



# The Realities of Human Rights in Somalia: An Intersectional Analysis of Ethnic-and Caste-Based Marginalization, Gender-Based Violence, and Disability Rights

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**Abstract:** This paper examines the deep structural human rights crises in Somalia through an intersectional framework that looks beyond active armed conflicts. It focuses on the systemic disenfranchisement of ethnically marginalized communities (sometimes referred to as minorities)—including the Bantu (Jareer or Jareerweyne), caste-based "Gabooye/Baydari" groups, Banaadiri (Reer Xamar), Barawanese (Reer Baraawa)—and the widespread societal neglect of GBV and persons with disabilities. Using qualitative desk analysis of domestic legal texts, reports from the Coalition of Somali Human Rights Defenders, scholars, and international human rights frameworks, this study demonstrates how Somalia's political and legal systems reinforce dominant clan power. The paper further shows that the ill-famed "4.5 system" of internal Apartheid used for political representation, strips marginalized minoritarian groups of their rights, legal protection, and statutory recourse. Furthermore, the study looks at how GBV and persons with physical and psychosocial disabilities also suffer from a chronic type of marginalization due to deep-seated cultural stigmas, minimal healthcare infrastructure, and the absence of clear enforcement for protections like the National Strategy for Persons with Disabilities (2025–2028). Ultimately, this paper argues that true human rights reform in Somalia requires moving past temporary security measures. It calls for fundamental structural changes: replacing clan-dominated customary legal codes (*Xeer*) with robust, equitable statutory frameworks; empowering the National Independent Human Rights Commission; and creating inclusive policies to support marginalized communities facing climate-driven displacement, systemic ethnic-based exclusion, and caste-based segregation.

**Keywords:** Disability Rights, Ethnic & Caste-Based Marginalization, Gender-Based Violence (GBV), Human Rights, Intersectional Discrimination, Minority Rights, Subaltern Studies.

## Research Paper

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## 1. INTRODUCTION

### 1.1 Historical and Institutional Context of the Somali State

The contemporary human rights landscape in Somalia cannot be understood without examining the institutional legacy of the 1991 collapse of the military regime of Major General Mohamed Siad Barre. The subsequent decades of state fragmentation led to the destruction of central statutory legal frameworks, formal judiciaries, and public safety infrastructure. In the absence of a centralized authority, political structures rebuilt themselves around kinship networks, culminating in the establishment of the Federal Government of Somalia (FGS) and its Federal Member States (FMS).

However, this transition into a federal architecture did not restore equal rights to all citizens.

Instead, post-collapse political systems consolidated power within a strict clan hierarchy. Such hierarchy favors the **numerically unproven** four major clan families—the Daarood, Hawiye, Dir, and Rahaween (Digil-Mirifle)—while combining all other demographic groups into an explicitly marginalized "0.5" fraction of share in state representation.

This arrangement, known as the 4.5 system, which equals to a return of Apartheid in Africa after its collapse officially in South Africa in April 1994, was originally designed as a temporary power-sharing compromise for political stabilization. Over time, it has frozen into an institutional mechanism that distributes legislative seats, judicial positions, and civil service roles in a way that disadvantages unarmed communities. It

created massive political inequality which makes incredibly difficult for marginalized groups to challenge systemic human rights violations.

## 1.2 The Intersections of Legal Pluralism and Structural Violence

The primary human rights challenge in Somalia stems from a complex, overlapping legal system. Justice is administered through three competing frameworks: Statutory Law (defined by the historical penal codes and evolving federal laws), *Sharia* (Islamic Law), and *Xeer* (traditional customary law, negotiated, administered, and enforced by clan elders).

While *Xeer* serves as an informal mechanism for local dispute resolution, it fundamentally operates on collective clan strength rather than individual human rights. In this framework, justice is determined by the size and military power of a person's clan. Because ethnically marginalized groups lack armed militias and political leverage, they are systematically denied equal protection under *Xeer*. If a member of a dominant clan commits an abuse against an ethnically marginalized individual, the traditional legal system often fails to hold the perpetrator accountable, resulting in a culture of impunity.

The ensuing structural legal failure is further deteriorated by ongoing institutional changes. While recent steps to update the legal framework—such as the transition from the Provisional Constitution to a permanent constitutional structure—aimed to stabilize the country, civil society organizations have raised concerns about a lack of inclusivity. When constitutional revisions focus on centralizing administrative power rather than protecting human rights, the concerns of marginalized groups are frequently sidelined. Consequently, the domestic legal system fails to meet international agreements Somalia has signed, including the International Covenant on Civil and Political Rights (ICCPR), a gap which leaves vulnerable populations exposed to a very stiff systematic discrimination, economic exploitation, and social exclusion.

## 1.3 The Invisible Casualties: Ethnic Minorities and the Disabled

While international attention often focuses on security challenges and regional political standoffs, the most severe daily human rights crises affect marginalized ethnic minorities, women, and persons with disabilities. Groups such as the Somali Bantu (Jareer or Jareerweyne), the Banaadiri, the Barawanese, and various caste-based minorities of the Gabooye and Baydari (including the Madhibaan, Muuse Dheryo, Tumaal, and Yibir etc.), face systemic economic and social discrimination. They deal with forced evictions, systemic land grabbing in fertile agricultural valleys, and exclusion from primary healthcare and education. Because they lack strong political representation within

the 4.5 system, their complaints are rarely addressed by federal or regional authorities.

At the same time, persons with disabilities experience profound marginalization within Somali society. Decades of institutional collapse have left the country without accessible public infrastructure, rehabilitation programs, or mental health support systems. In fact, the lack of support is particularly harmful given the high rates of trauma-induced psychosocial disabilities caused by decades of instability. Although the federal government introduced the National Strategy for Persons with Disabilities (2025–2028), enforcement remains very weak while implementation is not more than lip-service. In such a situation of great neglect, both public and private entities routinely ignore accessibility guidelines, leaving disabled individuals isolated during climate emergencies, such as severe droughts and flash floods.

## 1.4 Statement of Problem and Thesis

The core issue in Somalia's human rights framework is that institutional protections are designed around clan identity rather than universal human dignity. A flawed system of this nature creates a situation where individuals who do not belong to a dominant clan, or who require specialized institutional support due to physical or cognitive conditions, are pushed to the margins of society and remain not only unserved but their human rights denied.

Therefore, this essay argues that while institutional fragmentation and shifting governance models define Somalia's formal legal landscape, the true systemic human rights crisis lies in the structural exclusion of ethnically marginalized communities, lack of addressing GBV effectively, and the social isolation of persons with disabilities. These vulnerabilities are worsened by a biased customary legal framework and climate-driven displacement, showing that true human rights reform requires dismantling clan-based legal privileges and enforcing genuine statutory equality.

# 2: LITERATURE REVIEW

## 2.1 The Political Economy of Clan Hegemony and the 4.5 System

The academic literature on post-1991 Somali state reconstruction is dominated by superficial analyses of the "4.5 system" as a mechanism for political stabilization. However, critical human rights scholarship views this arrangement not as a solution, but as an institutional model for blatant structural discrimination and shameful legalization of Apartheid in the African continent after its abolition in South Africa. Scholars such as Abdi Ismail Samatar argue that by embedding clan identity directly into the state structure, post-collapse political systems have institutionalized an unequal hierarchy. The allocation of a full political share to the so-called four major clans of Daarood, Hawiye, Dir, and Rahaweyn, and a half-share (0.5) to all other

minoritarian groups created an explicit, legal Apartheid system within the legislature and civil service.

This political framework is deeply challenged by Mohamed Eno and colleagues (2024) who deconstruct this arrangement in the foundational text, "Should Somalia's Race-Based 4.5 Electoral Formula Be Reformed?" In their study, Eno *et al.* reveal that the 4.5 formula acts as an absolute discriminatory tool, entrenching intentionally incubated ethnic marginalization under the guise of power-sharing compromise. By prioritizing collective clan size over universal individual citizenship, the formula prevents the unarmed marginalized communities from holding key judicial or executive offices, which effectively barricades them from influencing domestic legal reforms (Eno & Eno 2007). In a strong, constructive opinion article denouncing the 4.5 system and other mismanagement of the entire Somali peace and stability processes, prominent Somali scholar Professor Abdi I. Samatar (2007) criticized the framework as a system laden with huge discrepancy that leads to social and bureaucratic dysfunction of irrecoverable dimensions, analyzing the situation as follows: "The immediate and long-term consequence of this [4.5] strategy is to balkanize citizenship and community. Such compartmentalized political order is driven by rent-seeking (corruption) rather than providing an efficient service to the citizens, and has no chance of leading to political stability and economic development."

Furthermore, in their critical analysis of the 4.5 system, Eno *et al.*, (2024) highlight the large-scale deception in the system and how dominant clans manipulated the electoral scheme, designating some subclans from majority clans as minorities to maintain structural dominance while leaving authentic minority groups politically isolated and economically vulnerable. While mainstream post-collapse literature often treats political reconstruction as a neutral stabilization process, critical human rights frameworks expose how these models entrench systematic exclusion. As Eno *et al.* (2024) demonstrate, the institutionalization of the 4.5 system froze a discriminatory hierarchy directly into the state's legislative and judicial architecture. By formalizing a half-share allocation for non-dominant groups, the state effectively codified Apartheid and political subalternity, stripping marginalized ethnic groups of the statutory power needed to contest systemic human rights violations.

## 2.2 Legal Pluralism and the Limitations of Customary Law (*Xeer*)

A major theme in Somali legal studies is the interaction between statutory law, *Sharia*, and *Xeer* [traditional customary law] (Federal Government of Somalia, 2012). While a section of international development agencies, interest-driven elite, and traditional leaders often praise *Xeer* as an effective, community-led tool for dispute resolution in the absence

of a strong state, human rights activists point out its fundamental flaws regarding equal protection. *Xeer* is a conservative, patriarchal legal system negotiated between male elders representing specific clans. It operates on the principle of collective responsibility, where crimes are treated as disputes between clans rather than individual offenses, and compensation (*Diya* or blood money) is paid from one clan to another.

A collective framework of this kind fails to protect individuals who belong to politically weak or militarily unarmed clans. As Eno (2021) and Ibrahim *et al.* (2025) reveal in their distinct studies, traditional elders from dominant groups routinely alter or ignore *Xeer* rules during negotiations with weaker groups, creating systemic impunity that leaves minorities with almost no path to legal recourse within the customary system.

Additionally, *Xeer* systematically denies legal standing to persons with disabilities and women, regardless of their clan background. Because customary law views individuals through their utility to the clan's defense and economic productivity, those who cannot participate in pastoralist labor or military defense are excluded from decision-making assemblies (*Shir*). This practice denies them personal agency and reduces human rights protections to economic calculations, conflicting directly with accepted international standards like the International Covenant on Civil and Political Rights (ICCPR).

## 2.3 Systemic Discrimination against Marginalized Ethnicities: The "Apartheid" Reality

The sociological and human rights literature on Somalia has historically over-simplified social stratification, a flaw addressed comprehensively by Eno's field-defining book, *The Bantu-Jareer Somalis: Unearthing Apartheid in the Horn of Africa* (2008). Eno documents the deep-seated racial prejudice faced by the Somali Bantu community and other groups, arguing that their systemic social exclusion, land dispossession, and psychological marginalization resemble a form of racial apartheid hidden within the Horn of Africa—a stigma that leads directly to economic exploitation, physical insecurity, and human rights violation. Constituting a mixture of indigenous and descendants of migrants from Southeast African countries, the Bantu have historically endured forced labor, systemic social exclusion, and regular derogatory epithets from dominant pastoralist clans who *claim* cultural superiority (Besteman 1999; Besteman & Cassanelli 1996; Eno 2008; Kahyana 2020). This reality, also shared by the Banaadiri and the Barawanese, is further contextualized by scholars Eno and Kusow (2014) and Kusow and Eno (2015), demonstrating the dominant groups' treacherous mechanism of manufacturing apocryphal narratives of identity to subjugate and deny the rights of both ethnic distinct groups and caste-based occupational minorities like the Madhibaan, Tumaal, and Yibir etc. (See also Eno 2008; Deramo 2016).

Eno's (2017) work "Sowing Seeds of Subalternity in Somali Studies: A Literary Perspective of the Social, Political and Cultural Dimensions," critiques traditional academic literature for ignoring the voices of Southern minorities, another aspect that violates their cultural rights and method of communal self-expression. He demonstrates how these cultural prejudices restrict social interactions, prevent intermarriage, and limit their cultural potential, trapping these communities in a cycle of generational cultural disdain.

#### 2.4 The Institutional Invisibility of Persons with Disabilities

There is a massive paucity on academic literature on disability, particularly on disability rights in Somalia, reflecting the broader institutional neglect of this community. Existing studies by international NGOs and public health researchers show that decades of crisis have created an exceptionally high rate of both physical and psychosocial disabilities across the country. It is a crisis compounded by a total lack of specialized medical infrastructure, physical rehabilitation centers, and advanced as well as adequate psychiatric care facilities. Most mental health conditions are treated through informal, often religious or traditional practices, such as chaining individuals or placing them in long-term isolation due to widespread social stigma.

From a legal standpoint, experts point out that Somalia's historical 1962 Penal Code and Provisional Constitution do not provide clear, enforceable protections for persons with disabilities. While the Federal Government of Somalia signed the United Nations Convention on the Rights of Persons with Disabilities (CRPD), it has not been translated into effective implementation since the Somali Disability Rights Protection Law was launched recently in June 2026 (SDN 2026)—while this study was in progress. The National Strategy for Persons with Disabilities represents a policy milestone (Federal Government of Somalia, 2024), but academic critics note that it remains underfunded and lacks clear enforcement mechanisms across Federal Member States. Consequently, disabled individuals often face systemic discrimination in the workplace, and are excluded from public infrastructure (Amnesty International, 2020).

#### 2.5 Intersectionality: Climate Displacement and Legal Gaps

Recent academic research emphasizes the importance of using an intersectional approach to understand human rights in Somalia, particularly the inter-impact-scenario between climate change and internal displacement. Cyclically, Somalia faces critical droughts and catastrophic flash floods, which have forced millions of people into Internally Displaced Persons (IDP) camps. Environmental and human rights scholars observe that climate disasters are not neutral since they magnify existing social inequalities. Therefore, when a climate disaster hits a region, ethnic minorities and persons with disabilities suffer the most

serious impacts due to their inability to act quickly or develop sustainability in coping with the disaster (Üstün *et al.* 2026).

In IDP camps, dominant clan dynamics are often replicated, leaving marginalized and minority and disabled displaced persons exposed to intolerable types of discrimination. As highlighted in Eno and Thomas's (2022) policy brief titled "Minority Exclusion in Somalia: Shortcomings of Aid Agency Feedback Mechanisms", dominant clans frequently control the management of these camps, allowing them to systematically divert international humanitarian aid away from their designated marginalized and minority families.

Additionally, persons with disabilities face difficult challenges in accessing basic humanitarian services. IDP camps rarely feature accessible sanitation facilities, clean water distribution points, or medical clinics. People with disabilities, similar to marginalized ethnic groups and minority IDPs, also face a constant threat of secondary forced evictions. Private landowners and regional municipal authorities regularly clear informal settlements without providing alternative housing or fair compensation, pushing these vulnerable populations deeper into poverty and legal instability, violating their right to shelter (Amnesty International 2020).

### 3: DATA ANALYSIS AND DISCUSSION: PART I: ETHNIC MINORITIES, CLAN STRUCTURAL VIOLENCE, AND INTERSECTIONAL GBV

#### 3.1 The Political Economy of Land Grabbing and Dispossession in Riverine Agrarian Ecosystems

Empirical evidence from the Shabelle and Juba valleys demonstrates that human rights violations against marginalized ethnic minorities in Somalia are deeply tied to economic factors. As established by Eno and Eno in "The African Diaspora within Africa and the Impact of Slavery and Stigma in the Islamic Society: A Case Study of Somalia" and Eno *et al.*, (2012) "Slavery and Colonialism: The Worst Terrorism on Africa", the structural subjugation of riverine agrarian minority communities dates back to historical systems of forced labor and land dispossession. The Somali Bantu Jareerweyne live on the country's most fertile lands, yet they face continuous, state-tolerated land grabbing because they are unarmed and excluded from the dominant clan-state security apparatus.

Under the current Federal Member State (FMS) administrations, local land theft has shifted from chaotic militia raids to bureaucratic dispossession. Regional administrative authorities routinely issue fraudulent land titles to well-connected members of dominant clans, overriding ancestral land claims held by the marginalized people (Eno 2008). As O. Eno *et al.* (2010) detail in "Defining the Problem in Somalia: Perspectives from the

Southern Minorities”, this process is driven by the asymmetry of the 4.5 system, which denies minority communities judicial representation or strong vocal representation in federal, regional or state ministries. As a result, when minority farmers try to challenge these land grabs in local courts, their claims are dismissed by judges who belong to the same dominant clans as the land grabbers. This creates a state-sanctioned transfer of wealth that reduces minority populations from independent landowners to low-wage agricultural laborers on their own ancestral lands.

Scholars have long observed this land appropriation mechanism which started in colonial era and continued across multiple civilian, military, and post-war administrations in the country. Commenting

on the gravity of the land-grabbing and land-expropriation situation in southern Somalia’s fertile agricultural region, Somali Studies scholar Kenneth Menkhaus states how:

Clan militias have come to occupy important pieces of real estate in Mogadishu and parts of south Somalia. In contravention of the Geneva conventions, these valuable lands are being settled by the victorious clans at the expense of weaker clans, who have been pushed off their land, evicted from their houses, or in some instances conscripted as forced labor on the land they once owned. This has been a particular problem in parts of the Lower Shabelle and throughout the Juba valley (Menkhaus, 2003).

**Table 1: Land Grabbing**

| The Mechanism of Bureaucratic Dispossession |                                                                                         |
|---------------------------------------------|-----------------------------------------------------------------------------------------|
| 1. Institutional Power:                     | Dominant clans monopolize FGS & FMS ministries and judicial benches via the 4.5 system. |
| 2. Fraudulent Title Issuance:               | Ministries issue official land deeds to dominant clan elites over minority tracts.      |
| 3. Enforcement & Impunity:                  | Regional security forces enforce the titles; minority appeals are dismissed by judges.  |

Loss of land has direct impacts on basic human rights, specifically the right to food, adequate housing, and self-determination under international law. When minority farmers lose their land, they lose their primary source of nutrition and income as well as their cultural heritage. But because the focus in Somalia has for long been security, human rights and violation of this nature and against these marginalized communities has been completely neglected, or at best downplayed as simply a less significant issue.

Data from local civil society organizations shows that minoritarian communities are systematically denied access to state-managed agricultural inputs, international development aid, and irrigation systems. This deliberate neglect creates a cycle of artificial food insecurity, forcing ethnic minority populations to sell their land at throw-away price and into unsafe, informal urban labor markets or pushing them into internally displaced persons (IDP) camps.

**3.2 The Reality of Caste-Based Discrimination and Language Domination**

Beyond territorial disputes, occupational and caste-based minorities—collectively referred to as the Gabooye and Baydari—encounter very rigid and completely intolerable, daily social discrimination. They experience a prejudice built into social customs and economic structures, creating an unsanctioned system of segregation. On the other hand, it is a system reinforced not just through social customs, but also by way of dialect supremacy and structural inferiorization of otherized dialects. In Eno et al.’s (2016) empirical work on language discrimination, they provide a broad

analysis of how dominant pastoralist groups use language domination to marginalize and diminish the distinct linguistic dialects of marginalized southern minority communities, treating them as culturally inferior.

Both the Bantu and the Gabooye/Baydari face an enduring cultural prejudice enforced through strict social boundaries. Inter-marriage between dominant clans and these groups is taboo. When such marriages do occur, they frequently trigger violent retaliation from the dominant family, including honor killings and forced separations, physical and psychological harm, which go unpunished or judged by local authorities as a simple misdemeanor. Furthermore, caste-based minorities face systemic discrimination in formal employment. They are kept out of both civil service roles and private-sector jobs, forcing them into dangerous, low-wage occupations like waste management, sanitation work, and informal, despised manual labor. They suffer from a huge economic isolation compounded by educational exclusion as discussed by Eno (2013) in his anthology *Guilt of Otherness: Poems*. Eno’s poems further highlighted how marginalized minority children are routinely bullied, physically assaulted and segregated in classrooms, leading to high dropout rates that trap these communities in multi-generational poverty.

**3.3 Intersectional Gender-Based Violence (GBV) Against Minority Women**

Gender-based violence (GBV) in Somalia is deeply shaped by clan hierarchy and racial discrimination. To address this crisis, Abukar et al. (2025) conducted extensive empirical research to unravel the heinous nature of GBV and the necessity to contextualize

interventions. In another study, scholars Jawaani and Eno (2025) provided concrete data on how women are systematically targeted. In the Somali legal and cultural context, a woman's safety relies on the protective power and military strength of her clan. Because minority clans lack armed militias and political influence, their female members are more vulnerable than their counterparts from major armed clans. As a result, they are frequently targeted for sexual violence by dominant clan members and regional security forces.

Ibrahim *et al.*'s (2025b) study titled "Bridging the Gender Divide through Empowerment Narratives: A Case of Survivors of Gender-Based Violence in Mogadishu and Afgoye in Somalia" exposes how survivors are silenced by both customary law (*Xeer*) and weak statutory infrastructure as well as other threats by

the perpetrator or his kinsfolk. When an ethnic minority woman is assaulted by a member of a dominant clan, traditional elders from the perpetrator's clan typically refuse to engage in mediation, or they force a cheap settlement that pays compensation directly to the male elders, completely ignoring the survivor's medical, psychological, and legal needs (Ibrahim *et al.* 2025a&b).

This environment of impunity has sparked massive social demands for justice among emerging women professionals. A groundbreaking study by Ali-Clay *et al.* (2015) titled "Empirical Evidence: 70% of University of Southern Somalia Female Trainee Teachers Say 'Execution' and 'Life Imprisonment' for SGBV Perpetrators", captures a clear demand for harsh statutory punishments to replace biased customary clan negotiations that do not give justice to GBV survivors.

**Table 2: GBV**

| <b>Intersectional Risk Vulnerability Architecture</b> |                              |
|-------------------------------------------------------|------------------------------|
| <b>Dominant Clan Woman</b>                            | <b>Ethnic Minority Woman</b> |
| Armed clan backing                                    | No armed clan protection     |
| Formal <i>Xeer</i> recourse                           | Excluded from <i>Xeer</i>    |
| Intraclan mediation                                   | Targeted with impunity       |
| Social standing protected                             | Racialized/caste stigma      |

Data from the Coalition of Somali Human Rights Defenders (CSHRD 2026) indicates that sexual assaults against minority women are rarely investigated or prosecuted. When a minority woman is assaulted by a member of a dominant clan, the customary legal framework (*Xeer*) fails completely. Traditional elders, according to several reports including the two research articles by Ibrahim and her colleagues, are accused of being unfair to the victims of GBV as they are biased in their mediation, which usually treats the survivor of SGBV against their wish for legal redress in a court of law. A clear environment of this kind of impunity makes minority women exceptionally vulnerable during travel or daily activities, such as collecting firewood or water outside urban centers and around IDP camps (Ibrahim *et al.* 2025a; Ibrahim *et al.* 2025b).

### 3.4 Institutional Impunity and the Deficits of Statutory Recourse

The persistent violation of minority rights in Somalia is upheld by a failing domestic justice system. The statutory judiciary is weak, underfunded, and heavily influenced by clan and kinship politics and justice. This makes it unable to challenge the informal systems of *Xeer*, clan favoritism, and male chauvinism. The Federal Government of Somalia has failed to implement constitutional reforms that would guarantee equal protection under the law for all citizens, regardless of clan origin (Eno & Eno 2007; Samatar 2007; Dyfan 2025). The 1962 Penal Code remains outdated and lacks specific provisions to criminalize ethnic-based discrimination, hate speech, or targeted land dispossession.

In addition, the legal gap is worsened by the state's reliance on military courts to handle civil and criminal cases. These courts operate without basic transparency and deny defendants due process. For ethnic minorities, who lack the financial resources to hire a good private legal counsel or the political connections to influence military judges, the formal legal system is inaccessible and unhelpful.

Consequently, the state's failure to provide equal access to justice violates its international obligations under the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR). It is an institutional failure that leaves minority communities without any formal means to protect their human rights or seek redress.

### 3.5 Socio-Economic Rights and Institutional Neglect in the Southwest State

The denial of human rights in Somalia extends far beyond legal and physical insecurity, affecting basic survival and socio-economic rights. Despite some positive outcomes, localized field assessments inside the Southwest State of Somalia expose a pattern of prevalent barriers in public health, maternal care, and employment. In a clinical case study, "Incomplete Exclusive Breastfeeding among Women: A Case Study of Darussalam MCH Center in Baidoa" (Adam *et al.* 2022), and a collaborative report on maternal health, "Investigating Maternal Mortality of the Year 2019 at Bay Regional Hospital in Baidoa", (Yarow *et al.* 2021), document women's problems when trying to access basic healthcare, leading to high maternal mortality

rates and inadequate infant nutrition support.

Various studies reveal the existence of not only public health crises but other predicaments which are closely linked to economic exclusion. For instance, Ali and coresearchers (2022) conducted a field study, “Youth Unemployment in Somalia: A Case Study of Baidoa”, which demonstrates the various discrepancies involved in youth unemployment and how they are systemically excluded from recruitment opportunities due to clan preferences, nepotism, and the lack of state protections.

To combat this deep-seated marginalization, Aweys *et al.* (2025) in “Indigenization and Decolonization of Social Work Education in Africa through the Prism of Ubuntu Philosophy: Perspectives from Somalia,” and, Abukar *et al.* (2025) in “Battling Gender Based Violence in Somalia: The Need for Qualified Community Social Workers and Psycho-trauma Counsellors,” advocate for a complete overhaul of the country's social welfare systems. In order to uphold the dignity of the citizens whose human rights are violated, they call for training local, qualified social workers and psycho-social trauma counselors to provide context-based, trauma-informed care directly to GBV survivors, using the inclusive principles of locally contextualized versions of *Ubuntu* philosophy to heal and support vulnerable populations.

## **4: DATA ANALYSIS AND DISCUSSION: PART II: STRUCTURAL ABANDONMENT AND RIGHTS OF PERSONS WITH DISABILITIES**

### **4.1 Deconstructing Societal Stigma and the Cultural Landscape of Disability**

Empirical data and human rights monitoring in Somalia reveal that persons with disabilities face widespread societal discrimination that cuts across all clan lines. Decades of institutional collapse and conflict have left deep physical and psychological scars on the population. Yet, the social perception of disability remains deeply exclusionary. Persons with physical, sensory, intellectual, and psychosocial disabilities are routinely subjected to severe cultural stigmas. In many communities, disability is misunderstood through traditional beliefs that view it as a divine punishment, a curse, or a source of familial shame.

This cultural stigma leads directly to extreme social isolation and institutional invisibility. Families frequently hide relatives with intellectual or psychosocial conditions from the public eye to protect the family's social standing and marriage prospects within the competitive clan marketplace. Rather than receiving specialized medical attention, individuals with cognitive or psychosocial conditions are either neglected without appropriate expert intervention or often subjected to harmful traditional practices.

Human rights monitoring reports document instances where individuals experiencing severe trauma or mental health crises are chained to trees, poles, or hospital beds for long periods. This widespread, institutionalized abuse is viewed by communities as a form of containment; but it also constitutes a direct violation of Article 5 of the Universal Declaration of Human Rights (UDHR), which prohibits cruel, inhuman, or degrading treatment.

### **4.2 The Intersectional Vulnerability of Disabled Women and Girls to GBV**

The intersection of gender, disability, and structural lawlessness creates a high-risk environment for women and girls with disabilities in Somalia. Academic research and reports from local civil society organizations, despite the fact of being very scant, show nevertheless that disabled women and girls experience significantly higher rates of sexual and gender-based violence (SGBV) than non-disabled women. They face unique vulnerabilities due to their physical dependence, restricted mobility, and communication barriers (UNFPA, 2022). Perpetrators, who are often family members, neighbors, or regional security personnel, target disabled women because they know their victims will struggle to escape, report the attack, or be believed by traditional authorities.

When a woman with an intellectual or communication disability is sexually assaulted, the domestic legal and customary frameworks fail completely due to lack of trained experts to represent such vulnerable survivors. Within the traditional *Xeer* system, the testimony of a person with cognitive or speech disabilities is routinely dismissed by clan elders as unreliable or invalid. Because *Xeer* focuses on financial compensation between male clan leaders rather than justice for the survivor, cases involving disabled victims are often ignored entirely or settled through minimal payments of compensation money to the victim's father, brother, or clan elders.

The act of violating the victim's rights is exacerbated by the fact that the survivor is left without access to medical care, emergency contraception, or trauma-informed counseling. Therefore, the compounding factors of neglect and lack of legal protection reinforce a dangerous cycle where disabled women are viewed as easy targets who can be assaulted with complete impunity.

### **4.3 Total Collapse of Specialized Public Health, Psychiatric, and Rehabilitation Infrastructure**

The state-level denial of human rights for persons with disabilities is clearly visible in the near-total absence of effective public health infrastructure. The Federal Government of Somalia (FGS) allocates minimal portions of its national budget to healthcare, and almost none of these funds are directed toward specialized services for disabled individuals. Consequently, there is

a significant shortage of assistive technologies, such as prosthetics, wheelchairs, hearing aids, and braille educational materials available in public service premises visited by disabled persons. Physical rehabilitation centers are almost entirely dependent on inconsistent funding from international non-governmental organizations (NGOs), leaving the vast majority of disabled citizens without any access to physical therapy or mobility support.

The situation is even more critical for mental health infrastructure. Somalia has an exceptionally high rate of post-traumatic stress disorder (PTSD) and depression due to decades of civil collapse and environmental disasters. Despite this widespread need, the formal public healthcare system contains only a handful of qualified psychiatrists and functional psychiatric wards.

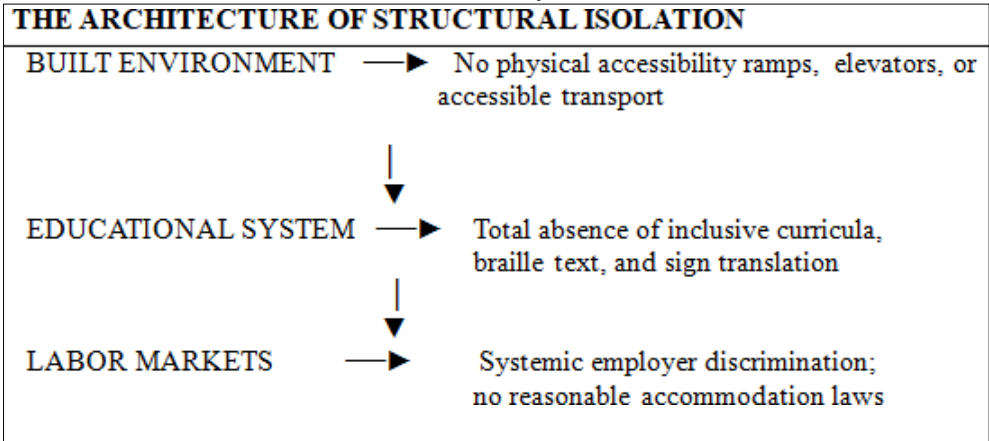
The remaining psychiatric clinics operate with technologically outdated methodologies, lack regulatory oversight, and face chronic shortages of essential medications. As a result, the state's failure to provide an

accessible healthcare infrastructure directly violates its international commitments under Article 25 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). This neglect leaves vulnerable individuals completely dependent on informal, poorly equipped family networks for their basic survival.

**4.4 Exclusion from the Built Environment, Educational Systems, and Labor Markets**

The institutional marginalization of persons with disabilities is reinforced by their systemic exclusion from public life, the physical environment, and economic opportunities. Urban centers throughout Somalia—including Mogadishu, Garowe, and Kismayo—are built without any consideration for accessibility guidelines. Public administrative buildings, police stations, courts, marketplaces, and schools feature steps, narrow corridors, and an absolute lack of ramps or elevators. This lack of accessible infrastructure amounts to another physical barrier that prevents disabled individuals to undertake some of their needs inside premises that lack these facilities.

**Table 3: Disability Isolation**



PWD's physical exclusion is matched by a total lack of inclusive educational opportunities. The vast majority of schools do not have teachers well trained in special education, accessible curricula, or basic assistive tools like sign language interpretation or braille text. As a result, children with disabilities are systematically kept out of primary and secondary education, which limits their long-term economic prospects as well as skills and intellectual development.

In the labor market, disabled adults face intense discrimination from employers who view them as unproductive or liabilities. Because Somalia lacks enforceable employment quotas or laws requiring businesses to provide reasonable accommodations, persons with disabilities are frequently shut out of the formal economy. They are forced into extreme financial dependency on their families or pushed into urban panhandling, which strips them of their self-dignity and financial independence.

**5: DATA ANALYSIS AND DISCUSSION: PART III: CIVIC SPACE SUPPRESSION AND CLIMATE DISPLACEMENT IN INTERSECTIONAL CAMP REALITIES**

**5.1 The Weaponization of State Power against Freedom of Expression**

While social discrimination keeps marginalized populations on the margins, the formal state apparatus actively works to suppress any structural critique of its human rights record. The Federal Government of Somalia and regional member state administrations use a restrictive legal framework to target independent media outlets, human rights defenders, and civil society advocates. Investigative journalists who document systemic land grabbing or expose corruption within regional judiciaries face regular intimidation, arbitrary arrests, and targeted physical attacks (Dyfan, 2025).

The primary tool used for state-backed censorship is the outdated 1962 Penal Code and the

restrictive National Media Law. Authorities use broad, vague clauses in these laws—such as "insulting national institutions" or "spreading false news"—to criminalize investigative journalists or individuals who express their views against the government (NUSOJ 2025; Dyfan 2025). When prominent human rights defenders demand legal equality for ethnic minorities or criticize the exclusion of persons with disabilities from national policy, they are often labeled as threats to public order so as to deter them from active advocacy (CSHRD 2026). This state-enforced fear results in widespread self-censorship, leaving aggrieved persons without the independent media channels needed to voice their grievances to those who care, such as the international community and global human rights bodies.

## 5.2 Climate Disasters and the Inequities of Displacement

The institutional vulnerabilities of marginalized groups are sternly worsened by climate change. Somalia faces an ongoing cycle of extreme climate shocks, characterized by alternating periods of very acute droughts and sudden, devastating flash floods. These environmental disasters have forced millions of pastoralists and farmers into informal Internally Displaced Persons (IDP) camps on the outskirts of major urban centers like Mogadishu and Baidoa. However, displacement is not an equalizer; it mirrors the dominant clan hierarchies of the state.

When ethnic minority families and persons with disabilities are forced to flee their homes, they arrive at IDP camps with no political protection or economic capital. Dominant clans use their local influence to control the management of these camps, allowing them to systematically divert international food aid, clean water, and medical resources away from minority families. This aid diversion is a major human rights violation, as it deliberately deprives vulnerable displaced populations of life-saving resources based solely on their ethnic or social background.

## 5.3 The Intersectional Crisis Matrix inside IDP Camps

The daily reality inside informal IDP camps represents an intersectional crisis for ethnically-marginalized women and persons with disabilities. The camps are densely populated, lack security, and feature minimal public infrastructure. For women and girls from ethnic minority groups, the lack of secure shelter and separate sanitation facilities creates an exceptionally dangerous environment. They face a constant threat of sexual assault from dominant clan camp managers, local militias, and regional security forces. Because they cannot rely on armed clan protection, they are targeted with complete impunity (Thomas & Eno 2022).

For displaced persons with disabilities, the physical environment of the IDP camps is completely unmanageable. The camps are located on rough, unpaved

terrain and feature no accessible water distribution points, medical centers, or latrines. A displaced person with physical or visual impairments is often unable to access food distribution lines independently, making them entirely dependent on family members who are already struggling to survive. Furthermore, the high noise levels, lack of privacy, and continuous trauma of displacement harshly worsen psychosocial conditions, yet there is a significant absence of mental health support within the humanitarian response framework.

## 5.4 The Legal Impunity of Secondary Forced Evictions

The final layer of structural violence facing displaced ethnic minorities and disabled individuals is the constant threat of secondary forced evictions. As urban property values rise in cities like Mogadishu, private landowners and local municipal authorities regularly collude to clear informal IDP settlements to make way for commercial developments. These evictions are carried out violently and without warning. Security forces destroy temporary shelters, burn personal belongings, and force thousands of vulnerable families out of the camps without providing alternative housing or financial compensation.

Because these displaced populations lack formal land titles or representation within regional municipal councils, they have no legal path to challenge these evictions in court. Thus, they face a cycle of continuous displacement which violates their right to adequate housing as protected under international frameworks, including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which Somalia has ratified. The state's failure to stop these forced evictions demonstrates a deep-seated institutional indifference toward its most vulnerable citizens and a blatant violation of the Kampala Convention (Dyfan 2025).

# 6: CONCLUSION AND POLICY RECOMMENDATIONS

## 6.1 Synthesis of Empirical and Structural Architecture

This study has demonstrated that the deep human rights crises in Somalia are embedded within the country's social, political, and legal structures, persisting far beyond active armed conflicts. By looking past temporary security issues, this study has exposed how the political and customary legal systems deliberately keep ethnic minorities, women, and persons with disabilities marginalized. The informal 4.5 power-sharing formula—originally designed as a temporary tool for stabilization—has frozen into an institutional model for unveiled Apartheid and structurally systematized discrimination. By giving a full political share to the so-called four major clans while reducing all other communities into an explicitly marginalized "0.5" fraction, the Somali state has institutionalized an

unequal hierarchy that strips selected communities of legislative power, judicial representation, decision-making, and indeed statutory protection. This political inequality leads directly to economic exploitation and physical insecurity. In the riverine agricultural ecosystems of the Shabelle and Juba valleys, ancestral lands belonging to the Somali Bantu Jareerweyne people are systematically seized through state-sanctioned bureaucratic land grabbing and by manipulative entrepreneurs to uproot them out of their indigenous land. Because these minority groups lack armed militias and effective representation within federal and regional ministries, they have no way to contest fraudulent land titles issued to dominant clan elites.

Furthermore, this structural violence takes on a clear gendered dimension. Women and girls from marginalized ethnicities and caste-based groups face exceptionally high risks of sexual and gender-based violence (GBV). In a traditional legal landscape (*Xeer*) where safety relies on the military strength of one's clan, women from marginalized ethnic communities are targeted with complete impunity.

At the same time, this paper has detailed the profound institutional abandonment of persons with physical, sensory, intellectual, and psychosocial disabilities across Somalia. Trapped by deep-seated cultural stigmas that view disability as a divine curse or familial shame, disabled individuals are excluded from public life and subjected to horrible forms of human rights violations, including the widespread practice of long-term physical chaining. It is a societal isolation reinforced by poor public health, psychiatric, and physical rehabilitation infrastructure.

These existing inequalities are deteriorated by the impacts of climate change. When cycles of harsh droughts and flash floods force vulnerable populations into informal Internally Displaced Persons (IDP) settlements, the dominant clan hierarchies are effectively applied inside the camps. Gatekeepers from dominant clans control these settlements in conjunction with clan-associates working for international organizations involved in aid donation and distribution in the country, systematically diverting drastically needed food aid away from minority families and leaving disabled individuals physically isolated on rough, unmanageable terrain.

Finally, the persistent threat of violent, secondary forced evictions by private developers and municipal authorities keeps these populations in a cycle of poverty and legal instability. Ultimately, the findings confirm that true human rights reform in Somalia cannot be achieved through superficial governance changes or sealing of treaties and ratification of covenants with bare signatures; it requires a complete dismantling of clan-based legal privileges and an enforceable commitment to genuine statutory equality.

## 6.2 Targeted, Operational Policy Recommendations

To transition the Somali state from a system of clan-based impunity to a legal framework rooted in universal human dignity, the Federal Government of Somalia (FGS), the Federal Member States (FMS), and international partners must immediately implement the following structural and legislative updates:

- **Dismantle Internal Apartheid by Abolishing the 4.5 Formula in Legislature, Cabinet, Judicial and Civil Service Appointments:** The FGS must formally phase out the 4.5 Internal Apartheid system within the statutory judiciary, law enforcement leadership, and civil service ministries. Institutional positions and judicial benches must be filled based on professional merit and human rights standards, ensuring that qualified individuals from marginalized ethnic minority groups are granted visible representation—even by introducing and implementing **Affirmative Action to counter past discrimination**.
- **Operationalize the National Independent Human Rights Commission Effectively:** The Federal Government of Somalia (FGS) must allocate sufficient funds to the NIHRC to execute its vital duties. This body must be granted full independent authority to investigate human rights abuses, review land-grabbing cases in agricultural regions and in other parts of the country, monitor conditions inside psychiatric wards, and track violations within IDP settlements.
- **Execute a Comprehensive Overhaul of the 1962 Penal Code:** The Ministry of Justice must finalize its long-delayed review of the Penal Code to replace colonial-era language with modern human rights definitions. The updated legal code must explicitly criminalize ethnic-based discrimination, racial hate speech, corporate land dispossession, and the unauthorized physical confinement or chaining of persons with psychosocial disabilities.
- **Establish Independent Special Statutory Land Courts:** To protect minority farmers from biased customary negotiations and flagrant land grabbing, the state must establish independent statutory land tribunals in the Juba and Shabelle regions. These courts must be empowered to recognize ancestral land claims, cancel fraudulent land titles held by dominant clan elites, and provide free, state-funded legal aid to marginalized ethnic communities.
- **De-escalate and Limit the Jurisdiction of Military Tribunals:** The federal government must limit the jurisdiction of military courts strictly to military offenses committed by active-duty personnel and cases related to terrorism and radicalism. All civilian cases, particularly those involving investigative journalists, civil society advocates, and

marginalized individuals, must be tried exclusively within transparent, independent civilian judiciaries that respect international standards of due process.

- **Enforce Accessibility Standards and Fund the National Disability Strategy:** The FGS and FMS must allocate dedicated lines in national development budgets to implement the National Strategy for Persons with Disabilities. This mandate must include enforcing universal design guidelines for all public infrastructure, integrating special education training into public school systems, and enacting employment quotas that require public and private entities to offer reasonable accommodations for disabled workers.
- **Reform IDP Camp Management and Aid Distribution Systems:** The Ministry of Humanitarian Affairs and international donor agencies must bypass dominant clan gatekeepers within informal settlements. Camp management must be shifted to independent, ethnic-minority-inclusive committees. Aid distribution must be monitored through biometric systems to stop aid diversion, and humanitarian budgets must prioritize building separate, secure, well-lit sanitation facilities to mitigate GBV risks for displaced women.
- **Protect and Expand Open Civic Space for Human Rights Defenders:** The state must repeal broad, vague statutory clauses used to censor independent media. Journalists and human rights defenders who document cases of ethnic-based marginalization, minority rights violations or track institutional corruption, must be protected from arbitrary detention and state harassment, ensuring compliance with Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

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