The Other War
Gang Rape in Somaliland

A Report by the Strategic Initiative for Women in the Horn of Africa (SIHA)

Compiled by Alicia Luedke
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Hala Alkarib
SIHA Network Director
Acronyms

CCBRS - Comprehensive Community-Based Rehabilitation in Somaliland
CID – Criminal Investigation Department
CSO – Civil Society Organization
DAN – Disability Action Network
DDG – Danish Demining Group
DRC – Danish Refugee Council
FGD – Focus Group Discussion
FGM – Female Genital Mutilation
GBV – Gender-Based Violence
HRW – Human Rights Watch
IAASC – Inter-Agency Standing Committee
ICG – International Crisis Group
IDP – Internally Displaced Person
INGO – International Non-Governmental Organization
MoLSA – Ministry of Labor and Society Affairs
MRG – Minority Rights Group
NGO – Non-Governmental Organization
PWDs – People with Disabilities
SAF – Somali Armed Forces
SAS – Small Arms Survey
SIHA - Strategic Initiative for Women in the Horn of Africa
SGBV – Sexual and Gender-Based Violence
SONYO – Somaliland National Youth Organization
SORADI - Social Research and Development Institute
SNM – Somali National Movement
UNDP – United Nations Development Program
UNDR – Universal Declaration of Human Rights
UNHCR – United Nations High Commissioner for Refugees
VOSOMWO – Voices of Somaliland Minority Women
WHEEA – Women’s Human Rights, Environment and Education Association
WHO – World Health Organization
Preface

The Horn of Africa has for decades struggled with chronic occurrences of civil conflict, fragile state structures and tribal and ethnic affiliations opposed to states’ modern obligations. The situation for women and girls in the Horn of Africa continues to be characterized by systematic victimization, subordination and their subjection to violence. In contrast to the intentions of limiting women and girls’ opportunities and appearances, they are aiming at capitalizing the small space and opportunities they are gaining, leading to their engagement and presence in public life.

This report outlines Somaliland’s historical development and the clan structures existing in Somaliland. It furthermore sheds light on Somaliland’s plural legal system and reflects upon it from a women’s rights perspective. It touches upon the existing engendered gerontocracy and the accompanying assumptions of gender roles and realities influencing the lives of women and girls in Somaliland, as well as looking at notions of gender relations and male youth ideologies, particularly highlighting youth frustration with the limitations of the traditional system and the weak of modern statutory legal scheme. The report aims at revealing the layers of sociocultural controversy between the global concepts and praxis of women’s rights and their presence in the public sphere and the inherited images of women’s subordination.

Those aspects are part and parcel of the phenomenon of sexual violence, and in particular multiple perpetrator sexual abuse, in Somaliland. The specific socio-historic and cultural background of Somaliland’s clan based system, as well as its plural legal systems are necessary to understand and display the full scope of factors influencing on such cruel instances of sexual violence. The report highlights how the static gender roles imposed by culture and religion are central in putting women and girls further at risk and gives insight into environments and drivers motivating perpetrators of sexual gender based violence to commit such crimes.

This report has the objective of raising awareness and strengthening civil society and government efforts to address gang rape in Somaliland. The aim is especially to take a look at the absence of justice, impunity for perpetrators and challenges encountered by Somaliland male and female youth.
Introduction

Stories of gang rape are prolific in Somaliland’s capital city of Hargeisa and other urban areas in the region. Despite the unrecognized state’s image as an “island of relative peace” amidst the anarchy and violence that has marred the rest of Somalia, women and girls continue to be subjected to brutal forms of abuse, including but not limited to gang rape. Due to the stigma associated with reporting rape in Somaliland society, many cases go unreported, making it hard to know the full extent of multiple-perpetrator sexual assaults. However, preliminary evidence collected from service providers and survivors supports the contention that gang rape is “on the rise” in urban areas.

“It was at night in the restaurant where I work. A customer grabbed me by the arm in a forceful way and dragged me into the car. When I was in the car; he picked up three more guys who were wearing face masks so I could not recognize them. This was when I noticed I was being kidnapped. Then they drove me to the outskirts of the city into an empty fence that is when they stopped and started to rape me. Two were holding my arms and my mouth and they were beating me. One raped me, and then another raped me. They were calling me names and threatening me. They said “forget about us, we might as well call more people to rape you” Afterwards, he [the first customer] told me that “if you tell anyone I will shoot you,” he had a gun.” – Gang Rape Survivor D, Hargeisa 2014

It is true that when compared to the chaos and conflict of South Central Somalia, the quasi-independent Republic of Somaliland has been able to achieve a high degree of law and order. The absence of external intervention and outside interests has given way to the emergence of “home-grown” and participatory peace building processes and the creation of indigenous forms of representative government. The secessionist state has managed to garner some level of international sympathy on the basis of its slightly better human rights record and democratic elections. Yet, as Human Rights Watch (HRW) have noted, “[t]he problem with these comparisons is that – given the dismal human rights situation that prevails across the region – they set the bar extremely low. Viewed objectively Somaliland’s gains are both limited and fragile.” This is
especially true when it comes to violations of human rights. As the same report highlights, the safety and security attributed to Somaliland does not hold true for all of its residents, particularly women and girls, who are exposed to various forms of oppressions, including harmful traditional and cultural practices and cruel forms of sexual violence, such as multiple perpetrator rape. The tenuous notion that Somaliland is free from violence is incredibly gendered since it does not apply equally to all forms of violence or all segments of the population. While in Somaliland, there is far more punitive action for lethal forms of violence than the war-torn South Central, there are virtually no measures prohibiting different forms of gender-based violence (GBV), which appears to be more socially and economically feasible than other forms of sexual assault.

The spiraling prevalence of gang rape and the accompanying victimization of women and girls warrant attention and analysis. While individual acts of rape appear to be quite indiscriminate, gang rape shares a number of causes and features, such as youth frustration and unemployment or the tension between competing discourses on women’s rights in Somaliland and the politics and crisis of youth identity. Although some information on the subject has been collected by other agencies and organizations, there is a lack of research into why gang rape is taking place and the rationale and patterns of such violence against women and girls in urban areas of Somaliland. Along these lines, SIHA Network commissioned this research with the intention of understanding how constructions of gender and youth, as well as the clan and legal dynamics of Somaliland which were identified as contributive to gang rape incidents. We did so to comprehend the causes of sexual violence from the perspective of perpetrators and “at risk” youth, with the view of designing more innovative intervention strategies for responding to survivors, and preventing GBV in Somaliland.
Historical and Socio-Cultural Background

As noted above, Somaliland is often referred to as an “island of relative peace” amidst the chaos and violence that has engulfed the rest of Somalia. Scholars and policymakers alike have praised the country’s functioning “hybrid political order” of modern state institutions and traditional clan structures, its grassroots peace and reconciliation processes and its indigenous forms of representative government. “Yet, Somaliland’s trajectory is not as benign as frequently claimed.”

The modern “Somaliland” state has its origins in the Somali civil war against the Mohamed Siad Barre regime in the 1980s and early 1990s. The Somali National Movement (SNM), which was the central insurgent group fighting against Barre’s forces in what is now Somaliland, was founded in London in 1981. The group then relocated to the Ethiopian border region adjacent
to the Northwest of Somalia where it launched successive guerrilla attacks against the central
government. Although the SNM was able to mobilize assistance from other clans in the area, it
drew its base and financial support from the majority Isaaq clan, who had over the years felt
increasingly marginalized by the Barre administration. In retaliation against what the central
government viewed to be Isaaq orchestrated guerrilla operations, the Somali Armed Forces (SAF)
engaged in a merciless bombing campaign of the Isaaq-dominated cities of Hargeisa and Burao
in 1988. In just two months the Barre regime had killed an estimated 10,000 civilians. This was
accompanied by the displacement of between 400-500,000 people from the Northwest in what
has, at that time, been described as “one of the fastest and largest forced movements of people
recorded in Africa.”

While secession was never a publically articulated goal of the SNM, the sheer brutality enacted
on the populations of the Northwest, particularly the Isaaq, led to a shift in attitudes, at least
amongst the dominant clan(s). As such, a year after the SNM drove out Barre’s troops in 1990,
the group decided to abrogate the 1960 ‘Act of Union,’ which united Somaliland and Somalia
and unilaterally declared the area under its control as the independent “Republic of Somaliland”
in 1991. However, in the face of a collapsing central government in Mogadishu and an ensuing
political vacuum in the Northwest, the now independent Republic experienced a spiraling of
inter-clan and sub-clan tensions. This led to numerous rounds of internal armed conflict,
starting first in Burao and Berbera in 1992, and then again throughout the region between 1994
and 1996. The 1994-1996 conflict was considered to be especially vicious, culminating in two
years of heavy fighting.

Protracted conflict in Somaliland precipitated a shift in the traditional nomadic modes of living.
Somali society was, and continues to be, pastoralist, founded on a “transhumance” system
where people move livestock from one grazing area to another, and where clan-based social
structures govern and regulate access to resources and authority. While these traditional ways
of life have gone through a constant process of reformation with colonization and the advent
of commercialized farming, the displacement and separation of families associated with civil war
led to the disintegration of pastoral forms of social organization. Coupled with severe periods
of drought in Somaliland, displacement and the destruction of customary modes of production
and survival forced many people into towns in search of alternative employment opportunities,
causing massive levels of rural-to-urban-migration and urbanization.

At the same time, uninterrupted conflict from the 1980s through to the mid-1990s led to the
breakdown of social norms and institutions. Women and children, who were traditionally
immune from violence according to Somali rules of war, were targeted in a direct and systematic
way. “[P]ractices such as rape once considered alien to Somali society [were] widespread.”
Traditionally, inter-clan conflicts “were bounded by codes and social conventions.” The elderly,
sick, women and children were supposed to be secure from attack, and if they were assaulted,
customary clan law or Xeer, contained strict rules about compensation and revenge for acts such
as rape and murder. Hence, despite racialized stereotypes and primordialist assumptions, which
continue to link violent patriarchal practices to “tradition” in Africa, Somali clan custom actually contained clear mechanisms for protecting and preventing violence against women and girls. However, as is common in conflict environments, the violence and displacement associated with consecutive civil wars in Somaliland led the pre-war social apparatuses to collapse. As one of SIHA’s female respondents noted:

“Before the wars, rape was something that was taboo in Somali culture, during the war and civil war it became a weapon of war for humiliating different clans and was routinely used by warring factions. After the war, we women thought it would stop, due to the previous Somali culture, but it has continued with impunity.”

The dynamics of conflict gave way to changes in the traditional gender roles since men were directly engaged in militarization, while women assumed the responsibilities of securing livelihoods. Those dynamics consequently increased women’s presence and visibility in the public sphere, which in turn gave room for growing hostilities and reinforced the ideological underpinnings of unequal power relations between the sexes. The absence of men during conflict times made women acquire new importance as merchants, traders and heads of house. It is estimated that around 80% of families in Somalia rely on women’s income. For example, discussions with male youth in Hargeisa showed that although women were often responsible for income generation for their families, the majority of males (75%) still felt that it was a man’s sole responsibility and right to make decisions on behalf of the family, including the allocation of income and resources made by the women themselves. With a resistance to recognizing women’s changing position in Somaliland society, this increase in socio-economic responsibility associated with consecutive periods of civil war has actually augmented the vulnerability of women and girls to sexual violence.

The resolution of conflict and peace and reconciliation in Somaliland in the early to mid-1990s had another effect on traditional gender roles and identities. As the modern state structures of the Barre regime collapsed, traditional modes of social organization, in which men define and occupy the “public” sphere, took over. The pre-war and wartime progress Somaliland women had made was therefore suspended and they were relegated back to the status of passive agents. Like other societies in the sub-Saharan Africa, Somali communities are patrilineal, that is, grounded on descent through a male line, as well as clan-based. Because of this lineage pattern, women are subsumed to have weaker clan affiliations than men, as they identify with both the clan of their natal kin and the clan of their husbands. The patriarchal nature of clan structures coupled with women’s structurally weaker position within the clan also mean that they are excluded from any real decision-making.
Today, women and girls in Somaliland face multiple forms of exclusion and violence. The authority and influence of clan culture precludes women’s input and obstructs most women from entering into politics. Only 2/82 of the MPs in the government are women and the only women who ever ascended to the Guurti, or “House of Elders” (the Upper House), resigned in March 2013 citing the challenges of creating change in a government body dominated by men. Due to poor educational attainment, the jobs that women possess are usually informal or menial kinds of employment, marginalizing them from participating in the formal labor market where the earnings are higher. Furthermore, while it is true that Somaliland has been relatively peaceful and stable since 1996, at least in comparison to South Central Somalia, it is not true however, that Somaliland is safe and secure for all its residents.

Beside rising incidents of sexual violence, Somaliland still faces a number of serious development challenges, including a large numbers of displaced persons and refugees, lack of access to basic services, contradictory and overlapping sources of law and a complex clan-based political and social system. Health care and education services and other public infrastructure destroyed during episodes of conflict still remain severely underdeveloped. Massive rural-to-urban migration and an influx of displaced persons and migrant workers from neighboring countries like Ethiopia has put a strain on government resources, especially in urban areas. Moreover, there is a complete lack of judicial independence from the power and influence of clans. The amalgam of clan politics and only pseudo-participatory government means that state authority is weak and usually dependent on the management of clan relations through a complex web of patronage. As a result, most people don’t rely on the state to provide them with anything. Instead, Somaliland’s population mostly relies on each other and the collectivity of their clan and sub-clan, as well as those living in the diaspora who support them through remittances.
Clan Authority and Influence

The Somali region as a whole is unique in the African context in that it is an area founded on one ethnic group, speaking essentially one language and practicing one religion, Sunni Islam. Still, similar to neighboring countries like Sudan where ethnic, linguistic and religious differences are rife, one or a few dominant groups end up controlling the social, political and economic order. In Somaliland there are three major clan families: the Isaaq, the Darood/Harti and the Dir. While the Isaaq are more homogenous than other groups, the Darood include the Warsangeli and Dhulbahante and the Dir include the ‘Iise and Gadabursi. The Isaaq are the largest clan, and live in the central part of the country, they represent 66% of the Somaliland population and control the social, political and economic order. In Somaliland, this means that majority clans, such as the Isaaq, prevail and define domains, such as government, trade and the administration of justice and security. The Dir represent 15% of the population and inhabit the western part of the country and the Darood represent 19% of the population and reside chiefly in the eastern part of the country, including the disputed Sool region.

The three main clan families are then sub-divided into varying segments and political groupings. The first is the Clan Family, which includes the Isaaq, Darood/Harti and the Dir, the second is the Clan itself, the third is the Primary Linage Group and the fourth is the Dia (Arabic)/Mag (Somali), or Blood Compensation Paying Group. The Dia, or Mag group is the most stable political unit in Somali society and guarantees the security of life and property. They have a collective obligation to pay and get blood compensation, based on acknowledged rules or a contract known as Xeer – customary law in Somaliland. All (male) members of society are defined by belonging to this group and all social, political and economic relations are managed informally through Xeer, or customary clan law. There are three minority clan families in Somaliland – i) Tumal; ii) Yibir; and iii) Gaboye. These groups are segregated from the majority population and have a lower socio-economic status than other clans and are socially, politically and economically marginalized from the rest of society. As a result, they are often relegated to the status of “untouchable.”

With the exception of the weakening of clan structures in certain areas, in the face of collapsing societal and state institutions that accompanied consecutive periods of violence and civil war in
Somaliland, these structures have largely remained intact. In fact, conflict and failed attempts at statehood only reinforced the prominence endowed to the clan, at least in politics. During the civil wars and afterwards collective decision-making and security, as well as the importance of social mobilization along clan lines, intensified in a climate characterized by state and social disintegration.\textsuperscript{43} For instance, from 1988 onwards the Guurti, or coalition of clan elders, participated actively in the SNM’s fight against the Barre regime, providing moral, logistical and military support against government forces.\textsuperscript{44} The political importance, not only of the Guurti, but also of traditional leadership more generally, was therefore enhanced.\textsuperscript{45} One of SIHA’s research participants reflected on the significance of clan:

> “Few people are above the collectivity of the clan. Your clan always comes first in Somali society. This is your only guarantee to security in an unstable environment. For us it is called “Tolani”, meaning that you are part and parcel of your blood group and anything you derive out of life will come from your clan and not you as an individual.”\textsuperscript{46}

As other scholars have remarked, the strengthening of clan structures and the involvement of clan elders in political and military efforts during the civil wars, laid the basis for the now influential role that clan plays in the functioning of the Somaliland state.\textsuperscript{47} Clan structures were built directly into the government through the Guurti, which is the Upper House in parliament and the legislative body responsible for reviewing laws passed by the House of Representatives.\textsuperscript{48} Even with the introduction of multi-party politics in 2001, clan elders still play a crucial role in elections, ensuring that their clan is proportionally represented and that their preferred candidate is elected.\textsuperscript{49}

Outside of politics, however, it appears that clan structures and rules are becoming weaker and more scattered, especially in urban areas. The modernization and urbanization that accompanied conflict in Somaliland have reduced the role of clan elders whose responsibility was ordinarily used to resolve conflicts between pastoralists. As Gundel notes, there are signs that clan elders are adapting to urban economic sectors, with businessmen and politicians employing the elders to settle disputes.\textsuperscript{50} However, they have had difficulties adapting to other “modern issues,” including, but not limited to non-clan based targeting and human rights violations, such as sexual violence, and rapidly changing urban contexts where pastoral forms of social organization are less relevant. Many of SIHA’s respondents in the capital city of Hargeisa noted that while clans had become increasingly influential in the political sphere, their role in rectifying human rights abuses had been significantly altered by processes of urbanization. Some of our respondents said this was due to new financial incentives for resolving issues, such as rape, where elders have
an interest in securing monetary compensation from perpetrators’ families in an economically uncertain environment. Other respondents noted that the elders’ traditional tools for managing severe human rights violations, such as sexual violence, were ill-equipped to deal with the more indiscriminate nature of sexual abuse in urban areas. As one respondent put it:

“These people who are raping the girls, they are mixed [meaning representing more than one clan]. Before it used to be one person from one clan, against another person from another clan. It was viewed as a sort of attack against the clan and this is how the elders would deal with it. But now, many people, 10-20 are raping one girl. This is seen as an I problem and not a clan problem and clan structures are ill-equipped to deal with it.”

Understandably, clan structures are stronger in rural areas where government authority is weak. As indicated here, in urban areas on the other hand, clan structures independent of those built into the actual state, are much weaker. Part of this owes to the fact that clan structures themselves were designed to regulate social relations in a primarily pastoral society, which no longer applies. At the same time, the presence of government authorities and law enforcement in urban areas has also diminished the importance of the clan as a source of security and protection, at least in theory. Yet, because of lack of capacity and inefficiency of the government – even in urban centers like Hargeisa – formal institutions, such as the police and judiciary have been unable to fulfill their security functions, creating a sort of vacuum that neither the state nor clan elders have been able to occupy.

Moreover, although clan structures in the past have been critical to the management of political, social and economic relations in Somaliland, they also disenfranchise women. As discussed in relation to the Sheikh, Baroma and Hargeisa peace processes in the mid-1990s, clan tradition prevents women from influencing decision-making, either by barring them from voting or hindering them from entering spaces where decisions are being made. Women’s multiple clan associations with the clan of their natal kin and the clan of their husbands are considered to make them unpredictable and unreliable and consequently traditional elders think of men as more loyal to their clan, a misperception of loyalty which further contributes to women’s exclusion in politics. Without being able to influence community decisions, women have virtually no forum for voicing their interests and concerns. The impact of this became clear, as in the same DDG study referenced earlier, when women cited rape and sexual assault as one of the main challenges they face in their communities. This is in contrast to male communities members who, in the same study, said that rape and sexual assault were not that significant of an issue. Problematically, if only males have the ability to engage in local-level (and often regional and national level) decision-making and negotiations, issues of concern to women, such as rising levels of sexual assault, are unlikely to be addressed.
It is worth mentioning that these same clan structures that limit and restrain women from participating in politics, also disadvantage and exclude minority groups. The clan structures detailed above excludes minorities by preventing and punishing intermarriage. They also inhibit minority clans from demanding “blood compensation” from majority clans, who often feel little obligation to pay remuneration for harm done to a minority clan, especially since such harm would unlikely run the risk of instigating inter-clan tensions. Consequently the access to justice for women belonging to minority groups is even more restricted than the already limited possibilities for women of majority clans. The result is that crimes committed against minorities, including sexual violence, are perpetrated with impunity.
Legal Systems

Similar to other sub-Saharan African countries, Somaliland is a legally plural society, comprised of three disparate, yet overlapping legal systems. The first is Xeer, which is the traditional law, governing clan relations, at the Dia/Mag Paying Group level. The second is statutory law, which applies to civil and criminal matters. The third is Islamic Shari’a Law, which applies to family matters, such as divorce and inheritance. Although each legal system technically has its own purview and scope of jurisdiction, these jurisdictions are extremely fluid, with clan elders typically having a final say in each system. Even in the statutory courts, judges’ ordinarily impartial role ends up being reduced to registering the final verdicts of the clan elders in customary negotiations.

Customary Law - Xeer

The first legal system, Xeer, is defined as the set of rules and regulations created by elders to adjudicate disputes between clans and sub-clans. Xeer is centered on the livelihoods of nomadic pastoralists, and therefore revolves heavily around the exchange of resources between groups. It is not codified, but passed down from generation to generation as oral tradition. With no clear or written mandates for its operation, Xeer is widely open to interpretation, allowing clan elders to manipulate and (re)define rules to serve the internal dynamics of their own clan. Considering the fundamental role that clans play in Somaliland it is not surprising that Xeer or customary clan law is the primary source of justice. That being said, there are some generally accepted aspects of Xeer called xissi adkaaday that apply to crimes, such as rape and murder and encompass the collective payment of “blood compensation” in the form of camels or livestock for harm committed by the member of one clan onto the member of another clan. Xeer holds the entire Dia/Mag Paying Group collectively responsible for a crime perpetrated by one or more of its members. While this stems from the historically nomadic lifestyle of Somalis where resources were shared, this notion of collective criminal responsibility often removes responsibility from the individuals carrying out crimes, including crimes of sexual violence. Since Xeer is administered with the purposes of preserving peaceful relations between clans and accruing monetary compensation, violations against weaker clan members, such as women, become secondary.
Hence, in the same way that the male-dominated clan structure subordinates women’s concerns and interests, so does Xeer, which caters and responds to the affairs of a clans’ male members. This differential treatment and value attached to each of the sexes in Xeer has a negative effect on women’s human rights. A woman who has been raped by an individual, for example, is often forced to marry her attacker, particularly if she is a virgin. While this is done to protect a woman’s “honor,” it serves to ensure that the collective clan of the victim still receives dowry from a future suitor, reinforcing the idea that a Somaliland woman’s value is attached to her virtue and associated marriageability. In other instances of rape, the clan of the perpetrator will provide compensation to the clan of the victim. Traditionally, this compensation was equivalent to the compensation for the murder of a female clan member. However, for women compensation is half that of men – that is, the murder of a woman is worth 50 camels (760.00USD/5,000,000 Somaliland Shilling), whereas the murder of a man is worth 100 camels (1520.00USD/10,000,000 Somaliland Shilling). In reality, compensation for rape is much more fluid than the conventionally required 50 camels or financial equivalent, and is based on what the clan elders of the victim negotiate with the clan elders of the perpetrator. The contract for rape compensation in this sense is more of a “contract to negotiate,” particularly in urban areas. Nevertheless, this strengthens women’s weaker position within the clan structure, as well as encourages patriarchal assumptions about women not being “full” members of Somaliland society, while also making violations of women’s rights less of a concern than violations of men’s rights. One of SIHA’s female respondents expressed the issues with rape compensation quite concisely:

“I know that I am only worth 50 camels if something happens to me. But a man is worth 100 camels. This means that I am only half of what a man is. I am like half a person.”

For minority clans, customary solutions to rape place victims of sexual violence in an even more precarious position. Because intermarriage between majority and minority clans is prohibited, a victim will not be forced to marry her perpetrator. While on the one hand, this means that minority women are not subjected to the same rights violations associated with being forced to wed their attackers, on the other hand, there is no customary way for her to salvage her “honor” and she will be unable to marry. This means that she will not be able to exact dowry, or bridewealth, an important source of livelihood for a women’s clan, which diminishes her already weaker position within the clan structure. Being from a minority clan also means that a rape victim’s family will have difficulty demanding compensation from stronger, wealthier clans who, as mentioned above, often feel no obligation for paying remuneration. This increases minority women’s vulnerability via making sexual offences against them a lesser crime.
Statutory Law

The second legal system, statutory law, is subordinated to customary law, or Xeer. Somaliland technically has a four-tiered court system, with a Supreme Court, regional appeal courts, regional courts and district courts. However, the judiciary is extremely dysfunctional and has been criticized for its lack of legal competency and the unwillingness of judges to uphold the rights enshrined in the laws and constitution of Somaliland.

Although Somaliland judges make more money than any other civil servant in the country, the government has not invested in the judiciary. A judge interviewed by HRW in 2009 noted that he didn’t even have access to printed versions of the laws. Respondents we spoke to in the capital city of Hargeisa, including representatives from the ministries and the Attorney General’s office also alluded to mass corruption within the judiciary, arguing that prominent clansmen were bribing judges. Additionally, there are an estimated 100 judges in Somaliland who are mandated to employ a combination of civil, customary and Shari’a law. Yet, very few of them have training in any of these three fields, as according to the same HRW report, 95% of judges couldn’t present appropriate legal qualifications.

The Statutory Law on Sexual Violence Part IX clearly stipulates that “whoever with violence or threats has carnal intercourse with a person of the other sex shall be punished with imprisonment for five to fifteen years.” However, if perpetrators are convicted and imprisoned, they rarely serve their legislated sentence. This is because the majority of sexual violence cases are settled outside of the statutory court by traditional clan elders. Consequently, the discontent with the adequacy of statutory law expressed by participants can be partially attributed to the lack of capacity and independence within the judiciary and additionally to a general disgruntlement with the way in which clans have come to dominate the modern Somaliland state. Recognizing the significance of clan-based politics and Xeer in Somaliland, the Danish Refugee Council (DRC) and a group of elders created the 2006 “Elders Declaration,” which committed elders to stop removing cases from the courts and hand over offenders of serious crimes like rape, instead of offering them clan protection. A recent report by the Hargeisa-based Social Research and Development Institute (SORADI) found that yet most SGBV cases are still being handled in the customary system with reference to collective responsibility as opposed to individual culpability, creating a loophole for sexual and gender-based crimes. The report noted how survivors of sexual violence remain under immense collective pressures to refer their cases to Xeer. A representative from the Ministry of Labor and Social Affairs told SIHA, that the traditional clan elders were possibly pulling as many as 70% of sexual violence cases out of the formal judicial system. Another respondent from the University of Hargeisa Human Rights Legal Aid Clinic told us:
SIHA was told time and time again that if a perpetrator of rape did serve a sentence, the sentence tended to vary between six months and two years, far below the five to fifteen years stipulated in Article 398 of the Penal Code. This is because during the appeals process, or while a case is ongoing in court, traditional elders representing each party would come to the judge with a “Letter of Agreement” demonstrating that the case had been resolved through traditional means. On top of this, it is said that every clan wants to have their own judge, flooding the system with impartial magistrates. Clans can pressure judges because a judgement against an individual is considered to be a judgment against the entire clan.

Beside the judiciary as the law enforcement, the judiciary is said to be involved in clan-politics, meaning that neither the judiciary nor the law enforcement end up defending people’s individual legal rights. “By and large, the police will only interfere in conflicts if it has the approval of the clan elders.” This interference by clan elders ends up reinforcing the primacy of Xeer as the leading source of law in Somaliland. Coupled with the practical gaps in the statutory justice system, such as lack of training and resources, clan interference and the lack of judicial independence also prevents the courts from becoming so-called “go-to actors” in the provision of justice. For women and girls, this often means that they cannot claim their constitutional rights, including protection from sexual violence.

**Shari’a Law**

In theory, Islamic Shari’a Law, as the third legal system, supersedes the other two legal systems in Somaliland. Article 5(4) of the Constitution states that, “[t]he laws of the nation shall be grounded on and not be contrary to Islamic Shari’a.” However, in practice Shari’a Law mainly applies to family matters, such as marriage, divorce and inheritance.

Vexation with the execution of Muslim clerics by the Siad Barre regime in 1976 and “the failure of secular nationalist ideology to unite Somalis to overcome clannism” gave way to the rise of contemporary political Islam in the region. When the Barre regime collapsed in the early 1990s and Somalia experienced successive periods of civil war, religious leaders, much like other traditional authorities, came in to fill the moral and administrative gap left by the absence of a functioning government. The fluidity of both statutory and customary law has proven to cause frustration among Somaliland’s population: 96% of participants interviewed by SIHA during the
course of this research expressed that, even if the Statutory Law was properly enforced, Shari’a Law would still be better for managing serious criminal offences, such as rape. The respondents we spoke to in one-on-one interviews articulated that, unlike customary or statutory laws which create a “culture of impunity” by releasing the perpetrators of such crimes back into society, Shari’a Law ensures that the accused are “sufficiently punished”.

Accordingly, Shari’a is viewed as more universal, whereas Xeer and clan tradition is seen to be parochial and subject to individual and group interests. The assumption that Shari’a will resolve all problems is mainly triggered by the limitations and weakness of the current statutory system that cannot surpass the ancient traditional system which is largely struggling to maintain political power under changing circumstances. It has to be noted that this should be viewed as a highly controversial issue when being discussed in relation to Somaliland, since the definition of the ideal Shari’a was not defined or spelled out by any of the participants. In consequence, since both statutory and customary laws are not able to absorb crimes like gangrape in an adequate manner, the caused frustrations can be easily manipulated and used to push persons towards the idea of applying militant Shari’a law. This, given the unique circumstances of Somaliland, where Al-Shabaab is operating and destabilizing large parts of South Central Somalia and Mogadishu, bares an increased risk for religious militancy. This bias towards militant Shari’a is by all means problematic since people often assume that statutory law is in turn to Shari’a Law open for change and recodification, and that Islamic teaching does offer this possibility, consequently assuming that Shari’a Law is more universal and applicable for such crimes. The issue is with the gradual slide towards Salafi Islam in Somaliland society which carries with it the dangerous possibility of rising religious militancy as seen in the rest of Somalia and consequently the possibility of reversing the already limited progress towards women’s human rights.

From a women’s human rights perspective, the fact that the majority of participants viewed militant Shari’a as the best of the three legal systems for dealing with serious crimes, such as SGBV is indicative of the inability the statutory system to absorb such crimes, as well as liberal human rights discourses to present a viable alternative. However, Shari’a law does not contain a specific provision on sexual violence, or rape. These crimes, instead, fall under Zina, which is the Islamic legal terminology defined as unlawful sexual intercourse, or sexual relations between two persons who are not married. While rape could technically be tried as Zina, a woman or girl who has been raped also runs the risk of being accused of adultery, which can lead to death by stoning if she is married and flogging if she is unmarried, whereby pregnancy is taken as the evidence for a woman having committed such.

“The clan always represents the victim or the perpetrator; whereas religion doesn’t take sides. In the customary system, compensation or Mag is not paid to the victim of a rape, but to the elders. Therefore, they have a personal financial interest. This is not the case in Shari’a.”
Furthermore traditionally, Somali society is not conditioned to openly speak on issues such as rape, which prevents women from accessing justice and seeking redress and protection.\textsuperscript{30} The resort to clan-based forms of political representation in Somaliland and the strengthening of customary justice mechanisms that accompanied successive phases of civil war mean that women are both excluded from, and marginalized by formal political and judicial proceedings.

Xeer, which recognizes the rights and value of males in Somali society limits women’s rights and reinforces women’s inferior position by appraising their symbolic and material value to the clan at half that of men’s. Depending on how it is interpreted, Shari’a Law, as indicated above, might provide women with greater justice than customary clan law, but it is administered by increasingly reactionary and conservative male religious leaders and its stringent evidentiary requirements make the likelihood of prosecution very low.
The gendered ideals in Somaliland are reiterated and reproduced through the strict rules and regulations governing relations between the sexes in Somali society. According to strict interpretations of Islamic tradition, men and women are not supposed to interact before marriage. In Somaliland, this has been rigorously interpreted in such a way that prevents unmarried young men and unmarried young women from speaking with one another openly. At the same time, as many of our respondents informed us, there appears to be a growing gap between the younger generation who are becoming more forward-thinking and open-minded and the older generation who are becoming increasingly conservative. The younger generation is articulating their resistance, even if tacit, to intensifying extremism and traditionalism in culture and religion in Somaliland. SIHA’s focus group discussions (FGDs) with male youth supported this. All of the participants recognized that religion did not permit relationships and sex outside of marriage, but that these were things that were becoming more and more common, if not expected, amongst male and female youth. One male youth remarked:

“The tension arises when the younger generation tries to be more expressive in a society that does not allow for open discussions on matters relating to sex, pre-marital relations and gender roles that do not fit with the ideals discussed above. Youth are being exposed to contradictory gender discourses – the strict traditionalism, which scripts how men and women should behave according to patriarchal practices, as well as regulates interaction between them, and the more progressive gender ideologies and changed gender roles produced by conflict and modernization. This is compounded by the politics of youth and identity, which are interwoven with gender..."
in Somaliland. For instance, in Somali society, the transition from childhood to adulthood has crucial gender dimensions. During this stage the societal positions of men and women begin to diverge. For young men, this usually means gaining more independence outside the home and for young women it means adapting to new roles and responsibilities within the home. Traditionally, females are supposed to be protected during puberty for reasons of purity and marriageability. However, they are also expected to take on their household obligations at a much younger age than boys take on their obligations as income-generators and decision-makers. Along these lines, it is accepted that a 16-year old boy will still be considered a child, whereas a 16-year old girl will be considered an adult. At the same time, however, the comparably limitless ceiling on male youth-hood is part and parcel of the growing crisis amongst youth mentioned in the introduction. As a human rights activist in Hargeisa put it:

“There is nowhere that youth ends. As long as there is someone who is older than you, then you are a youth. Before, you became a man as soon as you could physically fight for the clan, but that doesn't exist anymore, so how are you supposed to become a man? In this sense, there is no real way for Somaliland males to become men or adults.”

For males, youth is considered to be a relative concept with no fixed benchmark on when the transition to adulthood takes place. Male youth, in particular, are considered to be immature and in need of guidance from the older generation that they are now resisting. They are not trusted to make decisions on their own and are unable to contribute in decision-making forums, perpetuating what UNDP has referred to as a “culture of gerontocracy,” which is enhanced by the authority and influence of clans that make “elders” responsible for decision-making and leadership. Consequently, the same skewed social structures that marginalize women in Somaliland also marginalize and exclude youth. Moreover, in Somaliland the actual age bracket for youth is quite high between 15 and 35 according to the 2012 National Youth Policy. This is at odds with the United Nations definition, which categorizes youth as persons falling between 15 and 24 years of age. The reasoning for this extension, as it was justified to us during our research in Somaliland, was the history of war, which precluded the majority of the population from experiencing the period that would have been their “youth.” The head of the Somaliland National Youth Organization (SONYO) stated:

“You know in Somaliland, we have a difficult history of conflict and state collapse, which meant that we had to extend the age limit of youthfulness. People during this time lost opportunities for education and so on and this extension gives them the opportunity to revive what they have lost.”
The broadening of the ceiling on youth is just as gendered as the transition from childhood to adulthood. Regardless of the exclusion of male youth from decision-making, considering that the limitlessness of youth only really applies to males, in many ways the prolongation of youth increases the period in which young men can act irresponsibly, and by association, increasing the period in which young women have to act responsibly. The high levels of youth unemployment and dissatisfaction in Somaliland were cited by research participants as one of the primary causes behind rising levels of urban violence. Youth represent a total of 72.5% of the population in Somaliland and of that population 80.04% are unemployed, which is one of the highest rates of joblessness and economic insecurity in the world.\textsuperscript{102}

It is worth noting as well that although the dividing line between youth and adults, especially for males, is obscured, there is also a marked difference between what being a “Somalilander” meant to youth versus what it meant to adults SIHA interviewed. On the one hand, with a growing youth population from at home and abroad that have no meaningful memory of a unified Somalia to feel nostalgia for, the separatist sentiment of the older generation is de facto being reinforced.\textsuperscript{103} Indeed, as a 2006 International Crisis Group report noted:
Even so, while Somaliland youth might not have any meaningful memory of unification with Somalia, they recognize the connections between their frustrations and the lack of international recognition of Somaliland as an independent state. For instance, they know that they cannot travel outside the country without a Somalian passport since Somaliland is not a recognized nation-state. One of SIHA’s male respondents in Somaliland tells us:

President Rayale’s statement to the African Union in 2002 that, “Somaliland, today is literally a nation in prison” underscores this frustration. One of the elders we spoke to described to us how Somaliland youth feel “powerless” to do anything about their own situation – they cannot access education that is recognized outside the country and cannot get jobs in a country that is unable to spur job creation through external investment or the development of industry.

Overview of Youth Perpetrated Gang Rape

The fact that gang violence, specifically gang rape, is “on the rise” in Somaliland is alarming, and threatening to Somaliland’s current image of peace and stability. A number of international organizations, NGOs and human rights advocates have already commented on its growing prevalence in urban areas, such as Hargeisa. In UNDP’s 2014 working group report on GBV in Somalia, for example, it was noted that, “[d]ata from Somaliland shows a particularly disturbing increase in the numbers of reported gang rapes in the region in 2013,” naming gang rape a priority issue for programming in the 2014-2016 period. The report indicated that especially IDPs and minority women were at an especially high-risk of sexual violence due to limited security in the settlements, poor living conditions and limited clan protection. Due to the difficulties of
reporting rape in Somali society, it is hard to know the full extent of sexual violence occurring in urban areas. Many victims don’t report rape because they lack confidence in the independence of the judiciary and are unaware or unable to access health and legal aid services. Accordingly, survivors fear that going to the police or hospital may result in a reprisal attack.

The majority of rape and gang rape victims believe that law enforcement authorities are unwilling and ill equipped to investigate crimes of sexual violence. Further complicated is the situation for unmarried women and girls, since they are put in the situation of telling their parents, who then have to decide how to proceed. Consequently questions might arise such as why the victim was where she was at the given time, assuming that she has put herself at risk voluntarily. This aspect of victim blaming is highly dangerous and contradictory to liberal human rights approaches. Community consultations have highlighted the above outlined, and participants further stated that parents in some cases can directly negotiate compensation with the perpetrators. Additionally women often do not want to go to a male-dominated police force, which is especially true since Somali society technically prohibits open interactions between men and women. A NAGAAD Network baseline study on GBV found that only 10% of the Somaliland police force is comprised of females, and that the few female police officers that did exist “were neither committed nor with the capacity to fulfill their responsibilities.”

As the statement by a top-ranking female police officer in Hargeisa demonstrates:

“There is rape, but it is not as high as NGOs and international organizations are reporting. During consecutive investigations by the Criminal Investigations Department (CID) it ends up that the woman hasn’t actually been raped and that the woman has committed these injuries upon herself just to get assistance from organizations.”

Many law enforcement personnel refuse to acknowledge that rape is even an issue, demonstrating the malfunctioning of Somaliland’s law enforcement and the lack of recognition for SGBV related crimes. The stigma attached to reporting rape is also deeply entrenched in Somali society, as mentioned in the last section, there is no open discussion on matters of sex and sexuality in Somaliland. As such, it is incredibly difficult for survivors and their families to come forward on issues of sexual assault. During the research period SIHA encountered at many times in
interviews and discussions, that participants where using proverbs to talk about sensitive issues. The most often heard was “what you have in your chest and your heart, your mouth might deny you to say it,” and “you don’t tell your problems to others when you can simply keep them inside,” reinforcing the societal ignorance referenced in the statements by the female police officer and government official.

The consequences for reporting rape are also far reaching. Unless the victim is coerced into marrying her perpetrator, being “tainted” by rape means that she will be unable to marry, which in turn is an important source of wealth for a women’s natal kin who receive bridewealth from the husband. Since a woman is valued for her ability to amass resources through marriage, it is not uncommon for victims to be ostracized from their families and clans. A number of the survivors that SIHA spoke to in Hargeisa said that knowledge of their assault amongst community members and their accompanying marginalization led them to abandon their life and livelihood and seek refuge elsewhere where the stigma of being raped would not follow them. Women and girls going to police stations to report rape will oftentimes be asked “why were you there at that time?” “Well, what were you doing there?” This takes accountability away from perpetrators and places responsibility for sexual assault on the survivor herself. The victim blaming in consequence strengthens the acceptability of sexual violence against women and girls, while at the same time doing little to address the structural conditions that make sexual violence possible in the first place by, for instance, insinuating that a woman unaccompanied by a male escort was somehow “asking for it.”

Still, existing evidence is indicative of rape being “on the rise” in urban areas. On this issue, the Program Manager at Baahi Koob argued that, “[r]ape violations are increasing every month and year,” stating that 30% of the total cases they received in 2013 were gang rapes and that 55% of the victims were under the age of fifteen. A lawyer at the University of Hargeisa Legal Aid Clinic tells SIHA that 50% of the rape cases that they dealt with in the first half of 2014 were gang rapes, committed by people in their teens and early twenties. A prosecutor SIHA interviewed at the Attorney General’s Office likewise noted that the most frequent kinds of sexual assault reported to the Hargeisa police were “group rapes.” In one day alone in 2013, police in Hargeisa were said to have received a total of eight rape cases, including rape against children under ten. It is routinely reported throughout the capital that “knife wielding young men follow women along the dusty streets of Hargeisa, dragging them inside buildings to rape and rob them.” The most infamous of these cases occurred on July 25th, 2013 where a group of 21 men raped two girls while the men were on their way home from Taraweeh Prayers at a New Hargeisa Street Mosque. The two girls were pulled into a vehicle and taken to the outskirts of town where they were repeatedly assaulted by the group of men. This is not the only case of this kind. In SIHA’s discussion with participants in Hargeisa, we heard many stories where large groups of men would kidnap young girls and women and beat and rape them. One survivor recounted her experience:
“He grabbed me by the arm forcefully and dragged me into the car. When I was in the car; he picked up three more guys who are wearing face masks so I could not recognize them. This is when I noticed I was being kidnapped. They drove me to the outskirts of the city and drove me into an empty fence with no gate, it was justice walls. That is when they stopped and started raping me one by one.”

It is not just in Hargeisa where sexual assault numbers are growing. In a statement by the Director of Social Affairs made to a local news source he said that, “we estimate that about 5,000 rape cases have taken place in Somaliland in 2012 compared to 4,000 in 2011.”

**Reported rape incidents in Somaliland 2013**

<table>
<thead>
<tr>
<th>Victims</th>
<th>Awdal</th>
<th>Maroodijex</th>
<th>Togdheer</th>
<th>Sahil</th>
<th>Sool</th>
<th>Sanaag</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Female</strong></td>
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<td>181</td>
<td>115</td>
<td>70</td>
<td>96</td>
<td>108</td>
<td>653</td>
</tr>
<tr>
<td><strong>Male</strong></td>
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<td>12</td>
<td>5</td>
<td>10</td>
<td>13</td>
<td>63</td>
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<td>89</td>
<td>198</td>
<td>127</td>
<td>75</td>
<td>106</td>
<td>121</td>
<td>716</td>
</tr>
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Figures collected by NAGAAD Network, a Somaliland-based coalition of civil society groups.

According to a statement by a GBV focal point for the CID, most sexually related crimes are gang rapes and that those numbers have been on the rise since 2008. He further added that:

“We don’t know if this is because people are finding support from NGOs and places like Baahi Koob and the rates are actually the same, but the reporting is higher.”

It is hard to know exactly when the levels of sexual violence, particularly gang rape, started to increase in urban areas of Somaliland, or whether it has always been an issue and just went underreported due to a lack of services available to survivors.
Victims and Perpetrators

The precise causes behind this change are difficult to accurately assess, especially in light of limited data. Studies on multiple perpetrator sexual violence have suggested that group sexual offences can be attributed to sociological processes, including identity, de-individuation and the diffusion of responsibility that occurs in groups.\(^\text{128}\) When sex-offending in a group, an individual is thought to lose their sense of individuality and personal identity.\(^\text{129}\) It is said that lone-perpetrator, or individual rape is driven by personal pathology and sexual urges, whereas gang rape is more about social pressures and interactions.\(^\text{130}\) Gang rape is also claimed to be more violent since violence and aggression are said to be inherent to group socialization and that offender hostility within these groups enhances the sense of shared social identity, as well as de-individuation and anonymity.\(^\text{131}\)

As indicated in the previous section criminal gangs play a large role in the perpetration of SGBV and gang rape in Somaliland. Before, criminal violence was restricted to gangs, such as the edeydey groups that looted civilians in the years of civil war following the declaration of independence in 1991.\(^\text{132}\) Today criminal violence comes in the form of “youth gangs” that engage in crimes ranging from “mobile phone snatching” to serious assaults, including rape.\(^\text{133}\) Instead of being formed along clan or sub-clan lines, these groups are organized along neighborhood lines, often comprised of a cross-section of different clans and sub-clans. In recent times these groups have become more organized and the kinds of violence and crimes they engage in have changed in a more serious direction. Some of these groups have even instituted strict punishments for defection and betrayal. In one example we heard, a youth had refused to pay the entry fee and the members retaliated against his family by cutting his mother’s hand off in the night.\(^\text{134}\) A man from Aahmed Dhagah District in Hargeisa recounted his experience with his fourteen-year old brother who joined a neighborhood criminal gang to a local news source:

“A respondent, who himself was member of a gang during his youth, described the following routine to SIHA:

> “When I yelled at him and forbade him to go with them, my house was attacked by 12-13 young people armed with clubs, knives and machetes. Since they could not come into the house because the doors were locked, they destroyed the lamps hanging outside... I pulled him from the gang because he was causing problems for the community and I also did not want him to get hurt... Since I paid the monetary fine, which is a requirement to leave the gang ($20.00), I have not had other problems.”\(^\text{135}\)”
With respect to the committing of crimes by gangs, the Ministry of Interior noted in an interview “some of our courts are collaborating with the youth. When the youth are arrested for rape and robbery, the courts release them after getting a small bribe.” This highlights the impact of corruption, as perpetrators have the possibility to go with impunity. This collusion is also said to take a more auspicious form. During a community consultation SIHA was told that cooperation between the police and youth gangs exist in certain neighborhoods, aiming at turning them into neighborhood watch committees, as an extension to law enforcement. The collaboration of police and youth groups however developed contrary to the initial objectives, as the affiliation with police forces has led to greater impunity for perpetrators of sexual violence, belonging to such groups.
In order to fully display the dynamics of gangrape in Somaliland, it has to be mentioned, that there are some groups of women and girls who are more vulnerable to sexual violence than others, including displaced persons, minority clans, street vendors and people with disabilities. These are women and girls who are socially, economically and politically marginalized, living in poor areas with limited security and protection. They often have to undertake risky livelihood strategies such as late working hours, in order to support their families. Returning at night, they are exposed to various risks like rape and robbery. As one civil society representative in Hargeisa told SIHA, “Women who have to go outside the home to work will meet problems when they are there.”

Displaced persons and minority clans, in particular, lack clan protection and coupled with their social, political and economic disenfranchisement in Somaliland society, IDP and minority women are facing increased difficulties accessing justice for the crimes committed against them, increasing their vulnerability to sexual violence. With limited fiscal resources to open a case in the statutory court system, they are often forced to seek redress from clan elders and religious leaders, which opens them up to rights violations and persecution for crimes, such as adultery.

Internally Displaced Persons

During SIHA’s interviews in Hargeisa in September, 97% of our respondents said that IDPs were the most vulnerable to sexual abuse, and specifically gang rape. These are individuals who have no protection and are isolated from the rest of Somaliland society, without any voice or representation within their host communities, due to the lack of clan affiliation, following their displacement. They lack educational and employment opportunities, as well as health care services and cannot readily access justice due to their poor financial status and social exclusion. Owning to poor capacity and poor coordination, the response of the government to the situation of IDPs has been sub-par at best.
There are at least 6 settlements for displaced persons within Hargeisa alone. These settlements are comprised of ethnic minorities, people from South Central Somalia and people displaced by drought in other areas of Somaliland. The status of most of these individuals is contested, especially those coming from South Central. Somaliland functions as a de facto independent state without international recognition. As such, while UNHCR and other relief organizations classify and treat people coming from elsewhere in Somalia as IDPs, the government considers them refugees, leading to confused policies and practices and a lack of registration for displaced persons, which opens them up to human rights abuses. On average CCBRS (Comprehensive Community-Based Rehabilitation in Somaliland), a national organization working on SGBV prevention, was handling 14-40 rape cases per month in 2012 within the IDP camps in Hargeisa.

“This place where people are living is poor. There is no security. There are no locks on the doors, someone can easily come in and disturb us when we are sleeping. The houses are small, not like other houses in Hargeisa; there is no door to keep people out. It is also congested and very dark and if you go there at night, you are at risk. Before there was solar power and now there is no light at all.”
Most of the victims of these sexual and gender-based crimes are poor and cannot afford treatment and transport to hospitals, or police stations. Within the camps themselves, there are little to no services or protection available to sexual violence survivors. Moreover, there is no law enforcement or police presence to safeguard camp dwellers, adding to their vulnerability. Poor infrastructure within the camps further increases the insecurity that women and girls experience. Similarly, poor lighting and makeshift shelters constructed out of used garments and wooden posts make IDPs an easy target for SGBV. Another focus group participant from State House IDP camp:

"If we go to the police station, they won’t do an investigation because we are IDPs. Therefore, we have no choice but to go the clan elders. In Somaliland, police are asking for money to open the cases and we don’t have money. The police want money, the courts want money, and then we have to go to the elders."149

Moreover, if IDPs do file formal complaints with the police, the police are rarely willing or able to take effective action. There is a saying that if complainant is an IDP, “no one will shed a tear for her.”147 Given that most of the families residing within these settlements are living at or below the poverty line, female survivors cannot afford to take the time off work to travel to the nearest police station to open a case. As a result, the majority of IDPs have to rely on alternative justice mechanisms, such as Xeer or Shari’a, which are not always sympathetic to women’s rights.148 One woman from State House IDP informed SIHA:

An Ethiopian refugee living in Hargeisa recounted her experience with the CID after being gang raped:

“I went to the CID and the CID asked if I knew the men who raped me. When I said I didn’t, they asked me “how are you going to the court if you don’t know anything? As a culture here in Somaliland, women are sometimes shy of what happened to her; therefore, when I went to the CID I didn’t ask them to investigate and follow the case, so they never even tried to find them. There are two women at the CID but [these] two women, they didn’t believe me and I gave them my contact number and they didn’t call me or anything”150

The influx of displaced persons from within Somaliland, South Central Somalia and neighboring countries, leave those especially vulnerable through a lack of clan protection. Thus, even if a case is resolved through the customary system, it is unlikely that a victim’s family would be able to acquire fair compensation. As indicated in the section on legal pluralism and women’s rights, this increases women’s susceptibility to sexual and gender-based crimes by reducing the punishment
for crimes committed against them. The lack of registration and therefore unclear legal status, combined with uncertainty and anonymity places an additional burden on those who have been displaced. This both exacerbates and reinforces the unwillingness of police, law enforcement and government to address the concerns of IDPs since they are neither full citizens, nor members of the clan of their host communities. Finally, their socio-economic marginalization in Somaliland means that they cannot bear the expenses of filing a criminal case against their perpetrators, making IDPs ideal targets for crimes like gang rape.

Minority Clans

Somaliland’s minority clans, many of whom live in the neighborhoods of urban areas, such as Daami A and Daami B in Hargeisa, are also vulnerable to sexual offences. Similar to IDPs, minority women and girls are segregated from the rest of the population, relegated to a diminished status in Somaliland society. They face immense difficulties in accessing education, employment, healthcare and justice. Their accompanying lower social status and exclusion from the full benefits of being a “Somalilander,” makes minorities like the Tumal, Yibir and Gaboye susceptible to human rights violations, including rape. As has been referenced throughout this report, women already sit at the bottom of social hierarchies in Somaliland. For minority women the situation is even worse. Not only are they excluded by their own clan structures and cultures, but they also cannot secure the same retribution for human rights abuses. Belonging to a minority clan, as mentioned before, inhibits minority clans from demanding “blood compensation,” or Dia/Mag for harm done. Majority clans feel no responsibility for mistreating minorities since they know that there are few penalties for such behavior. A murder case against a Gaboye woman in Hargeisa recorded by local Somaliland organization, Voices of Somaliland Minority Women Organization (VOSOMWO) illustrates this point:

“[On December 4th, 2013] a clash with a minority family and a majority family caused [a] woman [to be] murdered [by a] majority clan youth group that attacked the house and then threw heavy stones [at the woman], causing her to bleed to death [The] perpetrators escaped and [were] not arrested.”

Evidently, crimes committed against minorities, including sexual violence are perpetrated with complete impunity. As a recent report by the Hargeisa-based Social Research and Development Institute (SORADI) remarked, in the case of a crime like rape against the member of a minority group, the victim faces a “double marginalization” in that the traditional solutions offered through Xeer requiring the rapist to marry and provide for the victim and her family are not possible due to the prohibition on intermarriage. Since the “taint” of rape will prevent her from marrying in the future, and hence, from acquiring dowry or bridewealth for her natal kin, she will often
be isolated from her family and community, exposing her to repeat offences. A case reported to Minority Rights Group (MRG) demonstrates both the effect of the prohibition of marriage between minorities and majorities, as well as the societal perceptions towards minorities:

“I risked my life. I am Madhiban [Gaboye Clan Family] and I married an Isaaq man about a month ago. We knew about the risk we were getting into but we decided to run away and marry far from our village. We came to the family of my husband [and they] gave us a hard time. They forced my husband to divorce me and I was beaten up by some of his relatives. They filled a bottle with sand and hit me on the head. They identified me as the major problem, the one tempting their son. We are considered inferiors and no-one wants to marry us.”

Although Article 8(2) of the 2001 Constitution states that, “discrimination on the grounds of ethnicity, clan affiliation, birth and residence is prohibited; and at the same time programs aimed at eradicating long lasting bad practices shall be a national obligation,” the Somaliland government continues to neglect the victimization of minorities. Since failing to address their concerns would have no bearing on the balance of power between majority clans in the government, the administration gets by with simply paying lip service to notions of equality between Somaliland’s clans. The law enforcement agencies, responsible for the protecting citizens rarely, if ever, respond to crimes committed against minorities. And even if the government was more responsive, the socio-economic marginalization of minorities mentioned above prevents them from going to the police or the courts and opening a case that they cannot afford.

Street Vendors

Female street vendors and women who work in the market where they have small kiosks or shops are another “vulnerable group” in Somaliland. The need to support their families forces them to engage in risky livelihood strategies, where they are exposed to sexual assault. This is especially true when they have to leave early in the morning and return late at night from work, unaccompanied. The lack of street lighting and poor public transportation entails walking long distances along dimly lit roads and streets. SIHA was informed that when walking, young men and boys would hide in dark corners to follow women before brutally gang raping them. As one of our respondents in Hargeisa told us, “a lot of women are making some business in the market, then they will go home in the night time and this attracts people who are involved in crime.”

Men were said to sit in groups of 4 or 5 and wait for women to pass by before grabbing and raping them. Since these women are usually returning with their earnings from the day, criminals view street vendors and market workers as targets for rape and theft. One of the survivors SIHA spoke to in Hargeisa told us how she was gang raped while going to open her shop:
As discussed before, the presence of women in the public sphere partly challenges traditional perceptions of gender roles in society. Therefore, due in part to their more frequent interactions with Somali men they are also labeled as “sexually permissive.” Khat sellers (khat is a mild amphetamine, largely grown in the Horn of Africa) were considered to be particularly vulnerable to sexual violence and gang rape, since selling khat means interaction is mainly limited to male customers. As SIHA heard from our respondents, men chew khat in what are referred to in Somaliland as “khat rooms” and wait for other men to leave and then offer to accompany the khat seller home for safety and then rape her. In other examples, male clients would create tabs or bills with the khat seller and then tell her to come to their houses so that they can pay and organize with other men to rape her.\textsuperscript{158} Comparable to the other vulnerable groups discussed in this section, street vendors are also socio-economically disadvantaged. Although their ethnicity or clan affiliation doesn’t exclude them from accessing justice in the same that it does for IDPs or minorities, women and girl street vendors do not always have enough resources to go to the police and hospital and often cannot forgo their daily wages in order to try and seek redress or health services for acts, such as gang rape.

### People with Disabilities

Until recently, discrimination against people with disabilities (PWDs) was invisible in Somaliland. Much like the other vulnerable groups mentioned in this section, PWDs are ostracized from educational and health care facilities, as well as employment opportunities. They are also not a high priority for the government of Somaliland, and any services that the government does provide tend not to be accommodating to their specific needs.\textsuperscript{159} As a representative from Somaliland-based Disability Action Network (DAN) told IRIN-Humanitarian News and Analysis, “[t]he physical environment, attitudes of people and lack of public awareness and sensitization are real barriers [for people with disabilities].”\textsuperscript{160} Accordingly, their concerns and interests are not adequately mainstreamed into government policies.\textsuperscript{161} Because Somaliland is still very much a post-conflict country, focus tends to be on people with impairments resulting from war, or the landmines and cluster munitions that still scatter the region.

At a societal level, people with disabilities are marginalized by their families and communities, who do not want to take their special circumstances into account.\textsuperscript{162} Their relatives believe that they are unable to contribute meaningfully to the maintenance of the household, meaning that

\begin{quote}
“It was at night, around 4am. I was going to open my shop. While I was walking and I saw a man behind me, and put a knife to my throat. I turned around and there were two more. After 5:30am they ran away for prayer time. They raped me for one hour and a half. There was no one around. It was night and very dark, so no one was on street when I was raped. There was no one to protect me.”\textsuperscript{157}
\end{quote}
they are undervalued and reduced to a lower social status. Due to ignorance surrounding PWDs and their differing impairments, they are segregated from interacting with other people, opening them up to mistreatment. A report by Handicap International, The European Commission and CESVI showed that 2/5, or 40% of respondents supported the idea of tying up their family and community members with disabilities and 28% supported providing them with less food. The accompanying isolation that people with disabilities face puts them at risk of sexual abuse. The mother of a mute rape survivor shared her story:

“One day this man came into my daughter’s cousin’s house where my daughter was living and raped her. This was in 2013 and now she has one baby from the rape who was born in April this year [2014]. My daughter she cannot speak; she is mute, and so I don’t know the details of the attack. What I remember is that when I returned from another town, I saw that my daughter was pregnant and didn’t know what happened. She told me she was raped. Now she has a baby boy and she doesn’t know what do with it. Sometimes she runs away from the baby and cannot take care of herself or the baby. She is not feeling well mentally, [but] she cannot talk so it is hard for me to know. I can’t go to the police or court because my family thinks my daughter is mad because she cannot speak and that she is therefore lying. They say the police won’t believe us.”

As made apparent through the above testimony, the families of those with disabilities often neglect them, equating their impairments to “madness.” They are viewed as a dreadful burden, not only to their families, but also to the entire community. As a result, PWDs are vastly stigmatized and oftentimes their families will dissuade them from reporting crimes like rape since it will bring further humiliation onto the family. The association of disabled persons with mental instability means that many people do not have confidence in their claims, including rape allegations. This not only makes police and law enforcement officials less willing to investigate their cases, but it also makes PWDs and their families less willing to report crimes since no one will believe them. This makes them an easy victim for would-be perpetrators, as they know that a case is unlikely to be brought against them.
Patterns of Gang Rape in Hargeisa

The victimization of women and girls through gang rape follows identifiable patterns in Somaliland. These patterns are closely attached to the issues already discussed in this report, such as youth idleness and dissatisfaction, the tension between contrasting gender discourses and the politics and crisis of youth identity. Youth frustration figures prominently and in different ways. Further to this, changing gender roles and identities, wherein the younger generation is becoming more open-minded to different kinds of gender ideals, are now clashing with an orthodox culture that seeks to limit interaction between the sexes and force a more strict interpretation of the meaning and definition of gender in Somaliland. This is causing confusion amongst youth, who seem to be simultaneously resisting gender equitable change and the rigidity of Somaliland society. In many ways the youth’s desire for more loosely defined gender relations can be seen as a reaction to a dominant and inflexible clan structure, which both takes away their independence and excludes them from influencing decisions that impact youth.

In this context, sexual reprisal against women and girls becomes much more than inflicting harm onto the “other side”. Instead, it is retaliation against a concurrently changing and stagnating Somaliland. The exclusion of male-youth from decision-making structures causes them to search
for belonging elsewhere. Committing group sexual offences, such as gang rape provides the boys engaged in these acts with a sense of attachment and acceptance that they are unable to derive from a society that marginalizes them. As one of our respondents argued, “Doing rape together gives these guys some sort of courage and solidarity. The crimes are divided among them, both legally and mentally.”\textsuperscript{167} This diffusion of responsibility gives them a sense of cohesion through sharing culpability, both subjectively as well as objectively in terms of actual criminal liability.

Male dominance is deeply entrenched in Somaliland through the patrilineal organization of the clan and customary clan relations, which place a higher material and symbolic value on males than females. The attendant gender inequalities, coupled with a progressively conservative society that threatens to entrench gender discrepancies and reverse the progress women made during and after the periods of civil war in Somaliland, provides a ripe environment for sexual violence. For male youth who are stuck somewhere between boyhood and manhood, participating in group sexual assaults can give them a sense of dominance and control over their own situation. For some youth, partaking in gang rape provides a sense of authority and influence that they cannot attain in a clan-dominated, economically-dire Somaliland. These patterns can be parsed into three prevailing categories: i) opportunistic rape; ii) rape as revenge/punishment; and iii) rape as initiation/socialization. These are not necessarily mutually exclusive categories, nor are their binaries representing an either, or spectrum.

**Opportunistic Rape and “Deadly Dating”**

Opportunistic rape can follow different patterns; one of them is a spontaneous form of taking the chance when finding the victim in vulnerable situations. Such situations can occur when girls and women do mundane, but risky chores, such as going to collect small items from the neighborhood shops after sundown. Community consultation participants, respectively mentioned, that youths groups use a codified language once a victim is spotted, taking advantage both of their codified communications and the vulnerability of girls.

Another aspect of the phenomena of gang rape in Somaliland was what will be referred to as “deadly dating”, falling under the category of opportunistic rape. In such instances, young men would go out on an alleged “date” with a woman, but then call his peers who would then ambush the woman to collectively rape her. This again illustrates the vulnerability of young women, and the risk of abuses to be faced in Somaliland. One DDG study participant commented on the issue of deadly dating, as follows:

“There is [a problem with rape] and now new tricks are being used – a boy will start talking to a girl until a girl trusts him. Then he will take her somewhere and call his friends to rape her. This just recently happened. A boy locked a girl in the room and 19 of his friends raped her.”\textsuperscript{168}
Additionally some participants of the focus group discussions conducted in Hargeisa, mentioned cases where rape was employed as a means of compensating denial by a woman, meaning that in cases women would refuse to go on dates with members of the earlier mentioned youth groups, it could in revenge lead to her being gang raped by multiple members of the group. The fact that interactions between men and women are highly restricted within Somaliland’s society additionally adds onto the vulnerability of young girls and women, since in case they would attempt to have interaction with the male peers, they are forced to meet in clandestine or private environments, which consequently exposes them to a high risk of possible abuse.

Rape as Revenge/Punishment

While not nearly as prominent as the category of opportunistic rape, SIHA also heard of cases where young girls were targeted due to their neighborhood affiliation, or connection to a rival youth group or football association. In such instances, competing groups would go to each other’s neighborhoods or what are called “villages” and commit gang rape on girls who were somehow related to the adversary. This was said to function somewhat similar to the use of sexual violence as a “weapon of war,” in which gang rape would be employed as a tool of humiliation against a football foe. This also serves as a sort of dual punishment for girls, who are victimized because of their relationship to a certain football association on the one hand, and retaliated against because of their gender, on the other. It is worth noting, as well, that there was an opportunistic element to the ‘rape as revenge/punishment’ pattern. Because of the difficulties linked to perpetrating crimes and gang rapes in their own neighborhoods where people could easily identify them, youth were said to choose rival neighborhoods for the purposes of anonymity.

Rape as Socialization/Initiation

The last and least widespread of the patterns of gang rape identified in Hargeisa was the use of group sexual violence to socialize or initiate members into a given youth gang. As has been well documented, group sexual violence can precipitate modes of attachment between co-offenders, empowering the group by fostering both concrete and subjective ties between members. There is also the camaraderie that comes out of sharing responsibility for a collective crime. As one of one of SIHA’s respondents noted, “doing rape together gives these guys a sense of cohesion. It is a secret that only they share. It is something that only they have that outsiders don’t.” Accordingly, we were told by some of our respondents that these groups would coerce or pressure new members to partake in a gang rape as a sort of induction ceremony. While not nearly as common as the other two patterns of gang rape identified above, “rape as socialization/initiation” was considered by some of SIHA’s respondents to be used as a mechanism for generating bonds between members of youth gangs.
The patterns of gang rape disclose many of the main motivations for rising levels of group sexual offences in urban areas of Somaliland. These include youth frustration, diffusion of individual and criminal liability and changing gender roles and identities. The “culture of impunity” identified by participants relates back to the dilemmas of legal pluralism and women’s rights discussed in the third section of this report, particularly clan intervention in the statutory system. As previously mentioned, clan elders negotiate the majority of SGBV cases outside the formal courts. This is said to occur in two phases; the first is before the rape has been reported to police, and the second is after the rape has been reported, or even while the rape case is in the court. According to a baseline survey conducted by NAGAAD Network in 2013, a total of 60% of sexual violence cases were being resolved through customary law, which tends not to be sympathetic towards violations of women’s rights. Because customary clan law or Xeer is not codified, interpretation varies and tends to be based on clan interests. In an environment where there is limited opportunity for economic advancement, the Dia/Mag, or “blood compensation” accrued to the clan of the victim can be an important financial resource. As one of SIHA’s respondents told us, “[t]he elders of the perpetrator give something like 3,000,000 Somaliland Shillings to the elders of the victim, and without the victim’s consent the issue is said to be resolved, without her seeing any of the money herself.” This creates a lack of clarity in sentencing and judgments related to SGBV with most perpetrators being quickly released. The absence of proper punitive measures that results oftentimes turns one-time perpetrators into habitual offenders since they experience few consequences for the initial perpetration of sexual violence. If perpetrators serve a sentence at all before a case is negotiated out of court, it tends to be far below the minimum of 5 years stipulated in the penal code. A gang rape case recorded by WHEEA (Women’s Human Rights, Environment and Education Association) in Erigabo illustrates this issue:
“In June 2014, there was a lady standing and talking to her Quran teacher and then a group of teenage boys came and took her and then they beat up the teacher and took the girl and raped her. They were 9 [in number]. They tried to resolve the case in the courts. The paralegals wanted to take a stand and get justice, but then the perpetrators were sentenced to a maximum of 1 year to 6 months. The parents of the boys argued that they didn’t know that they were behaving that way. They were a group of high school students.”

There also appears to be a legal loophole for gang rape when it comes to customary law. As referenced earlier, Xeer holds the entire Dia/Mag Paying Group collectively responsible for a crime perpetrated by one or more of its members. This notion of collective criminal responsibility often removes responsibility from the individuals carrying out crimes, including crimes of sexual violence. Since the youth perpetrating these crimes do not have their own fiscal resources to pay compensation, compensation will be paid by the collective clan unit. This means that beyond informal disciplinary mechanisms enacted by families or communities, perpetrators never actually receive an actual penalty for sexual violence, creating what SIHA’s respondents called a “culture of impunity.” A rape offender interviewed by our researchers shared his view on the customary legal system:

“In fact, when the elders intervened in my case I saw the customary [legal system] was my relief and better than the court. I can say that customary settlement cannot change the criminal attitude of the offender; but the punishment of imprisonment in a long time can change the attitude of the offender and those who are similar to him.”

For gang rape, this situation is even worse. Because compensation is the same irrespective of how many perpetrators are involved in a given sex act, groups of sexual offenders will often make sure that each clan or sub-clan is equally represented in a gang rape so as to guarantee that compensation is equally divided between them, in many ways making gang rape more economically feasible than individual-perpetrator rape. As a representative from a women’s rights organization in Hargeisa told us:

“They [the perpetrators] want to have an equal number of people from each clan or sub-clan participating in the rape. Then one of the clans won’t have to pay more than the other; the compensation will [be] divided equally between their families. It is one compensation divided equally between all of the perpetrators so they don’t feel the consequences.”
Another SIHA respondent mentioned that:

“Gang rape causes diffuse punishment; it decreases the punishment if there is more than one clan. If it is not one clan the compensation will be the same, but it will be divided, meaning that you pay a smaller and equal amount.”

The lack of individual culpability already built into customary clan solutions to rape, coupled with the inadequacy of the customary system in punishing multiple perpetrators, and perpetrators more generally creates a sort of exemption for gang rape. It also is indicative of a different kind of “deindividuation.” It denotes how individuals in groups are less self-aware and therefore more impulsive and willing to engage in risky criminal behaviors like gang rape. When a number of individuals are involved in single sex offense there is said to be a diffusion of responsibility that occurs wherein individuals feel less responsible for their own actions. Being in a group they can relieve themselves from feelings of guilt by attributing some of the culpability onto others. In the case of gang rape and customary clan law, this diffusion of responsibility also occurs on an objective level. That is, since the compensation for gang rape is divided between the clans representing the various perpetrators, they are very literally sharing the financial responsibility for harm done to the member of another clan. As a spokesperson for NAGAAD Network noted:

“Before it would be clan x rapes a girl from clan y. Now, however, you have clan x, y and z, raping a girl from clan w and the customary system is not well equipped to deal with this.”

Considering the gaps in formal law and the lack of judicial independence in Somaliland, the statutory system is equally unsuited to manage instances of sexual violence and gang rape. According to the same 2013 NAGAAD baseline survey, 40% of research participants said they preferred to solve cases through the customary system. This, as the study noted was due to a lack of confidence in the judiciary. As SIHA’s research revealed it also had to do with the private-public dichotomy imputed onto customary and statutory solutions to rape. Many of the respondents we spoke to saw statutory justice mechanisms as “public” because of the tendency to publicize the cases that went through the court system. With the stigma of sexual violence and the humiliation it can bring to a victim’s family, the prospect of having a family member's case broadcasted to the community can be enough to dissuade them from resolving their case through statutory law. In the same NAGAAD baseline survey, when asked why victims did not prefer resolving their cases through the formal system, respondents said that “it is shameful and erodes family dignity and create[s] stigma since there is no confidentiality.” As many of our key...
informants told us this has resulted in rape becoming a “family issue, not a national issue.”

It is something that the Somaliland state has absolved itself of, whether due to lack of capacity or lack of willingness. Another respondent told SIHA:

“We are people of this country, we should be protected by the [state] system, but, when it comes to rape this is not the case, we are protected by the family not the state.”

In many ways the fact that rape is not perceived as a severe issue reinforces the negligence of the statutory courts towards sexual offences and their inability to manage instances of sexual violence and gang rape. This impotence is further reinforced by the aforementioned inefficiencies and lack of judicial independence. While many of the cases are handled outside the formal system due to intervention by clan elders or the relatives of a victim, this withdrawal and termination also has to do with the lack of capacity and unwillingness of statutory authorities and law enforcement. In most instances, police and prosecutors are unable or reluctant to indict rape. The described weakness of the statutory system, allowing impunity to perpetrators can additionally be seen as a factor, pushing youth into radicalization, since the dysfunction between traditional system and current conditions, resulting in a paralization of legal mechanisms, may cause frustration among youth.

This inability of law enforcement is reflected in the high percentage of cases being dismissed due to poor evidence. In another study, 30% of cases were said to be dismissed due to poor evidence, often attributed to unsatisfactory medical examination, inadequate investigations by the CID and ignorance amongst family members regarding the need to take a victim to the police or hospital within 72 hours for a sexual assault test. Additionally, there is the time and cost associated with going through the statutory system. The majority of cases (70%) were found to take longer than one month. Because of the taboo nature of rape in Somaliland, lawyers tend to charge higher fees for such cases, with some lawyers’ fees valued at an astonishing 500-700.00USD, making statutory justice incredibly inaccessible for the average survivor. Other participants during a community consultation stated that lawyers are furthermore biased and don’t take their work seriously when dealing with cases of SGBV crimes. As the perpetrator’s testimony above revealed, customary solutions “cannot change the criminal attitude of the offender, but the punishment of imprisonment in contrast imprisonment can.”
Perspectives on Youth, Idleness and Frustration

The second motivation or rationale provided to SIHA for the rising levels of gang rape in urban areas of Somaliland such as Hargeisa was youth idleness and frustration. This report has already displayed many of the issues faced by male youth. Firstly, there is the lack of educational and employment opportunities. Many youths are dropping out of secondary school due to the inability of their families to finance the high school fees associated with obtaining education beyond the primary level. Even those who have reached the level of tertiary education, or university are graduating, but are unable to secure any form of permanent employment. Many of the older youth that SIHA spoke to in focus group discussions conducted throughout the capital expressed that while they may have a university degree, they have no practical training such as resume writing and interview tactics. Accordingly, unemployment has stagnated at around 80%, the same as it was in 2001. With youth making up just over 70% of the Somaliland population, there are not enough jobs or government resources to absorb them, contributing to a high level of youth frustration. However, unemployment cannot be taken as the only contributing factor to frustration, and must be seen in relation to the lack of recognition of Somaliland as a state, development issues and clan settings, which further contribute to such.
Additionally issues are exacerbated by the fact that urban spaces in Somaliland are not youth friendly. As many of our respondents told us, there is nowhere for youth to engage in positive activities. For instance, there are very few recreational centers or organized extracurricular pastimes, causing youth to seek alternative forms of association and entertainment, which oftentimes amount to crimes and violence. Then there is the youth identity crisis and the problems associated with so-called “permanent youth-hood” in Somaliland. This report has already discussed how male youth-hood is a relative concept with no fixed benchmark on when males transition into adults, and by association, men. The male youth that SIHA spoke to in Hargeisa described a “man” as someone who is employed and can provide for their family. As one youth remarked to us:

“Getting a job or getting employed is what really differentiates men from children. If you don’t work you are a child. You can’t provide for your family. Therefore, how are you to become a man?”

What’s more, manhood was defined to us as being authoritative, violent, aggressive and superior. Men were seen by male youth as people who were strong and capable of making decisions. However, as already broached in this paper, male youth in Somaliland are considered immature and in need of guidance and incapable of contributing to decision-making forums. Sexual violence and gang rape are ways for male youth to enact their subjective manhood (which they cannot objectively obtain) onto a feminine “other.” A perpetrator recounted his motivation for raping a young woman in Hargeisa:

“At the time I was a teenager and inexperienced. I used to see the girl nearby and one night decided to date her. She trusted me and went outside the area…One night I wanted to have some physical contact but she rejected and then I raped her forcefully. Therefore, I can say the main motive was a desire and a belief that if she rejects me, I can resort to power and can do it.”

Additionally a further contributing factor concerning especially youth in Somaliland is the conflicting realities they find themselves living in. The existing societal limitation of interactions between men and women in public and in healthy environments contribute to the alienation of men and women and lastly leads to the dehumanization of women. These restrictions especially contradict the images and perceptions youth nowadays find on the internet and social media, as the access is given, but youth are expected to follow the terms of pastoralist communities. Religion therefore is largely used to sustain power which is easily employed and used within the context of intersex interaction. Furthermore, since sex outside of marriage is strictly forbidden in Somaliland society some male youth fear that their unemployed status means that they will
never experience sexual intercourse, which some people argue has compelled male youth to engage in sexual violence. This was said to be due to the fact that marriage in Somaliland and urban areas, in particular has become quite costly, sometimes amounting to 20,000.00 USD. Male youth and key informants SIHA consulted in Hargeisa, named the expenses for an engagement itself to be between 2,000-2,500 USD. With marriage being described as a “defining element of adulthood,” the inability of youth to afford getting married was attributed as part of this problem of permanent youth-hood and the corresponding rise in sexual violence. As a Small Arms Survey (SAS) report noted, “some men appear to commit [rape] when they cannot afford the cost of marriage.”
Subjugation and Alienation of Women in Society

The last motivating environment to be mentioned for the increasing prevalence of gang rape in urban areas of Somaliland is closely connected to the other sections of this report, specifically those on the “culture of impunity” and societal perceptions and stigma surrounding sexual violence. Many of our respondents referred to the lack of awareness of the consequences of sexual abuse and the harsh societal opprobrium and censure ascribed onto survivors as one of the primary factors contributing to, or perpetuating, sexual violence and gang rape. For victims of rape and other sexual offences the stigma is far reaching, whereas perpetrators were said to experience little consequence for their actions both legally (discussed above) and socially. Survivors of gang rape, in particular, cannot marry since customary solutions requiring the perpetrator to wed the victim cannot be applied when there are multiple aggressors. As indicated in past sections, marriage
and the bridewealth, or dowry accrued to a women’s natal kin, is an important source of income especially in an economically uncertain environment such as Somaliland. This often causes the survivor to experience severe isolation, at times forcing her to leave her family and community because of humiliation. For women who have been raped or gang raped this can be incredibly problematic since their lack of educational attainment and employment means that they will be unable to access resources without marriage, feeding into continual poverty and inequality amongst women, and thereby, their vulnerability to sexual violence. One of our respondents made this point quite poignantly:

“In our culture, there is a lot of stigma around rape. If a victim is not married, she may never be married. If she is in school, she may have to leave, affecting her education. There are also psychological problems, when she is forced to marry her perpetrator, she suffers a lot and this makes her sad. She has to leave her support system at home. It is easier for the perpetrator: He can stay in his community and will not be isolated like her. A man who rapes a girl will just be out on the street.”

As discussed in the overview of gang rape in urban areas, there is also a substantial amount of victim blaming in Somaliland society. As one of SIHA’s respondents working for a local women’s rights organization noted, “99% of the community will think it is her fault asking, ‘What were you doing there? Why were you wearing that?’ Once more, this removes individual responsibility from the perpetrator(s), placing the responsibility on the survivor. This breathes further life into the patriarchal assumptions and practices that make women and girls vulnerable to sexual violence by intimating that women who have stepped outside the private sphere and into public spaces are deserving of rape. Thus, in the same way that the absence of individual culpability for sexual violence in customary law contributes to gang rape, so does victim blaming, which can also lay the structural preconditions for repeat offending while at the same time acting as a signal to would-be perpetrators. This is coupled with the widespread societal ignorance towards sexual violence in Somaliland. The sorts of attitudes and perceptions on the part of the population, including government agencies, allow sexual violence and gang rape to be dismissed. This discharge of rape from the public consciousness, as many of our respondents cited, contributes to the increase in sexual violence. It also reinforces the previously introduced negligence towards sexual offences and the Somaliland state’s, as well as society’s inability and unwillingness to address gang rape.
Conclusions and Key Emerging Factors

The victimization of women and girls through gang rape in Somaliland is dissimilar to that which is observed in places like South Central Somalia and Mogadishu. Somaliland is still very much a “post-conflict country,” however, the challenges they are facing are distinct to their own situation and status as a quasi-independent state. In the absence of protracted conflict, urbanization has occurred at an unprecedented level. Unlike Somalia, clan structures especially in urban areas have become much weaker. This is because the presence of government authorities and law enforcement in urban areas has decreased the significance of clan as a source of security and protection, at least in theory. Yet, because of lack of capacity in inefficiency of the government, formal institutions such as the police and judiciary have been unable to fulfill their security functions, creating a sort of vacuum that neither the state, nor clan elders have been able to occupy, which can in part explains the emergence of youth groups and gangs as security providers in urban areas.

At the same time, the “post-war” status of Somaliland means that there has been a marked and sustained shift in women’s gender roles and identities, with women not only becoming breadwinners, but also prominent civil society activists and human rights advocates. However, as discussed in past sections, there is also a growing resistance to recognizing the new positions and spaces that women occupy in both the private and public spheres. In this setting, female bodies have become warzones for competing gender discourses in Somaliland. Women and girls are not subject to brutal forms of gang rape and sexual assault by armed men in the context of civil war as is common in South Central, but are targeted because of a concurrently changing and stagnating Somaliland, which in many respects is trying to become more progressive in an increasingly orthodox and conservative religious and clan context. In order to achieve efforts towards a reduction of vulnerability and towards equality of women in Somaliland, policies, actions and monitoring of such need to be tailored to Somaliland unique and complex circumstances, to unfold their full capacity.
Ultimately, the “culture of impunity” for sexual violence and gang rape in Somaliland can be assigned to a variety of different influences and key emerging factors. The formal judiciary and statutory law are too weak to deal with the challenges of growing levels of indiscriminate sexual offences, with law enforcement either unable or unwilling to manage the increasing plight of sexual violence in urban areas. The low numbers of only 10% of the police force being comprised of females, with additional low capacity and lack of training in regard to sexual violence, adds on the fear of stigma and maltreatment by the police itself. The fact that perpetrators of sexual and gender-based violence most often do not serve their legislated sentence of five to fifteen years, displays the weak structures of the statutory system itself most evidently. The lack of juridical independence and attendant clan interference in court proceedings was one of the primary reasons identified throughout the research for the early release of sex-offenders. Besides that, a high number of sexual violence cases were moreover dismissed due to poor evidence. This can mainly be attributed to unsatisfactory medical examination; lack of awareness on the need to refer sexual cases to police and the hospital immediately (within 72 hours); and inadequate investigations by the CID (Criminal Investigations Department) and goes in line with lack of training and capacities of law enforcement and institutions described above. At the same time, customary law and traditional solutions to sexual abuse are ill-equipped to deal with the kinds of sexual offences manifesting themselves in the main urban centers and towns of Somaliland. Rape is no longer seen as a clan or sub-clan issue, but rather a social one, which clan elders and customary law have not been able to adapt to, leading to a legal loophole for gang rape and enhancing the economic, legal and social feasibility of multiple-perpetrator sex offending. Gang rape, as a result, is slipping through the ruptures in both the statutory and customary legal systems. This has led to a lack of accountability for multiple-perpetrator rape, allowing criminal youth elements to operate with complete impunity, indiscriminately and opportunistically gang raping women and girls.

Apart from institutional structures and the fluid line between the three outlined legal systems, key emerging issues contributing to the vulnerability of women being subjected to sexual violence evolve around youth, their respective places in society and the militant jurisprudence of Islamic interpretations, which can additionally be seen as contributing factors to increased violence against women and girls. However, it to be mentioned that those are not limited to sexual violence, but also can take other forms such as domestic and structural violence against women in general. The three legal systems presented, which at first look might be tailored to the complex state of Somaliland, proved to be pluralistic only on the surface, and consequently remained being dominated by the traditional clan based system. Frustrations of Xeer and non-functioning statutory apparatuses can facilitate the view that Shari’a is the most universal of all legal systems, sidelining the facts of which implications and consequences the application of militant Shari’a possibly can have. The idealization of Shari’a law in combination with a fragile statutory system bears dangerous spaces for radicalization of those who suffer from frustrations over the current state of the system.
There is also a clear crisis amongst male youth in Somaliland. The notion of permanent youthhood and the inability of male youth to transition into adults and men are causing some males to violently force their manhood onto women and girls. Youth dissatisfaction with being trapped in the metaphorical “prison” of an unrecognized state that is failing to create jobs and improve the standard of living for the 72.5% youth population, is causing youth to turn to violence and crime to vent their frustrations, including SGBV. Young men and boys have started to join criminal groups and gangs that provide them with a sense of identity and belonging, as well as a forum for decision-making that they are otherwise denied by a clan-dominated Somaliland society. This rise in gang-related activities and urban violence, including but not limited to gang rape, threatens Somaliland’s image as an “island of relative peace” in the Somali region. Youth and their spaces in society were regarded throughout the research as being excluded from decision-making structures. Male youth, in particular, are considered to be immature and in need of guidance, contributing to what a 2012 UNDP report on Somali Youth called a “culture of gerontocracy” and exacerbating the generational divide in Somaliland.

Furthermore the combination of militant jurisprudence of Islam, aiming at restricting interaction between the two sexes and the weak statutory system, can further contribute to a sort of vacuum in regard to youth identity, causing frustrations among them. Societal perceptions and gender-inequitable norms and attitudes are major barriers to battling sexual violence in Somaliland. Even though SIHA’s research demonstrated that the younger generation is articulating their resistance, the strict interpretations of gender relations in Somaliland persist. Expanding on those emerging issues of disparities between expectations of youth and their lived realities through building on existing efforts by local, as well as international bodies, youth engagement in dialogues focusing on roots, formations and consequences on individual, family and societal level in combination with capacity building in regard to healthy (sexual) relations, seems as a good entry point to get youth to understand the phenomena of sexual violence in the private and public sphere and to address the aspects of human rights such as physical integrity. This can also serve as a base for channeling resources from sides of governments in INGOs towards the creation of safe and healthy places of interaction. Those can take form of social clubs, libraries and competitions and sports engagements, where in addition to an environment which is set up to normalize relations between youth both female and male, other forms of reaching out to youth and creating dialogues can take place.

As outlined above, creating dialogue can play important means in tackling existing norms and perception revolving the status of women. Creating dialogues can consequently focus on interaction between men and women themselves, between youth and elders and lastly between youth and moderate Islamic scholars, who can help the youth to dismantle the image of militant interpretations, seeking to restrict and prohibit interactions between men and women. This is based on the idea that inequitable gender attitudes and behavior by men (and women) can be unlearned and that any initiative seeking to prevent sexual violence cannot just focus on “survivors,” without addressing the patriarchal and violent attitudes and behaviors of men in
Somaliland society. As this research has demonstrated, the vacuum created through the above outlined aspects influencing youth’s gender roles and perceptions can easily serve base for radicalization of youth into militant Islam. The absence of guidance and structure from the governments, statutory system and law enforcement side, and the harsh limitations they face in terms of finding themselves in an in-between state regarding their places in society, can create confusion among them and make them more susceptible to be drawn and recruited into such movements.

The last emerging key issue revolving the issue of gang rape in Somaliland is the increased vulnerability of the identified groups; vendors, PWDs and IDPs. The great majority of participants in discussions and interviews noted that IDPs were the most vulnerable to sexual abuse; this particular group alongside the group of street vendors needs to be mentioned as a group with special protection needs. The challenges of those groups became most clear when looking at the settling locations and when looking at their work in the informal sector and are necessary to be addressed through policies revolving their legal status and registration as displaced persons and the lack of agency resulting from work in the informal sector. As the displaced populations settling around the city of Hargeisa tend to live in rather economically unfavorable circumstances, their access to justice and legal protection are even more limited through the lack of missing the necessary financial resources to legal support. Their respective employment within the informal sector and poor infrastructure of IPD settlements lead to an additional experienced vulnerability and increased risk of being subjected to sexual violence. Civil society response should focus on creating associations helping to support the development of financial and social capital through savings and credit, legal aid and skills training to support women bearing an increased vulnerability.

The outlined emerging issues and aspects of youth perpetrated multiple perpetrator sexual violence in Somaliland are necessary to address through a multidimensional approach focusing on strengthening the rule of law of the statutory system, to make significant efforts in reducing perceived and actual impunity of perpetrators and to question and eradicate structural institutional and clan-based mechanism that perpetuate women’s discrimination and inequality in Somaliland’s society. Especially vulnerable groups need additional protection mechanisms, in order to reduce their heightened risk of being subjected to sexual violence. The access to legal, medical and social support to victims of sexual violence moreover needs to be addressed through a multifaceted approach of CSOs and the Government.

The fact that poor investments and limited attention by actors in and around Somaliland is given to youth, both males and females, during post conflict era has indirectly contributed to the escalation of gang rape crimes and other forms of hostilities against women in Somaliland. The conflicting educational messages youth are receiving in their school years, where religious classes are largely promulgating militant Shari’a as the most empowered form of religious teaching across the region during the past 30 years or more, largely emphasizes gender segregation and women’s subordination. Consequently, reality contradicts with the religious teachings where women
and girls presence and interaction in public arenas is a reality of living and life in Somaliland. Another controversial factor is youth’s day to day interaction with social media, which opens windows of communication between males and females albeit in a rather blurred and uncertain set-up, adding another complexity to the matter of gender relations in Somaliland’s communities. Somaliland has so far invested very little in venues for cultural and recreational activities such as movie theatres, public libraries and other social interaction settings that could allow healthy and normal socialization, and furthermore possibly reduce tension around the existing concepts of prohibitions in gender relations generated from militant religious teachings.

That being said, until the Somaliland leadership recognizes the importance of investing in gender equality principles, not only through pretentious claims of the human rights framework but most importantly by engaging with reformed religion guidance and aspects of culture, youth and their communities will remain highly subjugated to extreme forms of violence against women such as gang rape. On the other hand, militancy based on Islamic religion will continue to be the most attractive solution for Somaliland post-conflict generation.
Endnotes

1 Gang Rape Survivor, Semi-Structured Interview, September 30, 2014, Hargeisa.
3 See, Barkhad Dahir, “Rape on the rise in Somaliland region as perpetrators receive leniency,” SABAHI, August 21 2013.
9 Small Arms Survey, “Chapter 5: Between State and Non-State.”
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11 Ibid.
16 Dominik Balthasar, “The Wars in the North.”
17 Steve Kibble, “Somaliland: Surviving without recognition.”
18 Ibid.
20 Mark Bradbury, “Human rights in Somaliland.”
21 Ibid, 15.
23 Ibid.
24 SOWRAG Representative, Semi-Structured Interview, September 22, 2014, Hargeisa.
27 Ibid.
28 This is based on a number of in-depth focus group discussions conducted with male youth throughout Hargeisa.
33 Steve Kibble, “Somaliland: Surviving Without Recognition.”
34 See, Mark Bradbury et al., “Somaliland.”
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51 Participant, Community Consultation, November 20, 2014, Hargeisa.
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61 Ibid.
62 Alejandro Bendana and Tanja Chopra, “Women’s rights.”
63 Ibid.
64 Ibid.
65 Ibid.
66 Somali Women, Un-Structured Interview, September 17, 2014, Kampala.
68 Human Rights Watch, “Hostages to Peace.”
69 Ibid.
70 Ibid.
71 Ibid.
73 Human Rights Watch, “Hostages to Peace.”
75 SORADI, “Reflections and Lessons.”
76 Ibid.
77 Ibid.
78 Based on an interview with a representative from MOLSA in September 2014.
79 Lawyer from the Hargeisa University Human Rights Legal Aid Clinic, Semi-Structured Interview, September 23, 2014, Hargeisa.
80 Alejandro Bendana and Tanja Chopra, “Women’s rights.”
81 Ibid.
82 Ibid.
87 Ibid.
88 Out of 63 participants interviewed between the months of September and October 2014, 61 participants said that they thought that Shari’a law was the best out of the three legal systems for managing sexual offences.
89 Male youth, Semi-Structured Interview, September 25, 2014, Hargeisa.
90 Alejandro Bendana and Tanja Chopra, “Women’s rights.”
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94 Ibid.

95 Ibid.


98 Ibid., 52.

99 Ibid.

100 Ibid.


104 Ibid.


107 Based on a focus-group discussion conducted with three Somaliland elders in the capital city of Hargeisa on September 25, 2014.

108 See, Barkhad Dahir, “Rape on the rise.”


110 Ibid.

111 Human Rights Watch, “Here, Rape is Normal.”

112 Ibid.


116 See, Barkhad Dahir, “Rape on the rise.”

117 See, Barkhad Dahir, “Rape on the rise.”


123 Ibid.


129 Ibid.

130 Ibid.

131 Ibid.

132 Small Arms Survey, “Chapter 5: Between State and Non-State.”

133 Ibid.


137 Ibid.


139 See, Human Rights Watch, “Here, Rape is Normal.”

140 When asked which groups were most vulnerable to SGBV and gang rape, 61/63 respondents interviewed in September and October 2014 noted that IDPs were amongst the most vulnerable groups to sexual violence.


143 Ibid.
144 Ibid.
146 Ibid.
147 Eastern Horn Representative, Semi-Structured Interview, September 16th, 2014, Kampala.
148 See, Human Rights Watch, “Here, Rape is Normal.”
150 Gang Rape Survivor, Semi-Structured Interview, September 26, 2014, Hargeisa.
151 VOSOMWO, “The killing of two minority women, burned huts in Hargeisa – Damami A village, Borama case – 3.”
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163 Ibid.
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175 NAGAAD Network Representative, Semi-Structured Interview, September 23, 2014, Hargeisa.
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183 Ibid.
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189 Perpetrator, Semi-Structured Interview, Hargeisa.
190 Small Arms Survey, “Chapter 5: Between State and Non-State,” 162.
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The situation for women and girls in the Horn of Africa continues to be characterized by systematic victimization, subordination and their subjection to violence. The necessity of investigating the phenomena of multi-perpetrator sexual violence in Somaliland was brought to SIHA by one of our Somaliland network members, who have witnessed a rapid increase of such crimes. This report has the objective of raising awareness and strengthens civil society and government efforts to address Gangrape in Somaliland. Specially to look at absence of justice, impunity for perpetrators and challenges encountered by Somaliland youth males and females.

The Strategic Initiative for Women in the Horn of Africa (SIHA) is a civil society coalition bringing together grassroots women’s rights organizations from Sudan, South Sudan, Somalia, Somaliland, Djibouti, Ethiopia, Eritrea, and Uganda.

It was established in 1995 by a group of women’s rights activists, with the view of strengthening the capacity of women’s rights organizations to combat all forms of violence against women and girls. SIHA aims to contribute to unlocking the massive potential of women’s rights movements in the Horn region, by improving the capacity of local organizations in the Horn of Africa and to build a strong network of grassroots civil society members that are able to interact and support one another in advocating for effective change.

SIHA operates as a regional platform for the mobilization of activists, vulnerable and marginalized groups of women, men, and girls to harness resources that include, but are not limited to knowledge and information, capacity building and financial support aimed at challenging the root causes of problems and challenges faced by women and girls in the Horn of Africa Region.