Protection Cluster
Somalia

SOMALIA | Kismaayo District

Protection Analysis Update | December 2023

BRIEF

EXECUTIVE SUMMARY

The displacement crisis in Somalia is complex and multifaceted, driven by conflict and climatic shocks. This displacement is often characterized with protection risks[i] faced by the displaced populations. With particular focus on Kismaayo district, the main drivers of displacement include conflict and drought as per the Protection and Return Monitoring Network (PRMN)[ii] in Somalia as of October, before the occurrence of El Niño flooding. The most prevalent protection risks currently being faced by the populations in Kismaayo district are:

- **Risk 1: Discrimination and stigmatization, denial of resources, opportunities, services and/or humanitarian access.**
- **Risk 2: Forced recruitment and association of children in armed forces and groups.**
- **Risk 3: Gender based violence.**
- **Risk 4: Child and forced family separation.**

The Protection Analysis Update for Kismaayo is the first of a series of analysis that the Protection Cluster will be publishing during 2024 focusing on priority districts. Kismaayo was selected as the first of these series as the ATMIS drawdown is already in process and humanitarian actors are assessing the impact associated to the drawdown, on the protection response and humanitarian needs of the displaced population. In addition, the Jubaland State government has historically showed both, interest, and commitment on facilitating the work of protection humanitarian actors in ensuring protection of civilians and displaced communities. The new potential scenarios to happen in Kismaayo linked to the ATMIS drawdown, justified this joint protection analysis, conducted by the Protection Cluster and its partners to define the protection response strategy and priorities in the district for the coming period.

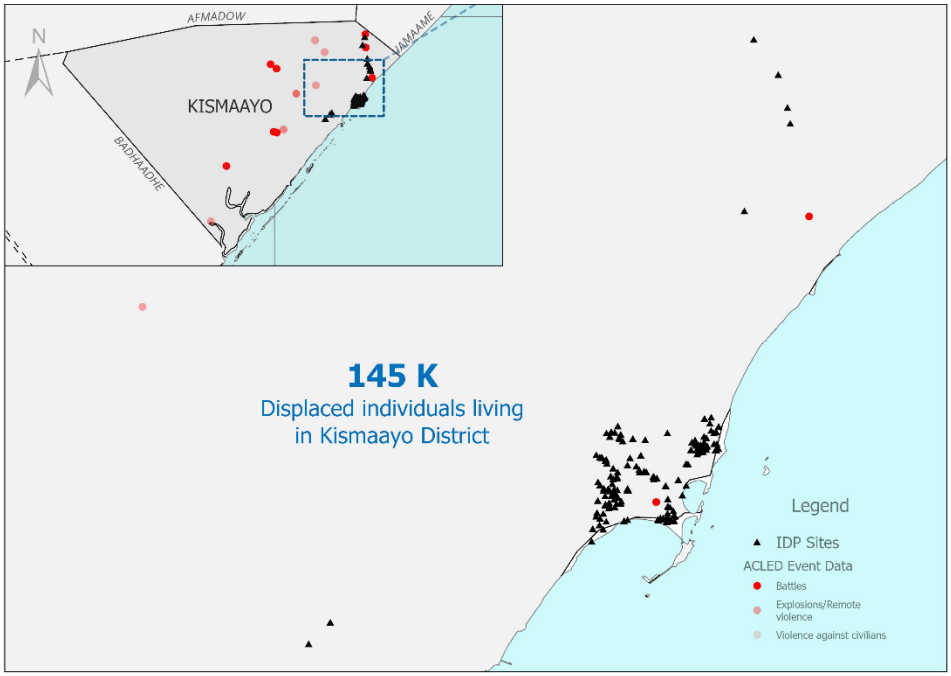
URGENT ACTIONS NEEDED

- Strengthen awareness raising and access to information on the (Federal or State) Constitution and the Bill of Rights enhancing the understanding of rights and entitlements as citizens,
- Humanitarian partners to work closely with government institutions to provide services to people in rural and hard to reach areas to reduce rural urban migration/displacement that exacerbates family separations,
- Strengthen durable solutions programming to overcome the cycle of vulnerabilities and enhanced resource mobilization,
- Integrate child protection interventions into other clusters' response to ensure mainstreaming of child protection into the wider humanitarian response.

CONTEXT

POPULATION	NO OF VERIFIED SITES	INTERNALLY DISPLACED PEOPLE	MAIN TRIGGER OF DISPLACEMENT	LEVEL OF HUMANITARIAN ACCESS
362,244	140	145,225	Conflict	Heavy restrictions

Kismaayo district in Jubaland State of Somalia is home to 362,244 individuals both displaced and non-displaced. In 2023, the district has received 30,635 new arrivals due to internal displacements from the surrounding districts such as Afmadow, Jamaame, Jilib, Buu'ale in addition to the intra-district displacement observed. Main driver of the internal displacement is conflict/insecurity accounting for 55 percent of the displacements and humanitarian needs in Kismaayo district.



The protection environment in Kismaayo district is characterized by insecurity and volatility, limited basic services capacity and provision, weak or absent protection systems, low awareness of - and respect for - basic rights and rules governing armed conflict, discriminatory and harmful socio-cultural practices relating to gender and access impediments for humanitarian workers. These characteristics have exacerbated the protection risks of the internally displaced and civilian populations in the district.

Civilians across the district have continued to be impacted by significant levels of protection and security incidents. According to the Armed Conflict Location & Event Data (ACLED 2023), 147 fatalities have been reported because of battle or explosion/remote violence related incidents.

ATMIS DRAWDOWN:

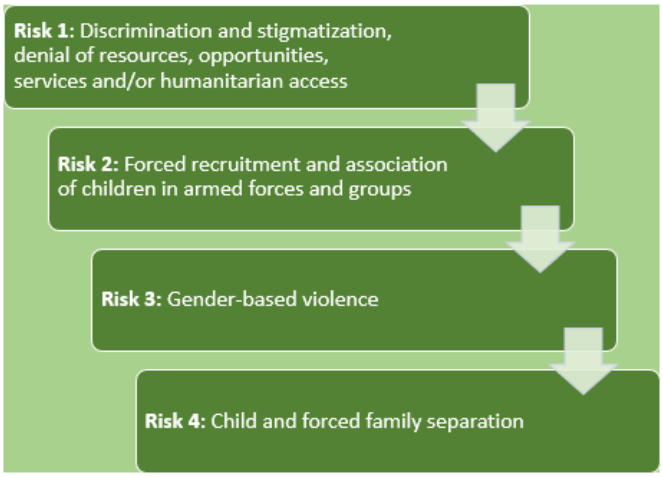
On 15 November 2023, the United Nations Security Council adopted in two resolutions the extension of its authorization of the African Union Transition Mission in Somalia (ATMIS) until 30 June 2024. These resolutions delayed the drawdown as requested by the government of Somalia and will allow review of the transition plan including Somalia's future security requirements. The drawdown process will resume in January 2024 and the withdrawal of ATMIS troops from Kismaayo district would have direct consequences on the humanitarian access and protection of both displaced and civilian population. The Protection Cluster will analyze the drawdown process in Kismaayo from the Protection of Civilians perspective and draw strategic and operational recommendations to mitigate and minimize its impact. The most reported protection issues in Kismaayo are:

PERIOD	TRIGGERS	REPORT
9 – 12 March 2023	PRMN field monitors recorded 551 households, approximately 3,306 individuals, largely pastoralists and farmers, forced to leave their homes. The ongoing displacement is triggered by recent fighting between Non-State Armed Groups (NSAGs) and government security forces.	Protection issues reported during the incident: • Ongoing escalation poses insecurity negatively impacting the conditions of displaced persons. • Lack of adequate housing and essential services. • Child protection issues. • Strain on social cohesion. • Heightened protection risks: The elderly, women, and children are exposed to protection risks. Women and girls face risks of gender-based violence, such as rape and physical assaults.
21 – 25 July 2023	Heightened insecurity displaced over 7,230 individuals in Lower Jubba areas around Kismaayo town. The ongoing displacement is triggered by recent fighting between Non-State Armed Groups (NSAGs) and government security forces.	Protection issues reported during the incident: • Child protection issues • Strain on social cohesion • Heightened protection risks: The elderly, women, and children are exposed to protection risks. Women and girls face risks of gender-based violence, such as rape and physical assaults. • Increasing cases of land disputes

Table 1 - Source: PRMN partners | Period: Jan – July 2023

PROTECTION RISKS

Top 4 Protection risks



Trigger based protection risks

Conflict

- Risk 1: Discrimination and stigmatization, denial of resources, opportunities, services and/or humanitarian access
- Risk 2: Forced recruitment and association of children in armed forces and groups
- Risk 3: Child and forced family separation
- Risk 4: Attacks on civilians and other unlawful killings, and attacks on civilian objects

Drought

- Risk 1: Discrimination and stigmatization, denial of resources, opportunities, services and/or humanitarian access
- Risk 2: Forced recruitment and association of children in armed forces and groups
- Risk 3: Gender-based violence
- Risk 4: Child and forced family separation

The data informing this analysis was as of September 2023, collected by the Protection and Return Monitoring Network.

RISK 1 Discrimination and stigmatization, denial of resources, opportunities, services and/or humanitarian access

Discrimination and stigmatization are amongst the most prevalent protection risks in Somalia. They are present in almost every aspect of the Somali society - from the 4.5 formula[iii] for managing the political representation- to a wide-spread power imbalance in the day-to-day life. The most vulnerable groups and individuals faced with this risk include **minority groups and IDP households headed by a female, a child, the elderly and persons with disabilities. The district of Kismaayo is not an exception to this situation.** The district hosts a population of the **Somali Bantu, the Bajun, and the Shanshi minorities**. It also hosts approximately **145,225 IDPs distributed in at least 140 verified IDP sites**. Minorities and vulnerable IDP households, often face the consequences of the power imbalance and abuse of power limiting their access to their rights and entitlements. Moreover, these vulnerable groups are often unaware of their rights and entitlements.

The bottom line of the exclusion of marginalized groups and minorities are the established cultural norms and practices that directly or indirectly promote discrimination. Additionally, lack of awareness by the community members on the effects of discrimination and stigmatization on the subjected persons exacerbates the spread of this protection risk.

The aforementioned vulnerable groups, also face discrimination when accessing humanitarian assistance, they are entitled to, quality jobs and fertile lands due to their clan affiliation or physical condition. Their vulnerability further heightens the risk of being victims of extorsion and sexual exploitation and abuse. **Protection partners in close collaboration with the Government of Jubaland State and the humanitarian community should define and carry out a set of soft component actions to reduce this risk in Kismaayo.** The cornerstone of this set of actions is strengthening the awareness raising and networking with the range of stakeholders that can contribute to reducing the prevalence and impact of this risk. A well-coordinated action following the highlighted recommendations in the Protection Analysis Update will substantially reduce the risk and thus, strengthen an effective inclusion of these groups in the humanitarian response.

RISK 2 Forced recruitment and association of children in armed forces and groups

Somalia ratified the Convention on the Rights of the Child (CRC) in October 2015, and this is a critical step for Somalia given it is among the countries that record the highest number of grave violations against children including use and recruitment of children by armed forces and groups. The Monitoring & Reporting Mechanism (MRM) reports in Somalia, a total of 1,094 children (1,022 boys, 72 girls), as young as age 8, verified as having been recruited and used by armed forces and groups as combatants (101), in support roles (146) and for unknown purposes (847) between January to December 2022.[iv]

Existing vulnerabilities of children and families are exacerbated during situations of conflict and climate related shocks. Children not living with primary caregivers or not in any protective environment are at heightened risk to all forms of abuse, neglect, violence, and exploitation including recruitment and use by armed forces and groups. Lack of protection, especially for Unaccompanied and Separated Children (UASC), children on the move, children from minority and marginalized groups increases risk of recruitment into armed groups and some instances threats are used as part of forceful recruitment while both voluntary and involuntary child recruitment into armed groups is also reported. **Children, mostly boys, are at an elevated risk of recruitment and it is expected the actual extent of this grave violations of children's rights is far higher than reported and verified.**

The factors reported to worsen the risk of use and recruitment of children by armed forces and groups in Kismaayo include: **(i) weak implementation of the policies and procedures i.e., the draft Somali Constitution or the CRC, (ii) peer pressure among children, (iii) climate related shocks causing displacement in turn increasing vulnerabilities, (iv) poverty, (v) inter-clan conflicts and (vi) family separations.** Additionally, negative coping mechanisms due to separation and absence of care was highlighted as a potential driver of the risk of forced recruitment and association of children in armed forces and groups.

RISK 3 Gender-based violence

Gender-based violence (GBV) affecting women and girls remains underreported but widespread, with IDPs, children, adolescent girls, female, and child headed households, minorities and women 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 separation and unemployment, among other factors. 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. Other GBV survivors are not aware of services and formal structures for recourse due to unfamiliarity with options, while in some cases, there is a lack of appropriate GBV responses in the locations. As such, the weak/limited access to formal justice is often replaced by the customary 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. However, **the use of traditional justice has an adverse impact particularly for survivors of GBV, children, minority and marginalized groups, persons with disabilities and IDPs. Aspects of the Xeer custom may violate provisions of the draft Somali Provisional Constitution, particularly when it comes to the rights of GBV survivors, IDPs, minority and marginalized groups.** GBV survivors struggle to have their grievances justly resolved as they often face discriminatory practices, or are not well informed about their rights, besides having access to very few functional institutions to meet their justice needs.

Many areas around settlements are reported as being unsafe for women and girls especially due to GBV incidents when fetching water and firewood especially those in rural and hard to reach areas. The perpetrators of GBV violations are mostly reported as armed groups, men, FGM practitioners, close family members, guardians, and teachers.

The exacerbating factors are also reported as limited response on access to justice, safe shelters, awareness creation especially on social cultural norms and insufficient women empowerment responses hence the risk of negative coping mechanism.

RISK 4 Child and forced family separation

Family separation is the break-down of a family unit or the splitting of households due to circumstances that are triggered by war, displacement and/or poverty and it is a common occurrence during such situations that worsens existing vulnerabilities. Children not living with primary caregivers or not in any protective environment are at heightened risk to all forms of abuse, exploitation, violence, and neglect. Lack of protection, especially for UASC, increases risk of other violations including recruitment into armed groups, sexual violence, neglect, exploitation, and other forms of abuse.

Family separation as a survival strategy leaves more women-headed and child-headed households in displacement sites, increasing vulnerability to other threats. As such, this occurs due to conflict, displacement, family breakdown (divorce), financial reasons, forced evictions and forced recruitment. The consequence of family separation on the affected persons may be neglect, exploitation, GBV, child labour, abuse (physical/emotional) and trauma especially for children separated from parents or primary caregivers.

RECOMMENDATIONS

RISK 1 Discrimination and stigmatization, denial of resources, opportunities, services and/or humanitarian access

JUBALAND STATE GOVERNMENT

- Strengthen awareness raising and access to information on the (Federal or State) Constitution and the Bill of Rights enhancing the understanding of rights and entitlements as citizens.
- Ensure equal access to employment opportunities for minorities, people with disabilities, and other marginalized groups.

HUMANITARIAN AGENCIES:

- Enhance regular monitoring and evaluation of the humanitarian response to mitigate the risk of aid diversion, exclusion and denial of assistance.
- With the support of the Sub-national Protection Cluster, ensure the inclusion of all vulnerable groups into the humanitarian response including minorities, people with disabilities, elderly, etc.
- Ensure equal access to employment opportunities for minorities, people with disabilities, and other marginalized groups.

SUB-NATIONAL PROTECTION CLUSTER:

- Establish linkages with the Education Cluster, recognizing the protection value of children being in school and the potential to work through education to keep children safe and identify those at risk.

RISK 2 Forced recruitment and association of children in armed forces and groups

FEDERAL GOVERNMENT OF SOMALIA (FGS) & JUBALAND STATE GOVERNMENT:

- Implement zero tolerance for forced recruitment of children by the government through the Implementation of the National Action Plan to prevent the recruitment and use of children in armed forces and groups. Strengthen adherence and implementation of the CRC ratified by Somalia in 2015.
- The government (FGS and Jubaland state) to enhance rule of law, security, and protection of civilians from Al-Shabaab threats and violence especially in hard-to-reach areas as family members fear for their lives, hence offering children for recruitment.
- Lack of documentation has far-reaching consequences such as difficulty in differentiation between children and adults. Therefore, the government to ensure the national registration of citizens including birth certificates for children.
- Jubaland ministry of women, family affairs and human rights to establish and lead a state level task force to enhance collaboration between civil and military actors and promotion of children's rights including preventing the recruitment of children into the armed forces and groups.

HUMANITARIAN AGENCIES, DONOR AND DEVELOPMENT ACTORS:

- Strengthen durable solutions programming to overcome the cycle of vulnerabilities and enhanced resource mobilization for child protection responses.
- Strengthen awareness creation on children's rights including prevention of child recruitment and respect for International Humanitarian Law (IHL) and International Human Rights Law (IHRL).
- Capacity building of the parties to the conflict and government on International Humanitarian Law and International Human Rights Law.
- Humanitarian actors to support the government in policy development/implementation relevant to the protection of children and strategic planning to respond to shocks that contributes to increasing vulnerabilities.
- Engage the community on their self-protection in fostering protection of children.
- The government and humanitarian actors to ensure the safe reintegration of children associated with armed forces and armed groups (CAAFAG) into the community through Disarmament, Demobilization and Reintegration (DDR).

SUB-NATIONAL PROTECTION CLUSTER & STATE ICCCG:

- Strengthen existing cluster coordination to discuss and respond to emerging child protection concerns.
- Support the Jubaland ministry of women, family affairs and human rights in the establishment of the prevention of recruitment task force.

RISK 3 Gender-based violence

JUBALAND STATE GOVERNMENT:

- Strengthen the security and justice institutions to ensure the rule of law and legal assistance to GBV survivors.

HUMANITARIAN AGENCIES

- Improve access to quality GBV services including risk awareness in hard-to-reach areas.
- Provide capacity building/training of community groups on GBV risks mitigation and referral pathways.
- Establishment/strengthening of women and girls' safe spaces to enhance reporting and response to GBV incidents.
- Strengthen evidence-based advocacy based on ongoing protection analysis findings, i.e to prioritize mitigation of the identified risks.
- Strengthen safe and accessible inter-agency community feedback mechanisms (ICFM) – ensure all groups including minorities, marginalized groups, women, and girls can access the ICFM.
- Humanitarian actors to support the government with the necessary technical support in developing and implementing relevant legislation i.e., sexual offense bill to address GBV risks.

- Partners to provide the government with the technical support on ensuring forensic support services to ensure access to justice for GBV survivors whenever needed.

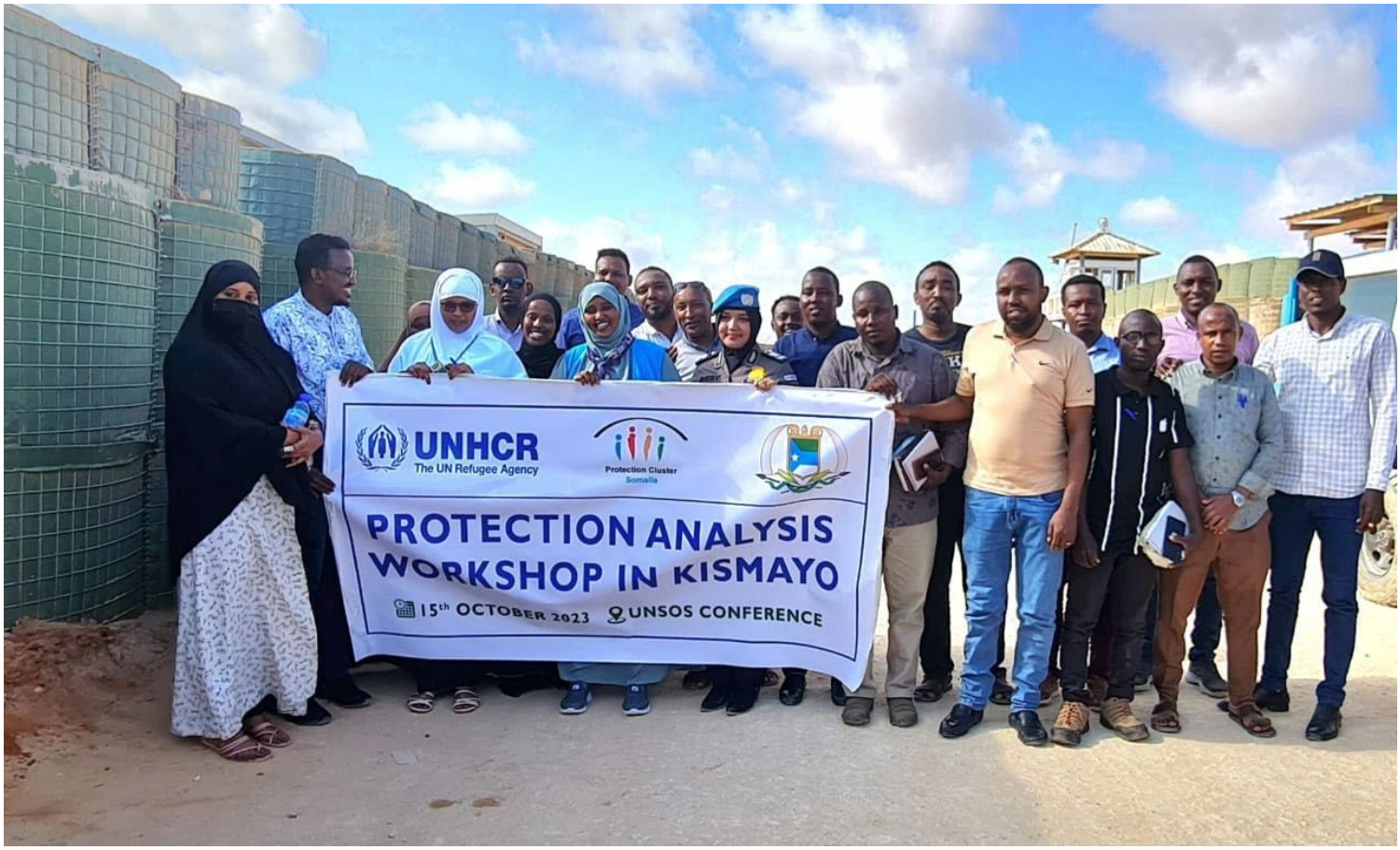
RISK 4 Child and forced family separation

JUBALAND STATE GOVERNMENT

- Establish/strengthen child protection committee and taskforce led by the ministry of women, family affairs and human rights to support and mitigate the incidents of family separation.
- Strengthen the relevant government institutions and policies aimed at providing child protection responses and preventing forced family separation such as child rights acts.

HUMANITARIAN AGENCIES:

- Humanitarian partners to work closely with government institutions to provide services to people in rural and hard to reach areas to reduce rural urban migration/displacement that exacerbates family separations.
- Strengthening referral pathways to improve the provision of child protection services and improve access to quality child protection services especially in hard-to-reach areas.
- Integrate child protection interventions into other clusters' response to ensure mainstreaming of child protection into the wider humanitarian response.
- Provide social protection safety nets through provision of economic empowerment for parents and caregivers.
- Equip and educate parents on positive parenting skills and maintaining of the family cohesion.
- Enhance monitoring and reporting of child rights violations to ensure evidence-based advocacy and inclusive child protection programming.
- Strengthen comprehensive case management response including family tracing and reunification response.



Participants of the joint analysis workshop in Kismaayo

Endnotes

[i] *Protection Risks: Explanatory Note*
[ii] *Protection and Return Monitoring Network (PRMN) is a project implemented by UNHCR, the Norwegian Refugee Council (NRC) and partners. It is a platform for identifying and reporting on displacements (including returns) of populations in Somalia as well as protection incidents and risks underlying such movements. PRMN as a tool has been adopted at the interagency and inter-cluster level as a source of both displacement and protection data in Somalia.*
[iii] *The 4.5 formula was first conceived in 1997 as a temporary arrangement for managing political representation following Somalia's civil war, assigning a full share of power to four clans and a half-share to a consortium of other clans. For more information, visit: The role of 4.5 in democratization and governance in Somalia. May 2023*
[iv] *UN Secretary General report on children and armed conflict 2022*

Methodology

This is a product of a joint analysis by the Protection Cluster, Areas of Responsibilities, Protection partners, state government (Jubaland), on the protection landscape in Kismaayo district. The methodology for this analysis also reviewed and analyzed existing secondary data, and primary data. The Protection Cluster carried out risk-based analysis through the Protection & Return Monitoring Network (PRMN) as well as following the standard methodologies of the Global Protection Cluster.

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