Gender and Conflict: A case study of Somali Refugees in Kenya 2005-2010

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DECLARATION

This research project is my original work and has not been submitted for the award of a degree to any other University.

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This research project has been submitted for examination purposes with my approval as university supervisor.

Signature------------------------------------------ Date---------------------------

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DEDICATION

I dedicate this work to my whole family for their priceless support, love and encouragement throughout the Study Period.
ACKNOWLEDGEMENT

This work is an outcome of collective efforts by significant people to my life who I would strongly appreciate. I express my sincere gratitude to my supervisor Prof Amb. Maria Nzomo for her support and guidance in writing this research undertaking, my great thanks go to the Institute of Diplomacy and International Studies lectures and support staff.

I am grateful to my family and friends with whose morale and financial support I am able to start and complete my study. I acknowledge my friends Kevin K., Albert Mbaka and Issack Mwangi for their support throughout the course period.

To Allah be the glory, Great things He has done!
ABSTRACT

Gender based violence (GBV), in general, is a part of the culture, tradition, religion, patriarchal structures as well as the unequal power relations between women and men in a particular society. It threatens the basic security and hinders the full participation of girls and women. The purpose of the study is to bring out the causes, effects of SGBV in Dadaab refugee camps as well as the impacts of the Somali conflict. Sexual and Gender based Violence (SGBV) is apriority problem for the development workers in Dadaab refugee camps. The most prevalent SGBV issues include domestic violence, FGM, early marriage, forced widow inheritance, rape, and defilement. This research project points out some of the preventive measures possible as well as it also looks at the situation of the refugees living in Dadaab refugee Camps. And also to obtain factual baseline data that would contribute to the existing knowledge on sexual and Gender Based Violence, leading to a better understanding of SGBV.

This research also looks at the conflict in Somalia and its impacts, since dictatorship of Siad Barre collapsed in January 1991. More than six hundred thousand Somalis died either from famine or violence and millions of others were displaced. Of the half million who had sought refuge in Kenya since the early 1990s, there were still about 400,000 in the Dadaab refugee Camps in 2014 and more are coming daily. Refugee movements are highly curtailed in these camps, which became notorious for sexual violence against women in the camps; the violence that often produces refugees has complex and multiples direct and indirect effects on refugee communities in Dadaab camps in relations to reproductive health and psycho-social well being.
DEFINITION OF KEY TERMS

**Sex:** this is the biological and immutable characteristics of men and women which is limited to physiological reproductive functions.

**Gender:** refers to the cultural differences between males and females in terms of roles and responsibilities, expectations, power, privileges, rights, and opportunities thus gender in short means socially determines roles and characteristics with assigned values.

**Violence:** very great force in action or feeling. It can also mean control and oppression that include emotional, social or economic force, coercion or pressure, physical harm among others.

**Human rights:** are the agreed international standards that recognize and protect the dignity and integrity of every individual without distinction.

**Sexual abuse:** is an actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions, and includes inappropriate touching.

**Sexual Exploitation:** carries the same meaning as sexual coercion or manipulation. It includes all situations where a person in a position of power, authority or in control of resources seeks or accepts to provide protection, assistance or service in exchange for sexual acts or favors.

**Survivor /Victim:** are used to refer to those who have suffered the abuse, exploitation, corruption or abuse of power as outlined in this Code of Conduct and may include their family members, dependents, relatives or close associates.
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<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>SGVB</td>
<td>Sexual Gender Based Violence</td>
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<tr>
<td>FGM</td>
<td>Female Genital Mutilation</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNHCR</td>
<td>United Nations Higher Commissioner for Refugees</td>
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<td>GAD</td>
<td>Gender and Development</td>
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<td>IRC</td>
<td>International Rescue Committee</td>
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<td>NGOs</td>
<td>Non Governmental Organizations</td>
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<td>IR</td>
<td>International Relations</td>
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<td>SNM</td>
<td>Somali National Movement</td>
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<td>USC</td>
<td>United Somali Congress</td>
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<td>SPM</td>
<td>Somali Patriotic Movement</td>
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<td>OAU</td>
<td>Organization for African Unity</td>
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<td>GBV</td>
<td>Gender Based Violence</td>
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<td>UIC</td>
<td>Union of Islamic Courts</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>OCHA</td>
<td>Office of Coordination for Humanitarian Affairs</td>
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<td>WFP</td>
<td>World Food Programme</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of All forms of Discrimination against Women</td>
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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The Somali Republic constitutes the former Italian colonies of South-central Somalia and Puntland and the former British Protectorate of Somaliland. The state of Somalia has been without functioning government since the overthrow of Siad Barre Regime in 1991. The chief perpetrators of Somalia's misery are Somalis themselves. It is a fractured country long molded by a culture of decentralization, where the basis for all political and societal structure is genealogy. The foundations of order in Somali society are clan elders. The authority of clan elders has today been undermined by the prevalence of modern weapons, the most significant legacy of superpower involvement during the Cold War. After the British and Italian colonies merged in 1960 to form an independent state relative democracy survived in Somalia until Major General Mohammed Siad Barre seized power in 1969. Siad Barre’s concerted efforts to erode the clan system in favor of scientific socialism and to fashion a Soviet alliance led to an enormous influx of advanced weaponry and military advisers that greatly contributed to undermining the nation's stability.

Siad Barre finally fled Mogadishu in January 1991, and the despot's absence split military forces. Troops, commanded by General Mohamed Farah Aideed gave chase to Siad Barre, while others under control of Ali Mahdi Mohamed, a wealthy Mogadishu businessman, remained in the capital and declared themselves the new

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1 World Bank, Conflict in Somalia: Drivers and Dynamics, (World Bank Publications, January, 2005) p.6
2 Jeffrey Clark, ‘Debacle in Somalia’, Foreign Affairs journal, Vol.72,1993, pp.110
government. In the north, the Isaaq clans formed an independent Somaliland Republic, a state still unrecognized internationally. There has been no functioning government in Somalia since then. Both Mengistu's and Siad Barre's crumbling armies and abandoned arsenals flooded Somalia with an unprecedented number of guns and advanced weapons, prompting the widespread looting that so effectively hindered international relief operation. Various clan militias turned on one another, effectively dividing the country into zones and civil war broke out between the worrying parties based on tribal

Somalia has been without central government since President Siad Barre was overthrown in 1991 until now (2014) where there is an internationally recognized but weak government led by Hassan Sheikh. Years of fighting between rival warlords and an inability to deal with famine and disease have led to death of up to one million people and floods of refugees into the neighboring countries. In 1991 president Siad Barre was overthrown by opposing clans but failed to agree on a replacement and plunged the country into lawlessness and clan warfare. In 2002 clan elders and other senior figures appointed Abdukasim Salat Hassan as president at conference in Djibouti and a transitional government was set up with the aim of reconciling warring functions but made no progress. In 2004 after protracted talks in Kenyan Capital Nairobi the main warlords and politicians signed a deal to set up a new parliament which appointed President Abdullahi Yusuf Ahmed and later after increasing the parliament to include those UIC appointed a moderate president and a former head of UIC as the new president in 2009. Somalia has now a fully recognized government which control much of central Somalia after defeating Alshabab with the help of

4 www.bbc.co.uk/Somali Conflict BBC News, Sept 9, 2013
Amisom troops, but still it is lacking the support of the two break away regions of Somaliland and Puntland.

Kenya is in the unpleasant position of sharing borders with five nations which have all with the exception of Tanzania, generated sufficient internal conflict to produce asylum seekers in Kenya\(^5\). It shares borders with Somalia, Uganda, Ethiopia, South Sudan and Tanzania. The wars in Somalia along with prolonged droughts and famines forced more than a million Somalis to flee to neighboring countries. Approximately 400,000 of them took refuge in Kenya, since then, with subsequent fighting made the number to increase, a majority of them resided at Dadaab and Kakuma refugees camps as well as urban refugees in Nairobi.

The research period 2005-2010 has been significant in the study because the conflict in Somalia shifted from civil wars and warlordism to more religious dimensions with the coming of the Union of Islamic Courts and latter the radical Islamists group Alshabab which sent anew influx of refugees into the neighboring countries especially to Kenya.

This research project examines and analyses the linkages between refugees, gender based violence and conflict. The refugee phenomenon is as old as time and as recent as today. The daily press headlines and the weekly news magazines in vivid colors portray the flight of persons from natural or man-made disasters around the world in

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Central America, Africa, the Middle East, and Southeast Asia. The United Nations 1951 Convention Relating to the Status of Refugees defines a refugee as "a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country.

The other important variable in this research project is the Gender based violence. Sexual and Gender Based Violence means any act of gender based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to a person including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Sexual and Gender Based Violence shall be understood to encompass, but not limited to, the following: Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female and genital mutilation and other harmful traditional practices to women and non-spousal violence. It also refers to violence related exploitation, physical, sexual and psychological violence occurring within the community, including rape, sexual abuse, sexual harassment and intimidation at work, in education institutions and elsewhere, trafficking in women and forced prostitution, physical, sexual and psychological violence perpetrated or condoned by the state wherever it occurs. And the main

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7 UN Convention 1951.
9 Ibid. 38
victims of SGBV are women, girls, boys and as well as refugees fleeing conflict zones.

According to UN Development Programme (UNDP)\textsuperscript{10} “in no society are women secure or treated equally to men, personal insecurity shadows them from the cradle to the grave. In the household, they are the last to eat. At school they are the last to be educated. At work they are the last to be hired and the first to be fired. And from childhood to adult hood they are abused because of their gender, psychological trauma as they are mostly a victim of sexual gender based violence”.

1.2 Problem statement

The Somali civil war which started in 1991 and still continuing has caused instability in the country and floods of refugees across the borders into the neighboring countries, mainly Kenya and Ethiopia. During armed conflict, social structures are disrupted. Women and children face the additional risks of being subjected to sexual and gender based violence when fleeing the fighting and seeking asylum. Families are often disrupted during flight, leaving children separated from the rest of their families and women as solely responsible for the protecting and maintaining their households. During the civil war in Somalia many lives were lost properties were destroyed and women and girls were vulnerable to rape, especially in refugee camps. Violence against women has major effects on women, families, community and the country. There is therefore a growing, broad-based consensus on the urgent need to address this problem in the refugee camps. Therefore, the research study seeks to assess the

\textsuperscript{10} UNDP, Human Right Development Publication, 1994, p.31
extent and the nature of the linkages between conflict, gender based violence and refugees using the case study of Somali refugees in Kenya.

This study seeks to answer the following research questions: what are the causes of Somali conflict? How serious is Sexual Gender based Violence in Dadaab Refugee Camps? Are there any possible solutions to the issues of Sexual Gender violence in conflict situations? The study therefore seeks to assess the effects and the causes of sexual gender based violence in the refugee camps.

1.3 Objectives of the study

The objectives of the study are:

1) To analyze the linkages between the Somali conflict and the phenomena of Somali refugees.

2) To analyze the nature and the extent of gender based violence among the Somalis in the refugee camps in Kenya.

3) To show differential impact of SGBV among women and men in the Refugee camps.

1.4 Justifications

Academic justifications

Gardener\textsuperscript{11} highlights that the world is ignorant of the wartime rape of thousands of Somali women and girls between 1991 and 1994, which decades later, was still going on in some parts of the country and refugee camps. Although all women and girls

were vulnerable, rapists tended to target the female members of opposing factions and those from weaker clans of the Somali.

Jeong\(^{12}\) highlights that rape and other forms of ill treatment of women have been employed as tools of military strategy. The rape and deliberate impregnating of thousands of women, mostly Muslims in Bosnia-Herzegovina, was a form of ethnic cleansing conducted by Serb nationalists. Many documents report the assault of women by internal security forces in Peru, Colombia and other countries that have antigovernment insurgencies. Much research is on the immediate effects of war and little research has been carried out on the Somali civil war has had on the livelihood of women and especially of women in refugee camps where they are supposed to be safe but now are violated. Therefore, this research project seeks to fill this knowledge gap. Furthermore, the study will also provide future researchers with a useful pool of resources.

**Policy**

International humanitarian organizations working in Dadaab refugee Camps, Kakuma refugee Camp and the urban refugees in Nairobi have expressed concern about the living conditions and the increasing number of sexual gender based violence in the Camps. The Director for UN Women Michelle Bachelet\(^{13}\) speaking at Dadaab refugee camps had to say this, “In addition to having to flee from their homes, women are exposed to sexual violence. We must continue to do our utmost to protect girls and women, while also supporting their contribution as productive community members,”

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\(^{13}\) [www.unhcr.org/refworld/country,,SOM,,4d9d86e52,0. Accessed on Sept 13 2013](http://www.unhcr.org/refworld/country,,SOM,,4d9d86e52,0. Accessed on Sept 13 2013)
“Abuses against women are relentless, systematic and widely tolerated, if not explicitly condoned. Violence and discrimination against women are global social epidemic”

This study makes recommendations that should contribute new knowledge in this area and assist policy makers in designing better strategies and mechanism of response that are gender sensitive in responding to the plight of refugee community and suggest ways of solving the effects of SGBV among refugees.

1.5 Literature review

1.5.1 Introduction

This study examines the impact of Somali conflict and the generation of refugees as well as effects of gender based violence in the refugee camps. The literature review analyzes the following themes: conflict in Somalia, the feminist perspective of SGBV, refugees, the theoretical perspective and the methodology used.

1.5.2 Conflict

The conflict in Somalia which began early in 1990s is mostly based in inter-clan fighting although recent times it took a religious dimension, during 1990s the fighters of different clan-based opposition militia groups invaded the capital city, Mogadishu and other towns in Somalia causing widespread looting, rape of women, mass

executions, destruction of war supplies and this has led to massive displacement of
people into neighboring countries like Kenya, Djibouti and Yemen.\textsuperscript{15}

According to Mwagiru,\textsuperscript{16} conflict is about values, wants and interests which are
negotiable, and not susceptible to settlement. He also argues that there is no society in
the world that does not experience conflict this is because conflict is inherent in
society and what characterizes it is the intensity with which the conflict ant engages.
Zartman\textsuperscript{17} on the hand argues that a conflict refers to the active outbreak of armed
hostilities between two or more parties.

Conflict are endemic in human society; since they are endemic in the society, they
should be accepted as a reality and managed well in a way that their dysfunctional
effects will be minimized and their positive aspects maximized, this is because
although women are vulnerable to conflict but they work hard in sustaining their
families while men are at war women have found themselves to be refugees and target
as means of warfare.

1.5.3 Refugees

There is a lot of literature on refugees as it is a global problem, although six of ten
major producing countries in the world are from Africa\textsuperscript{18} the literature on refugees

\textsuperscript{15} J.V. Beurden, “In a State of Permanent Conflict” in M.mekenmp .etal, Searching for Peace in
Africa. An overview of Conflict Prevention and Management activities,( Utrecht European Platform for
Conflict Prevention and Transformation ,1999) pp.156-165
\textsuperscript{16} Mwagiru, “Beyond the OAU” Prospects for Conflict Management in the Horn of Africa, Vol 9,
1997p.3-7
\textsuperscript{17} Zartman, I.w, Ripe for Resolution: Conflict and Intervention in Africa. (New York: Oxford
University Press, 1985) pp 10-8
\textsuperscript{18} United Nations Higher Commissioner for Refugees, Africa fact sheet, 1999 p.6
looks on number of issues like causes, consequences and the humanitarian assistance to refugees.

According to Hambell\(^{19}\), refugees are not only restricted in Africa, but its effects are felt worldwide, because the African refugees heavily rely on the humanitarian aid they get from the world. For instance in 1998, the United States of America hosted 12,000 Somali Bantu from Kenya. Post Cold War Somalia has ceased to exist as a unified nation as created by colonial powers. By the time Siad Barre was overthrown in 1991, fighting led to the destruction of major towns and many international agencies have evacuated their staff. Indeed the tragedy in recent Somali history is not the dictator of Siad Barre but the legacy left behind\(^{20}\). This legacy of destruction and anarchy drove hundred thousand into neighboring countries, majority of them settled in refugee camps in Kenya, Ethiopia and Djibouti.

According to Tiebele\(^{21}\) he argues that the diminishing authority of the state over the public is major cause of refugees the fact that Somalia has ceased to exist with a central government is a reflection of crisis confidence between state and the society. Organized armed resistance has been the reaction to such failure of the state leading to open conflict producing out enormous numbers of refugees.

1.5.4 Feminist perspective of Gender

Feminism is an approach that advocates men and women should be equal politically, economically and socially. Over the last two decades, feminists have questioned the ontological claims of traditional theories of International Relations; dissatisfied with the constructed reality it perpetuates. Tickner argues that the symbols and imagery of realism and neo-realism privilege masculinities and, therefore, serve to constrain and exclude women's experiences. Stean adds that although universal truths of positivist theories claim to be gender neutral, feminists contend they actually identify being objective with a distinctly masculinist way of knowing the world. This is evident in the process of state-making, in which the state is associated with rationality, self dependence and order-traits typically identified as masculine. Tickner goes on to add that International Relations are such a thoroughly masculinised sphere of activity that women’s voices are considered inauthentic. Steans also argues that women appear dependant and subordinate, relegated to the private realm. In essence Steans argues, the concepts and categories used by realism have become the preserve of men, women and children are noticeably absent, deemed to be non political and outside of the proper realm of study.

Feminist critics of realism also argue that where it posits the state as the highest form of Authority, it endows the state with the power to regulate what is public and private and what violence is considered legitimate and illegitimate. Domestic violence and

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22 Steans, J. Gender and International Relations: Issues, Debates and Further Directions, (Cambridge, Polity, 2006)p.23
marital rape are both examples of GBV and both violence have been drawn up as within the private realm under Realism's theoretical boundaries, essentially naturalizing them\textsuperscript{25}.

Therefore, Spike Peterson\textsuperscript{26} adds, where the state pursues nonintervention, it is complicit directly through its selective sanctioning of non-state violence, and indirectly though its promotion of masculinist ideologies. Moreover, in reducing the construction of threat to external violence and military force, realism believes the possibility that threats are constructed depending on context\textsuperscript{27} or more than direct violence associated with armed conflict.

Nancy Cott\textsuperscript{28} makes a distinction between modern feminism and its antecedents, particularly the struggle for suffrage. In the United States she places the turning point in the struggle for suffrage in the decades before and after women obtained the vote (1910-1930) she argues that the prior woman movement was primarily about woman as a universal entity. Whereas over a 20 year period it transformed itself into one primarily concerned with social differentiation, attentive to individuality and diversity. New issues dealt more with the woman's condition as social construct, gender identity and relationships within and between genders.

\textsuperscript{25} Steans, J. \textit{Gender and International Relations: Issues, Debates and Further Directions}, (Cambridge, Polity, 2006)p.26
\textsuperscript{26} Spike P., \textit{Gendered States: Feminist (Re) Visions of International Relations Theory}, (London, Lynne Rienner, 1992)P.31
\textsuperscript{28} Cott, Nancy F. \textit{The Grounding of Modern Feminism}, (New Haven, Yale University Press, 1987)p.2
According to Nzomo\textsuperscript{29}, feminist analysis and action, especially on women’s political participation and empowerment, contribute towards shaping both policy and gender agenda setting for activists, voters and those contesting political office and for effective strategies and solutions to the challenges and structural barriers that impede women’s access and influence in political leadership capacities and in the development of accountable mechanism for holding the government and women representatives accountable.

Judith Lorber states that, Gender is a social structure that has its origins in the development of human culture, not in biology or procreation. Like any social institution, gender exhibits both universal features and chronological and cross-cultural variations that affect individual lives and social interaction in major ways. As is true of other institutions, gender’s history can be traced, its structure examined, and its changing effects researched\textsuperscript{30}.

Recent feminism literature has added women and gone further to explore gender to political economy where women’s work significantly shapes the national prosperity and resources. An accepted insight is whereby feminism exposes the andocentric assumption of conventional accounts of women placed in an actual reality that reveals women as agents and activists as well as victims of violence\textsuperscript{31}. Looking at gender takes the field beyond the woman question, making it possible not simply to identify


\textsuperscript{30} Judith Lorber, \textit{Paradoxes of Gender} (New Haven: Yale University Press, 1994), 2

\textsuperscript{31} Spike. P, gendered states: feminists (re) visions of international relations theory, (London, Lynn Rienneu, 1992) p.16
women as a special case, but to interrogate how femininity and masculinity both produce gendered international relations.32

1.6 Theoretical Framework

1.6.1 Introduction

This study adopts a feminism theory analysis to explain and assess the links between gender, violence, and conflict. Cynthia Cockburn33 argues that using a gender analysis is essentially a matter of seeing and at its most basic level, is asking how a policy or an event affects men and women differently. The feminist theory examines how gender impacts and is impacted by economy, war, peace and human rights. Feminism theory contends that traditional International Relations theories have ignored the role of gender, chosen to instead focus on roles of masculinity in military roles and political figures. They also contend that this inequality in representation assigns women to domestic roles, further ignoring their contribution to issues of international politics and world affairs.

The Feminists challenge traditional concepts of gender which revolve around the assumptions that males fight wars and run states whereas females are basically irrelevant to international relations. These gender roles are based in the broader construction of masculinity associated with the sphere of the private and domestic. The Feminist Scholars emphasize the importance of gender roles in international relations, especially the distinction between males in the political and military roles

32 Ibid p3
and females in the domestic family roles. The Feminist Scholars argue that we can better understand international relations by including the roles and effects of women than by ignoring them.

Dutton described feminist theory as being a paradigm, roughly translated as a set of guiding assumptions or worldview, commonly shared within a group and serving to ward off recognition of data that are dissonant with the paradigm’s central tenets. This theory views all social relations through the prism of gender relations and holds, in its neo-Marxist view, that men (the bourgeoisie) hold power advantages over women (the proletariat) in patriarchal societies and that all domestic violence is either male physical abuse to maintain that power advantage or female defensive violence, used for self protection. The feminist paradigm supports the notion that domestic violence is primarily a culturally supported male enterprise and that female violence is always defensive and reactive.

1.6.2 Strands of Feminism theory

There are several Feminism approaches that share a common belief in the existence of gender inequality, injustice but differ on the exact form, location and strategies of addressing this problem. Beyond a basic agreement that gender is important, there is no single feminist approach to international relations, but several approaches or strands of scholarship and theory. These include Liberal, standpoint and classical

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Feminism.  

1.6.3 Liberal Feminism

In this strand scholars reject claims as being based on stereotyped gender roles. They see the essential differences in men’s and women’s abilities or perspectives as trivial or non-existent. They see men and women as equal. They deplore the exclusion of women from positions of power in international relations but do not believe that including women would fundamentally change the nature of the international system. They include women as subjects of study such as women state leaders, women soldiers, and other women operating outside the traditional gender roles in international relations.

Through feminist explorations of women's experiences in conflict, it is understood that Women have served as actors during conflict, assuming diverse roles that include community leaders, fighters and workers. However, a gender analyses also reveal that experiences of violence have been profoundly gendered; men and women often die different deaths and are tortured in different ways because of the different means culturally ascribed to the male and female bodies. Nzomo argues that most of Africa's conflicts and related disasters are self inflicted wounds arising from bad or

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undemocratic governance, partially manifested in gender inequities in the structures and processes of public governance, which in turn are reflected in the near absence of women's voices in key decision-making on strategic issues, including those regarding war and peace. Women's contributions to war and peace have long been underestimated. Women often contribute to the outbreak of violence and hostilities in many cases; they are instrumental in inciting men to defend group interests, honour, and collective livelihoods. Women also play a key role in preserving order and normalcy in the midst of chaos and destruction. In times of conflict, when men engage in war and are killed, disappear or take refuge outside their country's borders, it is women who are left with the burden of ensuring family livelihood. Women struggle to protect their family's health and safety—a task which rests on their ability to cope pragmatically with change and adversity. Women's under-representation or lack of involvement in official efforts at resolving internal state conflicts is taken as a given in most situations. While they often bear the brunt of the war brutalities, and are increasingly involved in combatant activities, they are seldom part of the inner circles of peace negotiations, peace accords, or policies at the formal level to resolve conflict.

1.6.4 Classical feminism

It claims that male power and privileges is the basis of social relations. Sexism is the ultimate tool used by men to keep women oppressed. Women are the first oppressed group. According to Alison Jaggar and Paula Rothenberg, it can be interpreted to

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42 Boyd, Rosalind. Are we at The Table?. Women's Involvement in the Resolution of Violent Conflicts. Montreal, Center for Developing areas, Montreal Mcgill University. 1994
mean one or more of five things. Women are historically, the first oppressed group. That women’s oppression is the most widespread, existing in virtually every known society. That women’s oppression is the hardest form of oppression to eradicate and cannot be removed by other social changes such as the abolition of class society. That women’s oppression causes the most suffering to its victims, qualitatively as well as quantitatively, although the suffering may often go unrecognized because of the sexist prejudices of both the oppressors and the victims. It also argues that men control the norms of acceptable sexual behavior. Classical feminist speak out against all social structures because they are created by men.

Wiben points out that one of the greatest contributions to IR by the feminism theory has been the issues of human rights especially in the area of sexual violence. Examples of gender specific violence include the global trafficking in women as prostitutes, mass rape of women during wars and conflict e.g. in Bosnia, Somalia and the Darfur region. In the Somali culture women are regarded as an inferior to men and cannot hold in any decision making post up until recently where we can see women holding a very influential and powerful ministerial posts like the foreign affairs. Feminist campaign for women rights such as in contract law, property law, and voting, reproductive rights for women. It goes further to protect women from domestic violence, sexual harassment, sexual assault, workplace rights, maternity leave and any forms of discrimination. Gender equality broadly covers the equal treatment of men and women before the law, and equal opportunities for men and

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women in all spheres of society economic, political and social. In the Somali culture which are predominant community in Dadaab camps, where men’s identity and pride were based largely on their roles as protectors and being the bread winners, young men no longer have outlets for their sexual aggressions which were available to them during traditional times. These are to be replaced by sexually stimulating or violent material to seek an outlet through sexual violence thus a cause of sexual and gender based violence.

1.6.5 Standpoint Feminism

This strand of feminism focuses on valorizing the feminine, which is valuing the unique contributions of women as women. These scholars do not think women do all things as well as men or vice versa, but because of their greater experience with nurturing and human relations, women are seen as potentially more effective than men on average in conflict resolution as well as in group decision making. They believe there are real differences between genders that are not just social constructions and cultural indoctrinations. Some believe there is a core biological essence to being male or female, but majority believe that women’s standpoint is more culturally than biologically determined.

In terms of decision making, women's participation in political decision-making but mostly are left out. Although women have as much right as the other 50 per cent of the human race to participate in policy making for peace, in which their perspectives

are sorely needed, their actual role in the political fora where policies are made are lacking, women were never consulted about the need for 50,000 nuclear warheads.\textsuperscript{47} Despite the fact that many countries emerging from armed conflict have adopted new constitutions that grant women equal political, social and economic rights, the implementation of these good intentions often runs counter to the existing social norms regarding gender roles especially the social division of labour, which has not changed in favor of women, but rather adds to their burden, thus posing practical limitations on the possibilities for active involvement in national affairs.\textsuperscript{48} According to Nzomo\textsuperscript{49}, post 1991 feminist activism has generated some notable successes over the years. These have been especially evident in remarkable improvements in civic, gender and human rights awareness strategies for policy and advocacy interventions. Women in leadership are certainly influencing the process of transforming their society such that political violence and gender inequalities will be eradicated. In conflict torn Somalia, women formed NGOs which, among other activities, organize peace education activities, that focus on alternative forms of behaviour that stress equity and social justice and nonviolent ways of dealing with tensions and conflicts.\textsuperscript{50} As theory of gender and interactional inequalities of power and influence it documents how society’s systems belief about gender, status value and competence structure women’s and men’s expectations in interaction, which in turn drive their behaviour and the development of situational legitimacy in a self fulfilling manner.\textsuperscript{51}

\textsuperscript{48} Ibid. 7
\textsuperscript{49} Nzomo, M. Women in Kenya’s Political Leadership: the Struggle for Participation in Governance through Affirmative Action. Heinrich boll stiftung Building Feminist Political Influence in Africa p.16
Therefore, these three strands will form the basis of this study specifically the liberal feminist perspective in order to get equal society where men and women are equal.

1.7 Hypothesis

In seeking to analyze the effects of SGBV in the refugee camps, there is link between the Somali conflict, refugees and the cases of SGBV. The researcher can deduce four hypotheses:

i. Inadequate law enforcing mechanisms protecting refugees lead to gender based violence

ii. Retrogressive socio-cultural practices lead to gender based violence

iii. There exist a link between the conflict in Somalia and the generation of refugees into Kenya

iv. Women and men in refugee camps experience SGBV differently

1.8 Research Methodology

This study employs the use of both primary and secondary data to analyze gender based violence, Refugees and the conflict in Somalia.

Primary Data Collection

Primary data was collected using unstructured interviews with key respondents included government officials, UNHCR officials, female and male community leaders, NGOs workers. Therefore, the researcher used the following tools during data collection
Sample size

The target population includes persons with relevant knowledge of social, political and Cultural issues affecting the Somali refugees in Kenya, the sample size shall be 25 in number.

The following table 1.1 shows the target population

Table 1.1: Sample population

<table>
<thead>
<tr>
<th>SAMPLE POPULATION</th>
<th>TARGET NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOVERNMENT OFFICIALS</td>
<td>2</td>
</tr>
<tr>
<td>UNHCR OFFICIALS</td>
<td>2</td>
</tr>
<tr>
<td>LOCALS</td>
<td>4</td>
</tr>
<tr>
<td>FEMALE COMMUNITY LEADERS</td>
<td>7</td>
</tr>
<tr>
<td>MALE COMMUNITY LEADERS</td>
<td>6</td>
</tr>
<tr>
<td>NGOs WORKERS</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>25</td>
</tr>
</tbody>
</table>

Sampling Technique

The study employed simple random sampling; chosen because it ensures no biased statements from the target population.

Direct Observation

The psychologists define observation as an accurate watching and noting of phenomena as they occur, in nature with regard to cause and effect of natural relations\(^5^2\). In addition, this method was simple and not technical and it also gives the researcher to obtain data that was direct, realistic and based on firsthand experience. Hence, the researcher will use this method.

Secondary data

These are written or printed sources used as records containing factual information. The researcher makes use of this recorded information on the area of the study to establish facts. Secondary data used include journal, books, annual publications or reports and accounts; it will also include literature and sources from internet on Somali Conflict, Sexual and Gender Based Violence and Refuges.

1.9 Chapter Outline

Chapter 1: Introduction

This is the introductory chapter and contains the backing of the research, the problem statement, objectives, justifications, literature review, theoretical framework, hypothesis and methodology of how the research will be conducted.

Chapter 2: Somali Conflict and Somali Refugees question

This chapter deals with the genesis of Somali conflict and the generation of refugees into the neighboring countries especially in Kenya.

Chapter 3: Sexual Gender Based Violence among Somali Refugees

This chapter deals with the effects, causes, impacts and the prevention measures of Gender based violence in the refugee camps.

Chapter 4: Data Analysis

This chapter deals with the analysis of data gathered and the testing of the three hypotheses against the data.

Chapter 5: Conclusions and Recommendations

This chapter makes some key conclusions from the study and offers recommendations on resolving the problematic issues identified.
CHAPTER TWO
THE SOMALI CONFLICT AND THE QUESTION OF SOMALI REFUGEES IN KENYA

2.1 Introduction
The previous chapter highlighted the background information, statement of the problem, objectives, justifications, literature review, theoretical framework, hypotheses, and research methodology. This chapter focuses on issues of Somali conflict and the genesis of Somali refugees in Kenya.

2.2 Conflict in Somalia
Mitchell\textsuperscript{53} defines conflict as arising when two or more parties have incompatible goals about something. Conflict is organic and living. It therefore transforms itself and hence there are multiple causes of conflict. Conflict is endemic in society and it is difficult to understand, analyze and manage.

Most of Somalia’s armed clashes since 1991 have been fought in the name of clan interests, often as a result of political leaders manipulating clannism for their own purposes. Significant armed conflict was absent during Somalia’s first 17 years of independence (1960–77). The first 10 years of independence were marked by vibrant but corrupt and eventually dysfunctional multiparty democracy.\textsuperscript{54} When the military came to power in a coup in 1969, it was initially greeted with broad popular support because of public disenchantment with the clannishness and gridlock that had plagued

politics under civilian rule. In the context of the cold war, the regime, led by Siad Barre, recast the coup as a Socialist revolution and with funds from international partners built up one of the largest standing armies in sub-Saharan Africa.

Between 1977 and 1991, the country endured three major armed conflicts. The first was the Ogaden War with Ethiopia in 1977–78, in which Somali forces intervened in support of Somali rebel fighters in a bid to liberate the Somali-inhabited region of the Ogaden. Somalia lost the war and suffered around 25,000 casualties. Those losses sowed the seeds of future internal conflict, prompting the rise of several Somali liberation movements’ intent on overthrowing the military regime of Siad Barre, whom they held accountable for the debacle. The first of these movements was the Somali Salvation Democratic Front (SSDF), established in 1978 by Abdullahi Yusuf.

The second major armed conflict was the war between the Somali military and the Somali National Movement (SNM) for control over northwest Somalia. The SNM was formed in 1981 by some members of the Isaaq clan following the Ogaden War. Isaaq grievances deepened over the course of the 1980s, when the Barre regime placed the northwest under military control and used the military administration to crack down on the Isaaq and dispossess them of their businesses. The civil war mounted by the SNM began in May 1988 and produced catastrophe. Government forces committed atrocities against civilians (an estimated 50,000 to 60,000 Somalis died, mostly members of the Isaaq clan, which was the core support for the SNM); aerial bombardments leveled the city of Hargeisa; and 400,000 Somalis were forced to flee across the Ethiopian border as refugees, while another 400,000 were internally displaced.  

displaced. These atrocities fueled Isaaq demands for secession in what became the self-declared state of Somaliland in 1991.

The third armed conflict before 1991 pitted embattled government forces against a growing number of clan-based liberation movements in 1989 and 1990. The strongest of these movements included the United Somali Congress, USC (Hawiye clan), the Somali Patriotic Movement (Ogadeni clan), and the Somali Salvation Democratic Movement (Majerten clan). This multiorient war presaged the predatory looting and banditry that characterized the warfare in 1991–92.

In addition to these wars, many other legacies of the Barre period fuel conflict in contemporary Somalia. First, the state was oppressive and exploitative, and was used by some political leaders to dominate others, monopolize state resources, and appropriate valuable land and other assets. As a result, reconciliation and power-sharing discussions in Somalia are complicated by high levels of distrust and a “zero-sum game” mentality toward political power and the state. Second, the leadership skillfully manipulated and politicized clan identity over two decades of divide-and-rule politics, leaving a legacy of deep clan divisions and grievances. Third, this period coincided with the height of Cold War competition in the Horn of Africa. That allowed the Barre regime to attract large quantities of military and economic aid. When the war ended, the level of expenditure, especially to maintain the bloated

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57 Somaliland’s claim of sovereign independence has not received external recognition from the United Nations or any state.
bureaucracy, was not sustainable and precipitated the fall of the regime. As the Cold War waned in the late 1980s, Somalia’s strategic importance to the West diminished, enabling donors to place human rights conditions on aid to Somalia.\textsuperscript{59}

2.3 Militarism and Warlordism

The Chinese experience indicates a tendency for warlordism to occur where there is a decline of centralized authority\textsuperscript{60} The unity of the Somali nation, by contrast, has been maintained by the relative homogeneity of civil society rather than by a centralized state, on the relative pastoral democracy of clan politics\textsuperscript{61}. However, the Siad period has changed much of this; perhaps one can argue that warlordism in Somalia began in mid-1991. Whatever date one picks, the phenomenon is extremely recent. It must be given time to develop before one can fully understand its nature and impact and be able to compare it meaningfully with other forms of warlords. There is one key aspect that makes the origins of Somali warlordism comparable to China and other countries: its (embryonic) emergence following the destruction of the centralized Somali state and army by centrifugal regionalist forces\textsuperscript{62} The availability of huge amounts of arms has played a facilitating role. The destruction of the state and its centralized institutions was accompanied by the fragile opposition parties, such as the USC which captured Mogadishu. The parties had no time to develop a unifying vision as well as democratic practices and procedures. The lack of strong, well-organized opposition political parties and the destruction of the Somali centralized

\textsuperscript{60} Hussein M. Somali: “Militarism, Warlordism or Democracy” Roberts, \textit{Militarism, warlords and the Problem of Democracy} (Taylor and Francis, 1989) p27.
state are probably the two most important factors behind the origin of warlordism. Even though the demise of the cold war has led the two superpowers to treat Somalia and the Horn with benign neglect, foreign meddling has not disappeared. The minute Siad fled Mogadishu, Italian Ambassador Mario Sica is reported to have urged businessman Ali Mahdi, leader of a wing of the USC, to proclaim himself President before the entrance into Mogadishu of General Aideed and his armed volunteers (the USC had suffered a major blow when its leader, Dr. Ismail Jumaale Ossobleh died suddenly in July 1990). This act alienated not only Aideed and other factions within the USC; it proved the final straw as far as the SNM was concerned. As conflicts continued within the USC, Italy sponsored the Djibouti I (June 1991) and Djibouti II (July) Conferences ostensibly to mediate Somali conflicts but in reality to attempt to legitimize Ali Mahdi.

2.4 Somali Peace Processes

A negotiated settlement strategy is a viable conceptual approach to the resolution of Somali conflict.\textsuperscript{63} Since 1991, the disputants have proven to have insufficient capacity to reach a settlement without a third party intervention. Therefore, a mediation process that focuses on the resolution of the conflict has a good chance of succeeding providing the legitimacy of the disputants is recognized by everyone involved in the process. Negotiation is the interactions between people trying to meet their respective needs or accomplishing their goals by reaching an agreements with others who are also trying to get their own needs met is particularly relevant when attempting to resolve the Somali protracted conflict, given ever changing, goalposts of the


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disputants. Negotiation is a process of give and take is in shape contrast with zero-sum approach, which does not lead to sustainable resolution of the conflict.

Diplomacy has always been an integral approach to conflict resolution and according to Jonsson and Aggestam. Diplomacy is often seen as antithesis of war. Hamilton and longhorne explains as the peaceful conduct of relations among the political entities, while Berrigde indicates diplomacy is the conduct of international relations by negotiations rather than by force propaganda or resource to the law, and other peaceful means. As regard to the managing the Somali conflict resolutions processes since the fall of the Siad Barre regime in 1991, starting with the 1993 Addis Ababa peace Conference on National Reconciliation sponsored by the UN. Then comes the Arta Peace processes in 2000 which they elected Abdukasim as the president, and then in 2004 another meeting was held the 2004 Mbagathi peace process, by IGAD which they also elected Abdullahi Yusuf as the president, later on another meeting was held in Djibouti and they elected Sheikh Sharif as president. In 2012, Somali parliamentarians for the first time since 1991 elected a Hassan Sheikh as president in Mogadishu to lead the country for the next 5 years with the support of the international community, the UN and the other regional organizations.

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65 Hamilton and Langhorne, the Practice of Diplomacy: Its Evolution, Theory and Administration. (London and New York, Rout ledge, 1995)p.3
2.5 Refugees

International refugee law is comprised of the 1951 Convention relating to the Status of Refugees\(^{67}\) and the 1967 Protocol Relating to the Status of Refugees\(^{68}\). There are other regional agreements, such as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa\(^{69}\).

The 1951 United Nations (UN) Convention Relating to the Status of Refugees defines a refugee as a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality.\(^{70}\) A more inclusive and intuitive definition of refugee includes anyone who flees a country of origin or residence for fear of politically motivated harm.\(^{71}\) Refugees are usually thought of as victims of political violence. Periods of ethnic strife, armed conflict between rival factions, and government purges of political opposition groups clearly place great burdens on civil-population.

Many scholars have argued that international refugee migration can also spark conflict. Refugee flows can have important security consequences for sending countries, host countries, and for bilateral relations between the two\(^{72}\). First, refugee flows may imply the direct importation of combatants, arms, and ideologies from

\(^{67}\) UN, Convention relating to the Status of Refugees, adopted on July 28, 1951.


\(^{70}\) UN Convention Relating to the Status of Refugees, Article 1, Accessed 17 March, 2011.

\(^{71}\) Zolberg, Suhreke, and Aguayo *Escape from Violence*, (USA, Oxford University Press, 1989), p. 4

neighboring states that facilitate the spread of conflict. For example, the Kenyan government accuses the Somali refugees living in Kenya of harboring Islamic extremists elements such as Alshabab fighters, a claim denied by the Somali refugees. Secondly, refugee populations can provide resources and support to domestic opposition groups of a similar ethnicity or political faction. The influx of refugees from neighboring countries where fighting is already underway can provide material for groups to begin an armed challenge, especially if the refugees share many same goals as the domestic opposition. Somali refugees, for example, have often worked closely with ethnic Somali separatists in the Ogaden region of Ethiopia, supporting them in their own political efforts.

Third, as a negative externality, refugee flows can change the ethnic balance in a country. Changing demographic patterns because of migration heighten native’s sentiment among local populations and are the impetus for sons of the soil movements. And in the case of the increasing number of the ethnic Somali speaking population in Kenya, which is attributed to the Somali refugees in Kenya.

Fourth and finally, refugees may pose actual or perceived negative economic externalities. Immigrants and refugees compete with locals over scarce resources such as employment, housing, land, and water, constituting an economic threat. Both the local populations of Dadaab camps and Kakuma often complain refugees of destroying their environments especially felling trees for firewood and housing thus

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damaging the natural resources. Refugees are special individuals in Kenya and the region. Refugees are special in the sense that they do not enjoy citizen rights and their life is at times restricted in certain regions of the country like Kakuma, Dadaab and other major towns in Kenya.

Somalia is often viewed as the scene of ceaseless violence and displacement since the collapse of the state in 1991. However, the interplay of conflict and displacement has seen different phases, configurations and evolutions75. The first significant refugee displacements out of Somalia started with the events that would lead to the collapse of President Siad Barre’s regime in 1991. Since then, Somali refugees and internally displaced persons have remained the most consistently protracted displaced population in the Horn of Africa.

After the conflict in 1991 many Somalis sought refuge in Kenya and their living conditions is deteriorating year after the other with their movements restricted. The head of UN Refugee agency António Guterres speaking at Dadaab refugee Camps recently said “After more than 20 years of war, Somali refugees have become a true global population. The majority is here in Kenya and in Djibouti, Yemen and Ethiopia but Somalis have sought refuge in countries on all five continents. Many of the Refugee’s have been at the camps for many years and the chances of leaving are often very small.

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75 Laura Hammond , History, Overview, Trends and Issues in major Somali Refugee Displacements in the near region, November 2013, pp1
The dictatorship of Siad Barre collapsed in January 1991. More than three hundred thousand Somalis died either from famine or violence\textsuperscript{76} and millions were displaced. Of the half million who had sought refuge in Kenya since the early 1990s, there were still about 300,000 in the Dadaab refugee camps in 2011. Refugees’ movement is highly curtailed in these camps, which became notorious for sexual violence against women in the early 1990s. About two hundred rape cases were reported in 1993. And these was rampant in the subsequent years as they report with resignation that any bandit who sets his mind to rape them can do so with impunity because rapes occur on the outskirts of the camps when women gather firewood or at night when camp security is minimal\textsuperscript{77}.

The principal causes of displacement during the 1990s are usually identified as a complex emergency involving conflict, state collapse and drought. In 1994, six camps were closed in Kenya as a result of the repatriation and some relocation of people to the Dadaab and Kakuma camps\textsuperscript{78}. The relative calm that had prevailed for a decade was shattered in the latter half of 2006. The Union of Islamic Courts, which had begun to set up an administration in Mogadishu and some of the larger cities and which had enjoyed widespread support in many parts of Somalia, was ousted by Ethiopian troops with support from its international strategic partners.

The violence began to escalate dramatically from the beginning of 2007, with indiscriminate violence particularly in and around Mogadishu prompting many people

\textsuperscript{78}
who had managed to survive in the city for years despite the insecurity to flee, making this the most violent period in Mogadishu since the collapse of the state and mostly reached Dadaab refugee camps. Both those displaced from the cities and their hosts began the move out of the country towards the refugee camps in Kenya and Ethiopia\textsuperscript{79}.

2.5.1 Current Refugee Situation

Today, about 1.5 million out of a total population of approximately 10 million Somali nationals live outside the country mostly live in Kenya, Ethiopia and Yemen as refugees and few who managed to live in the Diaspora. Accordingly to UNHCR statistics more than 400,000 of them live in Kenya’s refugee camps such as Dadaab, Kakuma and urban refugees in Nairobi.

Table 2.1 Current Refugee Situation

<table>
<thead>
<tr>
<th>HOST COUNTRY</th>
<th>SOMALI REFUGEE POP. AS OF Sept. 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>KENYA</td>
<td>474,602</td>
</tr>
<tr>
<td>ETHIOPIA</td>
<td>245,068</td>
</tr>
<tr>
<td>YEMEN</td>
<td>231,064</td>
</tr>
<tr>
<td>DJIBOUTI</td>
<td>20,000</td>
</tr>
<tr>
<td>UGANDA</td>
<td>20,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,021,200</td>
</tr>
</tbody>
</table>

Source: UNHCR, Regional Mixed Secretariat, 30 September 2013

The Dadaab and Kakuma camps, which in 2013 were the two remaining refugee camps complexes in Kenya, were established in the early 1990s to cope with the influx of refugees from the region. Dadaab was originally intended to house no more than 90,000 people but quickly filled beyond capacity to become for a time the world’s largest refugee camp complex. Kakuma in northwest Kenya, which hosted not only Somali refugees but also those from Sudan and Ethiopia, was also strained beyond its ability to effectively serve refugees living there. Following the increased influxes in 2011, the Government opened three new camps (Ifo 2 East, Ifo 2 West and Kambios) in the Dadaab complex, but is still not able to adequately provide for the needs of all refugees there.

Melanie Teff and Mark Yarnell report on the status of refugees in response to the Government’s directive to relocate refugees from the city of Nairobi to their camps shows part of the major challenges refugees face. The ad hoc decision being undertaken by the government seems to be against the rights of the refugees on the ground of fighting terror suspects from the city. The report captures the desperation of refugees to earn a living and live peacefully as they are harassed by the security officers who extort bribe from them. This threat of relocation and bribery tends to show open discrimination against refugees which makes it difficult to lead an ordinary life. Their recommendation for the United States, United Kingdom and European Union to put pressure on the government of Kenya not to execute its directive on refugees living in urban centers, to continue registering asylum-seekers in cities and allow services for refugees in urban areas, to direct investigations on abuses.

committed by Kenya’s security officers against refugees and ensure favourable living conditions for the refugees\textsuperscript{81}. The directives forced many urban refugees in Nairobi to relocate their business to neighboring countries and it also separated parents from children as most of adults were taken to either Dadaab camps or Kakuma camp.

Kenyan police and security forces are using abusive and discriminatory tactics in the name of national security, targeting entire communities\textsuperscript{82}. “This crackdown clearly violates basic rights of Kenyans, refugees, and other foreigners. On March 26 Lenku announced that all urban refugees should be relocated to the refugee camps. The move will force 50,000 Urban Refugees into Camps.

\textbf{2.5.2 Dadaab Refugee Camps}

The government of Kenya designated specific areas to house refugees in camps, and UNCHR set up a number of camps in the country. In 1992 and 1993, the UNHCR thus spent forty million to establish refugee camps and border sites in Kenya\textsuperscript{83}. Currently as of 2014 there are around six camps namely; Hagadera, ifo, ifo2, Dagahaley, Kambios and Kakuma refugee camp.

Dadaab Camps host more than 400,000 refugees and the largest ethnicity within Dadaab is Somali, at 98\% of the population. Nearly 90\% of the Somalis come from the Juba River valley and Gedo region, while 10 percent originate from Mogadishu. Although some new arrivals came following the resurgence of violence in Somalia as

\begin{flushleft}
\textsuperscript{82} Daniel Bekele, Africa Director at Human Rights Watch, March, 26 2014.
\end{flushleft}
of December 2006, much of the refugee inflow has been heavily reduced by the Kenyan government’s closure of the border. The Camps are administered by the United Nations High commission for Refugees (UNHCR) and the Kenyan government. Other international NGO’s manage different aspects of the Camps life of which Care International and Lutheran World federation are two leading implementing partners of UNHCR. More than half of Dadaab’s residents belong to one of the Darood sub-clans, with 12% each belonging to Dir and Hawiye and 6% Bantu. It is estimated that there are slightly more women in the camps than men, and that more than half of the refugees living in the camps in Kenya are under 18 years of age.

Dadaab Camps are also far from economic centres of the country and within the marginalised areas of Kenya. It was also considered for being remote and limited in agricultural value and economic significance. In addition to this the Kenyan government came up with a policy that limits movement of refugees outside the camps. This means refugees hardly have any access to labour market or to other alternative source of income and are highly dependent on food donation.

2.6 Dadaab Population Statistics

The Dadaab population statistics is a dynamic one with the continuing fighting in Somalia, daily more and more refugees are received at the Camps, the current figure stands at over 400,000 persons comprising mainly of persons from Somalia (98%).

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while the remaining from Ethiopia, Sudan, Congo, Uganda and Eritrea. 50% of the population consists of children below 18 years. The population of Dadaab has seen an increase of 65% since the beginning of 2008\(^{87}\).

In Dadaab refugee setting pressures regarding housing, food, security and other resources often strain domestic situations and erupt in violence. Moreover extended networks of family, neighbours and community leaders that may have acted as deterrent to abuse under normal circumstances no longer exist in the abnormal conditions and unfamiliar territory to which women are exposed. thus women generally have limited, or no, legal remedies against sexual and domestic violence, due to their unfamiliarity, or wariness of the local police and judicial authorities, and because of a lack of proactive, timely, systematic, and sensitive responses by the relevant international and local authorities. In Dadaab, the true scale of SGBV against refugees is shadowed by reasons such as victim’s reluctance to report, personal discomfort of refugee workers or humanitarian officials and refugee workers’ or officials’ frequent dismissals of reported cases as a private matter.

**Table 2.2: Dadaab Population Statistics**

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>Camp</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hagadera</td>
<td>Ifo</td>
</tr>
<tr>
<td>Somalia</td>
<td>90,102</td>
<td>80,390</td>
</tr>
<tr>
<td>Other nationalities</td>
<td>1,880</td>
<td>6,342</td>
</tr>
<tr>
<td></td>
<td>91,982</td>
<td>86,732</td>
</tr>
<tr>
<td>% increase since Jan-2008</td>
<td>31%</td>
<td>40%</td>
</tr>
</tbody>
</table>

**Source:** UNHCR data Dadaab office.

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\(^{87}\) UNHCR, Dadaab Sub Office.
2.7 New Arrivals Trends

The Kenya-Somalia border has remained closed since early 2007. In 2008, Dadaab registered some 62,000 new arrivals which represented an average influx of 5,000 persons per month. The influx continues despite the reinforced closure of the border that led to a decrease in December. The trend of new arrivals is expected to continue, with the prediction of influx still hard to project with the recent fighting in Mogadishu and other part of central Somali.88

Figure 2.1 Monthly Arrival Trends

![Graph showing monthly arrival trends]

2.8 UNHCR Partnerships

UNHCR works with various partners to realize its goals of providing quality services to the refugees. These partners either fall in the category of implementing partners or operational partners. The implementing partners comprise Government agencies, Non-governmental organizations and others. Governmental agencies consist of Department of Refugee Affairs (Ministry of State for Immigration and Registration of Persons), the Ministry of Public Health and Sanitation and the Ministry of Education. UNHCR partners with NGOs like CARE International, Danish Refugee Council, Film

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88 UNHCR data base Dadaab sub office

\section*{2.9 Conclusion}

The above discussion and analysis suggests that the Somali conflict had an impact on the Somali people and subsequently led to the mass movement of Somali refugees into the neighboring countries especially into Kenya, thus affirming the hypothesis that there exists a relationship between the Somali conflict and the Generation of refugees into Dadaab refugee camp. Although there seems to be sufficient good will both from the Government of Kenya and other International organizations to host the refugees until permanent peace is restored in Somalia. There is growing unease in the host country with the long stay of Somali refugees in Kenya. The government of Kenya has therefore repeatedly called for the closure of the refugee camps and the return of refugees to their homeland.
CHAPTER THREE
SEXUAL AND GENDER BASED VIOLENCE AMONG SOMALI REFUGEES
IN DADAAB REFUGEE CAMP

3.1 Sexual Gender Based Violence.

3.1.1 International Instruments of SGBV.

Several international and regional instruments are specifically to address sexual and gender-based violence against women and girls. Gender based violence is a Human right issue. Furthermore gender-based violence in its myriad forms is a form of discrimination against women, and a violation of their substantive rights, including the right to life, the right to liberty and security of the person, the right to be free from torture and the right to health. The Convention on the Elimination of All Forms of Discrimination against women 1979, the United Nations Declaration on the Elimination of Violence against Women in 1993 is the first international human rights document to exclusively and explicitly address the issue of violence against women. The Beijing Declaration and Platform for Action, adopted in Beijing in 1995, include all forms of discrimination as violence against women and girls and reaffirm States’ responsibility to work to eliminate them.

Various international and regional instruments and declarations have recognized violence against women as a form of discrimination and a violation of women’s human rights. CEDAW is the first international human rights instrument that formally acknowledges the influence of culture and tradition in restricting women's

enjoyment of their fundamental rights. Cultures and traditions take shape in stereotypes, customs and norms which, in turn, give rise to a multitude of legal, political and economic constraints on the advancement of women.

CEDAW defines gender-based violence as a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. CEDAW does not explicitly mention the expression gender-based violence. However, there have been important developments at the international level to acknowledge the many forms of violence against women. New standards and procedures to address violence against women were adopted to complement the efforts geared towards employing already existing standards and procedures for that purpose. Of particular importance in that regard have been the work of the Committee; the adoption by the UN General Assembly of the Declaration on Elimination of Violence, and the appointment of a Special Rapporteur on Violence Against Women by the UN Commission on Human Rights. Despite the above and as mentioned earlier, CEDAW does not explicitly include the expression violence against women. This is a reflection of the fact that at the time CEDAW was drafted. The issue of violence against women was not regarded as a significant issue on the international agenda. It was through the Committee’s General Recommendations 12 and 19, respectively dated 1989 and 1992, that this omission was corrected. CEDAW provides a broad framework for addressing gender-based violence in terms of discrimination against women. The work of the Committee has sensibly improved

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92 Para 1 General Recommendation 19 of the Committee on Elimination of All Forms of Discrimination Against Women  
93 The drafting process of CEDAW took place between 1974 and 1979  
94 ibid
CEDAW’s potentials to fight gender-based violence, its causes, manifestations and effects on women and on society.

At the regional level, the most significant step taken by the AU, although initiated under the OAU, towards the fulfillment of its commitment to gender equality, and its most concrete response to gender-based violence, has been the drafting and adoption of the Protocol on Women. The idea of a protocol to the African Charter to address women’s rights was based on the African Charter’s inadequacy in providing for women’s rights. While gender equality and non-discrimination were included in the African Charter, provisions relating to specific rights of particular concern to women in Africa were not. The Protocol on Women recognizes the imperative of other measures such as public education. It is therefore through promoting universal ratification of the Protocol on Women and subsequently, monitoring implementation thereof that the region can most effectively respond to gender-based violence while concurrently adhering to its commitment to gender equality which will ultimately address the imbalance of power between men and women which accounts for the numerous manifestations of gender-based violence in Africa.

Another milestone in the realization of gender equality was the adoption by the AU of the Solemn Declaration in July 2004. Considering that violence against women is a manifestation of the historically unequal power relations between men and women, which have led to the domination over and discrimination against women by men and to the prevention of women’s advancement, gender equality is the key to

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eradicating gender-based violence. The Solemn Declaration recognizes the numerous impediments to gender equality and implications of gender inequality, including gender-based violence.

The African Commission on Human and Peoples’ Rights and gender-based violence. The African Commission is arguably the most important regional body for responding to gender-based violence. To date however, it has been ineffective in this respect. As the implementing mechanism for the African Charter and the Protocol on Women it is mandated to promote and protect human rights through the consideration of individual communications, the adoption of resolutions, the appointment of special rapporteurs and the receipt and deliberation of state reports. As the provisions of the African Charter do not address gender-based violence, presumably, the entry into force of the Protocol on Women, will motivate the African Commission to take a more active role towards the elimination of gender-based violence.

The widespread inclusion of a prohibition of gender-based violence in international and regional treaties and declarations, its recognition and application by the international tribunals, as well as states national legislation indicates that this prohibition represents a consensus in the international community about the normative force of a prohibition on gender-based violence. United Nations Security Council Resolution 1325 (2000) emphasizes States’ responsibility to end impunity for crimes

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96 Solemn Declaration on Gender Equality in Africa (Solemn Declaration) Assembly/AU/Decl 12 III) rev 1 (2004)
against humanity and war crimes, including sexual and other forms of violence against women and girls.\textsuperscript{98}

Sexual violence, gender-based violence and violence against women are terms that are commonly used interchangeably. All these terms refer to violations of fundamental human rights that perpetuate sex-stereotyped roles that deny human dignity and the self-determination of the individual and hamper human development. They refer to physical, sexual and psychological harm that reinforces female subordination and perpetuates male power and control. And the above indicates it confirms the hypothesis that there is inadequate both international and regional mechanisms that deal effectively with the issue of SGBV and the enforcing mechanisms which are also inadequate.

3.2 Gender Ratio among Refugees

Of the approximately fifty million refugees and internally displaced persons in the world today, nearly eighty percent are women and children\textsuperscript{99}. According to UNHCR\textsuperscript{100} the gender ratio in Dadaab refugee camp is 222,525 male 224,061 female. Majority of the population at Dadaab refugee camps are young adults mostly from Somalia.

3.3 Vulnerability of Women in Refugee Camps

Women consist of over 60 percent of the total population of Dadaab refugee camp and are perceived as the most vulnerable and marginalized group within the camp. Mostly,

\textsuperscript{98} Available at www.rhrc.org/resources/gbv/gl_gbv03_01.pdf, accessed 12 April 2014.
\textsuperscript{99} Amy G. Gender Based Violence among Refugees and Internally displaced women in Africa
the triggers of SGBV are culture, level of education/awareness, law enforcement mechanisms and opportunities influences the vulnerability of women in Dadaab refugee camp. During conflicts women flee their homes in search of sanctuary from violence too often find that there is no meaningful refuge; they have simply escaped violence in conflict to face a different type of violence in the refugee camps. Women face security risks as well as the challenges of heading households while suffering from their disadvantaged status as women. Refugee women are vulnerable to rape, sexual assault, and other forms of sexual violence. Levels of domestic violence are also high in many refugee communities. The office of the United Nations Higher Commissioner for Refugees (UNHCR) reports that Sexual and Gender Based Violence occurs during all phases of the refugee experiences: prior to flight; during flight; while in the country of first asylum and during repatriation and reintegration. Within the camps women may be subjected to rape because of their increased vulnerability or because of their actual or perceived political or ethnic affiliation. Rape and other forms of sexual assault are frequently gender specific both in their form and in their motivation. Thus Dadaab refugee women and girls are raped or sexually assaulted because of their gender, irrespective of their age, ethnicity, or political beliefs. And as the available data confirms mostly women and girls suffer in SGBV cases such as Rape, domestic violence and early marriage of which the total numbers of cases reported during the research period (2005-2010) was 429 cases which is high compared to other threats women face at Dadaab thus confirming that the Somali conflict has had an impacts on Somali refugees.
3.4 Nature and Forms of Sexual and Gender Based Violence

Sexual and Gender Based Violence especially among women is documented in Dadaab camps by UNHCR, CARE Gender office and International Rescue Committee. SGBV in this study will refer to violence, sexual or otherwise, that plays on gender norms and gender exclusions to break people down physically, emotionally, psychologically or financially. Although it is women who are often the victims of SGBV both women and men may be victims and subject to rape, defilement, damage to physical, emotional and psychological health, disruption of lives and loss of self confidence and esteem such as punching, choking, threatening not to give finances, forced sex, unwanted advances, denial of financial assistance, repeated verbal abuse and insult can lead to anything from bruising to killing, loss of confidence, STIs, unwanted pregnancies and early motherhood or social conformity\textsuperscript{101}.

Sexual and gender based violence can occur anywhere, at any time and it is used as a weapon of war; it is perpetrated in the supposed safety of one’s home. Just as the laws and structures that govern a society influence the behavior of individuals, so, too, can individual attitudes influence the way families, communities and societies respond to certain types of behavior\textsuperscript{102}. At the individual level, the degree of knowledge, personal security, access to and control of resources, services and social benefits, personal history and attitudes towards gender can influence whether a person will become a victim, survivor or a perpetrator of violence. The second level relationship

\textsuperscript{101} Care Kenya, Training Manual on Sexual Gender, Based Violence,( Nairobi, Care Kenya,1998) pp: 37

\textsuperscript{102} UNHCR, Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Available at www.rhrc.org › resources › gbv › gl_sgbv03_01.
represents the immediate context in which abuse can occur between individuals, even within families. At this level, existing power inequalities among individual begin to reinforce subordinate or privileged positions. The community level represents the dynamics between and among people that are influenced by socialization with in such local structures as school, health care institutions, peer groups and work relationships. For refugees this structures is found in the refugee camp or setting, where the availability of and access to social services and the very layout of the camp can have a direct impact on whether or not incidents of sexual and gender based violence occur.

Society includes the cultural and social norms about gender roles, attitudes towards children, women and men, the legal and political frameworks that govern behavior and the attitudes towards using violence as a means of resolving conflict. It is clear to see that changes in behavior and attitudes in any one of these areas can have an impact on all of them. Interventions to prevent or respond to sexual and gender based violence should thus target all levels. The following are some of the more common forms of sexual and gender based violence prevalent in Dadaab refugee camps.

3.4.1 Sexual Violence and exploitation

Sexual Violence as a form of torture is defined as any act or threat of a sexual nature by which severe mental or physical pain or suffering is caused to obtain information, confession or punishment from the victim or third person, intimidate or a third person or to destroy, in which or in part, national ethnic, racial or religious group. Sexual violence can take the following forms: Rape and marital rape, Child sexual abuse, defilement and incest, Forced, Attempted rape, attempted forced sodomy, sexual exploitation and Forced prostitution. Sexual violence against women and girls does
not only mean rape and abuse outside marriage, it includes all forms of sexual activity with girls and adolescents, including forced sex within marriage, indecent assault and improper fondling and touching. Any person in a position of influence like humanitarian workers, police men or officials is in a position of exploiting the refugee women. Such situation occurs during food distribution where a vulnerable woman is promised to be given a ration more than her family size. Other workers of humanitarian agencies whether international, national or refugee that provide direct services to refugee persons may also take advantage of the vulnerability of an individual to sexually exploit that persons by offering services that would otherwise have been free. The available data confirms in the period 2005-2008 187 cases of sexual violence reported, thus confirming the prevalence SGBV among the Refugees of which Somalis are the majority in these camps..

3.4.2 Physical Violence

This includes and not limited to all acts involving wife battering or beating, punching, kicking, biting, burning, maiming or killing with or without weapons often used in combination with other forms of sexual and gender based violence. These disgraceful acts are committed by spouse, intimate partner, family member, friend, acquaintance, stranger or anyone in a position of power. These acts are on the rise in Dadaab refugee camps given the arrival of new refugees from Somalia who are crossing the border to Kenya daily and the worsening security conditions in the camp coupled with the fact that the rate of drug (chewing miraa) users among the Somali youth are on the increase as a result of idleness.
3.4.3 Domestic Violence

Violence against women in the family occurs in developed and developing countries alike. It has long been considered a private matter by bystanders including neighbors, the community and government\textsuperscript{103}. United Nations Special Rapporteur on violence against women, many Governments now recognize the importance of protecting victims of domestic abuse and taking action to punish perpetrators. The establishment of structures allowing officials to deal with cases of domestic violence and its consequences is a significant step towards the elimination of violence against women in the family\textsuperscript{104}. Domestic violence includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Despite the fact that domestic violence affects both men and women, the incidences of cases normally reported reflect that women are more disproportionately affected.

In the camps, domestic violence is one of those vices that have been reversing the gains that have been made in all other spheres of economic development like education especially girl child education, provision of services to refugees etc. In the last decade there has been a public outcry that necessitated the government and the humanitarian operating in Dadaab to put stiffer measures in curbing domestic violence, a move that has seen the birth of the domestic violence bill in November 2000, which, among other things, sought to provide stiffer penalties for the domestic

\textsuperscript{103} Maya Steinitz, \textit{The role of International law in the struggle against sex-based and gender based violence against refugee women}, March 2001. P.19

\textsuperscript{104} UN Documents on the Special Rapporteur of The Commission on Human Rights on Violence Against Women, Available at http://www.unhchr.ch/huridoca/huridoca.nsf/FramePage/SRwomen+En?OpenDocument
related assaults and battery. In Dadaab camps, the situation is worse\textsuperscript{105}. Domestic violence is prevalent in Dadaab refugee camps as 92\% of those interviewed believe that the practice is rampant in the Somali community.

### 3.5 Harmful Traditional Practices

Hobsbawm\textsuperscript{106} defines invented tradition as a set of practices, normally governed by overtly or tacitly accepted rules, and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past. Whether this past is real or fictitious is irrelevant, as invented traditions establish their own past by quasi-obligatory repetition\textsuperscript{107}. The harmful customs are deeply rooted in the tradition and culture of society. Some of the harmful traditional practiced in Dadaab refugee camps include: female genital mutilation (FGM), domestic violence, early and forced marriage, forced wife inheritance, honor killing and maiming and denial of education for girls or women.

For example, forced wife inheritance of which a woman is forced to marry the brother of her husband in the death of the husband. Since the decision is made for the women, her stake in such an issue is not important and she waits whoever is chosen for her by the late husband’s family. in Dadaab refugee camps, these practice is rampant with majority of the Somalis (95\%) practicing this awful act. in some communities like the Sudanese who also live in Dadaab refugee camps, if the husband is a way for a journey or dies his brother will act as the right husband. In the Available data FGM cases exists in the community under study.

\textsuperscript{105} Care Kenya, Gender and Development office monthly report January 2007.
\textsuperscript{106} Hobsbawm, Eric. The Invention of Tradition (Cambridge, Cambridge University Press, 1983)p1
3.6 Sexual and Gender Based Violence Trends in Dadaab from January 2005- Dec 2008

The tables below show the existence of Sexual and Gender based violence in Dadaab refugee camps. These tables denote that there is an increase in the reported cases of violence against women across the years with domestic violence/disputes as the highest form of sexual and gender based violence as reported to the Care Kenya, gender and development office (GAD). The data contained in these tables show the trends in Sexual gender based violence among the Somali refugees (who are the predominant community in Dadaab refugee camps) between January 2005-December 2008. It shows the types of SGBV that are prevalent in Dadaab refugee camps. Although the actual extent of SGBV in Dadaab camps may never be accurately known but it is clear from the tables that SGBV is part of the daily life and interactions in Dadaab camps. The data suggests that every day at least one neighbor, family friend or even family member is known to survive such violence daily. This further suggests that SGBV is a common occurrence in this camp, placing vulnerable groups like women and girls in Dadaab camps are at greater risk of SGBV than men, thus justifying both the hypotheses and the objectives of the study.

108 Source-Care Kenya, department of gender development, Dadaab.
Table 3.1 SGBV Trends in 2005

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SOURCE: CARE KENYA, GENDER AND DEVELOPMENT OFFICE, DADAAB.

Table 3.2: SGBV Trends in 2006

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SOURCE: CARE KENYA, GENDER AND DEVELOPMENT OFFICE, DADAAB.
Table 3.3: SGBV trends in 2007

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SOURCE: CARE KENYA, GENDER AND DEVELOPMENT OFFICE, DADAAB.

Table 3.4: SGBV Trends (JANUARY – DECEMBER 2008)

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SOURCE: CARE KENYA, GENDER AND DEVELOPMENT OFFICE, DADAAB.
3.7 Causes of Sexual and Gender Based Violence

The root causes of sexual and gender based violence lie in a society’s attitudes towards and practices of gender discrimination, which place women in subordinate position in relation to men\textsuperscript{109}. Gender roles and identities are determined by sex, age, socio-economic conditions, ethnicity, nationality and religion. Relationships between male and female, female and female and male and male individuals are also marked by different levels of authority and power that maintain privileges and subordination among the members of a society\textsuperscript{110}. The disregard for or lack of awareness about human rights, gender equity, democracy and non-violent means of resolving problems help perpetuate these inequalities. Gender inequality and discrimination are the root causes of sexual and gender-based violence.

There is clear causal relationship between the conflict in Somalia, refugees and gender based violence. After the outbreak of the civil war in Somalia that have left thousands of Somalis displaced and took refuge in Kenya especially women and children with little law enforcing mechanisms they face SGBV. Changes to social and cultural norms over time as a result of displacement have created fertile ground for exploitation and violence. Idleness, redundancy and unemployment among the people especially the youths in Dadaab camps coupled with the high level frustration and boredom are believed to expose women and girls to vulnerable situations. In the Somali culture which are predominant community in Dadaab camps, where men’s identity and pride were based largely on their roles as protectors and being the bread

\textsuperscript{109} UNHCR, Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, May 2003, P.21.

\textsuperscript{110} Ibid p.21
winners, young men no longer have outlets for their sexual aggressions which were available to them during traditional times. These are to be replaced by sexually stimulating or violent material to seek an outlet through sexual violence thus a cause of sexual and gender based violence. Ignorance and lack of understanding of the rights, roles and duties of women, men and children in Dadaab camps plus ignorance on the concepts on gender which results in their violation thus SGBV in Dadaab camps. Over congestion in Dadaab camps, the camps boast a population which is 400,000 persons in a limited area and that will result in limited accommodation and lack of privacy, which brings about exposure of sexual activities to those who need not to know about the practice as yet e.g. children.

3.8 Causes of domestic violence

Domestic violence is widespread and to some degree acceptable in the community under study. This study’s focus is on domestic violence occurring within the family, particularly among the Somali refugees in Dadaab refugee camps. Domestic violence has also been interwoven into culture and traditions as indicated by those interviewed 27% confirming that customs and traditions cause domestic violence. According to the Somali culture most women believe that their husbands have a right to beat them if and when they make mistakes or misbehave.

The study found that economic hardships have also been blamed as a cause of domestic violence where 30% those interviewed saw it as a cause of domestic violence. Traditionally, the role of ensuring family upkeep was the sole responsibility of the husband. Given the displacement of people, the hopelessness in the camps and the loss of livelihood, many women are taking up new roles as a survival strategy, the
men see the new role as a threat and this can lead to domestic violence. Ignorance about the rights of women and men and the lack of, or total disregard of the rights of women causes domestic violence at 18%. This has also been coupled by the lack of knowledge on the existing laws against domestic violence.

Another main cause of domestic violence is drug abuse and miraa with 25% citing as a cause. Drugs consume the meager household resources leaving wives and children in need. In the Somali community, men are responsible for providing for their family. Miraa abusers normally violate conjugal rights cause domestic violence, and disregard physical and emotional well-being of the family forcing women to suffer shame and carry an extra burden of providing for family. A female block leader had this to say referring to men who abandon their families “As women, when our husbands are no longer providing for us, we hide our problems as much as we can as it is embarrassing if people know about our problems, at times we have to take extra burden to fulfill our husbands every wish even if it means taking over their responsibilities.” The data in the tables shows that 159 cases of domestic violence was reported between 2005-2008 confirming domestic violence as SGBV exists in the refugee camps.
3.9 Causes of harmful Traditional practices

In many countries, women fall victim to traditional practices that violate their human rights\textsuperscript{111}. The problem has its roots in the tradition and culture of society. Some of the harmful traditional practices that are common among the Somali refugees include; female genital mutilation (FGM), early marriages, and son preferences. According to the world Health Organisation (WHO), 85 million to 115 million girls and women in the population have undergone some form female genital mutilation and suffer from its adverse health effects\textsuperscript{112}. FGM is widely practiced among the Somali community living Dadaab refugee Camps. Some of the respondents noted that uncircumcised girls and their families living in the camps suffer discrimination at the community level and have difficulties marrying.

Customs and traditions are some of the main causes of FGM. Forty three 43 % of those interviewed said that there are no families that will not circumcise their

\textsuperscript{111} Maya Steinitz, The role of International law in the struggle against sex-based and gender based violence against refugee women, March 2001. P.28

\textsuperscript{112} Available at http://www.who.int/frh-whd/FGM. Accessed on 18 August, 2014.

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daughters. This is because a lot of shame and ridicule is associated with girls who are not cut. Religion takes the next biggest share as a cause of FGM. A lot of controversies surround FGM and Islam, 27% of the respondent’s belief religious misconceptions are responsible for FGM. Ignorance about the negative effects of FGM at community level is a problem. Thirty percent (30%) of those interviewed did not know the problems that are associated with FGM. Many of these people see the effect of FGM as other problems that have no any attachment to FGM. On Islamic law (sharia) and the Somali customary law in relation to the treatment, status and welfare of women, clearly established that the Islamic law recognizes and protects the equal rights of women in terms of basic human rights as well as specific women’s rights within the family and the society. The study found no support for FGM in the Koran or in the Islamic law. Early marriage arrangements are common at Dadaab refugee camps. The main causes of forced early marriages are customs and tradition where once a girl starts her menstrual flow she is seen to be mature and ready for marriage.

**Figure 3.2 Causes of harmful Traditional practices**

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There is also the belief that if girls are left unattended to, they will get unwanted pregnancies and result to unbecoming behavior hence there is believe that early forced marriages safe guard the families name against shame and ridicule. Religious misconceptions are also to blame for early marriages. Majority of those interviewed believe that religion is the cause of forced early marriages while on the contrary religion does not allow forced marriages. The problem therefore lies on the inability to put a line between religion and customs.

The living condition in Dadaab camps is generally low and there is a high level of poverty. As a result most people depend on relief food and can’t afford to access other necessities. The high and increasing population in Dadaab camps makes the relief food provided by WFP in adequate to meet almost all the needs of the people, which results in to parents forcing their young girls in to marriage at a tender age so as to get men who can provide for them and their families, girls are seen as source of extra wealth, hence the early marriages. In the available data 31 cases of early marriage were reported thus confirming the existence of the menace.

3.10 Impacts of Sexual and Gender Based Violence

The impact and consequences of violence are complicated and lead to lifelong health and developmental problems\textsuperscript{114}. The Somali conflict that produced refugees has complex and multiple direct and indirect effects on refugee communities in Dadaab camps in relation to reproductive health and psycho-social well being. Victims or

survivors of sexual and gender based violence are at high risk of severe health and psychological problems, sometimes death even in the absence of physical assault. Such impacts include: health which are serious and potentially life threatening health outcomes which can result in homicide, suicide, maternal and infant’s mortality and HIV/AIDS related mortality. Psycho-social may also include both emotional and social consequences such as depression, anxiety, fear, Anger Shame, insecurity, self hate, self blame, Mental illness a Social stigma, Social rejection and isolation, Feminization of poverty. There is also stigmatization of victims or persons who have experienced SGBV among the Somali community, which results in to the person’s loss of confidence, isolation from the community. This leads to the girl child dropping out of school due to the stigmatization and thus low level of education and low attendance of the girl child in Dadaab camps.

3.11 Preventing Sexual and Gender Based Violence

The convention on the elimination of all forms discrimination against women (CEDAW), adopted in 1979 by the UN general assembly, is often described as an international bill of rights for women. Consisting of preamble and 30 Articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end discrimination\textsuperscript{115}. By identifying factors that contribute to and influence sexual and gender based violence one can develop appropriate and effective prevention strategies. As with all programmes to combat sexual and gender based violence, prevention strategies are most effective and it needs collective cooperation among all the stakeholders. Effective prevention strategies will include actions that focus on the following issues: Transforming socio-cultural norms, the causes of

\textsuperscript{115} http://www.pdhre.org/conventionsum/cedaw.html accessed 24 august 2014
sexual and gender based violence are rooted in socio cultural norms of gender
ingquality and discrimination. Preventing sexual and gender based violence thus
requires changes in gender relations with in the community that is, the socially
prescribed roles, responsibilities, expectations, limitations, opportunities and
privileges assigned to persons in the community based on their sex which includes
knowledge, community attitudes, and Behaviors:

Others include rebuilding family and community support system, creating conditions
to improve accountability systems, designing effective services and facilities,
Influencing the formal and informal legal framework monitoring and documents
incidents of sexual and gender based violence. Sexual abuses constitute a daily reality
for refugees living in northern Kenya, particularly women and girls. Rape and other
sexual violence remain among the most serious problems facing women refugees. It is
a common experience for refugee women in camps, which often provide them with
little protection. The Somali conflict and violence experienced by refugee
populations often destroys families and social structures, and with them, the norms
and taboos that normally would have proscribed sexual violence.

3.1.2 Conclusion

The above indicates that there is sufficient documented information affirming the
existence of sexual and gender based violence in Dadaab refugee camp. The study
indicates that societal norms and values coupled with cultural practices are the main
causes of SGBV. Most of the victims are women and girls although men and boys

Implications, April 2003, p.2 (accessed April 5, 2014); available from
http://www.hiiraan.ca/may02/op/cindy.htm.
also experience it but to less extent. It is also expected the menace to stay unless and until there is socio-cultural transformation and an end to the conflict in Somalia. But as Nzomo¹¹⁷ noted, there is hope and a light at the end of the tunnel. But the process of changing attitudes, patriarchal norms and values will be gradual and challenging.

¹¹⁷ Nzomo, M. Capital talks Interview with Jeff Koinange. Available at www.youtube.com/watch?v=uf5f55MTmnq4
CHAPTER FOUR
DATA ANALYSIS

4.1 Introduction
This chapter brings in the analysis of relevant facts and figures found in this study. Sexual and Gender Based Violence (SGBV) is a priority problem for development workers in refugee camps, due to instability in Somalia, the refugee population in Dadaab continues to grow on daily basis. The higher number of refugees has complicated the humanitarian situation in Dadaab the available services are overstretched beyond limit. In terms of space available, according to UNHCR Camps are meant for 90,000 people but now the camps are accommodating three and half times that number. As the population grows, so does the potential for the spread of Sexual and Gender Based Violence and conflict over limited resources. The hard livelihood of refugee women and children exposes them to sexual and gender based violence or sexual exploitation and abuse. The most prevalent SGBV issues include domestic violence, FGM, early marriages, forced widow inheritance, rape and defilement.

4.2 Law Enforcement Mechanism
In Dadaab refugee camps, sexual and gender-based violence cases are prosecuted in a mobile court that sits in Dadaab town every month although, most of the cases are settled locally in a traditional way by elders and since the mobile court is not inside the refugee camps it is more difficult accessing it, which can deny justice to the victims of SGBV. In recent times United Nation Higher Commission for Refugees (UNHCR), CARE International in Kenya, International Rescue Committee (IRC), government of Kenya, religious leaders and other implementing partners in Dadaab
refugee Camps are the main legal regimes fighting against Sexual and gender based violence in Dadaab camps, but the overwhelming number of cases of SGBV and bureaucracy involved it is hard to deal with the situation as many cases are not even reported. The initial planning of the Camps by UNHCR, was meant for a fewer number than those currently living in the Camps in this scenario it brings together many people of different background and origins to live over a limited space and resources thus can lead into insecurity in the Camps as currently experienced people using pangas and as a result death is reported and rape of girls in the Camps because of lack of programming by UNHCR to decongest the refugee camps and resettle the refugees in another areas thus the current situation can promote more violence.

Another factor is that the low numbers of police and law enforcement personnel in Dadaab camps still worsen the situation because the population of Dadaab is about 400,000 with the rapid increase on monthly basis due to the devastating famine and the war against Al Shabaab in Somalia. Although there are two police bases in each camp- Hagadera, Ifo and Dagahaley, and one police post in Kambios they cannot reach the larger refugee population or cannot immediately act when there is an emergency and are undertrained on issues related to SGBV.

In 2005, 2006, 2007, and 2008 a total of 429 SGBV cases were registered in Dadaab refugee camps with Domestic violence leading in figure at 28, 32, 36 and 63 respectively. Women and girls in Dadaab camps are at greater risk of SGBV than men because of their vulnerability to SGBV. This may come from members of the tribe or different tribes with in the camp or from members of the local population. Perpetrators attack women particularly as they have to walk far from their homes in
search of firewood or sometimes taking their animals to the bush for grazing; however certain groups in Dadaab camps are particularly more vulnerable to SGBV and these include; women who are alone and lone female heads of households, younger women and girls, the elderly and infirm, the physically and mentally disabled unaccompanied children, boys and girls and children in foster care arrangements, women and girls who are under authority of head or household willing to barter women or young girls for food, money and other benefits. Due to other factors, the actual extent of SGBV in Dadaab camps may never be accurately known but it is clear from this research that SGBV has been normalized in Dadaab camps and at least one neighbor, family friend or even family member is known to encounter such violence daily. On daily bases at least twenty cases are handled in the Gender and Development office. This suggests that SGBV is a common occurrence in the camps.

Most of the SGBV cases in Dadaab refugee camps are not reported to the relevant authorities due to the fact that refugees don’t trust the police and prefer to settle cases of SGBV themselves, like defilement, rape without the involvement of the police or local authorities. This distrust is as a result of the level of corruption associated with the police. Fear of stigmatization impedes the report of SGBV cases. There is a strong tendency among the women of Dadaab camps to deny that one is a survivor of SGBV because the survivors are often perceived as being losers, harsh investigations of SGBV cases cause further psychological and sometimes even social injuries to the victims. Court negotiations last a number of months during which the victim’s name and all of the details of her personal life is made public, causing her repeated social damage, so to avoid this lack of confidentiality, the victims don’t report the cases.
Therefore, there is inadequate law enforcement mechanism that can lead to gender based violence in the Refugee camps thus validating the hypothesis.

4.3 Retrogressive socio-cultural practices in the refugee Camps

There is direct relationship between SGBV and the culture, because the Somali culture is unjust, unfair and patriarchal as there is confusion between religion and culture. The Somali culture place women in subordinate position in relation to men. Also it is difficult to recognize and define what is SGBV and what used to be considered simply normal interactions between men and women e.g. wife beating, wife inheritance are not considered as SGBV cases, because they are culturally acceptable. Women hesitate to identify sexually harassing behavior as in appropriate. For example women may consider pushes, slaps, unwanted touches and sexual remarks about body parts to be insignificant and fail to mention them or report them. Also, the community is unaware and ignorant of the SGBV policies and the procedures to follow when reporting the offences.

The UNHCR estimates that 80% of all refugee women experience domestic violence, rape and sexual abuse. Despite a high incidence of sexual assault and rape amongst refugee women, the crime is often shrouded in silence. There aren’t enough female police officers in refugee camps that would help in specific gender roles; in that the issue of SGBV is very sensitive and thus the victims or those who have been assaulted may feel more comfortable talking to a female officer than a male; but because most of the times there are male officers, the victims are thus discouraged from reporting SGBV cases.
Domestic violence has also been related with culture and traditions, most women believe that their husbands have a right to beat them if and when they make mistakes or misbehave. Traditionally, when a man beats his wife, a ram used to be slaughtered for her this was seen to have made the women feel better. This practice is not so common in the recent years. There is also the notion that men would have failed in their manly duty if they do not beat their wives or break their legs.

Economic hardships have also been blamed as a cause of domestic violence where traditionally, the role of ensuring family upkeep was the sole responsibility of the husband. After the civil war in Somalia that has changed given the displacement of people and the loss of livelihood, many women are taking up new roles as a responsibility of the house and looking for food, without the power of decision-making and authority. The men see the new role as a threat and become more assertive. This creates domestic violence. Another important factor is Ignorance about the rights of women and men. It is because of lack of or total disregard of the rights of women which causes domestic violence and lack of knowledge on the existing laws against domestic violence.

FGM which is a form of SGBV, One of the main obstacles to the eradication of FGM is it is religious misconception. Some Somali people believe that practicing FGM is their religious obligation. And it is a cultural disposition rather than a religious one. Some Somalis belief that religion is the cause of forced early marriages while on the contrary religion does not allow forced marriages. The problem therefore lies on the inability to put a line between religion and customs. However, religion allows marriages as long as the person has reached the age of puberty. The Somali culture
beliefs young men would only marry a girl who is circumcised therefore, forcing many young girls to undergo this practice of FGM. Other cultural practices include: wife beating, forced wife inheritance traditionally, wife inheritance served an important role it ensured that the lives of the widow and her children were not disrupted. Today, the in-laws use it to harass the widow and her children. What used to be a positive culture is now a life threatening issue as the new husbands harass abuse and inflict suffering on women and their children.

The act of forced widow inheritance is purely cultural and has no religious basis this trend has continued as a result of women being ignorant about their rights. Oftentimes, it is claimed that widows have a choice between brothers but cannot refuse to be inherited at all. If she refuses, the new husband is expected to pay 15 cows and 1 bull to the late husband’s family. This forces the women to marry one of her in-laws and then divorce to do away with this liability. In addition, when they defy wife inheritance, the in-laws deprive them of their home and children. Therefore, in this case it affirms the hypothesis that retrogressive cultural practices among the Somali community leads to gender based violence.

4.4 The Somali Conflict and the generation of refugees

Since the fall of Siad Barre Regime in 1991, Somali people were on the move fleeing from the war torn country. Million Somalis died during the conflict either of famine or violence and millions of others were displaced. And failure by the warlords and tribal elders to administer the country has resulted to instability and conflict in the region, whereby killing, banditry, Islamists attacks, small arms race and civil wars were prevalent. Due to lack of security and administration, lawlessness and ethnic
conflict has become endemic in the country. Thus the outcome of the Somali conflict
had resulted mass movement of Somali refugees to the neighboring countries like
Kenya, Ethiopia and Djibouti hence vulnerable to gender based violence. The collapse
of Somali government led to establishment of Dadaab refugee complex in 1991. It
was formed to accommodate refugees fleeing the war torn country. Therefore, there
exist a link between the Somali conflict and the generation of refugees into Kenya.

4.4 Vulnerability of women and men in refugee camps
Both men and women experience SGBV in the refugee camps. But women and girls
are at greater risk of SGBV, because of their vulnerability to SGBV. Weak familial
support structure, a lack of strong clan ties and male relatives are risk factors that
increase women and girls vulnerability to SGBV, in particular, sexual violence.
Although many women and girls suffer violence, some are more vulnerable than
others. In the refugee camps, adolescent girls are particularly vulnerable to Sexual and
gender based violence, other groups of women who are most at risk include: single
mothers with children out of wedlock, divorcees, widows and female headed
households, unaccompanied girls whose parents are dead or those not living with their
parents, and newly arrived females who have limited knowledge of the formal and
informal systems in the camps. In the refugee camps, specifics areas were identified
where women and girls are at higher risk including when they go to the bush to collect
firewood, at the tap stands in the early morning and in the evening, ration distribution
centers, at the health facilities, learning institutions and police stations were also
highlighted as places where women and girls are vulnerable to violence and SGBV.
There are also cases of rape among men and boys but as the respondents stated that if
it occurred, it would be unlikely to be reported unless the survivor was a very young
boy. In that case it is affirming the hypothesis that women and men in the refugee camps experience SGBV differently. This study has four main hypotheses. The first hypothesis on the law enforcement mechanism has been confirmed, because justice for sexual violence survivors in the camps remains the exception and impunity for perpetrators. Lack of police capacity and expertise impedes prevention, investigation, and prosecution of sexual violence. The absence of effective prevention and response continues to undermine the safety of women and girls, who face an increased risk of violence stemming from the camps’ deteriorating humanitarian situation, the large number of refugees in these camps and the actual number intended are very different and this largely rest on the responsibility of UNHCR, and if you look the ratio of police officers compared to that of refugees living in these camps are far much less all this factors could lead to increase or occurrence of SGBV in these camps.

The second hypotheses has been confirmed because culture plays a big role in perpetuating SGBV, because most of the violence against women are happening in the name of culture and largely has no bases in religion. The third hypotheses has also been confirmed, because what brought the Somali people to stay and live in refugee camps for more than 20 years is the conflict in Somalia which also led to the vulnerability of women and girls both when they are fleeing conflict and war and also inside the refugee camps. The fourth hypothesis has also been confirmed because, both men and women experience SGBV, but to a certain extent women and girls are at greater risk of SGBV then men and boys. Therefore, the entire four hypotheses are valid and have direct relationships to the objectives, problem statement of the Research study.
CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This study sought to examine the impacts of conflict and gender based violence and to bring out the effects of SGBV in the Dadaab refugee camps, the displacement arising from the Somali conflict which led to the increase in the number of refugees in these camps. The study comes to a conclusion that there is existence of Sexual Gender based Violence cases among the Somali refugees which is already being experienced in Dadaab refugee camp.

The study established that refugee women and girls at Dadaab Refugee camp who flee their homes in search of sanctuary from violence too often find that there is no meaningful refuge; they have simply escaped violence in conflict to face a different type of violence in the refugee camps. It is important to observe that SGBV is a societal crisis. To deal with this, it requires concerted action to stem its scourge. The practice is perpetuated by rigid cultural norms, beliefs and traditions that have had the tendency to relegate women to a second class status in society thereby not only violating their rights as human beings but leading to discrimination against women, some customs and cultural practices as justification for violence against women.

From the tables in chapter three it showed increasing cases of Sexual and gender based violence reported among the refugees living in Dadaab refugee camps. The research strongly indicates that SGBV problems in the community under study were serious and requires immediate redress. In addition, the problems are many and interrelated with culture. As a result, a multifaceted integrated approach model
involving all the key actors is needed for comprehensive onslaught on SGBV. Such measures would include not only legal measures such as penal sanctions, civil remedies and avenues for compensation, but also preventive measures such as public information and education programs, and protective measures, including support services for victims of SGBV.

Finally, the study findings also shows that the prolonged war in Somalia and lack of effective government in Somalia has severely disrupted psychological and moral growth of the refugees especially children and has led to the increase of SGBV.

5.2 Recommendations

The study makes the following recommendations. The gap rooted in the law enforcement mechanism which are inadequate, requires that the government of Kenya and UNHCR establish permanent courts, more preferably the Muslim khadi courts as most of the populations in these camps are Muslims. The government of Kenya should modify their refugee protection system. There should be clear laws, proper ways of reporting cases of SGBV and stiffer penalties for the culprits. SGBV Guidelines are followed and that women's rights are protected.

The study further recommends that UNHCR should find way to decongest these refugee camps which are almost bursting with people and create a new camp so that the condition of the refugees improves. The Government of Kenya should provide more security personnel to these refugee camps specially to increase the number of female officers so that women can report cases of SGBV without fear or intimidation.
There should be a cultural transformation in the society and to come up with more moderate culture and encourage a positive culture on women. Women should be viewed as key actors in the society. Concerted efforts should be made to raise awareness on the equality of all people regardless of race, sex, culture or gender. The community should come up with ways of eradicating these bad cultures, promote more modern and friendly cultures and NGOs working in Dadaab should give support to these. There is also need for formal education in these camps specially higher education as there are so many students who leave high school and doing nothing, UNHCR should look for funds so that they get opportunities for higher education. Girls should be given encouragement such as incentives so that they go to schools and get formal education.

It is further evident from the study that despite the knowledge among the international relief agencies and large donor-coordination organizations, specifically UNHCR, Government of Kenya, the problems of SGBV in Dadaab camps still exists therefore, they should double their efforts to curb SGBV.
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