

# Child Notice Somalia

2018

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## Child Notice Somalia 2018

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## LIST OF ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
AMISOM	Africa Union Mission in Somalia
ANNPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
BID	Best interest determination
CEC	Community Education Committee
CIA	Central Intelligence Agency
COI	Country of Origin Information Reports
CP	Child protection
CRC	Committee on the Rights of the Child
CRIN	Child Rights International Network
CRPD	Committee on the Rights of Persons with Disabilities
CTFMR	Country Task Force for the Monitoring and Reporting Mechanism
DRC	Danish Refugee Council
EAFM	Early and forced marriage
EU	European Union
FGM/C	Female genital mutilation/cutting
FGS	Federal Government of Somalia
GBV	Gender-based violence
GDP	Gross domestic product
HIWA	Humanitarian Integrity for Women Action
HRPD	Human Rights and Protection Group
HRRM	Human Rights Roadmap
HRW	Human Rights Watch
IDPs	Internally displaced persons
IJRC	International Justice Resource Center
ILO	International Labour Organization
IOM	International Organization for Migration
MICS	Multiple indicator cluster survey
MoE	Ministry of Education
NDP	National Development Plan
NGOs	Non-governmental organizations
NISA	National Intelligence and Security Agency
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
OSPAD	Organization for Somalis Protection and Development,
PESS	Population Estimation Survey (of the 18 pre-war regions) of Somalia
SDG	Sustainable Development Goals
SNA	Somali National Army
SOP	Standard operating procedures
SSWC	Save Somali Women and Children
SWDC	Somali Women and Development Centre
TiP	Trafficking in persons

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UASC	Unaccompanied and separated children
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UN-HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children’s Fund
UNSOA	United Nations Support Office for Africa Union Mission in Somalia
UNSOM	United Nations Assistance Mission in Somalia
UPR	Universal Periodic Review
US	United States of America
USDS	United States of America Department of State
USAID	United States Agency for International Development
VAC	Violence against children
VAWC	Violence against women and children
WASH	Water and Sanitation for Health
WFP	World Food Programme

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## DISCLAIMER

The information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). The research has been done according to the *Methodology Guidance on Child Notice* (2015) which was developed in the framework of the EU-funded project “Better information for durable solutions and protection” (2013-2016).

The Child Notice provides useful information for immigration/asylum officials, border staff, law enforcement staff, social workers, case managers, guardians, service providers (educators, health staff), interpreters, lawyers, judges in assessing the situation and position of children in asylum and migration procedures.

The main text of the Child Notice contains the most up to date publicly available information until July 2018. Any other events taken place after this date, are not included in the Child Notice.

Different types of sources have been used (Government, NGOs, International Organizations, media, academics). Information was also obtained from interviews with different stakeholders in the countries of origin who have given information based on their expertise and experience. All sources have been checked and cross-checked and are mentioned in the report.

UNICEF Eastern and Southern Africa Regional Office have sought to provide relevant, up to date, balanced and impartial information on the position of children in countries of origin. The necessity to keep the Child Notice a concise report that is useable for the target group, means that choices have been made in the amount of information that is given. Though the intention is there, UNICEF does acknowledge that it is not possible to be exhaustive in the information that is presented.

The views and opinions expressed in this article are those of the authors and do not necessarily reflect the official policy or official position of any organization or person mentioned herein.

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## INTRODUCTION

Child migration occurs everywhere in the world and for different reasons. Migration might be forced through natural disasters or war. It might be the result of exploitation, in the case of victims of trafficking. It might be induced because children and/or their parents fear for their lives in their countries of origin because of persecution. Also, children might migrate because they are looking for a better future life. Migrant children may be accompanied by their parents or guardians, by other adults (separated children) or alone (unaccompanied children), and children may migrate in regular or irregular ways. Whatever the reason for children to migrate and whatever the way children migrate, the best interests of the child should be a primary consideration during all stages of the migration process. Article 3 of the UN Convention on the Rights of the Child states that:

‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’ Decisions on status, care and residency and on return should be informed by a documented best interests of the child assessment and determination.

Whatever the way and reasons for children to migrate, a durable solution should be sought, taking the best interests of the child into account. Careful and thorough procedures to determine the best interests of the child and a durable solution are necessary. Information on the situation of the involved child, be it separated, unaccompanied or travelling with his or her family, is paramount. This involves both specific information on the situation of the particular child involved, as well as information about the local situation of children in countries of origin.

Authorities in most countries of destination use Country of Origin Information reports (COI). These reports are used to assess the situation in the country of origin and help to determine whether a person has the right to international protection through a refugee status or a subsidiary protection status. COI reports also give valuable information for decisions in which the possibilities for a safe return have to be weighed. Objective country of origin information increases the opportunity of safe return and decreases the chances of re-trafficking. It should inform risk-assessments and reintegration programmes.

Some Country of Origin Information reports do contain information on, for instance, the position of unaccompanied minors, the existence of female genital mutilation or the recruitment or involvement of children in armed conflicts. However, the information provided often lacks detail, focuses solely on the position of children outside the family and does not provide, in general, enough information to assess child-specific forms of persecution, the best interests of a child or safe conditions for return.

The Child Notice foresees the need for more information on child-specific circumstances in the country of origin. The Child Notice gives elaborate information on the local living conditions of children, including information on the existing or non-existing child protection services in the country involved. It also gives information on the access to education and health care, on the occurrence of gender- and children-related violence such as FGM, forced marriages, honor killings, exploitation and human trafficking. This information is paramount in a best interests of the child assessment which is the basis for decisions on the granting or non-granting of international protection and in considering conditions for a safe return.

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## READER'S GUIDE

### How to read the Child Notice?

This Child Notice report is a Country of Origin Information Report providing information on the living conditions of children in Somalia. The Child Notice contains valuable background information for policymakers as well as case workers, lawyers and other professionals who work with children coming from and/or going to Somalia, primarily in the fields of asylum and migration.

This Child Notice has been produced by UNICEF Eastern and Southern Africa Regional Office as part of the project *Data Collection and Research on Children on the Move* which is financially supported by UNICEF The Netherlands.

This Child Notice for Somalia was written between February and September 2018.

The Child Notice starts with a summary which gives an overview of the most important findings of the research on circumstances in which children live, trends, actual events, the difficulties children face in the country, the political context and political responsibility towards children.

The child right's information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). As the UN Convention is a comprehensive document, with rights being interlinked, so is this report. This means that each section of the report should be read in the context of the other sections. For instance, a failing education system and a weak child protection system encourages child labour and child exploitation. Where appropriate, references have been made between the different sections.

In general, the Child Notice has the following structure:

1. Demographic information/statistical data on children
2. Basic legal information
3. General principles
  - a. Non-discrimination
  - b. Best interests of the child
  - c. Right to life and development
4. Civil rights and freedom
5. Basic rights (health/water/food/education)
6. Family environment and alternative care
7. Special protection measures
  - a. Children in conflict with the law
  - b. Orphans, unaccompanied and separated children
  - c. Victims of child trafficking
  - d. Children in armed conflict
  - e. FGM/C
  - f. Forced and underage/child marriage
  - g. Domestic violence
  - h. Child labour and other forms of exploitation
  - i. Street children
  - j. Refugee children and internally displaced persons
8. Returning separated or unaccompanied children and families

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## How to use the Child Notice?

The information in the Child Notice can be used:

1. To obtain background information on the situation of children in the country of origin.
2. To identify potential (child and gender-specific) forms and manifestations of persecution.
3. To identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.
4. As input for a Best Interest of the Child Determination; to make sure decisions concerning children have been given due consideration to the best interests of the child.

## Child-specific asylum and migration policy

With many children applying for an international protection status, the need for child-specific asylum and migration legislation and policies, guided by the principles and provisions of the UN Convention on the Rights of the Child, is clear.

At the heart of the protection of children who apply for asylum is article 22 of the UN Convention which states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

These rights are intertwined with the right to special protection for children who live outside the family (article 20), the right to health care (article 24) and the right to education (article 28).

The basis for the child protection of each minor asylum seeker are formed by the following articles:

Article 2: non-discrimination

Article 3: the best interests of the child

Article 6: the development of the child needs to be promoted

Article 12: the rights of children to be heard

## Child-specific grounds for persecution

According to UNHCR's 'Guidelines on International Protection', each child has the right to make an independent refugee claim, regardless of whether he or she is accompanied or unaccompanied. Even being part of a family and at a young age, a child might be considered the principal asylum applicant. A child can derive a refugee status from the recognition of his or her parents as a refugee. At the same time, parent(s) can derive status from their child's refugee status.



In order to assess children's claims to asylum and make decisions, one needs to have an up-to-date analysis and knowledge of the child-specific circumstances in the country of origin, including of existing child protection services. Children themselves might not be the perfect source of information. This information can be derived from the Child Notice.

Just as adults, child applicants for a refugee status must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion conform the 1951 Refugee Convention.

As the UN Committee on the Rights of the Child<sup>1</sup> and the UNHCR<sup>2</sup> have pointed out age and factors such as rights specific to children, a child's stage of development, knowledge and/or memory of conditions in the country of origin, and vulnerability, also need to be considered to ensure an appropriate and child-friendly application of the eligibility criteria for refugee status. The 2011/95 EU Qualification Directive states in article 9.2 that 'Acts Of persecution can take the form of... (f) acts of a gender-specific or child-specific nature'<sup>3</sup>.

UNHCR's Executive Committee has recognized that children may be subjected to specific forms of persecution that are influenced by their age, lack of maturity or their vulnerability. The sole fact that the claimant is a child might be principal in the harm inflicted or feared. The UNHCR Guidelines on

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<sup>1</sup> UN Committee on the Rights of the Child *General Comment No.6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin* CRC/GC/2005/6 (September 2005).

<sup>2</sup> UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

<sup>3</sup> Directive 2011/95/EU of the European Parliament and the Council of 13 December 2011 on Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

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international protection<sup>4</sup> highlight child-specific forms of persecution as under-age recruitment, child trafficking and female genital mutilation, as well as family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography, and violations of economic, social and cultural rights.

### **Best Interests Determination**

In all decisions taken in procedures concerning children the best interests of the child should be a primary consideration.

In a migration procedure a durable solution should be sought for the child involved. A durable solution will be long-term and sustainable and ensures that the child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the UN Convention and will not put the child at risk of persecution or harm. The durable solution will be informed by the Best Interest Determination (BID).

According to General Comment No 14, the specific, factual circumstance of the child is the point of departure for assessing the best interests of the child. Elements, which among other aspects relevant to the specific child, may be taken into account when assessing and determining a child's best interests include:

#### **A. Child's identity**

Age, gender, sexual orientation national origin, religion and beliefs, cultural identity, personality, current needs and evolving capacities (including level of education).

#### **B. Child's view**

The child's view on his/her identity and on the options available. Include also the view of (foster) parents or (current) caregiver's views.

#### **C. Preservation of the family environment, maintaining relationships**

Significant relationships (location), quality and duration of child's close relationships, effect of separation from significant relationships, capacity of parents or other care-givers, possibilities of family reunification, preference of care within family environment in order to ensure the full and harmonious development of a child's personality.

#### **D. Care, protection and safety of the child**

Safety from harm, well-being in broad sense (basic material, physical, educational and emotional needs, needs for affection and safety, recognizing that socio-economic circumstances may be quite diverse in in country of origin, possibility of future risk and harm and other consequences of the decision for the child's safety).

#### **E. Situation of vulnerability**

Individual physical or emotional needs, specific protection needs including for victims of trafficking and trauma, role of continuity of feelings of security and stability.

#### **F. Child's right to health**

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<sup>4</sup> UNHCR Guidelines on international protection; *Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

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Actions required to provide for his/her health condition, including mental health.

## **G. Access to education**

Educational needs and opportunities for development.

These elements need to be balanced in an assessment of best interests. The content of each element will necessarily vary from child to child and from case to case, depending on such things as the concrete circumstances. Child-specific information on the country of origin, as provided in the Child Notice, will give valuable input for an assessment of above-mentioned elements but cannot provide information on a particular situation of a particular child.

A Best Interests of the Child Determination (BID) results in a recommendation for the child's future based on his or her best interests. A BID procedure is a holistic assessment of all possible long-term solutions that could meet the best interests of the child and address his or her individual rights and needs, particularly any need for international protection and adequate care arrangements. This assessment is holistic in considering many factors and goes beyond an assessment of international protection needs based on existing legal instruments. A BID should be a formal process with strict procedural safeguards.

## **Child protection systems**

The Child Notice includes information about the provision of child protection services by state and non-state actors. Thorough knowledge of the existing child protection system in a country of origin or the lack of it, is vital while making a decision on international protection, possible return and assessing return conditions or designing reintegration programmes in the country of origin.

A child protection system (CP system) consists of 'certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children'<sup>5</sup>. The importance of a CP system is to create a protective environment where laws and policies, services, behaviors and practices minimize children's vulnerability and strengthens children's own resilience<sup>6</sup>. There is however not one template for a child protection system that could be copied to every country around the world.

A child protection system should consist of a few basic elements:

- Child protection laws and policies should be compliant with the UNCRC and other international and regional standards.
- Governments have an oversight function and the ultimate responsibility over the child protection system, which involves coordination and engagement of multiple CP actors, including civil society.
- There is a centralized data collection system on both prevalence and knowledge of child protection issues and good practices.
- There are preventive and responsive services that are focused on supporting the families in protecting and caring for their child. Prevention should, besides the child at risk, focus on all the risks that play a factor.
- Children will be involved and will have the opportunity to express their views in responses and interventions deployed to protect them and in the development of child protection policies.

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<sup>5</sup> UNICEF, UNHCR, Save the Children, World Vision *A Better Way to Protect All Children* (2012) Conference report p. 1.

<sup>6</sup> UNICEF *Child Protection System* UN-Document E/ICEF/2008/5 (2008).

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- A protective environment encourages the development of a child, improves their health, education and well-being. Besides, it improves their capacities to be parents and productive members of their societies.

The main importance of a child protection system is that it provides protection against the risks and vulnerabilities underlying many forms of harm and abuse: 'Sexual abuse and exploitation, trafficking, hazardous labor, violence, living and/or working on the streets; the impact of armed conflict, including children's use of armed forces and groups; harmful practices such as female genital mutilation/cutting (FGM/C) and child marriage; lack of access to justice; and unnecessary institutionalization among others'<sup>7</sup>.

## **Return**

The durable solutions that are often considered are geographically shaped:

1. Voluntary or forced return to the country of origin.
2. Local integration in the country of destination, or
3. Resettlement to a third country in situations where it is impossible for a person to go back home or remain in the country of destination.

In order for return to take place in a safe manner, there are many considerations, including child protection needs, to be taken into account.

In 2014, UNICEF published a discussion document<sup>8</sup> on children's rights in return policy and practice in Europe. This document enumerates the following considerations for government practice in the return process for children:

4. Assess the security situation carefully, on a country and local basis and specifically for children.
5. Carry out a Best Interest Determination (BID) to identify a durable solution for every separated child.
6. Develop and use child rights-based procedures for tracing and contacting families.
7. Respect the best interest of children in returning to families.
8. Work on possibilities for long-term development and durable solutions.
9. Conduct public consultations now on policy provisions needed to accompany emerging practices.
10. Do not return children to institutional reception unless the recommended safeguards are in place.

Although the discussion document has been written with separated and unaccompanied children in mind, some of these considerations are also valid while considering return of children and their families. In order to assess the security situation and to consider and develop specific reintegration programmes, child-specific country of origin information which can be found in the Child Notice is paramount.

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<sup>7</sup> UNICEF *Child Protection System* UN-Document E/ICEF/2008/5 (2008).

<sup>8</sup> UNICEF *Children's rights in return policy and practice in Europe; a discussion paper on the return of unaccompanied and separated children in institutional reception or family* (2014) Voorburg.

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## SUMMARY

Population estimates in Somalia quoted by UNICEF for 2016 show approximately 14.3 million inhabitants. It is estimated that slightly over half (53 per cent) of the total population were under the age of 18 in 2016.<sup>9</sup> Children under five years old numbered about 2.6 million. The Somalis constitute the largest ethnic group in Somalia, at approximately 85 per cent of the nation's inhabitants. The last official census was completed in 1975 and the numbers of children belonging to different ethnic and linguistic groups is unknown.

In 2015, Somalia ratified the United Nations Convention on the Rights of the Child with reservations on article 14 (Freedom of Religion), article 20 (Alternative Care) and article 21 (Adoption). Its first state party report to the United Nations CRC (the Committee on the Rights of the Child) was due in October 2017 but will be presented in 2018. There are, therefore, no existing CRC periodic reviews. The Somali Government signed the African Charter on the Rights and Welfare of the Child in 1991 but has not ratified it, and there are no periodic reports.<sup>10</sup>

Article 29 of the 2012 Provisional Constitution focuses on the protection of the rights and welfare of children<sup>11</sup>, and a Child Rights Bill is being prepared by the Government. There is no existing national children's policy (although one is planned<sup>12</sup>) and there is no specific children's budget, and no ombudsman.

The Government has taken affirmative action for children (and others) in key areas including: establishing the National Coordination Steering Committee on Child Protection, drafting a bill for an independent human rights commission and various activities towards preventing sexual violence and harmful traditional practices. In May 2018, the Cabinet of Ministers approved the Sexual Offense bill. If adopted by the Parliament, the new law will strengthen the legal protection of women and children against rape and other sexual offences.

The incipient nature of Somalian State provision for child rights and protection takes grip in practice. For example, there is no official birth registration system.<sup>13</sup> Owing to this, children have not been able to prove their age to access protections provided by law, are charged with criminal offences as adults, and are incarcerated with them.<sup>14</sup>

Somalia is among the poorest of African countries<sup>15</sup> and its children are among the world's most vulnerable. Its National Plan terms all children as vulnerable, singling out civil conflict, health, education, access to basic social and protection services and the world's highest rate of female genital mutilation/cutting (FGM/C) as among the most serious of all the problems they face.<sup>16</sup>

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<sup>9</sup> UNICEF *State of the World's Children 2017: Children in a Digital World* (2017) pp. 174 & 176. Hereafter UNICEF *State of the World's Children 2017*.

<sup>10</sup> African Charter on the Rights and Welfare of the Child <http://www.achpr.org/states/somalia> (Accessed 7 June 2018).

<sup>11</sup> Provisional Constitution of the Federal Government of Somalia 2012.

<sup>12</sup> Federal Government of Somalia (FGS) *National Development Plan 2017–2019* (2016) (Mogadishu: FGS), p. 133. Hereafter FGS *National Development Plan*.

<sup>13</sup> Central Intelligence Agency (CIA) 'The World factbook Somalia' <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/so.html> (Accessed 15 May 2018). Hereafter 'CIA factbook Somalia'.

<sup>14</sup> CRIN (Child Rights Information Network) Somalia <https://www.crin.org/en/library/publications/somalia-childrens-rights-references-universal-periodic-review> (Accessed 8 June 2018). Hereafter CRIN.

<sup>15</sup> FGS *National Development Plan* (2016), p. 33.

<sup>16</sup> FGS *National Development Plan* (2016), pp. 132–133.

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UNICEF noted that internally displaced children and those from minorities experience most vulnerability to exploitation, violence and abuse.<sup>17</sup>

The 2016 under-five mortality rates were 137 per 1,000 live births (1990: 181), the world's third highest according to UNICEF, and less than half of all children received the measles vaccine.<sup>18</sup> The 2016 universal periodic review reported that Somalia has one of the world's lowest enrolment rates at primary school levels. Only 42 per cent of all children, and 36 per cent of girls, are in school. The number of out-of-school and at-risk children aged between six and 18 years is estimated at 4.4 million.<sup>19</sup>

One in 10 girls are married before the age of 15 years, the number of children in households without a biological parent has risen, and children who live in/on the street are mainly from internally displaced families or are ethnic Somalis from Ethiopia.<sup>20</sup> According to the National Development Plan (NDP), while reducing FGM/C and child marriage are specific targets, the social welfare system to effectively support other especially vulnerable children is still being designed.<sup>21</sup>

As Somalia emerged from its long civil war, the reverberations have continued. In 2016, over 4,887 grave violations by armed groups and forces were recorded, affecting 688 girls and 3,369 boys, including their recruitment into Armed Forces<sup>22</sup>. Between February and April 2018 there were 1,349 cases of grave violations affecting 999 children, 173 of whom were girls were verified by the Country Task Force on the Monitoring and Reporting Mechanism (CTFMRM).<sup>23</sup>

Somali children have been subjected to other forms of exploitation and abuse that also separated them from families and carers. About half of children aged between five and 14 years old were engaged in child labour<sup>24</sup>, including the most hazardous kinds, such as sexual exploitation (sometimes through trafficking), construction work, or breaking rocks.<sup>25</sup> A pre-1991 legal framework exists to protect against child labour and trafficking with stringent penalties<sup>26</sup>, but its use appears to be rare.<sup>27</sup>

Some half million refugees have fled Somalia to neighbouring countries<sup>28</sup>, and over two million people became internally displaced.<sup>29</sup> Around 63 per cent of internally displaced persons (IDPs) were children<sup>30</sup>, but statistics for refugee and asylum-seeking children have not been established.

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<sup>17</sup> UNICEF *Somalia Situation Analysis of Children in Somalia 2016* (2016), p. 8. (hereafter *UNICEF Situation Analysis* (2016)).

<sup>18</sup> UNICEF *State of the World's Children 2017* (2017), pp. 148 & 164.

<sup>19</sup> CRIN <https://www.crin.org/en/library/publications/somalia-childrens-rights-references-universal-periodic-review> (Accessed 8 June 2018).

<sup>20</sup> UNICEF *Somalia Annual Report 2016* (2017?), p. 8.

<sup>21</sup> FGS *National Development Plan* (2016), p. 133.

<sup>22</sup> UN Economic and Social Council, UNICEF Executive Board *Draft Country Programme Document: Somalia* (2017), para. 14.

<sup>23</sup> UN Security Council. *Report of the Secretary-General on Somalia 2 May 2018* (2018), p. 12.

<sup>24</sup> UNICEF *Somalia Annual Report 2016* (2017?), p. 8.

<sup>25</sup> US Department of Labor 'Child labor and forced labor reports Somalia' <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/somalia> (Accessed 8 June 2018).

<sup>26</sup> US Department of State 'Somalia 2017 trafficking in persons report' <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271280.htm> (Accessed 8 June 2018).

<sup>27</sup> UNICEF *Draft Country Programme Document* (2017), para. 13.

<sup>28</sup> FGS *National Development Plan* (2016), p. 135.

<sup>29</sup> UNOCHA *Somalia 2018 Humanitarian Needs Overview Somalia* (2017), p. 6. Hereafter *UNOCHA Somalia 2018 Humanitarian Needs*.

<sup>30</sup> UNOCHA *2018 Somalia Humanitarian Needs* (2017), p. 22.

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Alongside assistance to returning refugees (e.g. medical support and cash grants) children are provided with nutritional and free education support.<sup>31</sup>

The IDPs, including children, have been supported by international agencies with shelter, food and other basics and the Federal Government of Somalia (FGS)-planned support for them aims to protect their legal rights, to encourage participation in public life and to provide accommodation, education, employment and other opportunities.<sup>32</sup>

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<sup>31</sup> UNHCR 'Voluntary return and reintegration of Somali refugees from Kenya' <http://www.unhcr.org/560b962f9.pdf> (Accessed 18 April 2018).

<sup>32</sup> FGS *National Development Plan* (2016), pp. 37–38 & 152–153.



## 1. Demographic and statistical data on children

### 1.1 General background

1. The last time a Somalia Government carried out an official census was in 1975. According to the most recent UNICEF data, Somalia has an estimated population of 14.3 million people. Of the total population, 53 per cent (7.6 million) are under 18 years old and 18 per cent (2.6 million) were under five years old.<sup>33</sup> In 2014, the United Nations Population Fund (UNFPA) quoted the same overall population number.<sup>34</sup>
2. Somalia is bordered by Ethiopia to the west, Djibouti to the north-west, the Gulf of Aden to the north, the Indian Ocean to the east, and Kenya to the south-west. The country is officially divided into 18 regions<sup>35</sup> (see *Figure 1: Administrative map and division of the Federal Government of Somalia*).

<sup>33</sup> UNICEF *State of the World's Children 2017*, pp. 174 & 176.

<sup>34</sup> UN Population Fund Somalia 'Population estimation survey 2014'

<https://somalia.unfpa.org/sites/default/files/pub-pdf/Population-Estimation-Survey-of-Somalia-PESS-2013-2014.pdf> (Accessed 9 July 2018).

<sup>35</sup> These are known collectively as *gobollada* (singular *gobol*), and are: Awdal, Bakool, Banaadir, Bari, Bay, Galguduud, Gedo, Hiiraan, Jubbada Dhexe (Middle Jubba), Jubbada Hoose (Lower Jubba), Mudug, Nugaal, Sanaag, Shabeellaha Dhexe (Middle Shabeelle), Shabeellaha Hoose (Lower Shabeelle), Sool, Togdheer, Woqooyi Galbeed.

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3. There are seven political entities in Somalia: Somaliland, the Federal Government of Somalia (with its 5 member states: Puntland, Galmudug, Hirshabelle, South West State and Jubbaland).
  4. In 2017, the United Nations Secretary-General noted that: ‘A federal state map now exists in Somalia, with the formation of administrations in Jubbaland, South West State, Galmudug and HirShabelle. These, together with Puntland, form the existing and emerging federal member states of Somalia. The status of the federal capital remains unresolved. The “Somaliland” issue has yet to be settled, and dialogue between the Federal Government in Mogadishu and “Somaliland” authorities should be revived’.<sup>36</sup>
  5. The United Nations Monitoring Group on Somalia and Eritrea found that relations between the FGS and the country’s regional administrations, ‘have been strained by the Government’s apparent backtracking on commitments to devolve power to the regions under a new national security architecture and by a continuing lack of consensus regarding aspects of resource governance. Meanwhile, regional administrations have continued negotiating unilaterally with foreign entities regarding ports, military installations and natural resources’.<sup>37</sup>
  6. This Child Notice addresses issues affecting children in Somalia, with the exception of ‘Somaliland’. Primary data-collection only took place in Mogadishu and most of the secondary data collected for the report refers to Somalia generically.

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<sup>36</sup> UN Security Council. *Letter Dated 5 May 2015 from the Secretary General Addressed to the President of the Security Council (S/2017/404)* (2017), pp. 2–3.

<sup>37</sup> UN Security Council *Letter Dated 2 November 2017 from the Chair of the Security Council Committee Pursuant to Resolutions 751 (1992) and 1907 (2009) Concerning Somalia and Eritrea Addressed to the President of the Security Council* (2017), p. 6

Figure 1: Administrative map and division of the Federal Government of Somalia



7. Al-Shabaab is a core Al-Qaida affiliate that maintains strongholds in rural areas in the south, where it controls a large swathe of the Lower and Middle Juba regions. In 2017, it increased attacks in the north-east, in Puntland. It aims to destabilize the FGS, to target the interests of countries supporting the fight against Al-Shabaab in Somalia, and to establish Islamic rule in Somalia and in the border regions of Kenya.<sup>38</sup>
8. Al-Shabaab has been responsible for numerous high-profile bombings and shootings throughout Somalia, targeting African Union Mission for Somalia (AMISOM) troops, Somali military and police personnel, and civilian-populated areas, especially where Westerners and other foreigners are present.<sup>39</sup> AMISOM is a regional peacekeeping force operated by the African Union with the approval of the United Nations.
9. The United Nations Security Council resolution 2102 (in 2013) established the United Nations Assistance Mission in Somalia (UNSOM) and provided the Mission with a strong

<sup>38</sup> CIA 'World factbook Somalia' (Accessed 8 April 2018).

<sup>39</sup> In October 2017, the death toll from two truck bombs in Somalia's capital was an estimated 500 people (21 children), the deadliest attack in the country's decade-long war with Islamist extremists. CIA 'World factbook Somalia' (Accessed 8 April 2018).

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human rights mandate. The mandate authorized UNSOM to monitor, help investigate and report to the Council on, and help prevent any abuses or violations of human rights, or violations of international humanitarian law committed by all actors in Somalia. It also envisioned the deployment of human rights observers for these purposes.<sup>40</sup>

10. UNSOM's Human Rights and Protection Group (HRPG) discharges the Mission's human rights and protection mandate. Its responsibilities include the protection of women and children. The HRPG covers most regions of Somalia through field offices.<sup>41</sup> Human rights officers have also been deployed in all these offices to monitor human rights and to work with the Somali Government and regional authorities to implement their mandate.<sup>42</sup>
11. Somalia maintains an informal economy largely based on livestock, remittance/money transfer companies and telecommunications. The FGS lacks the ability to collect domestic revenue. External debt – mostly in arrears – was estimated at about 77 per cent of GDP in 2017. Agriculture is the most important sector, with livestock normally accounting for about 40 per cent of GDP and more than 50 per cent of export earnings. Nomad and semi-pastoralist families, who are dependent upon livestock for their livelihood, make up a large part of the population.<sup>43</sup>
12. The most prominent factors that contribute to extreme poverty in Somalia are the absence of an active and strong central government, civil disputes and natural disasters (e.g. floods and droughts).<sup>44</sup> <sup>45</sup> However, in 2017 Somalia elected a new President and collected a record amount of foreign aid and investment – a positive sign for economic recovery.<sup>46</sup> From 2016 to 2017, economic activity is estimated to have increased by 2.4 per cent.<sup>47</sup>
13. The Somalis constitute the largest ethnic group in Somalia, with approximately 85 per cent of the nation's inhabitants.<sup>48</sup> The remaining 15 per cent include Bantu ethnic groups (Gosha, Shabelle, Shidle, Boni peoples), occupational caste groups (Gaboye, Tumul, Yibir and others), Oromo and Benadiri Swahili-speakers (including Rer Hamar Amarani and Bajuni) and religious minorities (Ashraf, Shekal and Christians).<sup>49</sup>
14. The main languages spoken by most of the population are Somali (May and Maxaa-tiri) and Arabic (the country's official languages, according to Article 5 of the Provisional Constitution 2012).

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<sup>40</sup> UNSOM & United Nation Human Rights 'Human rights and protection group' [https://unsom.unmissions.org/sites/default/files/february\\_2018.pdf](https://unsom.unmissions.org/sites/default/files/february_2018.pdf) (Accessed 12 June 2018). Hereafter UNSOM/UNHRPG 'Human rights'.

<sup>41</sup> These offices are currently in Mogadishu, Garowe, Hargeisa, Baidoa, Kismaayo and Beledweyne.

<sup>42</sup> UNSOM/UNHRPG 'Human rights' (Accessed 19 April 2018).

<sup>43</sup> CIA 'World factbook Somalia' (Accessed 8 April 2018).

<sup>44</sup> Federal Government of Somalia National Development Plan 2017–2019 (2016), p. 49 (hereafter FGS *Somalia plan* (2016)).

<sup>45</sup> Conflict has been ongoing in Somalia since at least 1991, with the collapse of the then regime of Siad Barre.

<sup>46</sup> CIA 'World factbook Somalia' (Accessed 8 April 2018).

<sup>47</sup> CIA 'World factbook Somalia' (Accessed 8 April 2018).

<sup>48</sup> CIA 'World factbook Somalia' (Accessed 8 April 2018).

<sup>49</sup> Minority Rights Group International 'Somalia' <http://minorityrights.org/country/somalia/> (Accessed 11 April 2018).

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15. No further data on ethnic, religious, linguistic minorities or indigenous groups and on the number of children belonging to these groups was found for this report. All available information in relation to family structure is provided in chapter 6.



## 2. Basic legal information

### 2.1 International children’s and human rights treaties

- 16. The Federal Government of Somalia (FGS) ratified the United Nations Convention on the Rights of the Child in 2015 and is working on implementing it. Signed and ratified treaties by the State of Somalia are shown below (see *Table 1: International/regional rights treaties accessed/ratified by Somalia*).<sup>50</sup>

**Table 1: International/regional rights treaties accessed/ratified by Somalia**

Treaty	Ratification/Accession
Convention concerning Forced or Compulsory Labour	1960
Equal Remuneration Convention	1961
Abolition of Forced Labour Convention	1961
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	1962
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	1962

<sup>50</sup> University of Minnesota Human Rights Library ‘Ratification of international human rights treaties: Somalia’ <http://hrlibrary.umn.edu/research/ratification-somalia.html> (Accessed 8 April 2018).

Geneva Convention relative to the Treatment of Prisoners of War	1962
Convention on the Privileges and Immunities of the United Nations	1963
Convention Governing the Specific Aspects of Refugee Problems in Africa	1969
International Convention on the Elimination of All Forms of Racial Discrimination	1975
Convention relating to the Status of Refugees	1978
Protocol Relating to the Status of Refugees	1978
African [Banjul] Charter on Human and Peoples' Rights	1985
International Covenant on Economic, Social and Cultural Rights	1990
International Covenant on Civil and Political Rights	1990
Optional Protocol to the International Covenant on Civil and Political Rights	1990
African Charter on the Rights and Welfare of the Child	1991
Convention on the Rights of the Child	2015
Convention on Cluster Munitions	2015
International Labour Organization (ILO) conventions	1960-2014

17. In 2016 the Somali Government, under the UN's Universal Periodic Review (UPR) process, stated that it was preparing to sign the two optional protocols to the CRC: on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography.<sup>51</sup> No additional specific information was found for this report on when this may happen.
18. In the same UPR report, the FGS State party confirmed that it was also preparing to sign and ratify other international treaties.<sup>52</sup> No further information on when this will happen has been found for this report. These were the:
- Covenant on the Elimination of all forms of Discrimination Against Women.
  - Convention on the Rights of Persons with Disabilities.
  - Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.
  - African Charter on Human and Peoples' Rights.
  - African Charter on the Rights and Welfare of the Child.
  - Worst Forms of Child Labour (International Labour Organisation [ILO]).
  - Right to Organise and Collective Bargaining (ILO).
  - Freedom of Association and Protection of the Right to Organise (ILO).

<sup>51</sup> CRIN (Child Rights Information Network) 'Somalia' <https://www.crin.org/en/library/publications/somalia-childrens-rights-references-universal-periodic-review> quoting Somalia's national report references to children's rights from the January 2016 24<sup>th</sup> session of the Universal Periodic Review for Somalia paragraph 42 (Accessed 4 July 2018). Hereafter CRIN Somalia.

<sup>52</sup> CRIN 'Somalia' (Accessed 4 July 2018) quoting Somalia national report to UPR 24<sup>th</sup> session, paragraph 39.

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19. For the 2016 UPR reporting cycle for Somalia, the FGS further explained that it was working on the required reports for the United Nations human rights treaties listed below.<sup>53</sup> In 2018 it was reported that the Government was still working on them.<sup>54</sup>
- International Convention on the Elimination of All forms of Racial Discrimination.
  - International Covenant on Civil and Political Rights.
  - Optional Protocol to the International Covenant on Civil and Political Rights.
  - International Covenant on Economic, Social and Cultural Rights.
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
20. Somalia has accepted the complaints procedure of the United Nations Human Rights Council and is committed to implementing obligations arising from the human rights treaties and conventions it has ratified.
21. Somalia is subject to the oversight of various United Nations human rights bodies, including the Human Rights Council and its UPR.<sup>55</sup> In 1993, the United Nations Human Rights Council established the Independent Expert on the Situation of Human Rights in Somalia, whose mandate is to work with the FGS to implement human rights obligations.<sup>56</sup>

## 2.2 National legislation on children

22. Article 29 of the Provisional Constitution 2012 is devoted to the protection of the rights and welfare of children: ‘Every child has the right to be protected from mistreatment, neglect, abuse or degradation’.<sup>57</sup> The courts in Somalia have delivered judgements that have directly invoked both constitutional provisions and other national laws to uphold different rights including economic and social rights. Information regarding other national laws on children could not be found.
23. Legislation relevant to children is shown below. It is of note how old and scarce, much of it is, which is also a reflection of the prolonged history of internal conflict in Somalia (*see 1.1, paragraphs 3, 7 & 12*). There is also in draft (bill) form a Sexual Offences bill (drafted 2015, approved by the Cabinet of Ministers in May 2018, but still to be submitted to Parliament) (*see 7.2, paragraph 115*).
- The Penal Code 1963
  - The Criminal Procedure Code (Legislative Decree No. 1,1963)
  - The Juvenile Courts and Reformatories Law (1970)
  - The Labour Code (Law No. 65, 1972)
  - The Civil Code (Law No. 37, 1973)

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<sup>53</sup> CRIN ‘Somalia’ (Accessed 4 July 2018) quoting Somalia national report to UPR 24<sup>th</sup> session, paragraph 40.

<sup>54</sup> Somali Women and Development Centre Personal Communication 4 July 2018.

<sup>55</sup> International Justice Resource Centre ‘Country factsheet series’ <http://www.ijrcenter.org/country-factsheets/> (Accessed 5 June 2018).

<sup>56</sup> International Justice Resource Centre ‘Country factsheet series’ <http://www.ijrcenter.org/country-factsheets/> (Accessed 5 June 2018).

<sup>57</sup> FRS *Constitution* 2012.

- The Family Code (Law no 23, 1975)
24. In November 2017, The Government strengthened the rights of children by launching the process of drafting the Child Rights Bill, which also follows on from the Somalian Government’s recent ratification of the United Nations Convention on the Rights of the Child (*see 2.1, paragraph 16*).<sup>58</sup>

### 2.3 National strategies and plans for children

25. Table 2 sets out the plans relevant to children – mostly related to the effects of armed conflict on children – that are being implemented by the FGS, based on the information that was found in writing this report.

**Table 2: National plans and policies relating to the protection and well-being of children**

Policy	Year of issue
National Development Plan 2017–2019	2016
Command Order on recruitment policy prohibiting underage recruitment <sup>59</sup>	2016
Clinical Management of Rape Protocol	2015
Action Plan for Implementation of the Human Rights Roadmap	2015
Standard Checklist for age determination <sup>60</sup>	2014
Standard Operating Procedures on reception and handover of children from armed groups	2014
National Action Plan on Ending Sexual Violence in Conflict	2014
Action Plan on ending the recruitment/use of children (of the Secretary-General)	2012
Action Plan on ending the killing and maiming of children (of the Secretary-General) <sup>61</sup>	2012

26. No other National Plan (or equivalent) specific to children has been found for this report. Without giving a timescale, the National Development Plan (NDP) states that, ‘A National Children’s Policy and Act will be developed drawing on Somalia’s obligations under the

<sup>58</sup> UNICEF Somalia ‘Federal Government of Somalia launches its Child Rights Bill drafting process 16 Nov 2017’ [https://www.unicef.org/somalia/media\\_20825.html](https://www.unicef.org/somalia/media_20825.html) (Accessed 12 June 2018).

<sup>59</sup> This order and the two standards of 2014 are all derived from the 2012 UN Action Plans below.

<sup>60</sup> The age determination refers to ages of those who are recruited into armed forces.

<sup>61</sup> These last two action plans are in the form of a written, signed commitment between the United Nations and those parties who are listed as having committed grave violations against children in the UN Secretary General’s Annual Report on Children and Armed Conflict. They only apply to the Somalia National Army, and not to other listed, armed groups operating in Somalia.

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CRC [referring here to the United Nations Convention on the Rights of the Child] as well as the African Charter and other Relevant Instruments.<sup>62</sup> According to the African Child Policy Forum no such plan existed by the year 2016.<sup>63</sup>

27. The affirmative measures so far taken for women and girls (among other vulnerable groups), or that are in progress include:
- Drafting the 2017 Child Rights and 2015 Sexual Offences bills (*see 2.2, paragraph 23*).
  - Finalizing the bill to establish the Independent Human Rights Commission and sending it to Parliament for debate and enactment.
  - Funding rehabilitation of an Institute for Children and Vulnerable Women.
  - Formulating the policy framework on the African Charter on the Rights and Welfare of the Child.
  - Drafting an action plan on ending sexual/gender-based violence (GBV).
  - Establishing a special unit on sexual violence in the Attorney General's office.
  - Leading on operationalizing a national FGM taskforce.
  - Adopting the national policy on the eradication of FGM.<sup>64</sup>
  - Operationalizing three GBV centres and two safe houses in Benadir, providing GBV victims emergency treatment, psychosocial counselling and referral to legal aid. Approximately 50% of the clients at safe houses and GBV centres are reported to be under the age of 18<sup>65</sup>.
  - Establishing the National Coordination Steering Committee on Child Protection.
  - Establishing the Oversight Steering Committee on the implementation of National Action Plan for Gender Equality.
  - Developing the Human Rights Roadmap.<sup>66</sup>
  - Setting up a technical committee to prepare the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.
28. In May 2015, the FGS and Somali human rights defenders endorsed an action plan for the country's 2013 Human Rights Roadmap. Its key areas are the protection of civilians, access to justice, women's rights, the rights of the child, rights of internally displaced persons (IDPs), refugees and other vulnerable groups and economic and social rights including the right to health, education and food.<sup>67</sup> However, in 2017, one international observer commented that, 'Concrete improvements in protection, justice, and access to redress for victims of past abuse and those most at risk of abuse today have been extremely limited,'<sup>68</sup> and further evidence of the Plan's implementation was not found for this report.

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<sup>62</sup> FGS *Somalia Plan*, p.133.

<sup>63</sup> African Child Policy Forum 'African child data and statistics portal Somalia' <http://data.africanchildinfo.net/axwottb/africa-report-on-child-wellbeing-international-and-regional-child-related-legal-instruments?tsld=1009960> (Accessed 23 June 2018).

<sup>65</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>66</sup> Supported by United Nations Somalia.

<sup>67</sup> UNSOM/UNHRPG 'Human rights road map ready for implementation' (Accessed 12 June 2018).

<sup>68</sup> Human Rights Watch 'Human rights priorities for Somalia's new government' <https://www.hrw.org/news/2017/05/02/human-rights-priorities-somalias-new-government>

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29. According to the FGS, other plans and policies relating to children are envisaged within the 2017–2019 cycle of the current National Plan, for example in relation to child labour, youth, gender and child protection, but no further tangible information on these and other plans was found for this report.<sup>69</sup>
30. Certain key sectoral programmes mentioned in the National Plan as ongoing examples of strategic initiatives and supported by international donors, such as the Joint Health and Nutrition Programmes (2012–2016) or the European Union-funded ELMIDOON Enhanced Action (ELENA) Programme (2013–2017) to consolidate and improve existing education opportunities and provide quality primary and secondary education opportunities, including through resource improvement, appear to have ended.<sup>70</sup> Specific information on the results of these initiatives has not been found for this report.

## 2.4 Budgeting for children to implement national strategy

31. There is no specific budget for children at central or local government levels. Activities are implemented with the financial support of international and NGOs, funded by foreign donors and governments.<sup>71</sup>

## 2.5 Coordinating governmental body on children's issues and rights

32. The Somalia NDP 2017–2019 indicated that a National Commission for Protection of Child Rights will be constituted to uphold child rights and prevent their violations. Strategic partnerships to realize children's rights will be built between the Government, civil society, the private sector and the media.<sup>72</sup>

## 2.6 Independent national human rights institutions for children

33. A national human rights commission has been established and its members proposed, based on the bill adopted by the Federal Parliament on 6 June 2016 and signed into law by former President in August 2016.<sup>73</sup> It awaits Cabinet endorsement. The United Nations Assistance Mission in Somalia (UNSOM)<sup>74</sup> continues to work closely with the Independent Expert on the Human Rights Situation in Somalia and other United Nations bodies in sustaining their efforts for the promotion and protection of human rights in Somalia.<sup>75</sup> No information was found for this report (including within the series of recent United Nations Security Council reports for Somalia) on human rights institutions and children.

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(Accessed 16 June 2018).

<sup>69</sup> FGS *Somalia Plan* pp. 124, 127, 131 & 133.

<sup>70</sup> FGS *Somalia Plan*. pp. 105 & 103.

<sup>71</sup> IOM Somalia Personal Communication 7 June 2018.

<sup>72</sup> FGS *Somalia Plan*. p. 133.

<sup>73</sup> IOM Somalia Personal Communication 7 June 2018.

<sup>74</sup> UNSOM's child protection unit has supported efforts to raise awareness on the CRC including processes for its domestication, and to mainstream child protection concerns into their activities and operations.

<sup>75</sup> CRIN 'Somalia' (Accessed 8 June 2018).

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34. A Human Rights and Due Diligence Policy has been developed through the activities of the Nairobi-based Somalia Human Rights Working Group comprising the European Union (EU), the United States (US) and others. The Group advocates and lobbies with the FGS for improved human rights promotion and protection. (see 7.9 *Refugee and internally displaced children*).<sup>76</sup>

## 2.7 Relevant non-governmental organisations

35. High and unpredictable levels of insecurity have also rendered large parts of the country inaccessible to local and international development agencies and social service providers, which has an adverse impact upon the fulfilment of children's basic rights.<sup>77</sup>
36. Several NGOs, all with a child rights focus, exist in Somalia. All are based in Mogadishu and the regions, providing support and services to children including rights' awareness, financial support, legal aid, medical care, psychosocial support and safe houses. Local NGOs present are the Organization for Somalis' Protection and Development, the Somali Women and Development Centre, ELMAN PEACE Center, Save Somali Women and Children and Humanitarian Integrity for Women Action (HIWA). The many international NGOs include some child-focused ones (e.g. the African Network for the Prevention and Protection against Child Abuse and Neglect, Handicap International and Save the Children). However, due to ongoing armed conflict, these NGOs cannot reach the majority of children in need.
37. UNSOM has facilitated discussions and consultations for civil society organisations to help them better engage with Somali Government institutions and the international human rights community for the promotion of human, including child, rights and to strengthen their capacity to monitor and report on these, particularly in remote areas. In 2015, UNSOM facilitated the participation of 100 civil society organisations operating in south central Somalia, Puntland and Somaliland in consultations on the development of the civil society organisations' report for the UPR process, which was later submitted to the United Nations Human Rights Council. UNSOM and civil society organisation partners have carried out human rights training workshops for youth and internally displaced persons (IDPs) in Mogadishu.<sup>78</sup>

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<sup>76</sup> CRIN 'Somalia' (Accessed 8 June 2018).

<sup>77</sup> UNHCR Somalia Protection Cluster Coordinator Personal Communication 24 May 2018.

<sup>78</sup> UNSOM/UNHRPG 'Human rights' (Accessed 19 April 2018).



## 2.8 Legislation and policy protecting children in the legal system

38. The 2012 Provisional Federal Constitution makes specific provisions to protect children's rights in the context of ongoing armed conflict, in particular in its article 29, which states 'every child has the right to be protected from armed conflict, and not to be used in armed conflict'. The same article also defines a child as 'a person under 18 years of age'.<sup>79</sup>
39. The Constitution also states that the judicial framework will include a constitutional court, federal government courts and federal member state (regional) courts. At the federal government level, the federal High Court will serve as the highest court and at the federal member state level the federal member state High Court will serve as the highest court.<sup>80</sup> However, as reported at the end of 2017, none of these institutions had been established.<sup>81</sup>
40. The Somaliland and Puntland parliaments have passed a Juvenile Justice Act. Inadequate information on the application of the Juvenile Courts and Reformatories Law 1970 has been found for this report. Its provisions state that no child under 14 years old should be sentenced to imprisonment, and that no young person aged 14 to 17 years shall be

<sup>79</sup> FRS Constitution (2012).

<sup>80</sup> FRS Constitution (2012), article 9.

<sup>81</sup> European Asylum Support Office (EASO) *Country of Origin Information Report: Somalia Security Situation* (2017) p.48. (hereafter *EASO Somalia Security Situation* (2017)).

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sentenced to imprisonment unless the court considers that no other measure is suitable.<sup>82</sup> However, in 2015, one report suggested that the law had never been fully implemented.<sup>83</sup> The lack of functional structure in the existing judicial framework, the widespread use of customary law and the continued predominance of the 1963 Penal Code in cases concerning children may also suggest that its practical use is limited (*see 2.8, paragraphs 39 & 41 and 7.1, paragraphs 80–82*).

41. Other specific information about children’s protection within the legal system has not been found for this report. It is reported that the traditional justice systems known as *xeer*<sup>84</sup> (*see 7.1, paragraph 100*), which are widely practised especially in rural areas, favour compensation over punishment<sup>85</sup> and clan unity over the individual<sup>86</sup>. This leads to double victimization, for example where a sexual assault survivor is forced to marry the perpetrator.

## 2.9 Birth registration

42. According to the UNHCR in Somalia, there is no official birth registration system. Many babies are born at home.<sup>87</sup> United Nations Assistance Mission in Somalia indicated that, owing to the lack of a birth registration system, children were not able to prove their age and access protections provided by law. Children were regularly charged with criminal offences as adults and incarcerated together with adults.<sup>88</sup>
43. A Somalia Multiple Indicator Cluster Survey (MICS) 2011 by UNICEF reported that birth registration could not be measured<sup>89</sup>, while a 2016 UNICEF report suggested that only three per cent of children in Somalia are registered at birth – one of the world’s lowest rates.<sup>90</sup> UNICEF also noted that a low birth registration rate is found among ethnic minorities, people living in remote areas, displaced persons and children living in refugee camps or conflict zones.<sup>91</sup>
44. A pilot project commenced in 2014 in the Somaliland region of Somalia enabling the first government civil registration activity in Somalia in over 22 years. Under the Somalia NDP 2017–2019, the FGS plans to establish birth registration in all regions of Somalia.<sup>92</sup>

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<sup>82</sup> FRS Juvenile Courts and Reformatories Law, 1970 articles 9 & 105.

<sup>83</sup> Child Rights Information Network (CRIN) *Inhuman Sentencing of Children in Somalia: Briefing for the 24th Session of the Human Rights Council Universal Periodic Review in January/February 2015* (2015) p. 2.

<sup>84</sup> *Xeer* is a traditional legal system in Somalia, pre-dating Islam. Together with Islamic and civil law, it is one of the sources of Somalia’s present law.

<sup>85</sup> EASO *Somalia Security Situation* (2017), p. 48.

<sup>86</sup> UN Security Council *Report of the Secretary-General on Conflict-Related Sexual Violence* (2018), p. 18.

<sup>87</sup> CIA ‘World factbook’ (Accessed 18 April 2018).

<sup>88</sup> United Nations Assistance Mission in Somalia (Accessed 18 April 2018).

<sup>89</sup> UNICEF Somalia & Ministry of Planning and International Cooperation (MPIC). *Northeast Zone Multiple Indicator Cluster Survey 2011 Final Report* (2014) p. 4.

<sup>90</sup> UNICEF *Situation Analysis* (2016), p.8.

<sup>91</sup> CIA ‘World factbook’ (Accessed 18 April 2018).

<sup>92</sup> CRIN ‘Somalia’ (Accessed 18 April 2018).

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## 2.10 Legal ages

45. Article 29 of the Provisional Constitution 2012 defines a child as any individual under the age of 18 years old and stipulates that ‘every child has the right to be protected from mistreatment, neglect, abuse or degradation.’<sup>93</sup> Table 3 summarizes all legal ages under Somali law.

**Table 3: Minimum legal ages in the Somalia legislation**

Description	Legislation	Age (years)
Minimum age of criminal responsibility	Somali Penal Code 1963	14–17
Minimum age of criminal responsibility	Juvenile Justice Law	15
Criminal majority	Criminal Code	14–18
Minimum age of sexual consent	Statutory rape laws	18
Minimum age of marriage	Provisional Constitution 2012	18
Minimum age of consent for custody	Family Code	18
Minimum age of recruitment into the Armed Forces	Provisional Constitution 2012	18
Minimum age for voting	Provisional Constitution 2012	18

46. Individuals aged 17 years old or younger in Somalia are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape or the equivalent local law. Somali statutory rape law is violated when an individual has sexual contact with a person under the age of 18 years.<sup>94</sup>
47. No data on whether children can obtain independent travel documentation was found for this report, however borders are understood to be fluid and unregulated, suggesting that the need for travel documentation or the question of whether children are allowed to travel over borders independently is somewhat irrelevant in practice<sup>95</sup>. No further information on legal ages for the deprivation of liberty, including in relation to juvenile justice, immigration, education and welfare institutions, was found from all the sources consulted.

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<sup>93</sup> Wikipedia ‘Ages of consent in Africa’ [https://en.wikipedia.org/wiki/Ages\\_of\\_consent\\_in\\_Africa#Somalia](https://en.wikipedia.org/wiki/Ages_of_consent_in_Africa#Somalia) (Accessed 18 April 2018). Hereafter Wikipedia ‘Ages of consent’.

<sup>94</sup> Wikipedia ‘Ages of consent’ (Accessed 18 April 2018).

<sup>95</sup> UNICEF Somalia Personal Communication 12 September 2018.



### 3. General principles

#### 3.1 Non-discrimination

48. The Provisional Constitution of 2012 does not clearly refer to discrimination and children, but article 29 stipulates that ‘every child has the right to be protected from mistreatment, neglect, abuse or degradation.’ Article 11 of the Somalia Constitution states that:

‘(1) All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law. (2) Discrimination is deemed to occur if the effect of an action impairs or restricts a person's rights, even if the actor did not intend this effect. (3) Government must not discriminate against any person on the basis of age, race, color, tribe, ethnicity, culture, dialect, gender, birth, disability, religion, political opinion, occupation or wealth.’<sup>96</sup>

49. The Constitution does not refer to homosexual, lesbian, bisexual or transgender persons. The 1962 Penal Code, Legislative Decree No 5/1962 (1184), article 409, states that homosexuality is illegal and punishable by up to three years in prison.<sup>97</sup> In Al-Shabaab-controlled areas, same-sex contact and acts are punished according to sharia law by flogging or stoning.

<sup>96</sup> FRS *Constitution* (2012), articles 29 & 11.

<sup>97</sup> European Asylum Support Office (EASO) *Country of Origin Information Report: South and Central Somalia Country Overview* (2014), p. 131 (hereafter *EASO COI Overview Somalia* (2014)).

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50. Overall, ethnic minorities such as Bantus and occupationally-defined minority groups<sup>98</sup> have been neglected by the State.<sup>99</sup> The first Federal Government appointed two minority group members to the Cabinet: the same number of ministerial positions as allocated to the main clans. In the current administration, under the '4:5 Formula'<sup>100</sup>, the four main clans share a stake in government together with minority groups.
51. It was also reported that:
- With limited access to education, minority groups are more likely to be unemployed than others, and even in jobs previously associated with the occupational groups, the majority population is often favoured over them.
  - Minority groups are also more likely to be denied justice, and in most regions, the predominant clans exclude members of other groups from effective political participation.<sup>101</sup>
52. From all the sources consulted, no further data on children of ethnic, religious, linguistic or indigenous minorities was found for this report in relation to their receiving own-language education, or their access to health services.

### 3.2 Best interests of the child

53. The Somalia National Development Plan (NDP) 2017–2019 aims to build the institutional and legal systems to ensure that the best interests of the child are upheld in all policies, plans, programmes, interventions and in strategies.<sup>102</sup>
54. Some humanitarian service providers are aware of the principle of the best interest of the child. For example, during case management processes, including family reunification, it has been observed that children are involved in order that better-informed decisions can be made.<sup>103</sup>

### 3.3 Right to life and development

55. The Provisional Constitution (2012) states in article 13 that 'everyone has the right to life'<sup>104</sup> However, at present there is no unified administration in Somalia with a national policy towards children, and there are few institutions that can intervene and protect them, so the burden falls on the family and its abilities to take care of children.<sup>105</sup>

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<sup>98</sup> The Bantus are sometimes referred to as 'slaves'. Occupational groups, known as 'Madhiban' are low status castes among Somali people, and their traditional, hereditary occupations have been as hunters and as circumcision performers.

<sup>99</sup> IOM Somalia Personal Communication 7 June 2018.

<sup>100</sup> The 4:5 Formula is a power-sharing agreement among Somalia's major clans that allocates one in four seats to each of the major clans in Somalia, and half of one seat to minority clans.

<sup>101</sup> EASO *COI Overview Somalia* (2014), pp. 53–54.

<sup>102</sup> FGS *Somalia Plan* (2016), p. 133.

<sup>103</sup> UNHCR Somalia Protection Cluster Coordinator Personal Communication 24 May 2018 & IOM Somalia Personal Communication 7 June 2018.

<sup>104</sup> FRS *Constitution* (2012), article 13.

<sup>105</sup> Women Action for Peace and Advocacy (HIWA) Personal Communication 21 May 2018.

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56. Under-five mortality rates are 137 per 1,000 live births, the third highest in the world.<sup>106</sup> Information on the death rates of children and teenage pregnancies are unknown (*see 5., paragraph 64*).
57. Cultural practices relating to the treatment of infants and children, including the practice of limiting outside contact with new-born children during the first 40 days after birth and the preferential treatment of young boys over young girls, create further impediments to child well-being.<sup>107</sup>
58. In relation to birth, teenage pregnancy and suicide, and homicide rates concerning children, no other statistical information was found for this report from the available sources. No further information was found on the investigation of the deaths of children and on the specific severe risks they may face (beyond those amplified in chapter 7), or on the impacts of gang violence of children.

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<sup>106</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>107</sup> European Asylum Support Office (EASO) 'Country of origin information report Somalia security situation 2016' [https://www.ecoi.net/en/file/local/1158113/1226\\_1457606427\\_easo-somalia-security-feb-2016.pdf](https://www.ecoi.net/en/file/local/1158113/1226_1457606427_easo-somalia-security-feb-2016.pdf) Hereafter EASO 'Somalia overview 2016'.



## 4. Civil rights and freedom

### 4.1 Availability of freedoms for children

59. The Government has partnered with UNICEF and Somali civil society organisations in drafting the Child Rights Bill (see 2.2, paragraph 24) and expects wide ranging contributions from Somali society. Once approved, this will be the foundation for the promotion and protection of all child rights in the country.<sup>108</sup>
60. By end of 2018, the Federal Government's initial state party report on the Convention on the Rights of the Child is set to be finalized.<sup>109</sup> According to the UNCRC, this was due for submission in October 2017.
61. No information on children's freedom of expression was found for this report from all the sources consulted.

### 4.2 Access to information

62. Article 32 of the Constitution (2012) states that: 'Every person has the right of access to information held by the state [...and] to any information that is held by another person [...]

<sup>108</sup> UNICEF Somalia 'Federal Government of Somalia launches its child rights bill drafting process' [https://www.unicef.org/somalia/media\\_20825.html](https://www.unicef.org/somalia/media_20825.html) (Accessed 17 April 2018). Hereafter UNICEF Somalia 'FGS child rights bill'.

<sup>109</sup> UNICEF Somalia 'FGS child rights bill' (Accessed 17 April 2018).

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and Federal Parliament shall enact a law to ensure the right of access to information.’ This law is scheduled to be passed by the end of 2019. Article 18 further guarantees the rights of everyone to have and express opinions and to receive or express opinion, information and ideas.<sup>110</sup>

63. Additional information on civil rights and freedoms for children was not found for this report.

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<sup>110</sup> FRS *Constitution* (2012), articles 132 & 18.



## 5. Basic rights (health/water/food/education)

64. Children face more health challenges in Somalia than almost anywhere else in the world. The under-five mortality rate of 137 per 1,000 live births is presently the third highest in the world, after Angola and Chad.<sup>111</sup> Ninety per cent of babies are delivered at home and less than one in 20 children are fully immunized by their first birthday.<sup>112</sup> Fifteen per cent of children under five suffer from acute malnutrition, with only 45 per cent of the population using safe drinking water.<sup>113</sup> Eleven per cent of urban, and 44 per cent of rural, households practice open defecation.<sup>114</sup>
65. Citing data from MICS surveys conducted in 2006 and 2011, a UNICEF report in 2016<sup>115</sup> noted that, with the exception of tetanus for new-borns, coverage rates for all antigen immunizations were very low, at below 50 per cent of the target population. The report highlighted a number of causes, including weak health systems (with many health services being provided or supported by UNICEF and other donors), poor prevention, general reluctance of the population to seek health services (with families generally turning to traditional remedies and prayer before considering health services), the prevailing security situation which renders many areas of the country completely or partially inaccessible,

<sup>111</sup> UNICEF *Situation Analysis* (2016), p. 5.

<sup>112</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>113</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>114</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>115</sup> UNICEF *Situation Analysis* (2016), pp. 27-29.

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and a high level of movement within the country by internally displaced and nomadic people.

66. UNICEF's 2016 Situation Analysis<sup>116</sup> noted that publicly provided health services and those provided by donors were generally being delivered in line with a range of standards established under the Joint Health and Nutrition Programme, although it was also noted that those services not supported by donors were often dysfunctional. Beyond obtaining a basic licence to operate, private health service providers were unregulated and were reported to be more prevalent in urban areas, influenced primarily by commercial incentives. No newer information was found that could indicate to what extent, if at all, the situation may have changed since the observations in that report were made.
67. Food insecurity for children and families continues to place great pressure on both them and support services, with recent flooding also disrupting nutrition sites in different parts of the country. In April 2018, UNICEF reported that 1.2 million children either were, or by 2019 could be, suffering acute malnutrition. International agencies such as UNICEF are providing much of the emergency response. Since January 2018 UNICEF and its partners reached 88,678 severely acutely malnourished children, surpassing the number treated during the same period in 2017 and exceeding half of the planned caseload for 2018.<sup>117</sup>
68. With the limited availability of health facilities to children and their lack of access to maternal and child health facilities and community health workers, most Somali women cannot effectively access appropriate nutritional information, making children vulnerable to illness and diseases.<sup>118</sup> Further information on health service access and children was not found for this report.
69. Article 30 of the Constitution states that 'Every citizen shall have the right to free education up to secondary school'<sup>119</sup> but does not mention the legal age to start education. In the National Development Plan (NDP) 2017–2019, this is defined as being from six to 18 years' old.<sup>120</sup>
70. Under the NDP the Government will work towards increased access, affordability and quality of primary and secondary education. It will also make education relevant and inclusive for all children in Somalia, regardless of their regional affiliation. The Plan commits the Government to national and international obligations that emphasize the rights of the children to education including the United Nations Convention of the Rights of the Child and others, the United Nations Sustainable Development Goals, and the Education for All agenda.<sup>121</sup>
71. Somalia has one of the world's lowest enrolment rates for primary school children. Only 42 per cent of children are in school, of whom 36 per cent are girls. The number of out-of-

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<sup>116</sup> UNICEF *Situation Analysis* (2016), p. 30.

<sup>117</sup> UNICEF *Somalia Situation Humanitarian Report No. 4* (2018), p. 3.

<sup>118</sup> UNICEF *Situation Analysis* (2016), p. 6.

<sup>119</sup> FRS *Constitution* (2012), article 30.

<sup>120</sup> FGS *Somalia Plan* (2016), p. 112.

<sup>121</sup> FGS *Somalia Plan* (2016), p. 112.

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school and at-risk children aged between six and 18 years is estimated at 4.4 million.<sup>122</sup> Children who do attend primary school tend to start at a later age, which means there is a high proportion of secondary-age children in primary school.<sup>123</sup> At present there is no data on regional breakdowns of school attendance among boys and girls and by age.

72. Girls' participation in education is consistently lower than that for boys. The low availability of sanitation facilities (especially separate latrines for girls), a lack of female teachers (fewer than 20 per cent of primary-school teachers in Somalia are women), safety concerns, expectations that girls should look after younger siblings at home, and social norms that favour boys' education are cited as factors inhibiting parents from enrolling their daughters in school.<sup>124 125</sup> The use of corporal punishment in schools is also understood to be a factor that may deter parents from enrolling their children (boys as well as girls).<sup>126</sup>
73. Extremely high rates of poverty in communities across Somalia make it difficult for parents to afford school fees. In many areas, parents are required to pay for their children's education, and poverty remains the main reason they give for not sending their children to school.<sup>127</sup>
74. Less than a quarter of pastoralist children attend formal schools in Somalia, largely due to the high costs and the lack of an education format to suit their nomadic life. A three-year UNICEF project, Pilot Models for Informal Education for pastoralist and other children out of formal education shows some promise, including a 20 per cent increase for children's enrolment. About 30 per cent of children of primary age attend traditional Quranic schools than public schools, especially in the southern and central regions. However, the limited scope of traditional Quranic schools (almost exclusively concerned with teaching the Qur'an and Islamic studies) means that only 10 per cent of the students who attend these schools are literate.<sup>128</sup>
75. Education services in Somalia are provided by different stakeholders, including Community Education Committees (CECs)<sup>129</sup>, religious groups, regional administrations, non-governmental organisations (NGOs), education umbrella networks and community-based organisations. Ninety-five per cent of schools now have functioning CECs.<sup>130</sup>
76. To respond to the urgent education needs, in 2013 the Ministry of Education (MoE), with UNICEF, initiated the development of a comprehensive strategy for enabling one million additional children and youth to claim and enjoy their right to education.<sup>131</sup> The Go-2-School: Educating for Resilience (2013–2016) programme was created, enabling an

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<sup>122</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>123</sup> UNICEF *Situation Analysis* (2016), p. 7.

<sup>124</sup> UNICEF *Situation Analysis* (2016), p. 7.

<sup>125</sup> UNICEF *Situation Analysis* (2016)

<sup>126</sup> UNICEF *Situation Analysis* (2016)

<sup>127</sup> UNICEF *Situation Analysis* (2016), p. 7

<sup>128</sup> UNICEF *Situation Analysis* (2016), p. 7.

<sup>129</sup> CECs are established by the Ministry of Education with the help of head teachers and parents and play a vital role in the governance and sustainability of education institutions.

<sup>130</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>131</sup> CRIN 'Somalia' (Accessed 18 April 2018).

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estimated 250,000 children to go to school by the end of 2014.<sup>132</sup> The Ministry is confident that this number will rise exponentially in the coming years. A special emphasis is placed on the enrolment of girls and children from vulnerable groups.<sup>133</sup>

77. The Ministry of Education (MoE) has also participated in the multi-year, donor-funded Peacebuilding, Education and Advocacy Programme (2011–2013), which began with an initial focus on activities in central and southern regions of Somalia. Its aim was to get 100,000 additional children (at least 45 per cent girls) into basic education, along with the construction of learning spaces.<sup>134</sup> The Federal Government of Somalia (FGS) worked closely with UNICEF on this project, and approximately 200,000 children – 116,320 of whom were girls (about 58 per cent) – have been enrolled into schools.<sup>135</sup> Data showing the impact of such past initiatives could not be found. Despite low enrolment rates, class sizes are very high due to a shortage of education infrastructure and teachers, especially female teachers.<sup>136</sup>
78. The current Government budget to the education sector is 3 per cent and is insufficient to address educational needs. A lack of resources has affected the operation and maintenance of schools, including in the recruitment of qualified teachers and the provision of adequate and appropriate teaching and learning materials, including textbooks.<sup>137</sup> Further data on resources provision could not be found.
79. The absence of sufficient reliable data means that details are scarce, however quality of education is seen to be generally poor. The reasons are many and various but education infrastructure with adequate facilities - including basic water and sanitation in many places - and low levels of morale and motivation levels among a stretched, poorly paid and insufficiently supported teaching workforce (*see paragraph 79*) constitute some of the basic challenges. A Measuring Learning Achievement (MLA) assessment of Grade 7 and Grade 4 students was undertaken in Somaliland and Puntland in 2012/13; whilst it found some reasonable results in the areas of reading and comprehension, outcomes were seen to poor in writing and numeracy. Basic systems required to improve education delivery and improve outcomes are weak or absent and priorities identified for investing in overall system strengthening include: curriculum strengthening, examination and accreditation systems targeted at learning for out-of-school children; a professional development programme for teacher development; putting in place a system of continuous learning assessment to improve monitoring; capacity building for personnel at all levels within the Ministry of Education to improve service delivery including planning, financing, monitoring and quality assurance; and ensuring that individual school development or improvement plans are in place.<sup>138</sup>

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<sup>132</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>133</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>134</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>135</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>136</sup> UNICEF *Situation Analysis* (2016)

<sup>137</sup> FGS *Somalia Plan* (2016), p. 113.

<sup>138</sup> UNICEF *Situation Analysis* (2016)

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80. The availability of teaching staff in Somalia is low and, at least in primary schools, most teachers do not hold relevant teaching qualifications. In-service training exists but is reported to be inadequate.<sup>139</sup>
81. No further data was found concerning compulsory ages for children to complete their education, on disaggregated educational completion rates, on the overall availability and accessibility of education facilities in Somalia, or on the numbers and geographical distribution of schools.

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<sup>139</sup> UNICEF *Situation Analysis of Children in Somalia 2016* (2016)



## 6. Family environment and alternative care

82. Based on Somali patriarchal traditions, the father is the head of the household although there are many female households across the country<sup>140</sup>. Population estimates by UNFPA for 2013-2014<sup>141</sup> are that the average Somali household has six members (parents and four children). Children do not typically have their own space and household roles for boys and girls are traditionally gender-based<sup>142</sup>.
83. The Provisional Constitution, article 28 states that: 'Mother and childcare is a legal duty of the state' and that 'every child has the right to care from their parents, including education and instruction. In instances where this care is not available from the family, it must be provided by others. This right applies to [...] children of unknown parents, the rights of whom the state has a particular duty to fulfil and protect.'<sup>143</sup>
84. Legislation aimed at protecting disadvantaged and vulnerable children is being drafted by the federal government and member states including:
- Children Rights Bill
  - Child Rights Act

<sup>140</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>141</sup> World Bank 'Somalia Multiple Indicator Cluster Survey 2011 Somaliland' <http://microdata.worldbank.org/index.php/catalog/2552> (accessed 28 September 2018).

<sup>142</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>143</sup> FRS *Constitution* (2012) article 28, chapters 2 & 3.

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- Sexual Offenses Bill
  - Juvenile Justice Act

The Somaliland and Puntland parliaments have passed the Sexual Offenses Bill and the Juvenile Justice Act. Other member states are in the process of doing so. No specific legislation is in place to protect children against physical and psychological violence and abuse. The Somali penal code applies to abuse and violence against anyone, including children.

85. Under the Somali Penal Code, Article 433, the abduction of children is prohibited and criminalised. It states that:
- “Whoever abducts a person under 14 years of age, or a person mentally infirm from a parent exercising parental authority, or from a guardian or trustee, or detain such person against the will of the aforesaid people, shall be punished, on the complaint of the parent exercising parental authority, the guardian or trustee, with imprisonment from one to three years.”
86. Child protection legislation overall is not line with international standards – as for example demonstrated by the actual extent of female genital mutilation and cutting (see Section 7.4).
87. Article 31-2 of the Constitution states that “Parents shall provide for the support, education and instruction of their children, as required by law”. Concerning the rights of children born outside marriage, the Constitution states that “The State shall recognize the protection of children of unknown parents as its duty” (Article 31-6). However, according to UNICEF Somalia “Somalia, at present, does not have a legal framework guided by rights, it is guided by Islam. The extent to which these children are provided the same rights as others is referenced in Islam and the intention is that they do. It is very subjective in practice and depends upon the families, the clans, and the religious leaders”.<sup>144</sup>
88. No specific authority is mandated to protect children in Somalia. Various ministries and departments contribute to children’s overall wellbeing at federal level, and by its equivalents within the member states. No formal, organized child protection system is in place but, rather, a regional and community-based approach is defined by donors and communities where programmes are implemented. An alternative care policy exists in Somaliland and Puntland but is not fully implemented. A draft alternative care policy exists in South/central Somalia (see para 97).<sup>145</sup>
89. The government has made efforts to raise the capacity of the child protection workforce, and to develop a regulatory framework, but services are largely offered, and funded, through non-state actors including NGOs, communities, donors and UN agencies. Child protection services are available in accessible areas, usually urban areas or IDP settlements, with only limited services in rural areas. There are few professional social

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<sup>144</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>145</sup> UNICEF Somalia Personal Communication 12 September 2018.

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workers with only two cohorts of social work students having graduated (from Hargeisa University). Most of this work is done by untrained, and often uneducated, community workers.<sup>146</sup>

90. No data is available on overrepresented children in the protection system, with no discernible system in place, but those in IDP communities are the focus of much of the work, and children from minority clans are among the most vulnerable. Support and welfare services usually follow clan lines and are not provided equitably across the population. There are several civil society-run hotlines available for children to report abuse and protection concerns, but none are run by the state.<sup>147</sup>
91. Information on the family environment and on alternative care provision was found to be especially scarce. This means that, amongst other data, descriptions of family structures, including numbers of children per household, legislation and policy to protect children in domestic settings and in alternative care, or to promote their rights, implementation data (including e.g. on availability of alternative care, social services financing, and child protection arrangements), and other relevant statistics were not found from the sources consulted.
92. There are no figures, official or unofficial, on how many children are being supported outside of family-based care. UNICEF reports on the numbers of children it supports through its partners.<sup>148</sup>
93. Data from 2006 and 2011 MICS surveys indicate that approximately 80 percent of orphans are paternal orphans, 10 percent maternal orphans and 10% have experienced the death of both parents.<sup>149</sup> About one per cent of Somali children are 'double orphans'<sup>150</sup> but the incidence of children living in households without a biological parent has been rising over recent decades and becomes higher the older the child is.<sup>151</sup>
94. Children in Somalia also are found outside of supported care environments and are in urgent need of protection and support. This includes children who are abandoned, living on the streets and living in child-headed households. There is wide-spread agreement among child protection experts and civil society stakeholders that the number of children in these situations is increasing. There are especially high concentrations of separated children and unaccompanied minors within internally displaced person settlements.<sup>152</sup>
95. Children are separated from their families either due to the belief that this is the best, or only, option given the family's poverty, or because of a child's disability, a parent's educational status or a lack of educational opportunities. Families and communities depend on support from their clans and tribes, or in the worst case (i.e. in emergencies

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<sup>146</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>147</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>148</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>149</sup> The Policy on Alternative Care of the Federal Republic of Somalia (2018) (hereafter Policy on Alternative Care)

<sup>150</sup> A double orphan is defined by UNICEF in 2017 as a child who has lost both parents.

<sup>151</sup> UNICEF *Situation Analysis* (2016), p. 8.

<sup>152</sup> UNICEF Somalia Personal Communication 12 September 2018.

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where clan support systems have collapsed) from international humanitarian assistance. Female- and elderly-headed households are especially vulnerable<sup>153</sup>. An emergency of a more personal kind (e.g. related to domestic violence), or much wider in scale, such as drought, displacement or and armed conflict, is also likely to increase the possibility of the separation of children from their families (see 7.3 Children in armed conflicts and 7.9 Refugee and internally displaced children).<sup>154</sup>

96. Family tracing for orphans and separated children is available, through the UN and its partner agencies.
97. Unregulated orphanages and NGO-run safehouses (mainly for survivors of gender-based violence) exist across Somalia and, although the government's intention is to prohibit the emergence of new institutions and put in place a rigorous monitoring system for those already running<sup>155</sup>, the current number is unknown<sup>156</sup>. There is no current formal oversight of these institutions, most of which are privately-run, and it is reported that abuse within them is widespread. Corporal punishment is a commonly practiced in contradiction with the prohibition of children's mistreatment and abuse under the Provisional Constitution.<sup>157</sup>
98. Although a new national policy mirroring international good practice with respect to the principles and organisation of alternative care for children was developed in 2018<sup>158</sup>, the formal status of the policy is unclear and no legislation to regulate alternative care is yet in place. The role and importance of Islamic religious principles ('kafalah') are central to the approach set out by the policy.<sup>159</sup>
99. The most prevalent form of alternative care in Somalia is informal kinship care, where children are cared for by relatives but, although recognised as a priority issue to be addressed, no organised system of support for such arrangements is currently in place. Many children are also being cared for in similarly informal arrangements but by non-relatives (non-kinship); again, no oversight or support provisions exist for these arrangements and the general intention is that children in these settings should transition to properly regulated and supported foster care placements<sup>160</sup>.
100. UNICEF continues to work with partners to build a protective environment for children that helps keep their families intact and fortifies them against abuse and exploitation.<sup>161</sup>

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<sup>153</sup> Policy on Alternative Care (2018)

<sup>154</sup> IOM Somalia Personal Communication 7 June 2018.

<sup>155</sup> Policy on Alternative Care (2018)

<sup>156</sup> Policy on Alternative Care (2018), page 2.

<sup>157</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>158</sup> Policy on Alternative Care (2018)

<sup>159</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>160</sup> Policy on Alternative Care (2018)

<sup>161</sup> UNICEF Somalia Personal Communication 11 June 2018.



## 7. Special protection measures

### 7.1 Children in conflict with the law

101. Traditionally, under the xeer system (see 2.8, paragraph 41), criminal cases against children in Somalia are dealt with by clan elders, with the clan and not the child taking responsibility for the crime. A 2007 juvenile justice law aimed to protect the rights of children in accordance with the Convention on the Rights of the Child in a way that harmonizes the provisions of secular, sharia and customary laws relating to children in conflict with law.<sup>162</sup> The 2007 law described an architecture (e.g. of juvenile courts and prisons) for children in conflict with the law, but no information has been found regarding its practical application<sup>163</sup>.
102. The Somali Penal Code of 1963 is still current law, although there was discussion, in 2016, about the possibility of reforming it.<sup>164 165</sup> It is also applicable in south/central Somalia (and

<sup>162</sup> International Labour Organization [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=91559&p\\_classification=04](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=91559&p_classification=04) (Accessed 18 June 2018).

<sup>163</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>164</sup> Nuhanovic Foundation 'Somali Penal Code 1962' <http://www.nuhanovicfoundation.org/en/legal-instruments-3/somali-penal-code/> (Accessed 20 June 2018).

<sup>165</sup> International Development Law Organization 'Reforming the Somali Penal Code' <https://www.idlo.int/what-we-do/initiatives/reforming-somali-penal-code> (Accessed 20 June 2018).

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Puntland) and, under its provisions, the minimum age of criminal responsibility is 14 years old. However, children under that age may be sent to reformatories.<sup>166</sup>

103. The Penal Code 1963 makes provision for the death penalty for adults but is not clear from its provisions whether it is expressly prohibited for children. However, in 2015, it was reported that capital punishment for children in Somalia was being carried out.<sup>167</sup> The Penal Code makes no provision for judicial corporal punishment.
104. Even if the law were fully implemented across Somalia (*see 2.8, paragraph 40*), the restrictions provided under the Juvenile Courts and Reformatories Law 1970, would not to apply for the offence of murder, over which the juvenile court has no jurisdiction.<sup>168</sup> Life imprisonment remains a statutory legal sentence for children convicted of murder under the general provisions of the 1963 Penal Code.
105. No exact numbers of children being sentenced to the death penalty, life imprisonment or corporal punishment are available. Executions continue to be carried out in Somalia, many of them extrajudicial.<sup>169</sup> The age of the victim is rarely given.
106. Legal processes are not well-followed and there are minimal legal services provided to minors in both Somalia and Somaliland whether as witnesses or victims of crime. Provisions for alternatives to detention exist in the draft Juvenile Justice Act (not yet passed at Federal levels, passed but not ratified and adopted in Somaliland and Puntland).<sup>170</sup>
107. With no juvenile justice law in place, there is no access to the system, equal or otherwise. Similarly, children do not have access to legal advice. There are no specific rehabilitation or aftercare services for children in detention, and alternatives to juvenile detention do not yet exist. There has been no proper research on any discrimination children may face after serving their sentences.<sup>171</sup>
108. Since 2015, it has been reported that authorities across Somalia have detained hundreds of boys suspected of joining or supporting Al-Shabaab. After arrest, whether by the military, police or intelligence, the report states that children are usually transferred into the custody of the Somalian National Intelligence and Security Agency (NISA) in Mogadishu. They are detained and sometimes interrogated while prevented from communicating with their relatives and denied legal counsel. They may be held with adult detainees. These due process violations are detrimental to their safety and well-being and

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<sup>166</sup> Penal Code, Articles 50, 60 and 177, <http://legalactionworldwide.org/wp-content/uploads/2014/11/Somali-Penal-Code.pdf> (English translation Accessed 14 June 2018). Hereafter Somali Penal Code 1962.

<sup>167</sup> CRIN 'Death penalty' [https://www.crin.org/sites/default/files/crin\\_submission\\_on\\_the\\_death\\_penalty\\_to\\_sg\\_2015.pdf](https://www.crin.org/sites/default/files/crin_submission_on_the_death_penalty_to_sg_2015.pdf) (Accessed 20 June 2018).

<sup>168</sup> Juvenile Courts and Reformatories Law 1970, article 3.

<sup>169</sup> Amnesty international Report 2014/2015, Somalia, <https://www.amnesty.org/en/countries/africa/somalia/reportsomalia/>; Death Penalty Worldwide database, Somalia, <http://www.deathpenaltyworldwide.org/countrysearchpost.cfm?country=Somalia.>; and the Hands Off Cain database, <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=25&nome=somalia>. (all accessed 17 June 2018).

<sup>170</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>171</sup> UNICEF Somalia Personal Communication 12 September 2018.

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in violation of the country's international human rights obligations for the protection of children.<sup>172</sup>

109. A review in 2018 of the experiences of boys accused of national security crimes in Somalia documented how those who were members of armed groups can be tried for serious crimes. It concluded that non-judicial measures should be considered, and legal proceedings should be undertaken in accordance with international juvenile justice standards, taking into consideration the best interests of the child. Sentencing should prioritize rehabilitation and reintegration into society and should be in line with UN Committee on the Rights of the Child (UNCRC) provisions that discourage countries from bringing criminal proceedings against children within the military justice system.<sup>173</sup>
110. The same report observed that such prosecutions and the imprisonment of children on security charges is not widespread in Somalia. However, it found that children have been tried for Al-Shabaab-related crimes in military courts, most often as adults. The courts have shown no consistency on dealing with these cases, yet basic due process (including the right to present a defence) and the prohibition on the use of coerced evidence, has been reported to be regularly flouted (*see 7.3 Children in armed conflicts*).<sup>174</sup>
111. Because there is no 'close-in-age' exemption<sup>175</sup> in Somalia, it is possible for two individuals, both under the age of 18 years old, who willingly engage in intercourse to both be prosecuted for statutory rape, although this rarely happens. Similarly, no protections are reserved for sexual relations in which one participant is 17 and the second 18 or 19 years old.<sup>176</sup>
112. There are no data on the number of children in detention but a recent scoping study in Somaliland estimated that more than 2000 children were detained. No similar research exists at federal levels. According to UNICEF, street children and those from the minority clans are over-represented among those in conflict with the law.<sup>177</sup>
113. No additional information, including statistical data, was identified from all the sources consulted. This includes information on laws and policies concerning the legal representation of children (whether as accused, witnesses or victims), on alternatives to detention and rehabilitation and similar services, on equality of access to the justice system, including children's legal representation, on any discrimination faced by children who have served their sentences, or on alternatives to detention.

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<sup>172</sup> Human Rights Watch *It's Like We're Always in a Prison* (2018) <https://www.hrw.org/report/2018/02/21/its-were-always-prison/abuses-against-boys-accused-national-security-offenses> (Accessed 18 June 2018). Hereafter Human Rights Watch 'Report 2018'.

<sup>173</sup> Human Rights Watch 'Report 2018' (Accessed 18 June 2018).

<sup>174</sup> Human Rights Watch 'Report 2018' (Accessed 18 June 2018).

<sup>175</sup> A close-in-age exemption is a law allowing a young person below the age of consent to have lawful sex with an older partner. Not every jurisdiction in Somalia has a close-in-age exemption.

<sup>176</sup> Wikipedia 'Ages of consent' (Accessed 18 April 2018).

<sup>177</sup> UNICEF Somalia Personal Communication 12 September 2018.



## 7.2 Child trafficking

114. The Provisional Constitution (2012) states that ‘A person may not be subjected to slavery, servitude, trafficking or forced labour for any purpose.’<sup>178</sup> The 1962 Penal Code (applicable at the federal and regional levels) outlaws forced labour and other forms of trafficking in persons.<sup>179</sup> (Because of this legislation’s age, it does not use terminology such as trafficking, but terms such as ‘forced subjection’ and ‘compulsory labour’ in its relevant articles.)
115. A 2015 draft Sexual Offences bill does contain significant provisions on trafficking and related concerns (such as sex tourism) and includes similarly specific measures in relation to children and trafficking (see 2.2, paragraph 22–23 and 7.3 paragraphs 129–130)<sup>180</sup>. On 30 May 2018, these efforts proved successful. The bill was adopted by the Federal Council of Ministers. The bill must be debated in the Lower and Upper Houses of Parliament. If approved by both, it will pass to the President to be signed into law.<sup>181</sup> Further provisions exist in the Penal Code article 407 to protect children against sale, trafficking and exploitation. Somaliland has a child protection policy which offers this protection, too.

<sup>178</sup> *Constitution*, article 14.

<sup>179</sup> Somali Penal Code 1962, articles 455 & 464 (Accessed 20 June 2018).

<sup>180</sup> Federal Republic of Somalia, *Sexual Offences Bill* (2015).

<sup>181</sup> Legal Action Worldwide <http://www.legalactionworldwide.org/somalia-2/sexual-offences-bill/> (Accessed 20 June 2018).

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116. According to the annual United States Department of State (USDS) Trafficking in Persons report for 2017, Somalia was classified as a ‘special case’ and is a source, transit and destination country for child trafficking. It has been classified as a special case for the past 15 consecutive years, reflecting the fragility of the conflicted state (*see 7.3, paragraph 130*), and the resulting barriers, both to action on human trafficking and in being able to obtain reliable and verifiable information on the current situation. The report confirms that the punishments available for trafficking-related criminal offences are adequate.<sup>182</sup>
117. However, the trafficking in persons (TiP) report found that all Somali authorities had: ‘Demonstrated minimal efforts to control trafficking during the year’ (i.e. between this report and the previous one). In 2016, it noted that only one case of potential trafficking (age and sex of victim not stated) that was investigated by the Somali police, and that it failed to progress to court for unknown reasons.<sup>183</sup>
118. The inter-ministerial Trafficking and Smuggling Taskforce has served as the federal anti-trafficking coordinating body, with representation by the Ministry of Internal Security, the Ministry of Foreign Affairs, the Ministry of Justice, the Somali police force and the Ministry of Interior and Federal Affairs. It was led by the permanent Secretary of the Ministry of Interior and Federal Affairs. During the reporting year, the taskforce commenced development of a national action plan on trafficking efforts, and in May 2016 the Prime Minister issued a decree to specify the taskforce’s membership and mandate.<sup>184</sup>
119. No government entity had systematic procedures to identify or refer trafficking victims. Information on Federal Government of Somalia (FGS) efforts to protect trafficking victims was unavailable. The FGS authorities did not provide protective services to trafficking victims and relied fully on international organisations and non-governmental organisations (NGOs) to provide victim assistance, including food, clothing, shelter, legal support and medical aid, counselling and reintegration services.<sup>185</sup>
120. While plans to establish the national prevalence of trafficking among children do exist<sup>186</sup>, no further information was found for this report on the actual current extent of child trafficking in Somalia, or in the ways in which it occurs, or on specific provision for victims of child trafficking. No further data concerning trafficking-related legislation or its enforcement in practice was found for this report.

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<sup>182</sup> US Department of State *Trafficking in Persons Report 2017* <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271280.htm> (Accessed 18 June 2018). Hereafter USDS ‘Trafficking in persons’.

<sup>183</sup> USDS ‘Trafficking in persons’ (Accessed 20 June 2018).

<sup>184</sup> USDS ‘Trafficking in persons’ (Accessed 20 June 2018).

<sup>185</sup> USDS ‘Trafficking in persons’ (Accessed 20 June 2018).

<sup>186</sup> FGS *Somalia Plan* (2016), p. 212.



### 7.3 Children in armed conflicts

121. The Somali National Army and Al-Shabaab have both been listed by the United Nations Security Council for the recruitment and use, and the killing and maiming, of children. Ahla Sunnah wal Jamaah is also listed, for recruitment and use.<sup>187</sup>
122. Recruitment or use by armed groups or forces – including Al-Shabaab, the National Army and allied militias, and others (see 7.3 *Children in armed conflicts*) separated boys and girls from their families (but numbers were not established). Their displacement has resulted in the separation of children from their families, exposing them to exploitation, violence and abuse.<sup>188</sup>
123. Verified figures for 2016 from the United Nations Office of the Special Representative of the Secretary-General on Children and Armed Conflict are that 1,915 children were recruited and used by armed forces in Somalia, 1,121 children were killed or maimed, and 386 children were detained by the Government for alleged association with Al-Shabaab (see 7.1, paragraphs 108–110). The number of child abductions by Armed Forces (mostly by Al-Shabaab) almost doubled from 2015, to 950.<sup>189</sup>

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<sup>187</sup> UN Security Council *Report of the Secretary-General on Children and Armed Conflict in Somalia* (2016), paragraph 1. Hereafter UN Security Council *Report of the Secretary-General* (2016).

<sup>188</sup> Women Action for Peace and Advocacy Personal Communication 21 May 2018.

<sup>189</sup> UN Office of the Special Representative of the Secretary General on Children and Armed Conflict 'Somalia' <https://childrenandarmedconflict.un.org/somalia/> (Accessed 20 June 2018).

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124. In May 2018, the Country Task Force on the Monitoring and Reporting Mechanism (CTFMRM) verified 1,349 cases of grave violations in 2017 affecting 999 children, 173 of whom were girls. The violations included 550 abductions, 448 cases of recruitment, 72 cases of sexual violence, 99 killings and 26 cases of children injured by Armed Forces and groups, and 43 schools looted<sup>190</sup>. In April 2018, United Nations Assistance Mission in Somalia (UNSOM) reported that 61 per cent of the violations were attributed to Al-Shabaab, with the remainder being committed by the Somali National Army, the Somali police, Jubbaland Forces, Southwest Forces, Galmudug Forces, Ahlu Sunna Waljama'a, Puntland Forces, clan militias and unknown armed groups.<sup>191</sup>
125. According to UNSOM sources, for the year ending 2017, the CTMFRM documented the rape of 535 children (533 girls and two boys) and, in 35.8 per cent of the cases, the perpetrators were unidentified armed elements. The remaining were attributed to clan militia (20.7 per cent), Somali National Army (SNA) (21.1 per cent), Al-Shabaab (15.8 per cent), state forces (8.9 per cent), and others (1.5 per cent).<sup>192</sup>
126. A USDS review of human rights in Somalia for 2017 recorded that:
- ‘Al-Shabaab continued to recruit and force children to participate in direct hostilities, including suicide attacks [and...] raided schools, madrassas and mosques to recruit children. Children in al-Shabaab training camps were subjected to gruelling physical training, inadequate diet, weapons training, physical punishment, and religious training [including...] forcing children to punish and execute other children [and...] in combat, including placing them in front of other fighters to serve as human shields [...]’<sup>193</sup>
127. The same report noted that inadequate birth registration in Somalia made it difficult to ascertain the ages of recruits into the Armed Forces (*see 2.9 Birth registration*).
128. The European Asylum Support Office reported in 2016 that Al-Shabaab recruit girls mainly for domestic work and forced marriages or for abuse as sex slaves.<sup>194</sup> Another 2016 report exposed the practice of using former child soldiers as intelligence assets by National Intelligence and Security Agency (NISA).<sup>195</sup>
129. Earlier research, from 2014, highlighted how African Union Mission in Somalia (AMISOM) peacekeeping troops had sexually abused women and girls. The researchers interviewed 21 women and girls who said they had been abused, mainly in the AMISOM headquarters

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<sup>190</sup> UN Security Council. *Report of the Secretary-General on Somalia 2 May 2018* (2018), p. 12.

<sup>191</sup> UNSOM/UNHRPG ‘Human rights’ (Accessed 19 April 2018).

<sup>192</sup> UN Mission in Somalia Human Rights Protection Group (UNSOM) *Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia* (2017), p. 27. Hereafter UNSOM *Protection of Civilians* (2017).

<sup>193</sup> US Department of State (USDS) ‘Human rights report Somalia’ <https://www.state.gov/documents/organization/277289.pdf> (Accessed 20 June 2018). Hereafter USDS ‘Human rights 2017 Somalia’.

<sup>194</sup> EASO ‘Somalia overview 2016’ (Accessed 24 May 2018).

<sup>195</sup> UN, *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Somalia* (2016), p. 147.

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base camp, since 2013. The youngest victim interviewed was 12 years old.<sup>196</sup> Continuing abuses of children by AMISOM have been reported, including 17 verified cases of their use as soldiers reported by the Secretary-General in 2016.<sup>197</sup>

130. Endemic sexual violence in conflict-affected areas of Somalia has been widely reported over a protracted period, by monitors, peacekeepers, researchers and others.<sup>198 199</sup> The extent and effects of this violence has similarly occupied significant discussion time, within meetings of the United Nations Security Council and other organisations. It mainly affects women, girls and boys, the first two groups especially. The Secretary-General reported in 2018 that ‘Such incidents are not random or isolated but integral to the operations, ideology and economic strategy of a range of State actors and non-State armed groups’.<sup>200</sup>
131. The Secretary-General observed on Somalia that the, ‘risk [of sexual violence] is exacerbated by entrenched gender inequality, weak social cohesion and limited access to justice.’ His report described how it is associated with forced marriages, mostly by Al-Shabaab, how perpetrators of sexual violence usually remain unpunished, and how victims’ suffering increases. In this context, sexual violence in armed conflict is associated with other concerns that this Notice discusses (*see 7.2 Child trafficking, 7.5 Forced and child marriage and 7.6 Domestic violence*). The same Secretary-General report noted efforts by the FGS to mitigate the immediate, wider and longer term harms to victims of sexual violence, such as through a Women and Child Protection Unit at the national police headquarters, expanded legal aid and setting up of mobile courts.
132. In some areas, families have felt obliged to send their children to serve in clan militias. Some parents, and even children themselves, consider recruitment as a source of income and a means of escaping poverty.<sup>201</sup> In the southern and central regions, loss of livelihoods and food insecurity due to conflict (or drought) result in parents either going away to earn a living elsewhere, or sending children away to live with others, or for child labour.<sup>202</sup>
133. The FGS developed and signed two action plans within the framework of the UN Security Council resolutions on children and armed conflict in 2012 to stop the recruitment and use of children by the SNA, and to prevent the killing and maiming of children by the SNA.<sup>203</sup> Donor countries that contribute to funding the Somali Government forces set as a condition that payment of wages to the individual soldiers can only occur after ages and identities are verified. Efforts to implement the government plans have been commended by the United Nations and elsewhere, but their impact is at best limited. In areas outside

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<sup>196</sup> Human Rights Watch *The Power These Men Have Over Us: Sexual Exploitation and Abuse by African Union Forces in Somalia* (2014), p. 2.

<sup>197</sup> UN Security Council *Report of the Secretary-General* (2016), paragraph 30.

<sup>198</sup> EASO *Somalia Security Situation* (2017), p. 57.

<sup>199</sup> UNSOM *Protection of Civilians* (2017), p. 24.

<sup>200</sup> UN Security Council *Report of the Secretary-General on Conflict-Related Sexual Violence* (2018) pp. 3–4.

<sup>201</sup> UNICEF *Situation Analysis* (2016), p. 8.

<sup>202</sup> Landinfo (Norwegian Country of Origin Information Centre) *Somalia: Children and Youth* (2015) p. 13. (hereafter Landinfo Somalia (2015)).

<sup>203</sup> UN Security Council *Report of the Secretary-General* (2016), paragraph 66.

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the Government's control, Al-Shabaab and other local militias can still make use of children.<sup>204</sup>

134. A Joint Programme on Human Rights, developed by UNSOM, UN Development Program (UNDP) and UNICEF with the FGS was approved by the National Development Plan (NDP) Pillar 9 Working Group on Human Rights and Gender on 19 February 2018. This three-year programme aims to support the FGS to strengthen its human rights protection and promotion framework through the implementation of human rights commitments under the Universal Periodic Review (UPR), the Human Rights Roadmap, and the action plans on (1) Children Associated with Armed Conflict and on (2) Conflict-Related Sexual Violence, ensuring that human rights are central to the security architecture of Somalia. While additional funding is sought for this programme, the implementation of its initial activities is expected to commence during 2018.<sup>205</sup>
135. In 2017, UNICEF supported 1,234 children (including 241 girls) associated with armed forces/armed groups to receive reintegration support. In September 2017, in Bay, an Al-Shabaab forced recruitment drive resulted in around 500 unaccompanied children fleeing conscription. Forty per cent of the affected children received services including medical and psychosocial support.<sup>206</sup>
136. As part of the implementation of the Somali Government's Action Plan to End Recruitment and Use of Children by the SNA, in 2018, 2,037 members of the Puntland Defence Forces to be integrated into the SNA were screened by members of the Somali Ministry of Defence Child Protection Unit and UNSOM's Human Rights Project Group (HRPG). Seventeen children were identified among them.<sup>207</sup> According to HRPG reports, in January 2018, 36 children were rescued from Al-Shabaab captivity in Middle Shabelle and taken to a rehabilitation centre in Mogadishu.<sup>208</sup>
137. The Government's current National Plan intends to introduce an education allowance for children of internally displaced persons (IDPs) and returning refugees so that they can afford to access and remain in education as a way of mitigating forced recruitment risks, but no specific date or other targets are given for this.<sup>209</sup> No further information was found on opportunities for children associated with armed forces and armed groups to end these activities, on rehabilitation and similar services available to them, or on the extent to which such children may be prosecuted.

## 7.4 Female genital mutilation/cutting

138. At 98 per cent of the female population, Somalia has one of the world's highest rates of female genital mutilation/cutting (FGM/C).<sup>210</sup> The evaluation of a recent FGM/C

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<sup>204</sup> Landinfo *Somalia* (2015) p. 13.

<sup>205</sup> UNSOM/UNHRPG 'Human rights' (Accessed 19 April 2018).

<sup>206</sup> UNICEF *Somalia Humanitarian Situation Report* (2017) p. 4.

<sup>207</sup> UNSOM/UNHRPG 'Human rights' (Accessed 19 April 2018).

<sup>208</sup> UNSOM/UNHRPG 'Human rights' (Accessed 19 April 2018).

<sup>209</sup> FGS *Somalia Plan* (2016), p. 153.

<sup>210</sup> UNICEF *Somalia Annual Report 2016* (2017?) p. 19.

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intervention by the African international NGO Tostan has been completed and lessons learned have been shared with all stakeholders. Eighty per cent of communities involved declared that they had stopped the practice, and there was a shift in others to performing *sunni*, a slighter cut. Technical assistance was provided on reproductive health issues, while establishing reproductive health units with working groups and FGM taskforces have been activated at regional level.<sup>211</sup>

139. To tackle issues like this, the FGS has committed to the development of a policy on FGM and Early and Forced Marriage in line with its 2012 Constitution, which guarantees the rights of every child to be protected from all forms of harm, degradation or abuse.<sup>212</sup>
140. The psychological effects of FGM/C on young girls are significant. When undergoing this operation, girls in Somalia are often told something good is about to happen and they are becoming pure by the removal of 'unclean' body parts. There are cultural stigmas associated with those who are not circumcised. Men, especially, see these girls as not 'virgin' and 'clean'. Some women maintain the belief that circumcising their daughters will ensure their virginity before their marriages.<sup>213</sup>
141. Further information on the extent and practice of FGM/C and its impact on children was not found for this report, including in relation to state measures to prevent it or activities of other non-state actors, in this regard.

## 7.5 Forced and child marriage

142. The legal age for marriage in Somalia is 18 years for both males and females, but a girl can marry at 16 years old with parental consent.<sup>214</sup> Child marriage is widespread across Somalia, and women and girls have severely limited rights when entering, or attempting to dissolve, a marriage.<sup>215</sup>
143. The Government's current National Plan, concurs with these findings of high early and forced marriage rates, while also reporting that polygamy and levirate marriage (described in the Plan as 'wife inheritance')<sup>216</sup> practices further undermine gender equality.<sup>217</sup>
144. Local custom and sharia law govern marriage and divorce. An individual can marry once they have reached the age of maturity (*see Table 3: Minimum legal ages in Somalia legislation*), but there is no specific definition of this term and there are no explicit laws

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<sup>211</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>212</sup> UNICEF, UKAID & UNFPA 'Joint press release 23<sup>rd</sup> July 2014' [https://www.unicef.org/somalia/cpp\\_15186.html](https://www.unicef.org/somalia/cpp_15186.html) (Accessed 17 April 2018).

<sup>213</sup> UNICEF *Eradication of Female Genital Mutilation in Somalia* (2016?), pp. 3–4.

<sup>214</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>215</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>216</sup> Levirate customs traditionally occur where a brother-in-law marries the deceased brother's wife.

<sup>217</sup> FGS *Somalia Plan* (2016), p. 129.

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against child marriage. UNICEF estimates that 45.3 per cent of girls in Somalia are married before they have reached 18 years of age.<sup>218 219</sup>

145. Child marriage is largely driven by cultural norms, and the extremely high rates of FGM/C in Somalia illustrate the persistence of patriarchal norms around women's sexuality. In addition, Al-Shabaab has promoted child marriage as part of the effort to impose its harsh version of sharia law (see 7.3, paragraph 130).<sup>220</sup>
146. No further information on the extent and practice of child marriage was found for this report, including in relation to state measures to prevent FGM/C.

## 7.6 Domestic violence

147. Apart from the provisional plans for a Sexual Offence bill to become law (see 2.3, paragraph 27 and 7.2, paragraph 115), and the great extent of sexual violence related to armed conflict (see 7.3 paragraphs 123–124 & 127–129) from all sources consulted, no further data on domestic violence was found for this report. This includes an absence of information on national legislation, policy and provisions to protect children from child abuse and domestic violence.

## 7.7 Child labour

148. The Provisional Constitution (2012) states that 'A person may not be subjected to slavery, servitude, trafficking or forced labour for any purpose.'<sup>221</sup> The old 1962 Penal Code that is still in force also refers to forced labour, but like the Constitution, it does not expressly refer to children in this respect:

'Whoever forces another to compulsory labour or avails himself of the services of persons forced to compulsory labour, shall be punished, where the act does not constitute a more serious offence, with imprisonment [...]'<sup>222</sup>

149. Under the provisions of the Penal Code the penalty for using forced labour is imprisonment for six months to five years. According to the USDS 2017 Human Rights report, these penalties appeared sufficient but they were rarely enforced. It also reported that there appears to be no minimum age for child labour.<sup>223</sup>
150. The 1972 Labour Code allows the relevant government minister to prescribe the types of work that are prohibited to children who are younger than 18 years old, However,

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<sup>218</sup> Immigration and Refugee Board of Canada 'Prevalence of forced or arranged marriages in Somalia; consequences for a young woman who refuses to participate in a forced or arranged marriage' <http://www.refworld.org/docid/47ce6d7a2b.html> (Accessed 18 April 2018).

<sup>219</sup> UNICEF 'Somalia statistics' [http://www.unicef.org/infobycountry/somalia\\_statistics.html](http://www.unicef.org/infobycountry/somalia_statistics.html) (Accessed 18 April 2018).

<sup>220</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>221</sup> Constitution of Somalia 2012. Article 14.

<sup>222</sup> Somali Penal Code 1962 article 464 (Accessed 20 June 2018).

<sup>223</sup> USDS 'Human rights 2017 Somalia' (Accessed 21 June 2018).

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legislation that comprehensively prohibits hazardous occupations and activities for children does not appear to exist.<sup>224</sup>

151. The USDS report described common child labour practices to include work in agriculture, and household chores from an early age, breaking rocks into gravel and working as vendors of cigarettes and khat on the streets. the Government has not employed labour inspectors and has conducted no inspections in recent years.<sup>225</sup>
152. With the connection between child labour and children working on the streets, it is relevant that the Constitution specifies a duty of care to children who are in and on the street: 'This right applies to street children [...] the rights of whom the state has a particular duty to fulfil and protect.'<sup>226</sup>
153. According to UNICEF global research, about half of Somali children were engaged in child labour.<sup>227</sup> Rates were more prevalent among girls than boys (boys 45, girls 54 per cent) and higher in rural than in urban areas (urban 36, rural 57 per cent). However, these figures relate to old data that went back as far as 2006.<sup>228</sup>
154. An interview respondent reported that paid work and forced child labour (and paid work) is more visible in towns than in rural areas. Children engaged in labour in urban areas are primarily from the poorest families, and particularly from groups of those who have been internally displaced (*see 7.9 Refugee and internally displaced children*).<sup>229</sup>
155. Another respondent described how broken families leave the responsibility of nurturing the children in the hands of one parent. Older children are the first casualty to drop out of school to work on the streets to support the family. The second casualties are girls who are sent to work to support the family. These children become part of the population of the working girls and boys on the streets who are unlikely to break from the vicious circle of poverty.<sup>230</sup> UNICEF reports that street children tend to be from internally displaced families or of Somali ethnicity from Ethiopia, with boys more visible than girls.<sup>231</sup>
156. No further information was found on legislation concerning child prostitution, on what happens to children involved in prostitution, or on the use of children in prostitution, pornography or in other illegal activities, such as trading in illicit drugs.

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<sup>224</sup> US Department of Labor <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/somalia> (Accessed 20 May 2018 hereafter US Department of Labor).

<sup>225</sup> US Department of Labor (Accessed 20 June 2018).

<sup>226</sup> FRS *Constitution* (2012) article 28 chapters 2 & 3.

<sup>227</sup> Reported in USDS 'Human rights 2017 Somalia' (Accessed 21 June 2018).

<sup>228</sup> UNICEF Global Databases 'Child labour' <http://data.unicef.org/topic/child-protection/child-labour/> (Accessed 21 June 2018).

<sup>229</sup> UNHCR Somalia Protection Cluster Coordinator UNHCR Personal Communication 24 May 2018.

<sup>230</sup> Somali Women Development Centre Personal Communication 24 May 2018.

<sup>231</sup> UNICEF *Situation Analysis* (2016), p. 8.

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## 7.8 Children living and/or working on the streets

157. Apart from information included in Section 7.7, from all sources consulted, no reliable recent data on children who live and/or work on the street, was found for this report. There is a widely-held view that the number of separated children and unaccompanied minors is increasing, with increasing concentrations within internally displaced person communities and settlements<sup>232</sup>.

## 7.9 Refugee and internally displaced children

158. Somalia continues to be a regional centre of mixed migration flows, both as a sending and a transit country.<sup>233</sup> Hargeisa in Somaliland and the port city of Bossaso in Puntland remain strategic points and routes for Ethiopian and Somaliland migrants to pass through on their way to Yemen, Saudi Arabia and further to Europe.<sup>234</sup>
159. There are more than one million internally displaced persons (IDPs) in Somalia. Fighting in Gaalkacyo, Lower Shabelle region and the withdrawal of Ethiopian troops from Bakool, Hiraaan and Galgaduud has generated instability and displaced nearly 150,000 people.<sup>235</sup>
160. In the Horn of Africa region, as of 31 January 2018, there were approximately 871,568 Somali refugees living in Kenya (313,255), Ethiopia (249,903), Yemen (255,894), Uganda (37,193) and Eritrea (2,246).<sup>236</sup>
161. With a total of 545,000 individuals in over 840 sites for IDPs, Mogadishu hosts the largest estimated protracted internally displaced population in Somalia.<sup>237</sup> Of the 739,000 displacements due to drought since November 2016, more than 480,000 (65 per cent) of people are under 18 years old. Moreover, those under five years old represent more than a quarter (195,000) of all those displaced.<sup>238</sup>
162. Up to April 2018, UNICEF assisted people affected (up to 770,000) and displaced (about 230,000) due to severe flooding in the Shabelle and Juba river basins area. Health treatment and supplies was provided for 60,000 individuals, including 13,600 children under five years old, and water, sanitation and hygiene (WASH) services were provided to up to 300,000 people.<sup>239</sup>
163. In January 2018, 14,866 refugees and 14,725 asylum seekers were newly registered in Somalia, 20,501 of whom were women and children. Most of the refugees were from

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<sup>232</sup> Policy on Alternative Care (2018), page 2.

<sup>233</sup> UNHCR Somalia *Factsheet February 2018* (2018), p. 2.

<sup>234</sup> Danish Refugee Council (DRC) & Regional Mixed Migration Secretariat (RRMMS) *Somalia Country Profile* (2014) p. 13 (hereafter DRC/RMMS *Somalia Country Profile* (2014)).

<sup>235</sup> Humanitarian Action for Children 'Somalia'.

[https://reliefweb.int/sites/reliefweb.int/files/resources/2017\\_Somalia\\_HAC.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2017_Somalia_HAC.pdf) (Accessed 19 April 2018).

<sup>236</sup> UNHCR Somalia *Factsheet February 2018* (2018), p. 2.

<sup>237</sup> International Organization for Migration 'Displacement situation report Mogadishu, Banadir region, Somalia October 2017' <https://reliefweb.int/report/somalia/dtm-displacement-situation-report-mogadishu-banadir-region-somalia-october-2017> (Accessed 24 April 2018).

<sup>238</sup> UNHCR Somalia *Factsheet February 2018* (2018), p. 2.

<sup>239</sup> UNICEF *Somalia Situation Humanitarian Report No. 4* (2018), p. 1.

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Yemen (73.7 per cent) while Ethiopians comprised a large percentage of asylum seekers (98.4 per cent). The main areas of occupation for the refugees and asylum seekers are Woqooyi Galbeed in Somaliland, Bari, Nuugal and Mudug.<sup>240</sup>

164. During February 2018, 52,000 people were newly-displaced, according to reports from the UN High Commission for Refugees (UNHCR)-led Protection and Return Monitoring Network. Half of these displacements were reported as being directly related to conflict or insecurity, while the remainder were related to drought and seeking assistance in urban areas because of lack of humanitarian access outside southern and central Somalian towns. Conflict-driven displacements were widespread and for a range of reasons.<sup>241</sup>
165. To support children on the move, in 2017, a total of 17 child protection desks were established at border areas in Somaliland and Puntland, with the aim of providing protection, referral, health and other services to migrant children (including returnees). The desks were set up within immigration offices, and in collaboration with other actors, such as health care providers. They are concerned with the identification of unaccompanied and separated children, case management and advocacy to resolve cases of children in need of assistance at the border areas.<sup>242</sup>
166. No further data was found on the numbers of registered unaccompanied, separated and internally displaced children, on those who have fled the country with their families, and on access to education and health services among refugee and internally displaced children.

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<sup>240</sup> DRC/RMMS *Somalia Country Profile* (2014), p. 13.

<sup>241</sup> UNHCR *Somalia Factsheet February 2018* (2018), p. 2.

<sup>242</sup> UNICEF *Somalia Situation Report March 2017* (2017), p. 4.



## 8. Returning separated or unaccompanied children

167. More than 30,000 refugees have returned from Dadaab refugee camp in Kenya. Fighting in Gaalkacyo, Lower Shabelle region and the withdrawal of Ethiopian troops from Bakool, Hiiraan and Galgaduud has generated instability and displaced nearly 150,000 people.<sup>243</sup>

<sup>243</sup> Humanitarian Action for Children 'Somalia'. [https://reliefweb.int/sites/reliefweb.int/files/resources/2017\\_Somalia\\_HAC.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2017_Somalia_HAC.pdf) (Accessed 19 April 2018).

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168. In January 2018, UN High Commission for Refugees (UNHCR) reported that 1,148 Somali refugees had voluntarily been repatriated from camps in Kenya. Thirty-seven per cent of the entire caseload were children. Of these, 259 were between the ages of nought and four years old, 264 between five and 11 years old, and 193 between 12 and 17 years old. A significant percentage of those undertaking voluntary repatriation were those who arrived in the camp in 2011 (34.1 per cent). In Somalia however, Kismayo and Mogadishu are the primary areas of return with 92.3 per cent, of refugees returning to Kismayo and 7.7 per cent of them to Mogadishu including ones who were not originally from these two districts. Cumulatively, since 2014, 76,589 refugees have been voluntarily repatriated from Dadaab, Nairobi and Kakuma.<sup>244</sup>
169. Between January and March 2018, UNHCR reported that 2,068 unaccompanied and separated children were reunified with their families/regular carers or were placed in foster care.<sup>245</sup>
170. UNHCR has assisted internally displaced people (IDP) returns from Mogadishu. The Return Consortium, led by UNHCR comprised eight United Nations entities and non-governmental organisations (NGOs).<sup>246</sup> The Consortium was formed in 2014 and aimed to develop a joint approach, including common return packages and agreements on procedures, (e.g. for go-see visits and pre-departure medical checks). It provided returnee transport, shelter packages, livelihood packages, and cash payments for food and essential non-food items for at least three months.<sup>247</sup> It is not clear from information found whether the Consortium continues to operate.
171. In 2017 UNICEF, together with a network of NGO partners, supported 4,275 separated and unaccompanied children, 1,693 of whom were girls. They received family care, tracing and support services.<sup>248</sup>
172. The Government planned to assist IDPs and returning refugees through an education allowance for children to access and remain in education, but no specific dates or other targets were given for this (*see 7.3, paragraph 136*).<sup>249</sup>
173. Tracing and reunification programmes are supported by UNICEF for unaccompanied and separated children in most countries. If the children are returned, UNICEF's partners are able to reunify, but in practice this rarely happens. Family tracing and unification standards are provided by

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<sup>244</sup> UNHCR Somalia *Factsheet February 2018* (2018), p. 2.

<sup>245</sup> UNHCR Somalia Protection Cluster Coordinator Personal Communication 24 May 2018.

<sup>246</sup> The Food and Agriculture Organisation, Danish Refugee Council, International Organisation for Migration, Islamic Relief, United Nations Refugee Agency, Norwegian Refugee Council, and World Food Programme were among the Consortium members.

<sup>247</sup> Return Consortium Somalia *Towards Durable Solutions: Achieving and Challenges in Supporting Voluntary Returns of IDPs in Somalia* (2014?), no page numbering.

<sup>248</sup> UNICEF Somalia *Annual Report 2016* (2017?), p. 23.

<sup>249</sup> FGS *Somalia Plan* (2016), p. 153.

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UNICEF and government but the process itself is usually through civil society organisations. There is some counselling and mediation available to support children to re-establish family links, but it is not professionally organised. It is peer and family-based and done from a religious perspective.<sup>250</sup>

174. On return children often settle close to families where they have connections. They may be subject to abuse, intimidation and violence. There are no known reports of them being illegally detained at this stage, but the discrimination they may experience also depends on how long they have been away. In general, the diaspora can face antipathy from host communities, since they compete for scarce local resources and opportunities, sometimes causing animosities.<sup>251</sup>
175. Reintegration programmes for children are not systematic, but some level of support is provided by international actors – IOM, UNHCR and others. UNHCR and IOM also have information systems for tracking returnees but it is not clear how child-focused these are. There are no specific reports of returnee children being denied access to education, and there are no known problems concerning language. Returnee children are reported to have the same access to health care as other population groups. Mechanisms to ensure that children have the documentation they need are insufficient.<sup>252</sup>
176. No further information was found on family tracing and reunification or on return conditions for children and their families from all the sources consulted.

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<sup>250</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>251</sup> UNICEF Somalia Personal Communication 12 September 2018.

<sup>252</sup> UNICEF Somalia Personal Communication 12 September 2018.



## 9. Country-specific issues that affect children

177. Children face more health challenges in Somalia than almost anywhere else in the world. The under-five mortality rate of 137 per 1,000 live births is presently the third highest in the world, after Angola and Chad.<sup>253</sup> Ninety per cent of babies are delivered at home and less than one in 20 children are fully immunized by their first birthday.<sup>254</sup> Fifteen per cent of children under five suffer from acute malnutrition, with only 45 per cent of the population using safe drinking water.<sup>255</sup> There are more than one million internally displaced persons (IDPs) and more than 30,000 refugees

<sup>253</sup> UNICEF *Situation Analysis* (2016), p. 5.

<sup>254</sup> CRIN 'Somalia' (Accessed 18 April 2018).

<sup>255</sup> CRIN 'Somalia' (Accessed 18 April 2018).

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who have returned from Dadaab refugee camp in Kenya. Fighting in Gaalkacyo, Lower Shabelle region and the withdrawal of Ethiopian troops from Bakool, Hiiraan and Galguduud has generated instability and displaced nearly 150,000 people.

178. Somalia has continued to face terrorist attacks by Al-Shabaab that threaten to weaken or reverse the gains made to date in the enjoyment of civil, political, economic, social and cultural rights. The three-year drought has caused a humanitarian crisis affecting more than half the population and decimating about 60 per cent of livestock, which has brought economic hardship to the population. Flooding in some areas has aggravated the situation. Violence is widely experienced by children and families.
179. High and unpredictable levels of insecurity have also rendered large parts of the country inaccessible to local and international development agencies and social service providers, with an adverse impact upon the fulfilment of children's rights.
180. The Somali commitment to the United Nations Convention on the Rights of the Child is reflected in the 2017–2019 National Development Plan (NDP). It has a focus on children, investment in key legal, judicial, policy and in the basic services such as health, nutrition and education that are building blocks for the social and human development of the young population of Somalia. Information on the practical implementation and realization of these essential requirements towards a more stable future for children in Somalia was difficult to find for this report.

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## STATISTICS

The country report on Somalia can be found at: <http://www.unhcr.org/uk/somalia.html>

There are no Concluding Observations of the United Nations Committee on the Rights of the Child for Somalia. The country ratified the Convention on the Rights of the Child in 2015.

**Table 4: Demographic information**

Population	Figure
Total population (2016)	14,318,000
Population under 18 years (2016)	7,642,000
Population under five years (2016)	2,617,000
Infant mortality rate (under one year) (2016) expressed per 1,000 live births	83
Under-five mortality rate (2016) expressed per 1,000 live births	133
(Source: UNICEF State of the World's Children 2017)	

**UNICEF 2017:** The State of the World's Children 2017 available at <https://www.unicef.org/sowc2017/> (accessed 20 June 2018), where the current report and other State of the World Children data can be found.

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## BIBLIOGRAPHY

1. Child Rights Information Network. *Inhuman Sentencing of Children in Somalia: Briefing for the 24th Session of the Human Rights Council Universal Periodic Review in January/February 2015* (2015): (UK: London).
2. Danish Refugee Council (DRC) & Regional Mixed Migration Secretariat (RMMS). *Somalia Country Profile* (2014): (s.l.): DRC/RMMS.
3. Federal Government of Somalia. *National Development Plan 2017–2019* (2016) (Somalia: Mogadishu).
4. European Asylum Support Office (EASO). *Country of Origin Information Report: South and Central Somalia Country Overview* (2014) (Belgium: Brussels): EASO.
5. EASO. *Country of Origin Information Report: Somalia Security Situation* (2017) (Brussels?): EASO.
6. Human Rights Watch (HRW). *The Power These Men Have Over Us: Sexual Exploitation and Abuse by African Union Forces in Somalia* (2014) (United States): HRW.
7. Immigration and Refugee Board of Canada (IRBC). *Somalia: Prevalence of Forced or Arranged Marriages in Somalia; Consequences for a Young Woman who Refuses to Participate in a Forced or Arranged Marriage* (2007) (Canada: Ottawa): IRBC (<http://www.refworld.org/docid/47ce6d7a2b.html>).
8. Landinfo (Norwegian Country of Origin Information Centre). *Somalia: Children and Youth* (2015) (Belgium: Brussels): Office of the Commissioner General for Refugees and Stateless Persons (English translation).
9. Return Consortium. *Somalia Towards Durable Solutions: Achieving and Challenges in Supporting Voluntary Returns of IDPs in Somalia* (2014) (s.l.: s.n.).
10. United Nations Economic and Social Council, UNICEF Executive Board. *Draft Country Programme Document: Somalia* (2017) (United States: New York): United Nations.

- 
11. United Nations General Assembly Human Rights Council. *Report of the Independent Expert on the Situation of Human Rights in Somalia* (2017) (United States: New York): UN.
  12. UN High Commissioner for Refugees (UNHCR). *Somalia Fact Sheet January 2017* (2017): (s.l.): UNHCR.
  13. UNHCR. *Somalia Fact Sheet February 2018* (2018) (s.l.): UNHCR.
  14. UNHCR. *Voluntary Return and Reintegration of Somali Refugees from Kenya Pilot Phase* (8 December 2014 to 30 June 2015): Evaluation Report (2015?) (s.l.: UNHCR).
  15. UNICEF. *Eradication of Female Genital Mutilation in Somalia* (n.d.) (Somalia: Mogadishu?): UNICEF.
  16. UNICEF. *Situation Analysis of Children in Somalia 2016* (2016) (Somalia: Mogadishu): UNICEF.
  17. UNICEF. *Somalia Situation Humanitarian Report No. 4* (2018) (Somalia: Mogadishu): UNICEF.
  18. UNICEF. *Somalia Situation Report March 2017* (2017) (Somalia: Mogadishu): UNICEF.
  19. UNICEF. *State of the World's Children 2017: Children in a Digital World* (2017) (United States: New York): UNICEF.
  20. UNICEF. *Somalia Annual Report 2016* (2017?) (Somalia: Mogadishu): UNICEF.
  21. UNICEF. Somalia & Ministry of Planning and International Cooperation (MPIC). *Northeast Zone Multiple Indicator Cluster Survey 2011, Final Report* (2012) (Kenya: Nairobi): UNICEF & MPIC.
  22. United Nations Mission in Somalia Human Rights Protection Group (UNSOM). *Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia* (2017) (Somalia: Mogadishu): UNSOM.
  23. United Nations Office for the Coordination of Humanitarian Affairs Somalia (UNOCHA/S). *2018 Humanitarian Needs Overview Somalia* (2017) (Somalia: Mogadishu): UNOCHA/S.

- 
24. United Nations Population Fund (UNFPA). *Population Estimation Survey 2014 for the 18 Pre-War Regions of Somalia* (2014) (Kenya: Nairobi): UNFPA.
  25. United Nations Security Council. Letter Dated 2 November 2017 from the Chair of the Security Council Committee Pursuant to Resolutions 751 (1992) and 1907 (2009) Concerning Somalia and Eritrea Addressed to the President of the Security Council (2017) (United States: New York): UNSC.
  26. United Nations Security Council. Letter Dated 5 May 2015 from the Secretary-General Addressed to the President of the Security Council (S/2017/404) (2017) (United States: New York): UNSC.
  27. United Nations Security Council. *Report of the Secretary-General on Somalia 2 May 2018* (2018) (United States: New York): UNSC.
  28. US Department of State (USDS) Bureau of Human Rights Democracy and Labour Country Reports on Human Rights Practices for 2016: Somalia (2016) Washington, DC: USDS.

---

## Internet sources

1. African Charter on the Rights and Welfare of the Child <http://www.achpr.org/states/somalia>
2. African Child Policy Forum 'African child data and statistics portal Somalia' <http://data.africanchildinfo.net/axwottb/africa-report-on-child-wellbeing-international-and-regional-child-related-legal-instruments?tsId=1009960>
3. Central Intelligence Agency (CIA) 'The World factbook Somalia' <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/so.html>.
4. Child Rights International Network (CRIN) 'Death penalty' [https://www.crin.org/sites/default/files/crin\\_submission\\_on\\_the\\_death\\_penalty\\_to\\_sg\\_2015.pdf](https://www.crin.org/sites/default/files/crin_submission_on_the_death_penalty_to_sg_2015.pdf)
5. CRIN 'Somalia' <https://www.crin.org/en/library/publications/somalia-childrens-rights-references-universal-periodic-review>
6. European Asylum Support Office (EASO) 'Country of origin information report Somalia security situation 2016' [https://www.ecoi.net/en/file/local/1158113/1226\\_1457606427\\_easo-somalia-security-feb-2016.pdf](https://www.ecoi.net/en/file/local/1158113/1226_1457606427_easo-somalia-security-feb-2016.pdf).
7. Human Rights Watch 'Human rights priorities for Somalia's new government' <https://www.hrw.org/news/2017/05/02/human-rights-priorities-somalias-new-government>
8. International Development Law Organization 'Reforming the Somali Penal Code' <https://www.idlo.int/what-we-do/initiatives/reforming-somali-penal-code>
9. International Justice Resource Center 'Country factsheet series' <http://www.ijrcenter.org/country-factsheets/>
10. International Organization for Migration (IOM) 'Displacement situation report Mogadishu, Banadir Region Somalia' <https://reliefweb.int/report/somalia/dtm-displacement-situation-report-mogadishu-banadir-region-somalia-october-2017>
11. Legal Action Worldwide(LAW) 'Somalia sexual offences bill' <http://www.legalactionworldwide.org/somalia-2/sexual-offences-bill/>

- 
12. Minority Rights Group International (MRG) 'Somalia' <http://minorityrights.org/country/somalia/>.
  13. Nuhanovic Foundation 'Somali Penal Code 1962' <http://www.nuhanovicfoundation.org/en/legal-instruments-3/somali-penal-code/>
  14. United Nations Assistance Mission in Somalia 'UN Contribution to the 2016 Universal Periodic Review (UPR) for Somalia by the Human Rights Council' [https://www.upr-info.org/sites/default/files/document/somalia/session\\_24\\_-\\_january\\_2016/un-somalia\\_upr24\\_som\\_e\\_main\\_rev.pdf](https://www.upr-info.org/sites/default/files/document/somalia/session_24_-_january_2016/un-somalia_upr24_som_e_main_rev.pdf)
  15. United Nations High Commissioner for Refugees 'Somalia drought displacement 2017' <https://reliefweb.int/report/somalia/unhcr-somalia-prmn-drought-displacements-31-may-2017>.
  16. UNHCR 'Voluntary return and reintegration of Somali refugees from Kenya' <http://www.unhcr.org/560b962f9.pdf>
  17. UNICEF Global Databases 'Child labour' <http://data.unicef.org/topic/child-protection/child-labour/>
  18. UNICEF 'Somalia statistics' [http://www.unicef.org/infobycountry/somalia\\_statistics.html](http://www.unicef.org/infobycountry/somalia_statistics.html)
  19. UNICEF Somalia 'Federal Government of Somalia launches its child rights bill drafting process' [https://www.unicef.org/somalia/media\\_20825.html](https://www.unicef.org/somalia/media_20825.html).
  20. UNICEF, UKAID & UNFPA 'Joint press release 23<sup>rd</sup> July 2014' [https://www.unicef.org/somalia/cpp\\_15186.html](https://www.unicef.org/somalia/cpp_15186.html).
  21. United Nations Mission in Somalia (UNSOM) 'Human rights' <https://unsom.unmissions.org/human-rights>
  22. UNSOM Human Rights Protection Group 'Humanitarian Action for Children Somalia' [https://unsom.unmissions.org/sites/default/files/february\\_2018.pdf](https://unsom.unmissions.org/sites/default/files/february_2018.pdf)
  23. United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) 'Somalia: administrative map (as of 15 Feb 2016)' <https://reliefweb.int/map/somalia/somalia-administrative-map-feb-2016>.
  24. United Nations Office of the Special Representative of the Secretary-General on Children and Armed Conflict 'Somalia' <https://childrenandarmedconflict.un.org/somalia/>

- 
25. University of Minnesota Human Rights Library 'Ratification of international human rights treaties: Somalia' <http://hrlibrary.umn.edu/research/ratification-somalia.html>
  26. US Department of Labour 'Child labour and forced labour reports Somalia' <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/somalia>
  27. US Department of State (USDS) 'Trafficking in Persons Report Somalia': <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271280.htm>.
  28. Wikipedia 'Ages of consent in Africa: Somalia' [https://en.wikipedia.org/wiki/Ages\\_of\\_consent\\_in\\_Africa#Somalia](https://en.wikipedia.org/wiki/Ages_of_consent_in_Africa#Somalia).
  29. Wikipedia 'Geography of Somalia' [https://en.wikipedia.org/wiki/Geography\\_of\\_Somalia](https://en.wikipedia.org/wiki/Geography_of_Somalia).

---

## Legislative instruments

1. Federal Republic of Somalia (FRS) Juvenile Courts and Reformatories Law 1970, (Mogadishu: FGS).
2. FRS Provisional Constitution (2012) (s.l.: s.n.) (unofficial English translation).
3. FRS Somali Penal Code <http://legalactionworldwide.org/wp-content/uploads/2014/11/Somali-Penal-Code.pdf>

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