assault their greatest priorities.

Oversight as a form of security force accountability

The research clearly shows that security officers are less likely to transgress if there is oversight of their actions - for example, a chance that someone could see them transgressing, or that a more senior figure from work or the same clan could learn of their transgression. This observation is reinforced by the perception that police abuses occur most in areas where officers are less likely to be seen and that officers do not extort money from a clan if their commander is a member of it.

The research further suggests that when transgressions become more public, influential actors are more likely to intervene because the misconduct could have material or socio-political implications for them.

Intimidation or retaliation when reporting directly to police officers

Women who approach police to file a complaint or report a crime are not only particularly vulnerable to abuses by police officers themselves. They are also perceived to be at risk of retaliation from the perpetrators (most often in cases of SGBV and IPV).

Involvement of elders in SGBV cases

Elders know that it is inappropriate and often illegal to get involved in SGBV cases but it still happens and is actually encouraged through financial payments to them and the opportunity that it brings to reinforce their own status. Furthermore, elders' involvement is perpetuated by social norms that emphasise that it is appropriate for cases of sexual violence and IPV to be resolved under *xeer*, and to be kept hidden to protect the dignity of women and their families.

Elders deny their involvement but are likely to resist systems change because of the incentives to continue their involvement in SGBV cases.

The influence of personal experience and prevalence of a security or justice issue and the priority that people accord it

Prevalence of cases and personal knowledge of friends and family who have encountered security or justice issues leads to higher perception of issue priority. This implies that the silence surrounding SGBV, which restricts survivors from reporting, dampens meaningful attempts to prevent SGBV cases or improve how they are handled.

Lack of reliable, properly equipped and accessible services for SGBV survivors

SGBV survivors face a wide range of barriers to accessing support services – from the social norm that SGBV should remain hidden, to the cost of travel to services, and limited freedom of movement. Survivors that do manage to make the journey face further issues when they get there, with gender desks sometimes located in open-plan offices or processes involving male police officers.

Land disputes directly affect only a small number of citizens but are emblematic of the wider deficiencies of the security and justice chain

Land disputes do not directly affect large numbers of citizens. However, they have the potential to exacerbate communal conflict and are also emblematic of wider security and justice issues in Somalia. Despite the general lack of trust in other aspects of the state, there is strong demand for well-functioning courts to adjudicate in land disputes. The Islamic Arbitration Centres in Somaliland are a rare exception to lack of support for alternative dispute resolution options and is a reminder of the alternate legitimacy of Islam and its role within the legal and political pluralism of Somalia and Somaliland.

Harmful behaviours are perpetrated by security and justice providers despite knowing their actions are inappropriate

Security and justice providers sometimes carry out harmful behaviours despite knowing that their actions would be deemed inappropriate by their communities/reference groups. For example, bribe-taking is a prevalent problem in the police in Somalia even though more than 75% of police officers, and 80% of police commanders, say they disapprove of the activity. There is a similar mismatch between reported views and behaviour amongst people working in justice, with judges and prosecutors reportedly disapproving of bribe-taking, despite a high prevalence of bribe-taking in the judiciary.

5. IMPLICATIONS

Implications for programming to influence motivation of security services

- **Developing a common sense of pride and purpose.** Developing and publishing clear mandates for the security forces could help to foster a sense of prestige and public respect, which is currently missing from the motivations of recruits. However, for this to be effective it would need to go alongside real and visible change in police practice for public respect to increase.
- **Putting principles into practice.** New codes of conduct are needed to help combat abuse and bias and should be accompanied by scenario-based training on how to make rapid decisions to apply these principles in practice. New protocols that apply these key principles to common scenarios such as investigating a robbery, al Shabaab attacks and rape/sexual assault, should also be developed. These new policies and procedures must be effectively implemented to realise change.
- **Addressing clan patronage in security forces.** A hybrid alternative to the current clan model of recruitment may be a useful way forward, allowing a minimum, proportional quota for recruitment from minority clans but with recruitment and promotions of police and security forces within these quotas done based on merit.
- **Promoting increased integration between clans in security forces.** Integrated, mixed-clan units are one option for increasing diversity within the security forces and could both increase cross-clan contact and reduce the extent of clan favouritism because other members of one's unit will not approve of such behaviour. Careful attention would need to be paid to command structures that may reduce or reinforce abuse/lack of accountability.

Implications for programming to improve accountability of security force members

- **Enhancing performance management and internal discipline.** The evidence suggests that increased oversight of rank-and-file members of the security forces is likely to help reduce bribe-taking and corruption. It also suggests that threat of disciplinary action would be one of the most effective methods and it is therefore worth identifying the factors that support the current partial enforcement of standards to inform a future programmatic response.
- **Reducing impunity.** One of the main reasons citizens do not report abuse by police is that they do not believe it will make any difference. This view could be challenged by highlighting cases in which police officers have been disciplined and where they have followed procedure, demonstrating that accountability does sometimes exist as part of wider awareness-raising campaigns around reporting police abuses.
- **Protecting anonymity.** Providing opportunities for anonymous reporting could make a significant difference to reporting levels. Suggestions from respondents include establishing a hotline that records anonymous reports; allowing complainants to remain anonymous until the case is brought to court, or longer if possible; and establishing an ombudsman's office that is physically separate from the police station, so complainants do not have to enter a police station to lodge a complaint (which immediately removes all anonymity from their complaint).
- **Enhancing the enforcement of court decisions.** Formation of a special unit with responsibility for enforcing court decisions could be useful because it would concentrate accountability for enforcement within a single unit, rather than assigning diffuse responsibility to the entire police force. It might also help prevent situations in which each side of a dispute mobilise police from their clan to either enforce or prevent enforcement of a court order.

- **Enhancing social accountability.** There is some evidence globally that citizen-police partnerships are the most effective way of increasing police accountability. This is an area where there is some good practice in Somalia to build upon, for example from the development of community-police dialogue committees under the UK-funded Somalia Security and Justice Programme. Mapping what local initiatives and structures exist in programme locations and analysing how these could be potentially built upon and scaled up would be valuable.
- **Using the political capital of influential leaders.** It is worth considering mapping the key civil society leaders who have the equivalent of 'political capital' in each area to help increase the accountability of security forces. Individuals identified could then be asked to help rectify abuses on a case-by-case basis and their oversight role could be institutionalised through a complaints review committee. They could also be recruited advocates for institutional reforms to enhance accountability.
- **Making elders partners for change.** The support of clan elders is essential to increase security force accountability. Facilitating a dialogue with, and between, them on how this could happen could be the first step in a valuable strategy which recognises the issue of accountability within broader conflict and community resolution processes which bring different clans together.
- **Giving citizens a voice on policing issues.** The particularly pervasive influence of norms that are upheld by clans and influence all levels of security and justice in Somalia makes it critical that the support of clan elders is engaged in order to transform cultures within security and justice systems. However, mechanisms that give ordinary citizens a voice on policing issues and reduce this reliance on clans (for example, through merit-based appointments) could help inspire growing trust in security forces.
- **The value of more public debate and research.** The evident gap between what citizens want police to do, and what they are actually doing, could create an opportunity for a wider public debate about the role of police today while further research could usefully build on what has been learned about the influence of oversight on the positive behaviour of security force members. Efforts to expose the harmful behaviour of security force members to reference groups that disapprove of them would support these improvements.

Implications for programming to prevent and respond to SGBV

- **Reporting.** Programmes to empower women to have increased choices about to whom and how they report sexual violence and IPV cases could consider exploring ways of protecting confidentiality and safeguarding survivors who wish to report to the formal justice system. Women seeking justice need better safeguarding and anonymous reporting opportunities. They need to be given the confidence that it is okay to report a crime, and that the crime they report will be properly followed up. Addressing these needs could also help citizens understand the true prevalence of SGBV by encouraging more reporting. Programmes should also address the long-term challenge of reducing perceived shame attached to rape for women and families.
- **Handling cases.** Programmes can influence how SGBV cases are handled by increasing understanding of the prevalence of SGBV and the availability of response services. Awareness campaigns on reporting options and capacity building support to increase the accessibility of response services could be considered. Programmes could also engage with the factors influencing elders' behaviour, including the social benefits they derive from their involvement, threat of clan conflict and lack of confidence in state responses to sexual violence cases. This suggests an approach that both builds capacity and public trust in state security and justice actors to address SGBV cases and works with elders and religious leaders drawing on the moral value people assign to their engagement in addressing SGBV.
- **Prevention.** Given that men prioritise rape and sexual violence as key problems, there is potential for this support to be harnessed in a gender transformative way, accountable to the needs and wishes of women and girls. Religious leaders could be an influential potential ally. *Ulama* involved in the research argued that if people had a more nuanced understanding of *shari'ah*, they would ascribe more value to women's personal rights and refrain from being violent towards them or violating their dignity.

Implications for programming to support fairer and more transparent resolution of land disputes

- **Strengthening capacity of courts.** Land disputes do not directly affect large numbers of citizens, but they can exacerbate communal conflict. Future security and justice programmes could strengthen the capacity of state courts to act as adjudicators.
- **Building the capacity of land administration agencies.** Investment in capacity-building for land registry offices, better administration of existing land databases and proper investigation of land claims before a title is issued could contribute to improving the validity and legal standing of titles and reduce the duplication of titles. Further research into the extent of title duplication and forgery and how land administration offices verify ownership in practice would be valuable.
- **Cracking down on fake documentation.** Some citizens support tougher penalties, including lengthy prison sentences, for those attempting to fake land documents or rely on false testimony from witnesses to limit the number of land disputes, ease the burden on district courts and reduce the frequency of land grabbing.
- **Enhancing enforcement of land adjudications.** Whilst land disputes only affect a small number of people, they are emblematic of the wider deficiencies of the security and justice chain. Lack of enforcement highlights problems with court decisions of all kinds. Establishing a specialised enforcement division of the police would enhance the ability of both the land dispute commissions and district courts to provide justice. The division could be staffed by a mixture of clans and, ideally, include women and other marginalised groups within its ranks. Importantly, this entity could generate benefits across the security and justice sector, not just in the administration of land.
- **Mitigating clan bias in the justice system.** Clan bias and corruption in the justice system could be reduced by using judges from outside local communities (who are arguably less biased and less easily bribed), rotating judges into new areas on fixed terms and using multi-judge panels. Creating panels would mean augmenting Somalia's legal capacity.
- **Reaching a political settlement around land rights.** Land disputes are deeply divisive in the current environment, resulting in land administration and dispute resolution that is inherently politicised, as justice actors make ad hoc decisions about the primacy of different claims. Elders can act as a valuable resource for governments as they are often able to resolve disputes more efficiently than the courts due to their personal knowledge of the disputants and because they are numerous and trusted. They are likely to be most effective after settlement of the 'land question' in situations where there is no political settlement of whose claims should take primacy (especially in Baidoa and Kismayo). Equally, elders could be effective in cases where the original inhabitants were displaced, and new inhabitants have occupied the same land in the intervening years.
- **Addressing specific challenges faced by marginalised groups, especially IDPs.** In the long term, Somalia requires settlement of land ownership for IDPs. This includes both individuals in new locations who lack the legal standing or power to secure land rights and individuals who have returned to their land after decades of displacement to find new occupants. Piecemeal solutions will not work because decisions made in Baidoa affect IDPs currently living in Mogadishu, Kismayo and Garowe. In the absence of a broader political settlement, its administration will only become more complicated and conflictual when additional territory is reclaimed from *al Shabaab* and as IDPs and refugees return to their homes.

This material has been funded by the UK government; however the views expressed do not necessarily reflect the UK government's official policies.

