

Somalia: Die Minderheitengruppe der Gabooye/Midgan

Schnellrecherche der SFH-Länderanalyse

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1. Einleitung

Einer Anfrage an die SFH-Länderanalyse sind die folgenden Fragen entnommen:

1. Welche Informationen gibt es zur Menschenrechtslage für Mitglieder der *Gabooye* in Somalia?
2. Inwiefern kann der somalische Staat Mitglieder der *Gabooye* schützen?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die der SFH derzeit zur Verfügung stehen.

2. Die *Gabooye* in Somalia

3.1 Klans und Minderheiten in Somalia

Die *Gabooye* (auch als *Midgan*, *Madhiban* und *Musse Deriyo* bekannt) sind eine Minderheitengruppe, kein Klan. Laut einem Bericht des *Immigration and Refugee Board of Canada* (IRB) vom Dezember 2012 sind die *Gabooye* (alternative Schreibweise: *Gaboye*, auch als *Midgan* bekannt), eine Minderheitengruppe in Somalia und eine «Berufskaste», die sich über die Ausübung ihrer traditionellen Berufe definiert. Während einer vom *Austrian Centre for Country of Origin and Asylum Research and Documentation* (ACCORD) organisierten Präsentation im Mai 2009 erklärte Professor *Joakim Gundel*, ein auf die Somali-Region spezialisierter Politikwissenschaftler, dass die Mehrheit der somalischen Bevölkerung aus nomadisch-viehzüchtenden ethnischen Somali besteht, welche den sogenannten «noblen Klans» der *Darood*, *Hawiye*, *Dir* und – je nach Betrachtungsweise – *Isaaq* angehören. Daneben gibt es die primär sesshaften agrarisch-viehzüchtenden Bevölkerungsgruppen, die als *Digil-Mirifle* oder *Rahanweyn* bekannt sind. Ausserhalb dieser zwei Gruppen gibt es die sogenannten Minderheitengruppen. Minderheiten sind keine Klans, auch wenn sie von nomadischen Somali teilweise so genannt werden, um sie in ihre Strukturen zu assimilieren. Unter den Minderheitengruppen gibt es ausgestossene Gruppen oder Leibeigene, welche kollektiv als *Sab* bezeichnet werden. Die *Sab* als traditionelle Leibeigene der viehzüchtenden Klangruppen können nur durch einen Somali-Patron (*abaaan*) Beziehungen zu Somali haben. Zu den *Sab* gehören auch die *Gabooye*, welche sich durch die Ausübung von «niedrigen» Berufen auszeichnen (ACCORD, Dezember 2009). Laut Angaben der im Vereinigten Königreich ansässigen NGO *Gabooye Minority Organisation for Europe and North America* (*Gabooye Organisation*) vom Juni 2012 gegenüber IRB ist *Gabooye* die Selbstbezeichnung der *Gabooye*, während die Klans den Begriff *Midgan* verwenden, der aus Sicht der *Gabooye Organisation* abwertend ist (IRB, Dezember 2012).

Die «Berufskaste» der *Gabooye* und ihre Untergruppen. Laut ACCORD (Dezember 2009) setzen sich die *Gabooye* aus den *Tumaal* (Schmiede), *Midgan* (Schuhmacher, Jäger und Sammler, Giftmacher und Friseur) und *Yibir* (Plural *Yibro*, angebliche Nachfahren der ersten Juden im Horn von Afrika mit mythischer Funktion) zusammen. ACCORD identifiziert auch die *Howleh*, *Hawraar Same* und *Habar Yaquup* als Untergruppen der *Gabooye*. Obwohl manche *Gabooye* behaupten, dass der Begriff *Gabooye* alle «Berufskasten» in Somali-

land bezeichnet, weist *Minority Rights Group International* (MRG, Oktober 2010) darauf hin, dass die *Tumaal* und die *Yibir*, diese Bezeichnung für sich ablehnen. MRG identifiziert stattdessen die *Gabooye*, die *Tumaal* und die *Yibir* als die drei wichtigsten «Berufskasten» und schreibt, dass die *Gabooye* in die Abstammungslinien der *Madhiban* und der *Musse Deriyo* unterteilt seien.

Grossteil von Angehörigen der Gabooye lebt im Gebiet von Somaliland und Puntland, Gabooye sind aber im ganzen Gebiet von Somalia wohnhaft. IRB (Dezember 2012) schreibt unter Berufung auf die von der *Gabooye Organisation* gemachten Angaben vom November 2012, dass die *Gabooye* mehrheitlich im Norden Somalias (Somaliland) angesiedelt sind, einige von ihnen aber auch in der Hauptstadt Mogadischu leben. *UN Integrated Regional Information Network* (IRIN) (zitiert von IRB, 2012) berichtet, dass im Viertel Daami in Hargeisa, der Hauptstadt Somalilands, 8000 *Gabooye*-Familien leben, welche ungefähr 48'000 Personen umfassen. Gemäss ACCORD (2009) leben die *Gabooye* und ihre Untergruppen im Norden des Landes, sind aber auch über das südliche Somalia verstreut. MRG (Oktober 2010) schreibt, dass die *Gabooye* in Somaliland die vorherrschende Minderheitsgruppe darstellen.

Keine Allianzen mit Klans, gute Beziehungen zu anderen Minderheitengruppen. Dem Sekretariat der *Gabooye Organisation* zufolge (IRB, Dezember 2012) sind die *Gabooye* mit grösseren Klans in Somalia «nicht wirklich verbündet», haben aber gute Beziehungen zu anderen Minderheitengruppen.

3.2 Diskriminierung der Gabooye

Minderheitengruppen sind unverhältnismässig von Tötungen, Folter, Vergewaltigungen, Entführungen zur Erpressung von Lösegeld und Plünderung von Land und Besitz betroffen. Laut USDOS (April 2018) haben Minderheitengruppen oft keinen bewaffneten Arm und sind deshalb nach wie vor unverhältnismässig von Tötungen, Folter, Vergewaltigungen, Entführungen, Erpressung von Lösegeld und Plünderung von Land und Besitz durch Milizen verschiedener Splittergruppen («*faction militias*») und Mitglieder von Mehrheitsklans betroffen. Gemäss einem Bericht einer Fact-Finding-Mission des *Danish Immigration Service* (DIS) und *Landinfo* (Januar 2013) gehören die *Gabooye* zu den am meisten marginalisierten und gefährdeten Gruppen in Mogadischu.

Minderheitengruppen werden stark ausgegrenzt und diskriminiert, fundamentale Menschenrechte werden verletzt. Minderheitengruppen in Somalia sind von Verletzungen fundamentaler Menschenrechte betroffen (MRG, Oktober 2010). Gemäss USDOS (April 2018) leiden Minderheitengruppen unter zahlreichen Formen von Diskriminierung und Ausgrenzung. In den meisten Gegenden würden die vorherrschenden Clans die Mitglieder anderer Gruppen von der Partizipation in Regierungsinstitutionen ausschliessen und sie in der Arbeitswelt, in Gerichtsverfahren und beim Zugang zu öffentlichen Diensten diskriminieren. MRG berichtet zudem, dass Mitglieder von Minderheitengruppen oft Opfer von Hassreden werden, welche dazu dienen, Stereotypen von Minderheiten bezüglich ihres Aussehens und ihrer traditionellen Praktiken aufzubauen und so ihre Diskriminierung noch zu verschlimmern (MRG, Oktober 2010). Der Somalia-Experte *Markus Virgil Höhne* (2015) schreibt, dass Minderheitengruppen im öffentlichen und politischen Leben benachteiligt werden, und weist

darauf hin, dass die Unterscheidung zwischen Mehrheits- und Minderheitengruppen nach wie vor relevant ist.

Diskriminierung von Minderheitengruppen einschliesslich Sab in der Arbeitswelt. Laut ACCORD (Dezember 2009) bleiben den Angehörigen der Sab traditionellerweise das Recht auf Land- oder Viehbesitz und die Teilnahme am lokalen Handel sowie Wirtschaft und Politik verwehrt. MRG (Oktober 2010) schreibt, dass die Sab meist in Handwerks- oder Service-Berufen tätig sind, und als Verkäufer_innen oder Händler_innen auf dem Markt oder Metzger_innen, Haushalts- oder Küchenhilfe und Teeverkäufer_innen arbeiten. Die *Somaliland National Human Rights Commission* (November 2010) berichtet, dass Angehörige der Minderheitengruppen nur die unbeliebten Jobs wie beispielsweise Strassenreinigung, Schuhmacherei, Polieren von Schuhen, Schmieden, Töpfern ausüben oder Beschneidungen an Frauen und Männern vornehmen können. Dies seien schlecht bezahlte Jobs, mit denen man kein selbstständiges Leben führen könne. So sagte eine Angehörige der Gaabooye gegenüber MRG aus, dass die Isaaq (der dominante Mehrheitsklan in Somaliland) eine der Gaabooye angehörende Person bloss beschimpfen und ihr niemals eine Arbeit geben würden (MRG, Oktober 2010).

Viele Gabooye verlieren ihre traditionelle Beschäftigung und sehen sich gezwungen, umzusiedeln. Die *Africa Research Group of the UK Foreign and Commonwealth Office* (2008, zitiert nach *UK Home Office*, Januar 2012) und MRG (Oktober 2010) weisen darauf hin, dass die «Berufskasten» ihre traditionellen Berufe teilweise nicht mehr ausüben können, jedoch auch keine andere Anstellung finden. Da nur wenige Mitglieder der Minderheitengruppen eine gute Ausbildung vorweisen können, sind die meisten laut MRG (Oktober 2010) schlecht auf die moderne Arbeitswelt vorbereitet. Wegen der Konfliktsituation und dem Niedergang der traditionellen Lebensgrundlagen sind viele Mitglieder von Minderheitengruppen in städtische Siedlungen gezogen oder leben in Lagern für Binnenvertriebene (*Internally Displaced Persons* – IDPs) oder in Flüchtlingslagern in Nachbarländern (MRG, Oktober 2010).

Diskriminierung im Bildungssektor. Laut der *Gabooye Organisation* (IRB, Dezember 2012) ist die Mehrheit der Kinder der Gabooye vom Schulbesuch ausgeschlossen. Der *Somaliland National Human Rights Commission* zufolge (November 2010) können Kinder, die Minderheitengruppen angehören, nicht in die Schule gehen, weil sie die Schulgebühren nicht zahlen können und von anderen Kindern schikaniert werden.

Keine Eheschliessungen zwischen Mehrheitsklans und Minderheitengruppen möglich. Laut MRG (Oktober 2010) verbietet und bestraft die Klanstruktur in Somalia Eheschliessungen zwischen Angehörigen von Mehrheitsklans und Minderheitengruppen. MRG veranschaulicht die Situation mit einem Beispiel einer heimlichen Ehe in Somaliland zwischen einer Frau aus einer Minderheitengruppe und einem Mann, der einem Mehrheitsklan angehört. Die Frau wurde von den Familienangehörigen des Mannes geschlagen und musste ins Spital eingewiesen werden. Der Mann wurde von seiner Familie gezwungen, sich scheiden zu lassen. Ausserdem berichtet MRG von einem anderen gemischten Paar mit fünf Kindern. Die Frau, einem Mehrheitsklan angehörig, wurde von ihrer Familie verstossen. Der Mann, der den Gabooye angehört, sah sich schliesslich gezwungen, sich von ihr scheiden zu lassen, um «ihre Würde wiederherzustellen».

Diskriminierung von rückkehrenden Somali sowie IDPs, die Minderheitengruppen angehören. Laut USDOS (April 2018) werden somalische Rückkehrer_innen aus dem Ausland und intern Vertriebene, die Minderheitengruppen angehören, aufgrund fehlender Verbindungen und Allianzen mit mächtigen Klans diskriminiert.

3.3 Situation der Gabooye in Somaliland und Puntland

Schlechte Lebensbedingungen, Diskriminierung und Gewalt gegen die Gabooye in Somaliland hält an, Beispiele aus den Jahren 2011 und 2012. Gemäss MRG (Oktober 2010) bestehen die Vorurteile von Mehrheitsklans gegenüber Angehörigen der Minderheit in Somaliland weiterhin, was die Bildungschancen und die sozialen Aufstiegsmöglichkeiten von Minderheiten beeinträchtigt. Laut Angaben des Sekretariats der *Gabooye Organisation* vom November 2012 an das IRB (Dezember 2012) zufolge ist die Diskriminierung gegen die Gabooye in Somaliland stark. Die Gruppe sei weiterhin Gewalt ausgesetzt, auch wenn die Regierung Somalilands behaupte, dass sich die Situation verbessert habe. Diese Situation habe einen Sultan der Gabooye an einer Zeremonie in Hargeisa im Jahr 2011 dazu veranlasst, Somali, insbesondere Angehörige des *Isaaq*-Klans, anzuflehen, ihre diskriminierenden Praktiken gegenüber den Gabooye zu beenden. Gemäss derselben Quelle haben sich in Somaliland Fälle von klarer ethnischer Diskriminierung oder Klan-Diskriminierung gegen Mitglieder der Gabooye zugetragen. So wurden im Jahr 2011 zwei ältere den Gabooye angehörige Frauen öffentlich von einer Gruppe von Männern vergewaltigt und danach inhaftiert und geschlagen. In einem anderen Fall wurde die Grossfamilie eines den Gabooye angehörigen Mädchens wegen des Suizids ihres Verlobten für zehn Monate inhaftiert. Die Familie wurde für den Suizid des Mannes verantwortlich gemacht, weil sie die Zustimmung zur Hochzeit verweigert hatte. Im Oktober 2012 seien zwei Mitglieder dieser Familie zum Tod verurteilt und die restlichen Familienmitglieder aus dem Gefängnis entlassen worden.

Sexuelle Gewalt gegenüber Frauen die Minderheiten angehören. IRB (Dezember 2012) schreibt unter Berufung auf einen 2010 veröffentlichten Bericht von UNHCR, dass Minderheiten angehörige Binnenvertriebene (IDP's) oftmals Opfer von Menschenrechtsverletzungen werden, einschliesslich sexueller und geschlechtsspezifischer Gewalt. MRG (Oktober 2010) berichtet von beunruhigenden und anhaltenden Mustern von Vergewaltigungen von Minderheiten angehörigen Frauen im IDP Camp Bosasso in Puntland durch Mehrheitsklans angehörigen Männern und teilweise durch Mitglieder der puntländischen Polizei, der Armee oder der Sicherheitsdienste.

Minderheitengruppen leben in Armut und unwürdigen Unterkünften. Gemäss USDOS leben Minderheitengruppen weiterhin in tiefer Armut (USDOS, April 2018). Obwohl sie Staatsbürger_innen von Somaliland sind, werden einige Minderheitengruppen in Somaliland laut *Somaliland National Human Rights Commission* (November 2010) als «niedrige» Kasten betrachtet. Sie seien die Ärmsten unter den Armen und hätten ein unwürdiges Leben. Sie lebten in schlechten Unterkünften in Slums, die nicht vor Wind und Wetter schützten. Sie hätten keinen Zugang zu sanitären Einrichtungen und Dienstleistungen wie beispielsweise Müllabfuhr oder Latrinen. In manchen Quartieren stehe nur eine Latrine für 50 Familien zur Verfügung.

Keine unabhängige Berichterstattung, Medien befürchten Konflikte mit Mehrheitsklans. Die Medien in Somaliland berichten kaum über Vorfälle von Diskriminierung oder

Gewalt gegen Angehörige der *Gabooye*, weil sie Konflikte mit Angehörigen von Mehrheitsklans fürchten, welche die Regierung und die Gerichte dominieren (Sekretariat der *Gabooye Organisation* gegenüber IRB, Dezember 2012).

3. Fehlender staatlicher Schutz

Tatenlosigkeit der Behörden und fehlender staatlicher Schutz, einschliesslich in Somaliland und Puntland. Laut USDOS (April 2018) geschehen Tötungen, Folter, Vergewaltigungen, Entführungen zur Erpressung von Lösegeld und Plünderung von Land und Besitz gegen Minderheitengruppen oft mit Einwilligung der lokalen und der Bundesbehörden. Gemäss ACCORD (Dezember 2009) bestand zum Zeitpunkt der Veröffentlichung des Berichts kein staatlicher Schutz für Minderheitengruppen in Somalia. Dies traf auch auf Somaliland und Puntland zu, wo staatliche Strukturen existierten, jedoch nicht in einem solchen Ausmass funktionierten, dass ein effektiver Schutz für Minderheitengruppen gewährleistet sei. Obwohl in Somaliland eine etwas tolerante Stimmung gegenüber Minderheiten herrsche, stellt MRG (Oktober 2010) fest, dass der Fortschritt wegen der Untätigkeit und der negativen Haltung der Regierung gegenüber Menschenrechtsverteidiger_innen sehr begrenzt sei.

Schwaches Justizsystem in Somalia einschliesslich Somaliland und Puntland, politische Einflussnahme. Laut Angaben von USDOS (April 2018) ist das zivile Justizsystem im ganzen Land weiterhin nicht funktionsfähig. In einigen Regionen seien lokale Gerichte eingesetzt worden, welche vom dominanten lokalen Klan und mit ihm verbündeten Fraktionen beherrscht würden. Das Justizsystem basiere in den meisten Gegenden auf einer Kombination von traditionellem Gewohnheitsrecht, islamischem Recht (*sharia*) und formellem Recht. Die Justiz sei in starkem Masse von Korruption und Klan-Politik beeinflusst. In Somaliland gäbe es funktionierende Gerichte, jedoch herrsche ein ernsthafter Mangel an qualifizierten Richter_innen. Es fehle an einer systematischen Rechtsdokumentation für den Aufbau von Präzedenzfällen und Korruptionsvorwürfe nähmen zu. Gemäss Angaben von internationalen NGOs gegenüber USDOS intervenieren Regierungsbeamt_innen regelmässig, um Gerichtsurteile zu beeinflussen. Lokale Beamt_innen würden Gesetze willkürlich benutzen, um Menschen ohne Gerichtsverfahren zu verhaften und zu inhaftieren. Die Gerichte in Puntland kämpfen laut USDOS (April 2018) mit ähnlichen Herausforderungen und Einschränkungen wie in Somaliland und seien nicht fähig, einheitlichen Rechtsschutz zu gewähren.

Minderheitengruppen haben nur eingeschränkten Zugang zum Justizsystem. Laut MRG (Oktober 2010) haben Angehörige der Minderheitengruppen nur sehr eingeschränkten Zugang zum Justizsystem, unabhängig davon, ob sie Opfer eines Verbrechens wurden oder sie selber angeklagt sind.

Konflikte werden oft aussergerichtlich gelöst. USDOS (April 2018) und DIS und *Landinfo* (Januar 2013) berichten, dass Konflikte oft nicht durch Polizei oder Gerichte, sondern durch die Klan-Ältesten auf der Ebene der Sub-Sub-Klans gelöst werden. Der gleichen Quelle zufolge führt dies dazu, dass die Angehörigen von Minderheitengruppierungen (*Gabooye*, *Tumaal*, *Beadiris* und *Jareer*) mehr zu befürchten haben als Angehörige der Mehrheitsklans, welche durch ihre Klanzugehörigkeit geschützt sind. Laut USDOS schlichten Klans Konflikte oft mit traditionellen Praktiken. In der Folge würden manchmal gesamte Klans oder Sub-

Klans wegen angeblicher Rechtsverletzungen von Einzelpersonen zur Verantwortungen gezogen.

Strafanzeigen werden oft unterlassen, weil Polizeiangestellte Mehrheitsklans angehören. Eine Angehörige einer Minderheitengruppe, die eine heimliche Ehe mit einem Mann aus einem Mehrheitsklan eingegangen war und von seiner Familie heftig geschlagen wurde (siehe Abschnitt 3.2), verzichtete darauf, den Vorfall der Polizei zu melden. Grund: Die gewaltausübende Person und die bei der Polizei angestellte Person, der sie den Vorfall hätte berichten sollen, gehörten demselben Klan an (MRG, Oktober 2010).

4. Quellen

ACCORD, Dezember 2009:

*«Somalia is often misrepresented as a country with an ethnically homogeneous population, culture and language. Indeed, the perceived **majority of the population are composed of the ethnic nomadic-pastoralist Somalis who speak Af-Maxaa-tiri (i.e. the “noble clans” of the Darood, Hawiye, Dir, and – depending on one’s perspective – the Isaaq), which became the official language of Somalia after independence. The other large group is composed of the mainly sedentary agro-pastoralist people, residing in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia, known as Digil-Mirifle or Rahanweyn. They speak AfMaay-tiri, which is quite distinct from Af-Maxaa-tiri. Outside this homogeneity, one also finds the minorities. (...)***

Minorities are not clans, although this is what the Somali Nomadic clans call them because they want to assimilate them into their structure. Among the minorities, one can find the ‘outcaste’ groups, or bondsmen known collectively as sab, as well as groups of ethnic Bantu descent and the coastal groups, including those of Arabic descent such as the Bajunis and Barawanis.

4.1. Sab

The sab are traditionally bondsmen of the pastoralist clan groups and they can only have relations with the Somali through an abbaan (Somali patron). Internally the sab may have segmented lineage systems along the Somali pattern. Intermarriage is not allowed nor accepted between these minorities/sub-minorities and the “noble” nomadic clans. The sab are traditionally denied the right to own land or livestock, to participate in the local businesses, market economy, or politics. The sab practice various but despised professional skills. Hence sab often refer to groups identified in terms of their occupation. They protect themselves by keeping their own affairs secret, this being their only power to resist the dominance of the Somali nomads, as this creates a dependency of the latter on these groups when it comes to house construction and various kinds of handicraft. They speak a language of their own, although it is disappearing. Sab include the following groups:

Gabooye/Midgan

In the North, the Gabooye are composed of the Tumaal (blacksmiths), Midgan (shoe-makers, hunters and gatherers, poison makers, and hairdressers), and Yibr (see below for details). Groups which belong to Gabooye/Midgan include the Madhibaan, Muuse Dhariyo, Howleh, Hawraar Same, and Habar Yaquup. These groups are also found scattered in Southern Somalia. (...)

The Yibr or Yibro (some find Yibro is a mispronunciation) live along the coast in Mogadishu and in Bosasso, Borama, and Burco. In the South, they are described as being distinct from Gabooye. ***The Yibr are often claimed to be descendants of early Hebrews who settled in the Horn of Africa.*** According to Virginia Luling, the 'Hebrew' idea is not an anti-Semitic invention by others, but was and is maintained by the Yibr themselves, who have found in this a way of dignifying their outcast status. (...) ***Members of Yibr used to have mythological functions in society*** (and do not involve themselves in other tasks in traditional Somali society): They collected the Samanyo (a birth gift) from new-born babies and newly-married girls in exchange for giving them a good fortune. Historically, the Yibr enjoyed some protection before independence through this superstitious practice that prevailed about them, and which is now no longer widely practiced. After independence they suffered from the banning of the Samanyo custom and other related traditions by the government. With the presence of radical Islamic groups like Al-Shabaab with strong anti-Jewish attitudes, the Yibr who claim historical descent from the Hebrews have been increasingly suspected by Somalis with a radical Islamic orientation. Therefore members of the Yibr may be targeted in South Central Somalia, despite the fact that they are Muslims today. Further sub groups present in the South are the Yahhar, Galgalo (woodcarvers), Boon, and Eyle. (...)

6. State Protection

Generally, at present there is no state protection provided for minorities in Somalia. This

includes Somaliland and Puntland where state structures do exist, but they are not functioning to such a level as to ensure effective protection of minorities.» Quelle: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Clans in Somalia, Dezember 2009, S.11, 14, 15-16, 21: www.ecoi.net/en/file/local/1193130/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf.

Danish Immigration Service (DIS) und Landinfo, Januar 2013:

«Regarding the clan system and conflict resolution an international NGO working in Gedo explained that conflicts are settled through the clan elders at the sub sub-clan level, which is the basis that provides security. Usually, people would not approach the police and the courts in order to settle disputes. Regarding clan protection a local NGO in Mogadishu (A) stated that the unarmed marginalized groups have more fears than people belonging to the major clans and this will continue as long as the police and security forces are weak institutions. The marginalized groups in this context are the caste groups, i.e. the Midgan, Tumaal, Benadiris and Jareer. The NGO also mentioned the Arabs still residing in the city as being part of the marginalized groups (...)

5.1 Vulnerable groups

Aside from the urban poor [see below] an international NGO working in S/C Somalia (B) explained that **there are two groups of people which are most vulnerable in Mogadishu. These two groups are either marginalized or exploited:**

Marginalized: some belong to minority/marginalized groups such as Midgan, Gaboye, Tumul and Jareer. In Bondheere as well as in Shangani you will find areas where Jareer are living.» Quelle: Danish Immigration Service (DIS) und Landinfo, Update on security and human rights issues in South-Central Somalia, including in Mogadishu; Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia; 17 to 28 October 2012, Januar 2013, S. 51, 58: www.nyidanmark.dk/NR/rdonlyres/68C10A22-BFFC-4BD6-899D-60FB6B0F7AC5/0/FFMSomalia2013Final.pdf.

Höhne, Markus Virgil, 2015:

«Besides these 'majority' groups, so called 'minority' groups exist everywhere in the Somali setting. In the north, these are mainly Midgan or Madhiban, Muuse Diriye, Tumaal and Yibir. They constitute 'caste-like' groups and their traditional occupations are shoemaker, haircutter, and blacksmith. In the past, some were also hunters; Yibir were considered 'sorcerers'. **The majority-minority group divide is still relevant, and many minority group members are disadvantaged in public and political life.**» Quelle: Höhne, Markus Virgil, Between Somaliland and Puntland: Marginalization, militarization and conflicting political visions 2015: <http://riftvalley.net/publication/between-somaliland-and-puntland#.Wz3VXdUzY-V>.

Immigration and Refugee Board of Canada: Somalia (IRB), 4. Dezember 2012:

«The Gabooye [also spelled Gaboye, Gabooyo; also known as Midgan], a minority group in Somalia, are an occupational "caste" defined by their traditional professions (Somalia Report 18 May 2011; MRG Oct. 2010, 12; ACCORD Dec. 2009, 15). (...)

In a telephone interview with the Research Directorate, the Secretary of the Gabooye Minority Organisation for Europe and North America (Gabooye Organisation), a UK-based NGO that monitors the social, economic and political situation of the Gabooye in East Africa (11 June 2012), explained that the "clan" refers to itself as Gabooye, while other clans use the "rude" term Midgan (6 Nov. 2012). Similarly, Minority Rights Group International (MRG) indicates that, in Somaliland, Gabooye "is a preferred and non-insulting term replacing the **historically pejorative associations of 'Midgan' as used by majority clans**" (MRG Oct. 2010, 12, 34, note 49). MRG also states that the "commonly accepted term" in Somalia is "Madhiban" (ibid., 30). (...)

The traditional occupation of the Musse Deriyo is reportedly pottery-making (MRG Oct. 2010, 30). Sources indicate that the Tumul are traditionally blacksmiths (ibid., 12; ACCORD Dec. 2009, 15). The Yibr are described as being "traditionally ritual specialists" (MRG Oct. 2010, 12), having "mythological functions in society," and engaging in "superstitious practice[s]" (ACCORD Dec. 2009, 16). However, the Secretary of the Gabooye Organisation indicated that the names of the various Gabooye sub-groups refer to family lineage rather than occupational differences (6 Nov. 2012). (...)

3. Location of Gabooye/Madhiban in Somalia

According to the Secretary of the Gabooye Organisation, the Gabooye are primarily located in the north of Somalia [Somaliland], although some reside in Mogadishu (6 Nov. 2012). The ACCORD report indicates that the Gabooye and its sub-groups are found in the north of the country and are also "scattered in Southern Somalia" (Dec. 2009, 15). MRG states that the occupational groups are located throughout Somalia and are the principal minority in Somaliland (Oct. 2010, 12). However, it notes that due to conflict and the loss of traditional livelihoods, many occupational minorities have relocated to urban areas or camps for internally displaced persons (IDPs), as well as to refugee camps in other countries (MRG Oct. 2010, 12). An article published by the UN's Integrated Regional Information Networks (IRIN) indicates that the Daami district of Hargeisa, the capital of Somaliland, is home to 8,000 Gabooye families, comprising approximately 48,000 people (UN 2 July 2010). Further or corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Affiliated Clans and Risks Faced

According to the Gabooye Organisation secretary, the Gabooye are "not really allied" with any major clans in Somalia, but are reported to be on good terms with other minority groups (6 Nov. 2012). In contrast, a report by the UK Border Agency indicates that there are members of the Midgan, Tumul and Yibr groups that "have assimilated into major clan or sub-clan groups" (23 Oct. 2012, para. 3.10.6). (...) The Gabooye Organisation secretary stated that, although the Somaliland government claims that the situation has improved, discrimination against the Gabooye in Somaliland is "bad" and violence against them continues to occur (6 Nov. 2012). In 2011, a sultan of the Gabooye, at a ceremonial event in Hargeisa, entreated Somalis, and the Isaq [also Issaq, Isaaq] clan in particular, to stop their discriminatory practices against the Gabooye (Somaliland Times 24 Dec. 2011). The Isaq are reportedly the dominant clan in Somaliland (ACCORD Dec. 2009, 13). According to MRG, there is a "more tolerant atmosphere" for minorities in Somaliland than in the rest of Somalia, but progress has been limited because of lack of government action and persistent societal prejudices (Oct. 2010, 3).

The Secretary of the Gabooye Organisation indicated that there had been "a few recent incidents" in Somaliland that were "very clear cases of ethnic or clan discrimination" against Gabooye people because of the severity of their treatment (6 Nov. 2012). She provided the example of two elderly women who were gang-raped in public, jailed, and beaten in 2011 (ibid.). In another incident, the entire extended family of a Gabooye girl was reportedly imprisoned for 10 months because her fiancé, a member of a majority clan, had committed suicide after her family refused to consent to their marriage (ibid.). The Secretary indicated that the family was held responsible for the boy's suicide and, as of October 2012, two members of the family had reportedly been sentenced to death, while the rest had been released from prison (ibid.). According to the Secretary, the Somaliland media rarely reports on incidents of discrimination or violence against the Gabooye because they do not want to come into conflict with members of the majority clan, who dominate the government and courts (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that majority clans prohibit intermarriage with a member of a minority group (MRG Oct. 2010, 15; UN 2 July 2010; see also Somaliland Times 24 Dec. 2011). A Gabooye elder from Hargeisa interviewed by IRIN states that a couple entering into a mixed marriage would be killed (ibid.). **MRG reports on mixed couples who were variously forced to divorce, beaten, and shot at by majority clan relatives (Oct. 2010, 15, 18). Similarly, in a 2011 article, Somalia Report interviewed a majority woman whose family members physically abused her and threatened to kill her and her son due to her marriage to a Gabooye man, who was himself forced to flee the country (18 May 2011). (...)**

The UNHCR reports that minority IDPs across the country are at risk of physical assault, killings, and theft, and have no legal recourse through formal or informal channels (UN 5 May 2010, 16). **The UNHCR adds that minority IDPs are vulnerable to human rights violations, including sexual and gender-based violence (ibid., 35). MRG says similarly that minority women, and in particular minority IDP women, are at high risk of gender-based abuses (Oct. 2010, 19). MRG researchers visiting IDP camps in Bosasso in 2009 reported "a disturbing and persistent pattern of rape of minority women [including Madhiban and Midgan women], perpetrated by majority men and sometimes by members of the Puntland police, army, or security service" (Oct. 2010, 20).**

According to the Secretary of the Gabooye Organisation, the majority of Gabooye are not permitted to go to school with other Somali children (6 Nov. 2012). This statement is corroborated by the Somaliland National Human Rights Commission, which states that minority children do not go to school because they cannot afford the fees and especially because they risk mistreatment by other children (1 Nov. 2010). MRG similarly indicates that poverty and fear of discrimination and segregation prevents minority children from going to school (Oct. 2010, 17).

The Gabooye elder interviewed by IRIN stated that, in the Gabooye community of Daami in Hargeisa, there are no facilities for maternal and child health (UN 2 July 2010). **The Somaliland National Human Rights Commission reported that minority group members live in "sub-standard accommodation" in "slums" and lack access to sanitation facilities and services such as garbage collection and latrines (1 Nov. 2010).**» Quelle: Immigration and Refugee Board of Canada: Somalia (IRB), The Gabooye (Midgan) people, including the location of their traditional homeland, affiliated clans, and risks they face from other clans, 4. Dezember 2012: www.ecoi.net/en/document/1324236.html.

Minority Rights Group International (MRG), Oktober 2010:

«The clan structure of the majorities continues to exclude minorities from significant political participation and employment; limits their access to justice where abuse has been perpetrated against them or they stand accused of a crime; denies them their rights to development, education and sustainable livelihoods; and prevents and punishes inter-marriage with members of majority groups. Majorities also routinely subject minority members to hate speech, which has served to perpetuate stereotypes of minorities relating to their physical appearance and traditional practices, and thus heighten their exclusion. (...)

The report highlights a more tolerant atmosphere for minorities in the relatively peaceful self-declared Republic of Somaliland. Progress, however, has been limited by government inaction, negative government attitudes towards human rights defenders, and

persistence of prejudicial attitudes among members of the majority clans that affect the educational and social advancement of minorities. (...)

Occupational groups: historically known as Midgan (or commonly known nowadays as Gaboye, Madhiban and Musse Deriyo, and originally hunters and leatherworkers with other ritual and craft tasks performed for the majorities); Tumul (blacksmiths); and Yibro (ritual specialists). They are scattered throughout Somalia (Somaliland and Puntland), Ethiopia and Djibouti. (...)

The occupational groups are a distinct minority grouping comprising three main groupings practicing specific nonpastoralist occupations and crafts, which were essential to the nomadic economy. They are found in all Somali territories; in Somaliland, they are the principal minority. Members of the occupational groups are not physically distinct from the pastoralist clans with whom they lived and are not regarded as having a non-Somali or foreign origin. They speak local dialects of the Somali language. The three main groups are Midgan (singular Midgan, plural Midgo), also known as Gaboye in Somaliland, who were traditionally hunters and leatherworkers but also undertook various arts and craft work and male circumcision and female genital mutilation (FGM); Tumul, traditionally blacksmiths; and Yibro (singular Yibir, plural Yibro), traditionally ritual specialists. Some traditional occupations died out in the mid/late twentieth century. Yibro, for example, can no longer benefit from their once main income of samanyo birth and wedding payments by 'nobles' (received in exchange for promises of good fortune), since this custom was banned by the Siad Barre government in the early 1970s as 'tribalistic'.

The few educated members of occupational groups work in any chosen field, but most find work in manual and service jobs, such as market-selling and trading, butcheries, domestic work, cooking and selling tea. However, they have lost their monopoly over their traditional tasks (where these still exist), and have often failed to find replacement employment. With the disappearance of their traditional lifestyles, and as a result of conflict, many have moved to urban settlements or IDP camps or fled to refugee camps in neighbouring countries. (...)

The Somali minorities collectively – and minority members individually – suffer denial and abuse of the whole range of basic human rights set out in international and regional conventions including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention Against Torture (CAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the African Charter on Human and Peoples' Rights, all of which are legally binding on Somalia. Many of the abuses minorities have experienced in conflict situations are also violations of the Geneva Conventions and other provisions of international humanitarian law.

Hate speech (...)

Weak political representation (...)

Prohibition on inter-marriage

Despite the customary prohibition by clans on intermarriage with a minority, such relationships have historically probably always taken place, clandestinely at least, although they are rare. **This restriction on intermarriage has excluded minorities from forms of clan support or advancement through marriage ties. A case reported to MRG researchers of a mixed marriage in Somaliland in 2009 is described below, where a majority man and minority girl developed a clandestine relationship and married, thus provoking intense hostility from the husband's clan.**

*I risked my life. I am Madhiban and I married an Issaq 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 Gabileh and **the family of my husband 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 my head. They identified me as the major problem, the one tempting their son. **I was terribly injured and my family had to take me to hospital.** The elders met and I was given compensation [magdhaw in Somali]. Their message was clear: 'Take your compensation and leave our son alone'. We are considered inferiors and no-one wants to marry us.*

*The forcibly-divorced Madhiban wife showed MRG's researcher the scars from the injury to her head. **She said she did not report the assault to the police, 'because the person who injured me and the person I am supposed to complain to are from the same clan'.** An Ogaden woman living in an IDP camp in Mogadishu spoke about the following incident:*

I know a girl from the Hawadle clan who got married to a Midgan man. They were neighbours in Beletweyne [in central Somalia] but her family did not accept her choice. She has five children; three boys and two girls. Her parents no longer consider her as their daughter and severed contacts with her.** She loves her parents and wants to visit them but she fears they might harm her for her choice of husband. Realizing the ordeal, **her loving husband decided to divorce her so that her 'dignity is restored'.

Employment

Since few minority members have received much education, with the exception of some who managed to travel abroad, they are ill-equipped for most modern employment opportunities.** In addition, majority clan members now seeking employment in manual jobs previously associated with minorities are often favoured over minorities. **A Gaboye woman in Somaliland told MRG's researcher: The Issaq will never give you a job and they will always call you names and say, 'Why are you letting your parents pay so much for an education which will not lead you anywhere? Why don't you stay at home and help your mother?' (...)

MRG's researchers visiting IDP camps in Bossaso in 2009 were told of a disturbing and persistent pattern of rape of minority women, perpetrated by majority men and sometimes by members of the Puntland police, army or security service. (...)

Darod: the largest majority clan-family. (...)

Gaboye: the commonly accepted term nowadays in Somaliland for Madhiban and Musse Deriyo minorities, historically called Midgan. (...)

Issaq: the dominant majority clan in Somaliland and its capital Hargeisa. The Somali National Movement (SNM) force, which defeated the Siad Barre government in the northwest in 1991, was based on Issaq clan members.

Midgan: the largest occupational 'excluded'/discriminated against minority, traditionally mainly leather-workers and hunters, **sub-divided into Madhiban and Musse Deriyo line-ages**, as they are more commonly named nowadays, and also known as Gaboye (see above). (...)

Gaboye is a preferred and non-insulting term replacing the historically pejorative associations of 'Midgan' as used by majority clans. See Gaildon, M., *The Yibir of Las Burgabo*, NJ, USA, Red Sea Press, 2005. **Some Gaboye claim the term Gaboye represents all occupational groups in Somaliland, but MRG's researchers found that this is not generally accepted by Tumul or Yibro.**» Quelle: Minority Rights Group International (MRG), No Redress: Somalia's Forgotten Minorities, Oktober 2010, S. 3, 8, 12, 14, 15, 20, 30, 34 (Fussnote 49): <http://minorityrights.org/wp-content/uploads/old-site-downloads/download-912-Click-here-to-download-full-report.pdf>.

Somaliland Human Rights Commission, 1. November 2010:

«Discrimination against Minorities

Some minority groups in Somaliland are considered to be of a low caste. Although they are citizens of Somaliland, minority groups were denied access to elements of a decent life. They live an undignified life. They are the poorest among the poor of Somaliland.

- **Income: Members of minority clans can only work in most undesirable jobs. They can only obtain jobs as street sweepers or janitors, shoe maker/shoe mender, shoe polishing, blacksmith, potter, and circumcision practitioner. These jobs are low paying jobs, with an income from these jobs; they cannot afford to live a decent life.**

- **Shelter: They live in sub standard accommodation, in huts made of cardboard and dried milk tins, which do not protect from weather conditions.**

- **Education: Minority children do not attend schools. Parents are poor and cannot afford to pay the nominal fees; but the issue that most defers minority children from going to school is being afraid of other children's bullying and name calling.**

- **Sanitation: Minority communities live in slums and do not have access to basic services such as garbage collection. Municipality trucks do not go to their neighborhoods to collect garbage. Garbage piling up poses serious health risk for the community. Due to poor housing, people in the minority community do not have enough latrines in some neighborhoods there are one latrine for fifty families.**» Quelle: Somaliland National Human Rights Commission, Somaliland National Human Rights Submission to Universal Periodic Review November 1st, 2010, 1. November 2010: https://lib.ohchr.org/HRBodies/UPR/Documents/Session11/SO/SNHRC_SomalilandNationalHumanRightsCommission-eng.pdf.

UK Home Office, 17. Januar 2012:

«**Dr Cedric Barnes, in the Foreign and Commonwealth Office's Africa Research Group, observed in a paper dated 16 May 2008 (FCO Analyst Paper 2008) that: "The term minority has come to cover a wide and diverse range of peoples in Somalia. Some minorities may be more identifiable (e.g. appearance, dialect, accent) than others. Others, especially those are treated as lower 'castes' – due to the stigma associated with their way of life, profession, putative ancestors, etc. – will be indistinguishable from majority Somali clan groups. The groups that are associated by occupation may no longer exclusively practice the occupation with which they are traditionally identified."**» Quelle: UK Home Office, Country of Origin Information Report; Somalia, 17. Januar 2012, S. 164-165: www.ecoi.net/en/file/local/1277148/90_1326990363_ukba-2012-01-somalia-final.pdf.

USDOS, 20. April 2018:

«*The provisional federal constitution states, "The judiciary is independent of the legislative and executive branches of government." The civilian judicial system, however, remained largely nonfunctional across the country. Some regions established local courts that depended on the dominant local clan and associated factions for their authority. The judiciary in most areas relied on a combination of traditional and customary law, sharia (Islamic law), and formal law. The judiciary was subject to influence and corruption and was strongly influenced by clan-based politics. Authorities did not respect court orders. Civilian judges often feared trying cases, leaving military courts to try the majority of civilian cases. In July the legislative branch attempted to exert authority over the judiciary by passing a motion annulling a Federal High Court decision requiring eight seats in parliament be re-contested following allegations of corruption in the electoral process. President Farmaajo pressed the parliament to respect judicial independence, but the court decision was ultimately not enforced.*

In Somaliland functional courts existed, although there was a serious shortage of trained judges, limited legal documentation upon which to build judicial precedent, and increasing allegations of corruption. Somaliland's hybrid judicial system incorporates sharia, customary law, and formal law, but they were not well integrated. There was widespread interference in the judicial process, and government officials regularly intervened to influence cases, particularly those involving journalists. International NGOs reported local officials interfered in legal matters and invoked the public order law to detain and incarcerate persons without trial.

Puntland courts, while functional, lacked the capacity to provide equal protection under the law and faced similar challenges and limitations as courts in Somaliland.

Traditional clan elders mediated conflicts throughout the country. Clans frequently used and applied traditional justice practices swiftly. Traditional judgments sometimes held entire clans or subclans responsible for alleged violations by individuals. (...)

National/Racial/Ethnic Minorities

More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas the predominant clan excluded members of other

groups from effective participation in governing institutions and subjected them to discrimination in employment, judicial proceedings, and access to public services.

Minority groups, often lacking armed militias, continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

*Representatives of minority clans in the federal parliament were targeted by unknown assailants, whom minority clan members alleged were paid by majority clan members. **Somali returnees and IDPs from marginalized clans suffered discrimination, since they often lacked powerful clan connections and protection.***» Quelle: US Department of State (USDOS), Country Report on Human Rights Practices 2017 - Somalia, 20. April 2018: www.state.gov/j/drl/rls/hrrpt/2017/af/277045.htm.