

# **Somaliland Study Report on Violence Against Children**

**2008**



# **Violence Against Children in Somaliland**

## **A Situational Analysis**

African Network for the Prevention and Protection Against  
Child Abuse and Neglect

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Finally, and perhaps most importantly, this study is dedicated to the children of Somaliland, who have suffered untold violence, many times in silence. It is my hope and prayer that the information and recommendations emanating from the study will contribute to the fight against child related violence.

Dr Philista Onyango,  
Regional Director,  
ANPPCAN REGIONAL OFFICE  
NAIROBI

## List of abbreviations, acronyms and definitions

ACPN	Awdal Child Protection Network
AIDS	Acquired Immune Deficiency Syndrome
ANPPCAN	African Network for the Prevention and Protection Against Child Abuse and Neglect
AYODA	African Youth Development Association
CBO	Community-Based Organisation
CCBRs	Comprehensive Community-Based Rehabilitation in Somaliland
EU	European Union
FGM	Female Genital Mutilation
HAVOYOCO	Horn of Africa Voluntary Youth Committee
IAS	International Aid Services
ICRC	International Confederation of the Red Cross and Red Crescent
IDP	Internally Displaced Person
MCH	Mother and Child Healthcare Centres
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
OVCs	Orphaned and Vulnerable Child
SCA	Save the Children Alliance
SCD	Save the Children Denmark
SCF	Save the Children Finland
SOYDA	Somaliland Youth Development Association
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nation Children's Fund
WFP	World Food Programme
WHO	World Health Organisation



## Executive Summary

With an estimate population of 3.5 million people, Somaliland is counted as one of the least developed countries in the world. The recovery from decades of armed conflict has been extremely challenging. Exports have been low, while the status of non-recognition by the international community has widely constrained international trade.

While there are numerous international aid agencies and local NGOs active in interventions targeting children, a review of literature established that there is need for more focused attention, to strengthen interventions in child protection. Reacting to this gap, African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) and Save the Children Finland (SCF) (with funding from the European Union), have initiated a programme to contribute to stopping all forms of violence against children in four countries: Ethiopia, Eritrea, Kenya and Somaliland. The programme seeks to enhance knowledge and capacity of policy makers, and implementing institutions and Civil Society organisations in the four countries to respond to their legal and moral obligation to minimise the occurrence of violence against children. At the initiatory stage, the two intervening institutions thought it necessary to have a small study to establish the issues on the ground in regard to violence against children.

The aim of the baseline study in Somaliland was to establish the magnitude of the various forms of violence in Somaliland, their nature in terms of victim and perpetrator, and establish the ongoing interventions in regard to child protection in Somaliland. Data was collected between February and March 2008, while a stakeholders' conference was held in Hargeisa from 8th to 10th March 2008, to validate these findings.

The study utilised two instruments, a baseline questionnaire and a guide for key informant interviews and Focus Group Discussions (FGDs). Three regions were purposively sampled for the study: Waqoyi Galbed, Awdal and Toogdheer. The main informants were children aged below 17 years, both in school and out of school. The questionnaire was filled by 304 informants, including children who also participated in FGDs, while 12 others (mainly Government officers, officers of child protection institutions and religious leaders) participated through key informant interviews.

## Key findings

### *Knowledge on cases of violence and violators*

From findings of this study, about 41% of the informants reported to have known a child in their locality who had been a victim of violence. From this proportion, 63% said that they knew the violator, while 37% said that they did not know the violators. With a prevalence of 41%, parents constitute the highest proportion of violators, followed by neighbours at 16%. Other violators constitute of siblings (12%), teachers (11%), other relatives (9%) and government personnel (6%). In

general, about 90% of violators are close acquaintances to the child, including parents, guardians, siblings, relatives, teachers and neighbours. Only less than 4% of the violence is meted by extreme strangers to the child.

### ***Hidden forms of violence***

The study established that child neglect (with 46%) is the most prevalent form of hidden violence. Increasingly, children are growing up without primary caregivers and being predisposed to numerous risks in the course of their childhood. In 2007 alone, around 80 babies were collected on the streets in Erigavo, 20 of them alive, 60 dead. Abandonment of babies soon after birth was also reported in Hargeisa, Burao and Borama. Other hidden forms of violence included physical violence at home, school and Quran schools, bullying in schools and the emotional suffering emanating from some retrogressive child-rearing and cultural practices.

### ***Children mostly violated***

It was established that children aged 6-10 years were most likely to face violence, followed by those aged less than five years. After 10 years, the likelihood of violence seems to decrease with age. Concerning gender, boys (with 56% chance) were more likely to face violence than girls. On children with or without special needs, the study findings indicate that with an overwhelming 0.68 chances, children without disability are more likely to face physical violence, than those with disability. However, confinement and overprotection of children with disability may be viewed as violence, since these constrain the attainment of fullest potential for these children.

### ***Geographical and socio-cultural factors influencing violence***

The study established that urban children, more than children in the rural areas, are more predisposed to violence. However, these findings may have bias, since most informants in this study were living in the urban centres. Putting a case for more violence in urban centres, it was argued that the congestion and anonymity of urban centres, and the high concentration of Internally-Displaced Persons (IDPs), street children and child labour makes urban centres unique locus for violence. On the other hand, rural areas consisted of mainly smaller nomadic communities, who were closely knit together in a social system.

In order of prominence, the socio-cultural factors that influence violence against children include poverty, internal displacement and migration patterns, family stress (separation and divorce), illiteracy and ignorance, extra-marital births, chewing of khat, belonging to minority populations, Female Genital Mutilation and HIV/Aids.

### ***Awareness of Somaliland laws protecting children and access to information***

From responses of 303 informants, 13.9% said that they knew of laws protecting children in Somaliland, while 86.1% said they did not know of any such laws.

The highest awareness levels were in Hargeisa, where even children reported to have watched programmes on child protection on TV. However, this was not the case in Awdal and Toogdheer.

The study further established that majority of the people in Somaliland have limited access to information on violence against children. Both Hargeisa and Toogdheer had the highest proportion of informants with access to information, at 62% each, while only 48% of the informants in Awdal had access to any information on violence. Consistently among the three regions, radio was the most prominent source of information (28%), followed by NGOs with 18%. The least sources of information were the government and Mother and Child Healthcare Centres (MCH), each with a share of 5%.

### ***Existing interventions and support systems***

The study established that various partners were active promoting child protection in Somaliland. Most of the actors were local and international NGOs. The range of services available included policy, funding, advocacy, networking, capacity building, monitoring and documentation, rehabilitation, psychosocial support, medical services, law enforcement and legal representation. The milestones achieved so far include drafting of the Juvenile Justice Bill, development of diversion guidelines and the establishment of District Diversion Core Teams (DDCT), establishment of child protection working groups and networks, and capacity building of local partners on documentation.

### ***Perceived choices in addressing violence against children in Somaliland***

The informants thought that the following should be done to enhance child protection in Somaliland:

- Improve access to quality education and healthcare services
- Give children a voice through child participation and confidence building
- Enact comprehensive law on children
- Establish orphanages, child rescue and child care centres
- Give training at school and in the community on improved childcare, and sensitising the community on violence against children
- Focus on reaching out to rural areas, where the majority of populations has not been reached at all by any information channel
- Mobilise religious leaders to engage in child protection
- Create more and strengthen existing networks on child protection

## **Recommendations**

The study makes the following recommendations:

- Re-thinking child protection

Interveners should carefully rethink their child protection strategies against findings contained in this report. There is need for a stakeholders'

seminar for the development of a joint road map for child protection in Somaliland. The participation in this forum should target working with grassroots communities, which may be achieved through engaging teachers and religious leaders in the child protection interventions.

- ***Strategies sensitive to an oral tradition***

Having a strong oral tradition, and there being no alternative media of communication especially in the rural areas, it would be crucial to draft an innovative communication and sensitisation strategy for the country. These strategies should be largely based on the oral tradition, through recruitment of gatekeepers and utilisation of existing structures like mosques, tea shops, markets and so on.

- ***Reaching the rural areas***

Though the child protection networks seem to be working fine, it is paramount that the networks think 'beyond the urban centre'. One option of reaching the rural areas might be through establishing a network of child protection volunteers at the village level, who relay information to the upper networks and raise awareness at the local levels. Such volunteers should be trained on child care and protection, and mobilised to play an active role. Along this, partners are called upon to increasingly focus on Sool and Sanaag regions, which seem to be most neglected.

- ***Comprehensive child protection law***

Though the juvenile justice bill is almost becoming law, it may not alone suffice to cover all areas of child protection. Hence, it would be necessary to think about a comprehensive statute, covering all pertinent aspects including entitlements and responsibilities of the child, as well as other aspects like guardianship, adoption and rehabilitative care.

- ***Making policies more effective***

Experience in other African countries has shown that enactment of policies, alone, does not translate into any meaningful gains in child protection. For policies to be effective, the processes that enact them must be ones that provide for ownership among local communities. It would then be necessary, not to just wait for the finalised policy to disseminate it, but to lobby grassroots communities from the onset. Partners in this must avoid making the mistake they already seem to have made in the Juvenile Justice Bill, since, none of the school children, street children or community members was aware of the bill. This information, according to what we found out, was limited to people working with NGOs only. After enactment of the laws, concrete roadmaps and guidelines for implementation need to be developed, and monitored with unusual commitment by all partners. Only then, will the laws translate to child protection.

- ***Training the police***

Rather than keep pointing fingers, partners need to design a training package for the entire police force at all ranks, and at both pre- and in-service levels. I recommend that Somaliland borrows a curriculum that was developed for Kenya, and see if this could be upgraded to serve the local context, instead of re-inventing the wheel.

- ***Training of teachers***

Even talking about the police, teachers seem to be largely unaware of alternative methods of maintaining discipline in schools, without the cane. In this regard, partners in child protection need to develop a code of ethics for teachers, and re-tool teachers with practical skills for alternative behaviour management. The wide network of teachers in the country presents a huge opportunity, especially in reaching out to the rural areas.

- ***Building synergy in intervention***

Even with such a huge number of NGOs, the gains achieved in child protection seem to be too low. This observation might hint on either two factors. One is the question of efficiency. To what extent are the organisations able to produce the most at the lowest levels of investment? Second, by how far are the organisations working together to avoid duplication of services? To avoid resource wastage among interveners, we are called to explore new ways of creating synergy among interveners, rather than stick to a competition race, serving the same client. The networks established through UNICEF and Norwegian Refugee Council (NRC) seem to be making impact. However, there is need for other agencies to join in, and bring in resources to networking, rather than continue working in isolation. In estimation, the amount of funds going to waste through duplication is immense, and this cycle should be reversed through increased collaboration and common strategy development.



## Introduction

### 1.1 Background to the Study

The Republic of Somaliland is a developing country just recovering from a long duration of armed conflict. In 2002, the Ministry of Planning estimated the population of the country to be 3.5 million. The economy of Somaliland is generally weak due to macro and micro factors.

The key sources of revenue in Somaliland are from the service sector, trans-border trade, and Diaspora remittances. Growth of the economy is hampered by high levels of poverty, with 43.2 per cent of the general population living below the poverty line.

Studies conducted earlier by the United Nations Children's Fund (UNICEF), Save the Children (UK) and other partners (2004) established that there are many children in Somaliland without primary care givers. These include orphans and vulnerable children (OVCs) who have one parent and/or extended family members, but who often give them up as a result of poverty, neglect and abuse within the community. There are also children who are orphaned by losing both parents, those without relatives, street children, those in institutions, abandoned, neglected or abused. Orphans living with HIV/Aids are particularly subject to stigma and abandonment.

Research has established that traditional practices, including child-rearing practices, Female Genital Mutilation (FGM) and early marriage are greatly perpetuating the prevalence of violence against children in Somaliland. Various forms of violation are experienced by children in the streets. The types of violations include: verbal, physical and sexual abuse by children themselves as well as the various forms of violations meted by adults. Other violations include: lack of healthcare, food, education and shelter, conflict with the law and other hostilities.

Every child has a right to a life free from violence. Yet, according to the World Health Organisation (WHO), as many as 40 million children under the age of 15 years are victims of violence every year. The escalating accounts of all forms of violence perpetrated against children across economic, social and cultural boundaries have been a concern for many nations and organisations working with children. In Africa, the number of children exposed to different forms of violence is on the increase for various reasons such as negative cultural practices and an increase in the number of children living without parental care mainly due to HIV/Aids and poverty. Violence against children has lasting negative consequences on their psychological and physical well-being and development, and may even lead to death. It is unacceptable and must be stopped.



It is for the above reasons that the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) and Save the Children Finland (SCF), initiated a programme to stop all forms of violence against children in Kenya, Eritrea, Ethiopia and Somaliland. The programme seeks **to enhance knowledge and capacity of policy makers, implementing institutions and civil society organisations in the four countries to respond to their legal and moral obligation to minimise the occurrence of violence against children.**

At the initial point of this programme, it was found necessary to first review existing literature on violence against children in Somaliland, as well as the existing legal and policy frameworks for child protection. Thereafter, a survey was conducted to establish the prevalence, nature and forms of violence against children in Somaliland. Data was collected from three regions in Somaliland: Hargeisa, Toogdheer and Awdal, from 25th February to 3rd March 2008. A draft report of the situational analysis was presented in a validation workshop held in Hargeisa, from 8th-10th March 2008. Comments from the report were used to finalize on this publication.

## **1.2 Objectives of the Study**

The specific objectives of the study were to:

1. establish the national prevalence and extent of various forms of violence against children in Somaliland, including the non-sexual, non-physical and subtle forms of violence;
2. investigate the nature and forms of violence against children, considering age, gender, locality and socio-cultural dimensions;
3. define the roles played by different stakeholders in Somaliland to stop violence against children and establish their capacities to do so. Such stakeholders include the police, healthcare and education providers;
4. investigate and establish the overall capacities of institutions such as orphanages and day care centres to meet the needs of the children in their care;
5. identify the perpetrators of violence against children and the influences surrounding child abuse;
6. investigate and establish whether systematic surveillance and documentation systems exist to enable precise estimates on the prevalence of child abuse, neglect and domestic violence within the community;
7. establish how the formal and alternative justice systems respond to violence against children;
8. ascertain the reporting levels/mechanisms in place for taking action against offenders; and
9. establish the extent to which the judicial system has the capacity for enforcing existing legislation.



### **1.3 Organisation of this Report**

This report is organised in five main parts as follows. Chapter one offers the background to the study, touching on the context of violence against children, and the objectives of the study. Chapter two presents literature review on the forms of violence, and the legal frameworks on the various issues of violence and child protection. Chapter three summarises the study process by describing the methodology adopted by the study, methods and tools of data collection, sampling framework and sample size, as well as methods of data analysis. The chapter closes with a summary presentation of the challenges and lessons encountered during the research process. Chapter four presents the study findings, organised along the eight themes of inquiry. Chapter five presents conclusions from the study, and draws recommendations for policy, research and action.

# Literature Review

## 2.1 Violence Against Children in Somaliland

Various forms of violence against children take place in Somaliland.

### 2.1.1 *Domestic violence*

This refers to violence against children that is perpetrated by biological or adoptive parents or step-parents, guardians, siblings, neighbours or other close relations. Violence in this context may include corporal punishment, sexual and emotional abuse, neglect and harmful traditional practices.

The prevalence of violence against children in the community is not well documented due to lack of reliable information. The cultural belief that children should be submissive to adults has aggravated the situation, while discussions about the rights of the child are viewed as foreign and infringing on the norms of traditional societies. In most cases, the protagonists of domestic violence are parents and alternative care givers, thus legitimising violence as a parenting practice. It is worth noting that in spite of this deep-rooted practice, Somaliland has not yet outlawed punishment at home and in alternative care institutions.

Available literature indicates that around 26 per cent of children in Somaliland have fallen victim to the various forms of domestic violence, while an estimated 12 per cent of care givers are abusers. The most prevalent forms of domestic violence include sexual assault and abuse (16%), beatings by parents as a form of discipline (a practice that is entrenched in Somali culture), and abandonment and neglect of children following divorce. From the literature reviewed, divorce rates are high in Somaliland, influenced by excessive use of Khat, shifts in gender power relations and poverty. Despite this, the existing policy frameworks (Shari'a and customary law) do not present any standard procedures on child custody and maintenance in the event of divorce. Children conceived outside marriage are also identified as being at risk of abandonment.

It should be noted, however, that there is no systematic surveillance/documentation systems to enable precise estimates on the prevalence of child abuse, neglect and domestic violence. Besides, no laws have been enacted to eliminate the forms of violence against children, although this has been advocated by many women organisations such as Nagaad. The capacities of the police, healthcare and education providers to monitor and respond to violence are reportedly low.

### ***2.1.2 Children without primary care givers***

Studies have established that a sizeable proportion of children in Somaliland live without primary care givers. These children include partial orphans and vulnerable children who have one parent and/or extended family members, but who are unable to exercise proper care as a result of poverty. Other children are total orphans who live on their own on the streets and in institutions, some in child-headed households. Children infected with or affected by HIV/Aids suffer stigma and may eventually face abandonment. The above situation has over the years been exacerbated by the weakening of the traditional extended family care system.

Preliminary inquiry established that 16 local non-governmental organisations (NGOs) in Somaliland offer care to abandoned and neglected children by providing them with residential homes and day care facilities. However, only one out of the 16 children's homes was aware of and followed the required government policies and guidelines on admissions and child care. Although studies reveal that these institutions are unable to fully meet the needs of the children in their care, no explicit information is available to indicate their overall capacities in terms of specific strengths and weaknesses, and opportunities available for strengthening their capacities to effectively dispose their mandates. In addition, there is no available information to show whether there are any forms of violence against children in these institutions.

### ***2.1.3 School-based violence***

School-based violence encompasses all forms of violence occurring in schools, vocational training institutions and other formal and non-formal learning institutions. It includes violence committed by teachers against students in the name of discipline and in a manner that is not consistent with a child's dignity, verbal abuse, sexual abuse and physical harassment. Another dimension of it is violence from peers in the form of bullying, sexual and physical harassment and abuse.

Available literature indicates that although 58 per cent of children in Somalia (includes Somaliland, Puntland and Central-South) enrol in school, high dropout rates affect schooling among those aged between 12 and 15 years. Information available indicates that the principal factor in school dropouts is corporal punishment. This fact notwithstanding, the government of Somaliland has not outlawed corporal punishment in schools. No policies are in place to incorporate alternative methods of building child behavioural and learning qualities. From the literature reviewed, there is no information on other forms of violence in schools other than corporal punishment.

### ***2.1.4 Violence in working environments***

The United Nations Convention on the Rights of the Child (UNCRC) defines violence against children in both formal and informal work situations as all violence in the form of abuse and maltreatment by employers, harmful or hazardous working conditions, and economic exploitation. Commercial sexual exploitation also falls within this category. Work becomes harmful to

children when it harms their health: physically, mentally, spiritually, and developmentally.

It is estimated that 19 per cent of children in Somaliland aged between 5–14 years are engaged in paid labour and 81 per cent in unpaid labour for non-family members. A significant number of households concede that they are fully dependant on child labour. About 12 per cent of adults admit that their children are involved in labour. Children work in restaurants, teashops, in the streets, as porters, shoe shiners, as Khat traders and as domestic workers. While there are children who engage in one activity only, there are those who engage in several activities within a day, hence difficulties in giving actual estimates of the length of time spent on an individual task. Nevertheless, it is reported that majority of children work up to 10–12 hours each day on a single task or a combination of several tasks.

*“Being a porter is a harmful job for a child because some people don’t care about children and may tell you to carry heavy items.” (Street child in Hargeisa in Ismail, 2007).*

Although the underlying cause of child labour in Somaliland is poverty, Somali culture promotes it as a way of enabling children to acquire new skills and a sense of independence. However, there are no regulations put in place by the government on child labour. There is lack of information regarding whether children are engaged in commercial sex work/exploitation. This is of great concern following revelations that there are brothels in some main towns in Somaliland.

### **2.1.5 Violence in the streets**

This includes violence against children living and/or working in the streets. These children are vulnerable to abuse and exploitation, gang violence and police brutality. Somaliland has five distinct groups of children on urban streets as indicated in Table 2.1 below:

**Table 2.1: Prevalence of children on the streets**

Prevalence of children on the streets	Frequency			Higher figure
	Hargeisa	Burco	Somaliland	Total (%)
Fulltime street children	55-400	255	530-875	8.4
Working street children	50-2500	502-2500	752-9,000	86.4
Children living and/or working on streets with families	10-40	No data	60-240	2.3
Children living in the work place	50	52	300	2.9
Children roaming the streets	No data	No data	No data	No data
<b>Total</b>	<b>555</b>	<b>809</b>	<b>1,642-10,415</b>	<b>100</b>

Source: Lagu (2003)

While there are many factors that cause children to live or work in the streets, the main one has been identified as poverty. Others include rural- urban migration, displacement by war, children running away from rural nomadic areas, orphanhood, divorce, abandonment, family neglect and abuse.

Various forms of violation are experienced by children on the streets. These include verbal, physical or sexual abuse by other children and adults, behavioural and emotional problems, lack of healthcare including sexual reproductive health, food, education and shelter, exposure to harmful work, substance abuse, conflict with the law and hostilities. Exploitation is also identified as another form of abuse of street children. The average earnings of a street child are estimated to range from 1,500 to 5,000 Somaliland shillings a day (45 cents – US\$ 245 cents – 85 cents). An adult working on the streets performing the same work earns double what a child earns. Note that the data presented in the table above does not include Sool, Sanaag and Togdheer regions, which are prone to clan/cross-boarder conflicts.

### ***2.1.6 Violence in custody and/or residential institutions***

This refers to violence against children deprived of a family environment and placed in the care of institutions, whether state or privately run. There are cases of offences committed by children in Somaliland (Table 2.2).

***Table 2.2: Offences committed by juveniles***

<b>Offences committed by children in prisons in Somaliland</b>	<b>Frequency</b>	<b>Respondents (%)</b>
Assault	32	53.3
Parental disobedience	9	15.0
Murder	5	8.3
Rape and sexual assault	4	6.7
Petty theft	3	5.0
Unarmed robbery	2	3.3
Destruction of property	1	1.7
Possession of alcohol/drugs	1	1.7
Trading in alcohol/drugs	1	1.7
Abortion	1	1.7
Insult of Islam	1	1.7
<b>Total</b>	<b>60</b>	<b>100</b>

*Source: UNICEF (2003)*

Children who come into conflict with the law include those without primary care givers such as street children, substance abusers, children from poor families and school dropouts. It is, therefore, deduced that problems that are

perceived as justice issues are indeed social in nature and closely associated with poverty. However, there is no information spelling out the nature of violation that children undergo in the central prisons in Somaliland. Customary and Shari'a law seem to be preferred based on restorative measures as opposed to the Penal Code.

### ***2.1.7 Violence related to the impact of the civil war***

Although Somaliland has had peace and stability in the last nine years, the impact of the civil war that hit Somalia before Somaliland declared itself a state has had a negative impact on families, with parents in Somaliland smuggling their children to other countries and cities in the hope of finding them safe havens. Although this may amount to child trafficking, no studies have been carried out to purposely establish the condition of those children smuggled outside Somaliland and the forms of violence they encounter.

Other incidences of conflict in Sool and Sanaag are mentioned, but no explicit information is available on violence against children in the area as a result of the conflict that has been experienced.

### ***2.1.8 HIV/Aids and child-related violence***

Girls in Somaliland are predisposed to HIV/Aids due to rape. Rapists in Somaliland are in most cases related to the victims and most rape takes place right in the homes. However, the heterogeneity of the legal systems does not allow fair trial for offenders. This is compounded by the fear that the girl may lose a future husband should it be known that she was a victim of rape. For this reason, most cases of rape remain unreported. There are possibilities of high levels of susceptibility of children to HIV/Aids infection as a result of cases of rape, but this meets high levels of denial. Girls remain considerably more vulnerable to sexual abuse than boys.

Other factors such as existence of brothels and lack of information as to whether children are engaged in prostitution presents further uncertainty on whether children are predisposed to HIV/Aids. These prevailing situations make it difficult for the Ministry of Health and local organisations spearheading comprehensive management of HIV/Aids to put in place strategies, including administration of post-exposure prophylaxis, for survivors of rape ordeals. In this respect, there is no reliable information available to show whether or not children in Somaliland are involved in commercial sex work and the subsequent level of sexual exploitation that comes along with this.

### ***2.1.9 Violence related to social exclusion and discrimination***

Children from the minority groups in Somaliland encounter holistic discrimination compared to their counterparts from the majority clans. Among the clans/groups that face discrimination include the Tumul, Yibir, Muxumuud, Gaheyle and Jibraahin. Other children who face discrimination include the internally displaced persons (IDPs), refugees, economic migrants and disabled

children. These forms of discrimination and social exclusion occur even though the Constitution of the Republic of Somaliland (Article 8.1) and the Islamic Shari'a law share the fundamental principle that all the rights apply to all children, without discrimination on the basis of colour, clan, birth, language, gender, property, status or opinion. Islam also considers discrimination unjust and forbids it in many verses:

*Give the kinsman his due and the needy and the wayfarer,  
and squander not (thy wealth) in wantonness (Qur'an: Surah 17: 26  
Bani Isra'il).*

Among the problems faced by children from the discriminated and excluded groups include stigmatisation, low self esteem and feelings of inferiority, lack of basic needs as a result of economic exclusion of their care takers, drop-out from school to avoid discrimination, and the likelihood of engaging in child labour due to high levels of poverty.

Children with disabilities experience the worst form of discrimination characterised by verbal abuse and teasing. This is also coupled with lack of prioritisation of their education. It is revealed that these children are denied the right to special care, education and training which can help them enjoy decent lives and achieve the greatest degree of self reliance and social integration possible. These happen as a result of the underlying attitudes by the community that disabled children, especially those with mental and physical disability, cannot learn, should not be seen in public and are a waste of resources and school fees.

### **2.1.10 Gender-based violence**

#### *Female Genital Mutilation (FGM)*

A study conducted in 2006 established that 99.5 per cent of all women in Somaliland had undergone some sort of circumcision. 85 per cent of the women had undergone the pharaonic type of mutilation, while 15 per cent had undergone the sunna type. Another study conducted in December 2007 by Candlelight (Somaliland) established the complications related to FGM included cysts or growths around the vaginal area, excessive bleeding, infection of the sexual organ, painful intercourse after marriage and urine retention. In this study, staff members at Burao Hospital estimated that 10 per cent of all births resulted from emergency deliveries, owing to FGM-related complications. The traditional birth attendants reported high prevalence of birth complications, handling an average of 10-13 cases every month (CLHE, 2008). Different studies and reports decry alarming rates of subordination of girls, physically, psychologically and the psychosexual harm occasioned by FGM and other forms of gender-based violence. The fight against FGM is, however, long from over since the practice is deeply rooted in the Somali culture, while majority of the people associate it with Islam (though religious scholars have disputed this).



### *Early/forced marriage*

It is estimated that 18 per cent of girls in Somaliland are married off at an early age. Parents and close relatives select spouses for the girls. Among the factors contributing to this practice is poverty. Marriage is therefore seen as an opportunity of improving the family's financial situation as well as reducing the number of family members who are draining the family's meagre resources.

Early/forced marriage constitutes multiple abuses of the rights of girls as minors because they are not in a position to give informed consent. This further deprives girls of their right to full participation in matters affecting them, predisposes girls in non-consensual sex, physical abuse and labour exploitation. It also deprives them of educational development, training and employment opportunities because they are forced to drop out of school. This also increases the risk of ill-health, morbidity and mortality due to early pregnancies and child birth before their bodies are sufficiently mature.

## **2.2 Legal and Policy Frameworks**

In Somaliland, children's rights are protected by the laws of the State: customary law (Xeer Soomaali) — the most widely applied legal system dominated by male clan elders — Islamic Shari'a, constitutionally declared as the basis of law; and, the codified law, based on elements of the pre-1969 Penal Code. As will be discussed further, one of the main problems of the legal system in Somaliland is heterogeneity, which means that interpretations are used interchangeably, often in contradiction with each other and resulting in a negative impact on the realisation of children's rights.

Notably, consensus was already reached in May 2003 on how the merger of the three legal systems should be done. On the short-term basis, it was proposed that efforts should be made to strengthen the judiciary in general and reform the Common Law. The mid term intervention was proposed to include codification of customary law through the house of elders and other actors with a view to incorporating issues on children's rights. In addition, interpretations of Islamic Shari'a on specific issues such as children's rights was also suggested. On long-term basis, consensus was reached to strengthen the Law Reform Committee and extend it to harmonize the three legal systems.

Children's rights are also protected by international human rights instruments ratified by the present *de facto* government (including the UNCRC) and past *de jure* governments (including the United Nations Charter and the Universal Declaration of Human Rights, 1948, among others). Since 'ratifying' the UNCRC in November 2001, the Government of Somaliland has not taken other legal or administrative measures to translate the Convention into domestic law. Government officials participating in the CRSA argue that the Government lacks the institutional capacity and financial resources needed to implement the UNCRC and protect children's rights. It is argued that as an unrecognised State that is still internationally viewed to be part of seemingly



endless problems, Somaliland is disqualified from receiving bilateral and multilateral financial assistance and cannot enter into formal trade agreements with foreign governments.

However, the Government of Somaliland has the obligation to fulfil children's rights "to the maximum extent of their available resources" (UNCRC, Article 4). Somaliland has experienced remarkable recovery and growth in the post-war era. A booming service economy, transshipment and trans-border trade and Diaspora remittances are key sources of government revenue, yet resource allocation to social services and children's rights are dismally low. Clearly, there is need for the Government of Somaliland to demonstrate its ability to uphold the human rights of its people in the face of the international community.

The UNCRC also appeals to the international community, to play a leading role by supporting governments in the implementation of children's rights. The international community and its agencies that are currently active in Somaliland are responsible for the quality and effectiveness of their assistance and must, within the framework of international co-operation, attempt to promote the rights of all children in Somaliland, while strengthening the capacity of the government to assume overall responsibility and co-ordination of this. Due to the relative weakness of the Government of Somaliland, civil society organisations and other national stakeholders have a duty to defend children's rights. Somaliland has a vibrant civil society with a variety of different local NGOs working on a wide range of political, social and economic issues. These have been identified as important partners with international actors and government and should play a central role in addressing children's rights.

In 1997, the UN Independent Expert on Human Rights for Somalia concluded that international humanitarian law, as defined in the 1949 Geneva Conventions, was applicable in Somalia (including Somaliland) in the absence of a central government and until a peaceful settlement is reached (UNDP 2001). This conclusion is significant in defining the responsibilities of the Government of Somaliland and the international community. It neglects however, the level of peace and stability in Somaliland, the move away from rehabilitation to development assistance and the level of legitimacy the government has accorded its people. With political and economic recovery in Somaliland, children's rights, particularly basic political rights such as freedom of speech, freedom of movement, and personal security have improved. There is, therefore, a need to move beyond the Geneva Conventions alone to: (a) holding the *de facto* government accountable for the implementation of all international instruments in force in the State, and (b) bringing into force other international instruments not yet ratified which are "conducive to the realisation of the rights of the child."

Apart from the Convention on the Rights of the Child (ratified by the Government of Somaliland in 2001), other international legal instruments in force in Somaliland include:

- The United Nations Charter
- The Universal Declaration of Human Rights, 1948
- International Convention on Civil and Political Rights, 1966 and its First Optional Protocol
- International Convention on Economic, Social and Cultural Rights
- International Convention on the Elimination of All forms of Racial Discrimination, 1965
- Convention Against Torture and Other Cruel or Degrading Treatment, 1984
- Fundamental Labour Rights Conventions
- Convention on the Elimination of Forced and Compulsory Labour
- Convention on the Elimination of Discrimination in Respect of Employment and Occupation, 1949
- Geneva Conventions, 1949 (signatory 1962)

The Somaliland Constitution notes that: “the Republic of Somaliland shall observe all treaties and agreements entered into by the former State of Somalia with foreign countries or corporations provided that these do not conflict with the interest and concerns of the Republic of Somaliland”.

The Republic of Somaliland recognises and shall act in conformity with the United Nations Charter and with international law, and shall respect the Universal Declaration of Human Rights [Article 10, Constitution].

However, since ratifying the UNCRC in November 2001, the government of Somaliland has not taken any other legal or administrative measures to translate the Convention into domestic law. In terms of implementation, government representatives argue that the focus has been on building the foundation of the region, including maintaining peace and stability, establishing a functional local and national government structure, including a judiciary system, and the provision of social services such as education and health. However, there is a recognition that more should be done.

In this report, explanations will be given to explain some of the rights of the children in conformity with the constitution and other laws applicable in Somaliland.

### **2.2.1 Definition of the child**

Somaliland’s codified laws do not currently provide a definition of a child. The Penal Code is the main codified legal source for dealing with children in conflict with the law. The Penal Code sets the age for criminal liability at 14 years old.

*“Whoever, at the time he committed an act, had not attained fourteen years of age, shall not be liable” (Article 59, Penal Code).*

However, the Penal Code prescribes leniency and reduced punishment for children between the ages of 14 to 17.

*“Whoever, at the time he committed an act, had attained 14 years of age but not 18 years, shall be liable if he had the capacity of understanding and of violation; but the punishment shall be reduced” (Article 60, Penal Code).*

This article is a problem for children’s rights. However, it is a matter of interpretation. Reduction may mean no jail at all.” (Chairman, Togdheer Regional Court, Interview on 4 April 2003).

Though the Penal Code does not define a child *per se*, it has been inferred to mean that a child is every human being below the age of 14 years, basing on criminal liability. Others have argued that even if a definition of a child is set, this will have minimal impact on the rights of the child in the absence of birth registration. Decisions on a child’s age lie with doctors, parents, relatives and judges. For example, judges find it difficult to apply articles 59 and 60 of the Penal Code because the age of many juvenile offenders is unknown. It is feared that children have received grievous punishments, including death penalties as a result.

### ***2.2.2 Somaliland Constitution and the rights of the child***

The Constitution of the Republic of Somaliland does not contain specific clauses on the concept of the best interests of the child. In fact, apart from the mention of “youth” (Article 15), “the young” (Article 15.8) and “the welfare of the family” (Article 36.4), children are not specifically named in the constitution. However, the articles are of general application and are therefore relevant for children.

The Constitution states that “all citizens of Somaliland shall enjoy equal rights and obligations before the law” and that “foreigners lawfully resident in Somaliland shall enjoy rights and obligations before the law equal to those enjoyed by citizens” (Article 8.1 & 8.3). Moreover, the Constitution stipulates that the Republic of Somaliland recognises the United Nations Charter, international law and the Universal Declaration of Human Rights. The above is conducive for the realisation of children’s rights. However, specific policies on children’s rights extending the above commitments are clearly needed.

The Constitution of the Republic of Somaliland affirms “the equal rights and obligations before the law” of all citizens without discrimination on the basis of “colour, clan, birth, language, gender, property, status or opinion” (Article 8.1). The Constitution also directly prohibits discrimination on the grounds of “ethnicity, clan affiliation, birth and residence.” Furthermore, it obliges the nation to eradicate “long lasting bad practices” with this regard. The Constitution, therefore, protects the rights of all children with Somaliland nationality from discrimination, including those from cultural minority groups (Article 8.2).

With regard to refugees, IDPs (mostly from southern Somalia) and economic migrant children (mostly from southern Somalia and Ethiopia), the Constitution affords them equal rights and obligations before the law, equal to those enjoyed by citizens. However, they must be legal residents in Somaliland. Moreover, political rights are reserved for citizens, which means that foreigners above 16 years do not have electoral rights (Article 8.3).

## Provisions on political asylum

*“Any foreigner who enters the country lawfully or is lawfully in the country and who requests political asylum may be accorded asylum if he fulfils the conditions set out in the law governing asylum” (Article 35.1).*

Since the Republic of Somaliland has declared itself “a sovereign and independent country” (Article 1.1, Constitution), it recognises persons fleeing from Southern Somalia or Puntland as refugees. This is in direct contradiction to the international community and its agencies that have not yet recognised Somaliland’s independence. People from Southern Somalia are therefore, considered as IDPs by international definition, as they have fled from their homes as a result of “armed conflict, situations of generalised violence, violations of human rights, natural or human made disasters, and who have not crossed an internationally recognised State border” (Definition in the Guiding Principles on Internal Displacement).

The Constitution also guarantees the rights of citizens and legal residents to freedom of movement:

1. Every person who is a citizen or lawfully resident in the country shall be free to move to or settle at any place of his choice, or leave or return to the country at will.
2. The matters (rights) set out in Clause 1 of this Article are subject to any law which forbids the movement to or settlement at specific places or during specific times (Article 23:1 and 2).

The Constitution specifically remarks on “just and equitable” action against economic exclusion:

*“In order to ensure that the economic system does not lead to the exclusive enrichment of a group or a small section of the public, and to avoid (both) the creation of economic classes consisting of those who are prosperous and those who are not, and the widening of the economic gulf between the urban and rural communities, the State shall ensure that social benefits and economic opportunities are provided in a just and equitable manner” (Article 11:2, Constitution).*

## Gender equality

The girl child is not specifically mentioned in the Constitution of the Republic of Somaliland. However, children in general are also not specifically mentioned except for Article 15 which uses the terms “youth” and the “young.” Article 36,

on ‘the rights of women’ can, therefore, be understood to apply to girls. It states as follows:

1. The rights, freedoms and duties laid down in the Constitution are to be enjoyed equally by men and women save for matters which are specifically ordained in Islamic Shari’a.
2. The Government shall encourage, and shall legislate for, the right of women to be free of practices which are contrary to Shari’a and which are harmful to their person and dignity.
3. Women have the right to own, manage, oversee, trade in, or pass on property in accordance with the law.
4. In order to raise the level of education and income of women, and also the welfare of the family, women shall have the right to have education in home economics and to have vocational, special skills and adult education schools opened for them.

In Article 36, clause 1 specifically stipulates that the rights contained in the Constitution “are to be enjoyed equally by men and women...save for matters that are specifically ordained in Islamic Shari’a.” This means that women’s rights granted through the Constitution are subject to Islamic Shari’a, highlighting the necessity for a full and wide understanding of the Qur’an and Hadith on the issue, and there is no provision in Somaliland’s codified laws for marriage, divorce, early and forced marriage, FGM or other forms of violence against girls and women.

## **Right to life, survival and development**

The Constitution of the Republic of Somaliland guarantees the fundamental right to life:

*“Human life is the gift of Allah and is beyond price. Every person has the right to life, and shall only be deprived of life if convicted in a court of an offence in which the sentence laid down by law is death” (Article 24.1: Constitution).*

The survival and development of the child to the maximum extent possible as envisaged in article 6 of the UNCRC are also covered by article 17 (health) and article 15 (education, youth and sports).

## **Right of life and nationality**

Article 4.1 of the Constitution of the Republic of Somaliland guarantees the rights of children with Somaliland descendants – as of the 26 June 1960 when the Somaliland British Protectorate gained independence – to acquire a nationality. However, there is no specific clause on the rights of children who are not descendent of Somalilanders to acquire nationality. However, Article 4.2 states that “the law of citizenship (law no. 22/02) determines the acquisition or loss of the citizenship of Somaliland”.

Birth registration is a fundamental means of securing children's rights under Articles 7 and 8 of the UNCRC. There is currently no policy in Somaliland ensuring a child's right to birth registration. A sophisticated birth registration system has not existed in Somaliland since the conflict. It is shown that only 2.6 per cent of children under 5 years old in the sample group were registered at birth. It is further revealed that the main reason for failing to register is that mothers do not know where to register.

## **Freedom of expression**

Article 32 of the Constitution of the Republic of Somaliland grants every citizen and legal resident the right to freedom of expression:

*“Every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way” (Article 32, Constitution).*

However, UNDP (2001) points to the arrest and detention of political opponents and limitations placed on the independence of the judiciary as violations of civil and political rights.

## **Freedom of thought, conscience and religion**

The Constitution of the Republic of Somaliland states that Islam is the basis of law and any laws that are contrary to Islamic Shari'a "shall not be valid" (Article 5.2). Ascertaining the compatibility between the UNCRC and Islamic Shari'a is, therefore, central to the realisation of children's rights to thought, conscience and religion.

The constitution guarantees freedom of belief with a reservation for Muslims; they are prohibited from following another belief as prescribed by Islamic Shari'a:

*“Every person shall have the right to freedom of belief, and shall not be compelled to adopt another belief. Islamic Shari'a does not accept that a Muslim person can renounce his belief” (Article 33, Constitution).*

As Islam is the religion of the nation, the Constitution prohibits the promotion of any religion other than Islam (Article 5.1). "Promotion" suggests elevation of other religious faiths over Islam or active conversion campaigns. There is no mention of the prohibition of private practice of other religious faiths.

## **Freedom of association and peaceful assembly**

The Constitution states the following regarding freedom of association and peaceful assembly.

1. The Constitution of the Republic of Somaliland provides for children's rights to freedom of association and to freedom of peaceful assembly as citizens. It also states that foreigners lawfully resident in Somaliland shall enjoy rights



and obligations before the law, equal to those enjoyed by citizens (Article 8.3; Article 23.1).

2. All citizens shall have the right to form, in accordance with the law, political, educational, cultural, social and occupational or employees' associations.
3. Associations with objectives which are contrary to the public interest or are secret, or military in nature or armed or are otherwise against the law, whatever their outward appearance might be, are prohibited (Article 23.2 & 3, Constitution).

## **Freedom of public demonstration**

*“Every citizen shall have the freedom, in accordance with the law, to organise or participate in any peaceful assembly or demonstration” (Article 32.2).*

Young people, 16 years old and over, were very much active in the last local council, parliamentary and presidential elections in Somaliland. It was noted that under-age voting was a problem during the elections. It was reported that the political opinions within families were not necessarily uniform, with fathers, mothers and youths often voting for different parties. Young people's support and participation in political parties was evident during the elections as well as their participation in celebrations and demonstrations. However, political parties were prohibited from campaigning in schools as it was not deemed to be in the best interests of the child.

However, the right to freedom of association and peaceful assembly has not been unfettered in Somaliland. In August 2000, the government created a 'National Security Committee', by decree with powers to suspend habeas corpus, ban public rallies, restrict the movement of people considered detrimental to public order, and detain people without charge for up to 90 days. This decree has been used to illegally detain thousands of people in matters not constituting breaches in the Penal Code.

## **Children and corporal punishment**

Corporal punishment is an entrenched aspect of Somaliland culture. The Penal Code regulates crimes of the disciplinary measures abuse under Article 431 and 432. These are stated as follows:

- 431.1: Whoever violates a correctional or disciplinary measure causes harm for a person under his responsibility or entrusted for reason of education, guidance treatment or care will be punished....
- 431.2 : Where the act constitutes an injury, the punishment prescribed in Article 440 of the Penal Code will apply, reduced to one third and where death occurred the punishment will be raised to 8 years of imprisonment.

432.1: Who is not a part from previous article a comports in malpractice way in the members of family or person under 14 years of age or person under his responsibility or person entrusted for education purpose or directing or treatment or care or practice of skills or technical will punished...; 432.2- where the act caused a dangerous harm the punishment is...and where death caused the punishment is ...”

## **Children and family environment**

The Constitution of Somaliland does not contain clauses directly addressing family environment and alternative care as raised in the UNCRC and Islamic Shari’a. The Constitution does, however, make a link between women’s education and the welfare of the family:

*“In order to raise the level of education and income of women, and also the welfare of the family, women shall have the right to have education in home economics and to have opened for them vocational, special skills and adult education schools” (Article 36:4, Constitution).*

## **Sanctity of the home**

“The home and other dwellings shall be inviolable, and their surveillance, search and entry shall not be allowed without a reasoned order from a judge. Any such order must be read properly to the proprietor or occupier before entry is effected. It is prohibited for any person carrying out a search to contravene the order of the judge” [Article 29].

### **2.2.3 Islamic law**

Parental guidance is a religious obligation in Islam, and cannot be taken lightly as can be exemplified by the following Hadith of the Prophet Muhammad (PBUH):

*“If anyone of you disciplines his child, it is better than to give alms every day”(quoted at p. 51, Child Care in Islam).*

*“Honour your children and teach them manners.” (ibid)*

*“Love your children and be merciful to them. If you promise them, fulfil your promise for they expect you to cater for them. Be responsible for your children.”*

Parents are cautioned not to neglect their children, or to expect others to care for them as this would confuse them and possibly expose them to danger (Ali & Jamil, 1994).

Under Islam, every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral, and social development (See Holy Koran: Surah 17:31 Bani Isra’il and Surah 2:233 Al Baqarah). In case of separation/divorce of the parents, custody of a male child (up to the age of 7)



and of puberty (in case of a female child) rests with the mother. The father is obliged to maintain his children during their stay with the mother. No one can remove the child from the custody of his/her parents unless circumstances force such an action, i.e. arrest/detention of parent(s), etc (Ali & Jamil, 1994).

## **Education and the child**

The value of education is emphasised in the Somaliland Constitution, Islamic Shari'a, and customary law. The country has a long tradition of informal education as well as Koranic education, with formal and non-formal education being relatively new concepts within the wider historical timeline. Existing standards are clear on the duties of the State to ensure education for all. Moreover, Islamic Shar'ia and traditional culture offer opportunities for promotion of the importance of education within communities. The child has a right to education, and the State's duties are to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child and to ensure higher education to all on the basis of capacity. School discipline shall be consistent with the child's rights and dignity. The State shall engage in international co-operation to implement this right.

The Constitution prioritises the dissemination of knowledge, free primary education (Articles 15.5; 5.7), as well as the eradication of illiteracy (Article 15.6). It stipulates that education is the most appropriate investment that can play a major role in political, economic and social development (Article 15.1, Constitution). However, the fact that government resources allocated to the education sector and other social services is minimal is of concern with regard to implementation of these obligations (UNDP, 2001).

## **Islamic Shari'a Law on education**

The foundation of Islam is laid on the acquisition of knowledge, which is a religious right and obligation onto every man, woman, boy or girl. A Muslim must strive to learn from "the cradle to the grave". Education not only includes literacy but also physical, mental, moral and social development of human beings (Ali & Jamil, 1994).

The Prophet Mohammed (PBUH) was illiterate until the very first revelation which began:

*Read: In the name of the Lord who created man from a blood clot.*

*Read: And the Lord is the most bounteous, who taught by the pen, taught man that which he knew not" (Holy Koran: Surah 92:1 - 5 Al-'Alaq).*

The following Hadith also supports the importance attached to education within the Islamic tradition:

*“Educate your children for they are born for a time that is not yours”.*  
*“Seek knowledge even if you have to go to China.”*  
*“Seek knowledge from the cradle to the grave.”*  
*“To seek knowledge is obligatory for every Muslim male and female.”*  
*“Education is seen as a sign of enlightenment”.*

Other Koranic verses on education include:

*“God, the most Gracious!*  
*It is He who has taught The Kor’an.*  
*He has created man.*  
*He has taught him speech (and intelligence)”*  
*[Holy Koran, Surah 55:1-4 Al-Rahman].*

Islam teaches that human beings are superior to angels and all other creations because they are more intelligent and knowledgeable – with free will to choose right from wrong.

And He taught Adam all the names, then showed them to the angels, saying, “Inform me of the names of these if ye are truthful.”

They said, “Be glorified! We have no knowledge saying that which Thou hast taught us. Lo! Thou, only Thou, art the Knower, the Wise.”

Informal education – all that which is learned from everyday experience and the transfer of knowledge, skills and attitudes through traditional culture, families, communities and the media – is the first education system available to the majority of Somali children (UNHCR & ISCA, 2001). Traditionally, this includes songs, poetry, nursery rhymes, folklore and story-telling as well as acquiring skills from parents and other relatives, including vocational skills such as pastoralism and agriculture.

In Somaliland, most early childhood education comes in the form of Koranic education, which has long existed and serves as the pre-phase of the formal school years. UNICEF (1996) reports that while only 17 per cent of primary age school children were enrolled in primary schools, 59 per cent of children from 4–10 years of age were enrolled in Koranic schools (43% of them are girls). It is also reported that nomads – the majority of the population – often have mobile Koranic teachers to ensure their children have access to Koranic education (Situational analysis of children in Somaliland, 2003).

## ***2.2.4 Government strategies and policies***

The Somaliland Ministry of Education, Youth and Sports presented the following goals and objectives in the National Education Policy of 1999:

**Goal:** The education system must be based on the values and principles of Islam as well as on the need for all individuals to realize their full potential in life in the context of Islam...it will foster the principle that every Somaliland child has the right to basic education.

**Objective:** To improve access to and quality of primary education and that children of both genders, mixed ability and different economic groups have increased and equal access to appropriate, participatory and affordable education in schools managed by the community.

The Ministry argued that Somaliland is committed to developing a system of education that addresses the needs of all its citizens but acknowledges that in order to achieve this, priority must be firmly fixed on the development and establishment of the primary education system. The National Education Policy identifies eight types of education that they consider will eventually make up the Somaliland system of education:

- Early Childhood Education
- Primary Education
- Secondary Education
- Special Education
- Technical Education / Technical Colleges
- Non-Formal Education
- Vocational Education
- Private Education

## **Children affected by armed conflict**

Although problems exist with the Somaliland legal system due to conflicting interpretations and interchangeable and contradictory uses, a comparative analysis of the UNCRC, the Constitution of the Republic of Somaliland, Islamic Shari'a and customary law clearly indicate that under existing standards in Somaliland, children have the right to be protected against armed conflict. Furthermore, children, particularly refugees and IDPs, should have adequate protection and humanitarian assistance during armed conflict, and should not be recruited or allowed to participate in armed forces of any type. Moreover, children who are victims of armed conflict have the right to appropriate psychological recovery and social reintegration. Fundamentally, children affected by situations of armed conflict have the right to survival and development, have their best interests being of primary consideration, non-discrimination, gender equality and participating in matters concerning them. These principles are largely shared by all three legal systems and the UNCRC, apart from the latter two principles, which are not as yet firmly placed in customary law.

### ***2.2.5 Constitution of the Republic of Somaliland and other relevant codified laws***

#### *Refugee children*

With regard to refugees, IDPs and legal economic migrants, the Constitution affords them equal rights and obligations with the exception of electoral rights (Article 8.3). The Constitution also contains provisions on political asylum (Article 35.1) and freedom of movement.

## *Armed conflict*

The Constitution states that, with regard to the care and protection of children who are affected by armed conflict:

*“The State shall undertake relief in disasters such as famine, storms, epidemics, earthquakes, and war” (Article, 18).*

*“Every person shall have the right to security of his person. Physical punishment and any other injury to the person is prohibited” (Article 24.2).*

*“Crimes against human rights such as torture, extra-judicial killings, mutilation and other similar acts shall have no limitation periods” (Article 24.4).*

However, there are no measures in Somaliland’s laws prohibiting children’s involvement in armed conflict or recruitment into the armed forces. Apart from Article 18 of the Constitution quoted above, there are no specific provisions on appropriate treatment for the recovery and social reintegration of victims of armed conflict, torture, neglect, maltreatment or exploitation.

Islam has a strong precedent and detailed obligations and rules on the treatment of refugees and IDPs established when the Prophet Muhammad and His followers migrated (or were internally displaced) to Medina to escape repression at the hands of the Meccans. Many Koranic verses can be applied for the protection of refugees, IDPs and even economic migrant children:

*“And serve Allah. Ascribe nothing as partner unto Him. Show kindness unto parents, and unto near kindred, and orphans, and the needy, and unto neighbours who are of kin (unto you) and the neighbour who is not of kin, and the fellow-traveller and the wayfarer and (the slaves) whom your right hands possess. Lo! Allah loveth not such as are proud and boastful” (Holy Qur’an: Surah 4:36 Al-Nisa).*

*“Give the kinsman his due, and the needy, and the wayfarer, and squander not (thy wealth) in wantonness” [Holy Qur’an: Surah 17:26 Bani Isra’il].*

*“So give what is due to kindred, the needy, and the wayfarer: That is best for those who seek the Countenance of Allah, and it is they who will prosper” (Verse 30:38 Al-Rum).*

Ibn Umar gave a Hadith of the Prophet Mohammed (PBUH) on the age of recruitment into the armed forces/hostilities:

*“The Messenger of Allah (may peace be upon him) inspected me on the battlefield on the Day of Uhud, and I was fourteen years old. He did not allow me [to take part in the fight]. He inspected me on the Day of Khandaq – and I was fifteen years old, and he permitted*

*me [to fight]” (Translation of Sahih Muslim, chapter DCCLXXV: p.1040).*

This corresponds with Article 38 of the UNCRC, which states that children under 15 years old should not have direct part in armed conflict or be recruited into the armed forces. However, it does not correspond with the Optional Protocol, which states that this age should be 18 years. However, there is some ambiguity in Islam regarding the age of majority depending on the Shari’a schools of thought (see definition of a child).

Islam also has well established precedence on child protection during armed conflict as can be exemplified by the following Hadith of the Prophet Muhammad:

*“It is narrated by Ibd Umar that a woman was found killed in one of these battles (fought by the Messenger of Allah, may peace be upon him); so he forbade the killing of women and children” (Sahih Muslim, Chapter DCCX. P 946).*

### *Rehabilitative care*

The Koranic verses quoted in this chapter regarding the provision of care and protection for those in difficult circumstances and kindness and fair treatment of children support Article 39 of the UNCRC regarding the provision of rehabilitative care for child victims of armed conflicts, torture, neglect, maltreatment or exploitation.

### *Islamic Shari’a*

The Constitution, adopted in May 2001 stipulates that the only laws applicable are those that do not contradict Islamic Shari’a. The courts mostly use Shari’a law for family law, although Shari’a law is sometimes used to regulate criminal cases. The use of Shari’a law in Somaliland mostly involves the levy of fines on offenders.

Among other rights, this law includes stringent requirements regarding witnesses in any case presented before a court of law; affording due process and a fair trial to accused persons of a criminal offence; and conviction and punishment of offenders based on proof and established beyond reasonable doubt. In addition, the Koran and Hadith are rich in the virtue of mercy and forgiveness.

A very important aspect of Islamic Shari’a that needs to be highlighted here is that even when an offence is deplored, condemned and punishment prescribed, Koranic verses and Hadith of the Prophet Muhammad (PBUH) will exhort and recommend mercy, pity and forgiveness. This means that the system of Islamic justice is not devoid of leniency and maintaining of human dignity of offenders/law breakers (Ali & Jamil, 1994:129).

This study has confirmed that child protection is a concept embodied in Islamic Shari'a and this extends to children in conflict with the law and/or social norms. Special attention should be paid to appropriate treatment for their recovery and social reintegration.

### ***Traditional values (caado), codes of social conduct (dhagaan), and customary laws (Xeer soomaali)***

Xeer Soomali contains a set of standards on the conduct of war, which are in many ways similar to international human rights standards. In war, for example, children have absolute right to protection along with women, the elderly, the ill, and those who seek protection after losing in battle. Traditionally, Somalis consider it an act of hostility if a child or an adult under one's protection is harmed or killed (See ICRC pamphlet, *Spared from the Spear*, on people immune from attack in war situations compiled by the Somali Delegation of ICRC).

*"Each community bestows high regard to their traditions. To us, taking away our protégé is like being killed by decapitation" (Giama, 2000).*

*"People do not harm them. Traditional law protects child prisoners of war and they are treated differently from the adults; he or she is not killed. It is a general principle in traditional law not to hurt children so that your child may not be hurt" (Elder, Berbera, Shail Region, 18 February 2003).*

It is argued that in the absence of an alternative legal system, there was a reversion to customary law. Traditional methods of conflict management and resolution contained crime and violence and resulted in peace and stability in Somaliland (UNDP, 2001).

### ***Administration of juvenile justice***

Criminal conduct, including that of involving minors is considered as a communal clan responsibility and is resolved through systems of restitution based on consensus. Community responsibility includes practices of kinship protection within diya-paying groups (blood compensation) and mutual obligations between these groups for the payment and receipt of 'diya.' Diya applies for murder, and mortality caused by negligence, accidents and self-defence. Theft, banditry, destruction of property, assault and cases of injuries (qaan) and moral damages (haal), are usually resolved by elders or clan elders in the case of inter-clan disputes. They resolve the cases by deciding on the value of damages (haq). In the case of rape, the girl or woman is made to marry the rapist and restitution is also agreed. Xeer is so powerful in society that if a case reaches the State Courts, it is dismissed if an agreement has been reached through customary law (Chairman of the Regional Court Interview, Togdheer, 18 March 2003).

According to traditional law, a child is any person under the age of 15 years although the special position of young people in their teens is recognised, depending on interpretation. Children in conflict with the law do not have to



answer for their crimes or attend traditional court sessions. Instead, customary law holds parents or close relatives directly responsible for the actions of children. However, those over the age of majority are held accountable; boys have to attend the traditional court while girls are not required to but are represented by male kin.

### ***Children in the system of administration of juvenile justice***

The Constitution does not contain specific provisions on the system of administration of juvenile justice (general provisions apply to both adults and children). There is, therefore, no mention on the “the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the Penal Code” as stipulated in Article 40(3) of the UNCRC.

The Constitution, however, does guarantee children to be presumed “innocent until proven guilty in court” (Article 26.3, Constitution). It also guarantees the rights of persons deprived of their liberty, including:

1. Any person who is deprived of his/her liberty has a right to meet as soon as possible his legal representative, relative or any other persons he asks for.
2. Any person who is deprived of his/her liberty because of alleged criminal offences shall have the right to be brought before a court within 48 hours of his arrest.
3. No person shall be compelled to give a confession, a witness statement or testimony under oath. Any such matters (evidence) obtained under duress shall be void.
4. No person shall be detained in a place which is not determined by law.
5. The law shall lay down the maximum period in which a person can be detained in custody pending investigations.
6. Any accused person who is convicted by a court shall have the right to appeal to a higher court.
7. When a person is detained in custody or his detention is extended, he shall have the right to have his status communicated to any person he so chooses.
8. Prisons are for reform and correction. The State is responsible for the rehabilitation and skills training of prisoners so that they can return to society with reformed characters.
9. The punishment for the infringement of Clauses 1 to 7 of this Article shall be determined by law.

Notice that the clauses on detention have no mention of separation of children and adults or alternatives to institutionalization as stipulated by articles 40(4) and 37 of the UNCRC.

In a different article, the Constitution clearly stipulates that:

*“Every person shall have the right to security of his person. Physical punishment and any other injury to the person is prohibited” (Article 24.2, Constitution).*

This article as well as all those on the rights of citizens and legal residents also applies to children involved with the system of administration of juvenile justice.

*“Article 60 states that if the child is above 14 years old and under 18 years old, you can ask about his or her responsibility for the crime. However, you will decrease or minimize their sentence. This article is a problem for children’s rights. However, it is a matter of interpretation; reduction can mean no jail at all” (Chairman of the Regional Court Interview, Togdheer, 4 April 2003).*

### *Child labour*

Child labour can be defined in its broader sense as full or part-time activities children undertake to contribute to their own or family economy. This includes both paid and unpaid work, inside or outside the household, including home-maintenance chores undertaken by especially girls, and unpaid pastoral activities undertaken by children from nomadic families. This definition also includes children’s illicit or criminal activities such as petty theft, robbery or gang activities and prostitution, reported to be minimally prevalent mostly in urban areas of Somaliland.

Although the Constitution of Somaliland does not have specific provisions on child labour, Article 20 covers issues of “work, trade, and the welfare of employees.” Although a minimum age for employment has not been set, and children are not specifically named, the regulation of working conditions to safeguard “the young” and women from hazards is specified.

*“The conditions of work of the young and women, night working and working establishment shall be regulated by the Labour Law” (Article 20.2, Constitution).*

The Constitution promotes the rights of employees (including children) by prohibiting exploitative labour.

*“All employees have a right to payment appropriate to the work they undertake, and are free to enter into agreements with their employers on an individual or collective basis. Forced labour is prohibited” (Article 20.3, the Constitution).*

*“The State shall promote the support systems, insurance and safety of employees and shall strengthen the relevant responsible bodies” (Article 20.6, the Constitution).*

Nonetheless, specific legislation on children and work is clearly needed, especially with regard to children engaged in harmful work and the creation of alternatives. For example, one of the main strategies called for by children working on the streets and local organisations assisting them is vocational



training. Article 20.1 of the Constitution stipulates that the State shall be responsible for “the creation of work and the facilitation of skills training of employees” Article 24.2 of the Constitution also stipulates that:

*“Every person shall have the right to security of his person. Physical punishment and any other injury to the person is prohibited.”*

This can be inferred to apply to protection against harmful work, sexual violence and exploitation, sale, trafficking and abduction and any other forms of exploitation.

The right to be protected from harmful labour that threatens a child’s health or education is an important Islamic principle. Parents, guardians, relatives, the community at large and the Islamic State are responsible for the care and protection of children. The concept of setting a minimum age for employment is accepted in Islam as can be supported by the following Hadith of the Prophet Muhammad (PBUH) narrated by Ibn Umar:

*“The Messenger of Allah (may peace be upon him) inspected me on the battlefield on the Day of Uhud, and I was fourteen years old. He did not allow me [to take part in the fight]. He inspected me on the Day of Khandaq – and I was fifteen years old, and he permitted me [to fight]” (Translation of Sahih Muslim, chapter DCCLXXV: p.1040).*

The ending of the above Surah suggests that survivors of sexual violence are acceptable in society. They should be treated fairly.

Article 35 of the UNCRC on the sale, trafficking and abduction of children is compatible with Islamic Shari’a in line with the concept of the best interests of the child, which is enshrined in the Islamic tradition. Article 36 of the UNCRC on protection against all forms of exploitation is also compatible with Islamic Shari’a in line with the principle of the best interests of the child.

### *Sexual violence*

According to the World Report on Violence and Health, sexual violence is any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work (WHO Fact Sheet, June 6, 2003).

Article 24.2 of the Constitution of Somaliland stipulates that every person shall have the right to security of his person. Physical punishment and any other injury to the person is prohibited. This can be inferred to apply to sexual violence and exploitation, sale, trafficking and abduction and any other forms of exploitation. There is no specific legislation, policy or programme of action to uphold standards on sexual exploitation and abuse against children or adults.

Sexual violence is a major crime under customary law and sometimes considered “even more critical than killing of people.” It is considered a violation against and a dishonour of the clan as a whole. A man who rapes a woman has to pay compensation (xaal) and marry the girl. This is considered to be in the victim’s best interests. Sexual violence is more common against girls than boys in Somali culture.

## **2.3 Interventions on Violence against Children in Somaliland**

### ***2.3.1 Research interventions***

The bulk of the studies carried out in Somaliland in relation to situations of children were spearheaded by UNICEF and Save the Children (UK) in mid 2003. No other comprehensive study has been carried out in the recent past. Research interventions on issues of child rights/protection are dominated by international agencies, with local NGOs and Community-Based Organisations (CBOs) taking a passive role in terms of shaping the objectives of such interventions.

### ***2.3.2 Legal and policy interventions***

#### *Merger of the three legal systems*

The United Nation’s Development Programme’s (UNDP) civil protection programme and the Ministry of Justice of the Republic of Somaliland have been taking a lead role in the process of merging the three legal systems. This process was suggested to involve other actors such as the UN, religious leaders through the house of elders, women’s organisations, Ministry of Education, Ministry of Family and Social Protection, and child rights agencies. There is no documented information available to show the progress this process has made.

### ***2.3.3 Financial and programmatic interventions***

There are efforts by UN agencies, international and local NGOs, and CBOs towards child protection. However, there is scanty information regarding what various organisations were doing other than what is indicated below:

#### *(a) Children’s homes*

There are various institutions that are supporting children’s homes in Somaliland through financial and programme support. These include Aharamyn Islamic Foundation, Islamic Relief Committee, Handicap International, Hope Worldwide, Save the Children Denmark, United Nations High Commission for Refugees (UNHCR), UNICEF and World Food Programme (WFP).

*(b) Street children programme*

The Horn of Africa Voluntary Youth Committee (HAVOYOCO), an NGO in Somaliland has a rehabilitation programme for street children. It supports them through formal and non-formal education. This intervention aims at preparing the children to fit in the job market once they become of age. There is no information on any other organisations that support street children in Somaliland.

*(c) Child labour*

There are no specific interventions on child labour by any actor in Somaliland other than the efforts made by various support groups, the government and local organisations to access quality formal and non-formal education. However, this effort is hampered by the fact that many children in Somaliland do not have access to quality formal and non-formal education. Therefore, work, whether paid or unpaid, remains a necessity.

*(d) Gender equality*

Nagaad Women Umbrella Organisation in Somaliland is a local organisation that seeks to influence the development of a national framework for gender development in Somaliland. It also aims at increasing human rights skills and knowledge among various institutions with a view to promoting gender equality at the grassroots. These interventions are carried out through lobbying, advocacy and capacity building.

*(e) Children with disability*

There is no specialist public healthcare service provision in Somaliland for physically or mentally disabled children. However, Disability Action Network, a community-based rehabilitation programme sponsored by the EU and Handicap International, provide treatment therapies such as physiotherapy, limb prosthesis and psychometric testing for children and adults in Hargeisa and Galbeed regions. Non-residential education, vocational training, recreation, family visits, counselling and healthcare for children with special needs are offered by the Hargeisa School for Special needs, managed by International Aid Service (IAS) with financial support from the EU, Ministry of Education, local community and parents. A community-sponsored school for the deaf is also available in Borama, Awdal region.

# Research Methodology

The baseline study utilised a mixed-methods approach, balancing between quantitative and qualitative research. Aspects of quantitative research were crucial in collecting statistical data and ensuring a sizeable sample. On the other hand, qualitative methods provided deeper insights into the phenomenon.

### 3.1 Methods of Data Collection

The study utilised a combination of three methods: questionnaires, key informant interviews and focus group discussions.

The questionnaires were translated into Somali language, and administered to literate samples, including school children, teachers and community members. Where the informants could not write, the enumerators administered the questionnaire. This method was appropriate because informants could be assured of confidentiality (anonymity), and a large sample could be included in the study. However, the method would not be appropriate for illiterate informants.

The interviews targeted key informants, including religious leaders, government officials and persons working with local and international agencies. The interview utilised an interview guide and sought in-depth data on the prevalence, forms, perpetrators and interventional perspectives.

Focus group discussions were crucial in the provision of in-depth insights on experiences and perceptions of violence by children. The method targeted children in primary, secondary and vocational training schools. The composition of children in focus group discussions considered a balance between mixed-gender and single-gender groups.

### 3.2 Sampling Techniques and Sample Size

The main informants were children aged 17 years and below, both in and out of school. The study also targeted parents and general members of the community (including those living in IDP camps), teachers, religious leaders, government officials under the Ministry of Justice, and local and international NGOs and agencies.

The government of Somaliland has six regions: Waqoyi Galbed, whose capital is Hargeisa; Toogdheer, whose capital is Burao; Sahil, whose capital is Berbera; Awdal, whose capital is Borama; Sannag, whose capital is Erigavo, and Sool, whose capital is Las Anod.

The study took place in three regions: Hargeisa, since this region has the largest number of IDPs, and also most NGOs and all government Ministries are based in this capital; Toogdheer, since literature has established that Burao

is host to the greatest number of street children and; Awdal because it has the highest prevalence of early marriages, and also experiences most foreign influence, especially from Ethiopia.

### 3.3 Profile of Respondents

The study had 316 respondents in total. Of them, 304 filled in the violence against children questionnaires, while the rest participated through interviews and focus group discussions. Table 3.1 presents the distribution of the 304 respondents across the three regions:

**Table 3.1: Distribution of respondents**

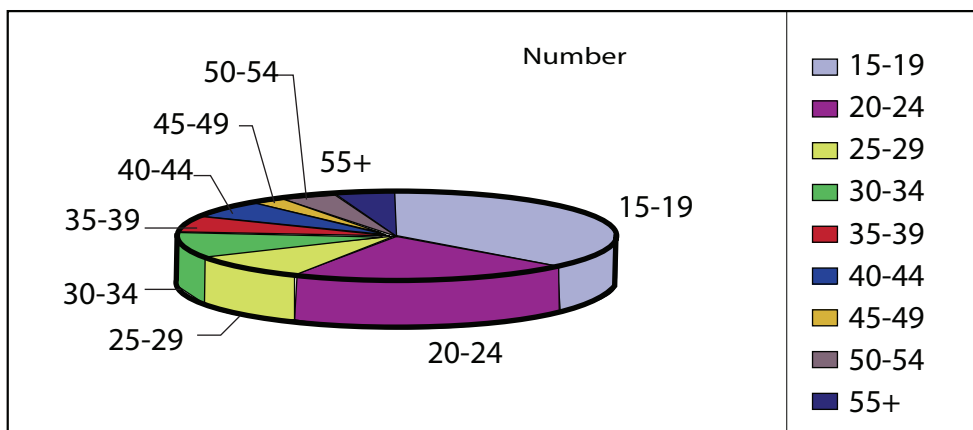
Region	Male	Female	Total
Hargeisa	74	47	121
Toogdheer	40	61	101
Awdal	41	41	82
<b>Total</b>	<b>155</b>	<b>149</b>	<b>304</b>

The demographics of the respondents are given below:

#### (a) Age

The study targeted mainly children and youth, with over 58 per cent of the informants aged below 25 years, and about 38 per cent of them aged below 18 years. Thirty (30) per cent were aged above 45 years. Figure 3.1 summarises the ages of the respondents.

**Figure 3.1: Age of respondents**



## **(b) Occupation**

From the total respondents in the study, 48 per cent were children in school, while 28 per cent were unemployed persons (mostly housewives). In addition, 14 per cent of the respondents were self-employed, while only 10 per cent were in formal employment.

## **(c) Level of education**

Twenty-six (26) per cent of the study respondents, majority of whom were from Toogdheer, had never been to school. Another 11 per cent had academic qualifications of up to grade 4, twenty-two (22) per cent up to grade 8, thirty-one (31) per cent up to Form 4, while 11 per cent had tertiary qualifications. By far, informants in Hargeisa presented higher levels of academic qualification in relation to other regions.

The qualitative study involved 12 persons, consisting of teachers, religious leaders, government officials and officers working for NGOs.

### Research Findings

This section presents the findings of the study. The main questions answered include:

- (a) What are the perceptions and levels of knowledge on violence against children among respondents?
- (b) Do the participants know any child victim of violence, and their violators?
- (c) What are the hidden forms of violence that children may be experiencing?
- (d) Which category of children mostly faces violence?
- (e) What are the geographical and socio-cultural factors influencing violence against children?
- (f) To what extent are the informants aware of the laws protecting children?
- (g) Do the informants access information on violence against children, and through which channels?
- (h) What is being done to curb violence against children in Somaliland?
- (i) What do people think should be done to enhance child protection in the country?

#### 4.1 Knowledge and Perceptions on Violence Against Children

To establish the occurrence of violence against children in the communities, several questions were asked on whether the respondents knew any children who had faced violence, on whether the informants were aware of any hidden forms of violence, and the children who mostly faced violence (based on age, gender and special needs), the geographical and socio-cultural factors influencing violence and, lastly, on awareness of Somaliland laws protecting children.

##### 4.1.1 Knowledge on violated children and violators

To investigate this aspect, informants were asked if they had known any child who was a victim of violence in their locality. Table 4.1 presents the findings in the three regions.

**Table 4.1: Knowledge of child victim of violence**

Region	Yes (%)	No (%)	Total
Hargeisa	42.6	57.4	100
Toogdheer	37.5	62.5	100
Awdal	42	58	100
<b>Total</b>	<b>40.7</b>	<b>59.3</b>	<b>100</b>

From the findings, about 41 per cent of the respondents reported to have known a child in their locality who had been a victim of violence. This proportion was stable in the three regions. However, about 63 per cent of respondents in Toogdheer said that they did not know of any children who were victims of violence. From the research, there was higher tendency to shun questions in Toogdheer than in any other region. It is, therefore, estimated that the actual proportion of persons who knew of abused children could be much higher in this region.

Generally, school children reported knowledge of violence more than any other category of respondents. The most cited forms of violence were injustices against street children, child labour, and torture within the juvenile justice system (especially the police).

An experience in Awdal indicates that the most common form of violence was imprisonment of children, followed by child abandonment. Even though the cases reported were relatively few (9), Awdal presented the highest incidences of rape among the three regions, and this was said to be on the increase. Some respondents unexpectedly (citing word of informants) claimed that, men raping boys was a phenomenon that seemed to be slowly emerging as a form of violence against male children. Table 4.2 presents the cases of violence against children, as recorded by the Awdal Youth Development Association in 2007.

**Table 4.2: Cases of violence against children in Awdal, 2007**

Type of violence	No. of cases	Boys	Girls	Age range
Rape	8	1	7	7-18 yrs
Thrown babies	12	6	6	1-6 days
Children in prison	36	31	5	12-18 yrs
Abandoned children	31	–	–	9-18 yrs
Child torture	25	5	20	8-17 yrs
Children using drugs	10	3	7	7-18 yrs
<b>TOTAL</b>	<b>122</b>	–	–	

*Source: AYODA, Borama, February 2008.*

#### **4.1.2 Violators of children**

Following up on the above question, informants who confirmed knowing child victims of violence were asked whether they knew the violators of the child(ren). From this proportion, 63 per cent said that they knew the violator, while 37 per cent said that they did not know the violators. Ninety-two 92 per cent of the respondents in Toogdheer said that they knew the violators.



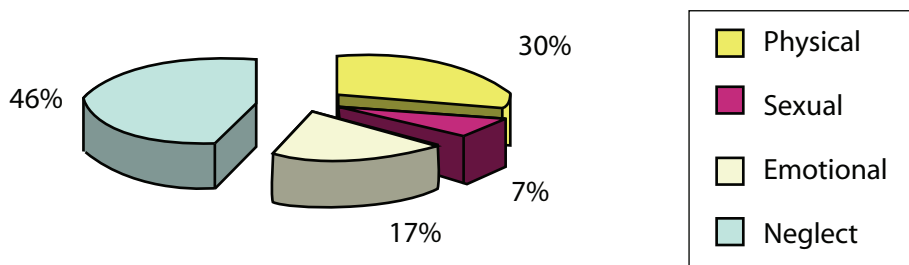
Parents constitute the highest proportion of violators at 41%, followed by neighbours 16%. Other violators constitute of siblings (12%), teachers (11%), other relatives (9%) and government personnel (6%). From these findings, it shows that majority of the violators (about 90%) are close acquaintances to the child: parents, guardians, siblings, relatives, teachers and neighbours. Findings indicate that only less than 4 per cent of the violence is meted by complete strangers.

In discussing violators, children who were doubtful on the motives of this study, seemed cautious in implicating their parents and neighbours. Underlining the role of teachers in abusing children, a manager of a children’s programme stated that, “we know of six cases in Sahil region where teachers have injured and broken limbs of children”.

### 4.2 Hidden Forms of Violence

To investigate the hidden forms of violence, respondents were asked to mention the most common forms of hidden violence. Figure 4.2 presents the proportion of hidden forms of violence.

**Figure 4.2: Hidden forms of violence**



Neglect emerged as the most common form of violence. Other forms of hidden violence mentioned included physical, emotional and sexual abuse. Confirming the high prevalence of abandonment and neglect, the Deputy Attorney General of the Sanaag region (region not included in the study) observed that the rates at which young babies were being abandoned by young mothers on the streets of Erigavo (the capital) was high. Mostly, this was done by young girls coming from far-off towns of Hargeisa, Burao and others. They were attracted to the town of Erigavo by the anonymity, and would escape and go back as soon as they had given birth and dumped the babies.<sup>1</sup> In 2007 alone, 80 babies were collected on the streets in Erigavo, 20 of them alive, 60 dead. Abandonment of babies soon after birth was also reported in Hargeisa, Burao and Borama.

The prevalence of hidden forms of violence was mostly reported in Hargeisa. In this region, school children singled out physical violence at home as an ‘untold story’. Recalling being beaten at home, a 10-year old boy in Hargeisa narrated:

<sup>1</sup> These are girls who get pregnant before getting married, hence fear the stigma and dejection from the community. From the interviews, the cast babies were often referred to as ‘illegitimate babies’.

*“When my father left us, my mother was very depressed and very irritable. So she would beat us hard and it would hurt for days. After that, we would beg our mother to stop beating us. Now she has stopped, and we are very happy at home.”*

Although physical abuse at home was rampant, a big proportion of children did not consider beating at home as violence, and most declined to discuss this issue openly. Children also decried bullying by older children in school as another prevalent hidden form of violence. Fearing consequences of reporting, younger children narrated their story of suffering quietly. Corporal punishment, in even its extreme forms, was another form of violence that went unreported. Other children reported harsh punishment in the Qu’ran schools, which ‘no one would dare report or discuss’. Generally, despite these forms of violence, children widely approved of beating by teachers and parents as a way of disciplining them.

### **4.3 Children Mostly Violated**

To investigate which categories of children were mostly faced with violence, respondents were asked to note the category of age they think was most victimized. They were also asked to mention the gender, and whether disability (special needs) influenced incidence of violence against children.

From the findings, children aged 6-10 years were most likely to face violence, followed by those aged under five years. After 10 years, the likelihood of violence decreases with age.

Concerning gender, boys (with 56% chance) were more likely to face violence than girls. Explaining this, children noted that in the Somali culture, boys are more outgoing and actively involved in the community than girls, and hence they are more pre-disposed to violence. Their extroverted nature makes them more susceptible to physical harassment, as opposed to the reserved character of girls.

On children with or without special needs, the study findings indicate that a majority of children without disability are more likely to face violence than those with disability. This, it was explained, is because the Muslim culture acknowledges and accords dignity to persons with special needs. However, their treatment as objects of sympathy and mercy, rather than genuine belief in exploiting their human potential, may have lasting negative emotional impact on children with special needs.

In conclusion, therefore, boys without disability aged between 0 and 10 were most likely to face violence more than any other category of children.

### **4.4 Geographical and Socio-cultural Factors Influencing Violence**

Concerning the geographical distribution of violence against children, the study established that urban children, more than children in the rural areas, are

more predisposed to violence. However, these findings may be biased, since most respondents were living in the urban centres. Putting a case for more violence in urban centres, it was argued that the congestion and anonymity of urban centres, and the high concentration of IDPs makes urban centres a unique locus for violence. On the other hand, rural areas consisted of mainly smaller nomadic communities, who were closely knit together in a social system. However, Toogdheer was an exception in this question, and children living in the rural areas were reported to be more prone to violence than children living in Burao and other towns.

Specifically, Awdal seems to lead in cases of rape. This region also reported higher prevalence of 'an emerging phenomenon' of men raping boys, which was seen as 'not possible' in Toogdheer. One key respondent attributed prevalence of rape to the fact that Awdal is the region most exposed to foreign influence, sharing borders with Ethiopia and Djibouti.

In order of prominence, the socio-cultural factors that influence violence against children are: poverty, internal displacement and migration patterns, family stress (separation and divorce), illiteracy and ignorance, extra-marital births, chewing of khat, belonging to minority populations, FGM and HIV/Aids.

### *Poverty*

178 respondents referred to the poor standards of life among the populations in Somaliland as contributing to violence against children. This state was blamed on low fiscal production of the nation, low levels of natural resources, famine, insecurity and low levels of education, resulting into low human capital accumulation. Whether physical violence at the domestic level, rape by neighbours, or extreme punishment at school, almost all forms of violence could be linked to a low quality of life, considering material and non-material aspects.

### *Internal displacement*

The prevalence of violence in Borama and Burao towns was attributed to the high concentrations of IDPs and returnees. These populations were seen to lead poorer lives than other populations, and having constrained access to locally-available services (health, education and so on). Subsequently, the study established that most children living or working on the streets came from these populations. Thus, children of immigrant and returnee communities were viewed as most vulnerable to violence.

### *Family stress*

Family stress was seen to manifest itself in many forms, especially through divorce and separation. One respondent said that, family beating is common in divorced or separated families. In the Somali culture, children belong to the man and in cases of divorce, children are most likely to remain with the father, and put under the care of step-mothers. From the data obtained from children

and from one key respondent, children living with step-mothers constituted a special category in regard to proneness to violence.

### *Illiteracy and ignorance*

Several studies have indicated that Somaliland has one of the highest rates of illiteracy in the world. The inability to read and write goes hand in hand with limited access to information, leading to ignorance. Besides illiteracy, most populations outside Hargeisa have no access to TV, radio stations or printed materials. Consequently, most communities are stuck in retrogressive child-bearing practices and outdated notions of childhood. When parents lack access to information, they are less likely to prioritise on education for their children, and provide conditions that are pertinent to the growth and development of children. In ignorant communities, fewer children are immunized (leading to higher mortality rates), more children are out of school, and extreme forms of physical violence are likely to prevail under the guise of child disciplining. From this study, 118 respondents saw the link between ignorance and violence against children in Somaliland.

### *Extra-marital birth*

From informal discussions, respondents in this study observed that incidences of extra-marital sex are on the increase in Somaliland. Increasingly, there are cases of younger girls having sex, or married men and women having sex with non-spouses. Weighed against the strong virtue of purity and faithfulness upheld by the Islamic faith, extra-marital sex is extremely hidden. Progressively, there are cases of women getting pregnant from extra-marital sex, and this is leading to a hidden form of violence. From discussions above, this study established growing prevalence of baby abandonment in all regions of Somaliland, with worst records in Sanaag.

### *Chewing of Khat*

Many studies have interrogated the social impact of khat chewing in Somaliland. Among health aspects (impotence, mental illness), this study has established that Khat chewing significantly influences patterns of violence against children. More than 30 per cent of the respondents viewed Khat as a strong factor in violence against children. Some respondents were of the opinion that Khat intoxication yielded into various forms of aggression, most of it vested against children. Secondly, the time spent on Khat chewing led to low household productivity, citing cases of men sending their children to beg on the streets, yet they could afford their daily rations of Khat. Still, Khat chewing was seen as contributing to escalation of non-food household expenditure, and leading to a general poorer quality of child care.

### *Minority groups*

In the Somali culture, much emphasis is laid on clanism and, indeed, the government administration is itself based on the clan system. Under these

circumstances, belonging to a clan is highly valued among the populations, and the clan is someone's first identity. Subsequently, there is a certain population that does not belong to the main clans, and these are often victims of discrimination. There are four main minority groups in Somaliland: Gabooye, Midgan, Tumul and Yibro. This study established that children from these minority groups experience unique forms of violence. Due to lack of clan protection, children from minority groups are violated, and discriminated against in terms of access to social amenities. In a discussion with respondents in Hargeisa and Borama, this study established that children of minorities are special targets for rapists and other child violators, since they can always get away with it. Arguing that violence against minority children should not be downplayed, a manager of a children's organisation in Hargeisa noted that:

*“These children don't go to school, and those who do, hardly make it beyond class 6. Recently, we were looking for a person who has gone up to class 8 from the minorities in Awdal (to work in a school), but we could not get. These children constitute a special category for special protection.”*

### *Female Genital Mutilation*

A recent study on FGM in Toogdheer region by Candlelight and International Solidarity Foundation has established that there is a worrying prevalence of the worst form of genital mutilation, referred to as infibulation or Pharaonic circumcision. Over 80 per cent of girls in Somaliland are undergoing this practice. Girls undergoing infibulation may bleed excessively, undergo traumatizing pain and face the risks of HIV infection (through use of unsterilized cutting tools) and growth of cysts. However, FGM is deeply entrenched in the Somali culture and, over time, has been associated with the Islamic tradition in this country (majority of the respondents believed that genital cutting, or sunna, was divinely ordered). Therefore, the practice, harmful as it may be, is seen as integral in the society. Confirming the value attached to this practice in Somaliland, only less than 12 per cent of the respondents in this study viewed FGM as a form of violence against girls.

### *HIV and AIDS*

Though HIV/Aids is an acknowledged global challenge, its impact is minimally felt in Somaliland. However, it is feared that the pandemic could be spreading faster than people think, and may emerge as a challenge of the next decade if adequate preventive measures are not put in place. Though only 30 respondents (less than 10%) linked HIV/Aids to violence against children, a key respondent in Borama informed us that there were a total of 73 children at Borama Hospital orphaned through HIV/Aids. Could an orphaned generation be hatching for Somaliland? Is child abandonment and neglect likely to appreciate as HIV infection rates go up? The number of orphans is certainly on the rise, and this has a direct link to child neglect and abandonment.

## 4.5 Awareness of Somaliland Laws Protecting Children

Out of 303 respondents, 13.9 per cent said that they knew of laws protecting children in Somaliland, while 86.1 per cent said they did not know of any such laws. Table 4.3 analyses the response to this question.

*Table 4.3: Awareness of child protection laws*

Region	Yes	%	No	%	Total
Hargeisa	18	14.9	103	85.1	121
Toogdheer	11	10.8	91	89.2	102
Awdal	13	16.3	67	83.8	80
<b>Total</b>	<b>42</b>	<b>13.9</b>	<b>261</b>	<b>86.1</b>	<b>303</b>

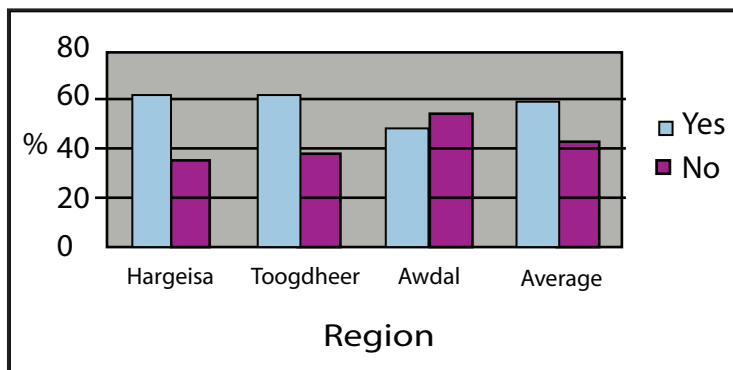
However, deeper analysis indicates that the 13.9 per cent who said that they knew of such laws gave three kinds of laws: Somaliland constitution, Shari'a law and child protection law. While the former two are existing, there was no child protection law existing in Somaliland by the time of this study. The constitution and Shari'a are the primary laws, and respondents could not link them to the protection of children. Therefore, the study ascertained high levels of lack of awareness on child protection.

In Hargeisa, most children reported hearing about child rights, but did not know whether there was any law for protection of children in Somaliland. They, however, knew that there was the Islamic or Shari'a law, which said a few things about children. In addition, they observed that these laws were not adhered to, and most people did not believe that children have any rights.

## 4.6 Access to Information on Violence Against Children in Somaliland

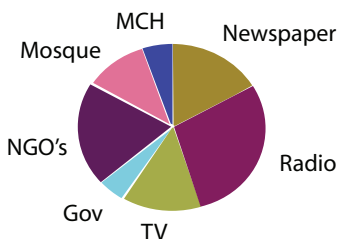
Widely, the study has established that majority of the people have limited access to information on violence against children in Somaliland. Both Hargeisa and Toogdheer had the highest proportion of respondents with access to information, at 62 per cent each, while only 48 per cent of the informants in Awdal had access to information on violence. Figure 4.3 presents the proportions of persons with and without access to information.

**Figure 4.3: Access to information on violence against children**



Consistently, among the three regions, radio was the most prominent source of information (28%), followed by NGOs with 18 per cent. The least sources of information were the government and Mother and Child Healthcare Centres (MCH), each with a share of 5 per cent. Figure 4.4 illustrates the distribution of sources of information in the three regions.

**Figure 4.4: Sources of information**



Generally, most respondents that had access to information were in Hargeisa, while the least were in Awdal. A person in Hargeisa had almost twice as much chance of getting information than a person in Awdal. While the radio predominantly served as a source of information in Toogdheer, people in Hargeisa equally access information through radio, TV, newspapers and from NGOs. One child confirmed the effectiveness of the TV channel in Hargeisa, saying, “I have seen on TV one NGO talking about child rights and human rights as well.” However, the TV was least effective in Toogdheer, while the government had accessed an almost negligible population in Awdal. The mosque served as a predominant source of information, but more so for Toogdheer and Awdal than for Hargeisa.

Beyond all this, word of mouth emerged as the most prominent source of information among children. This reflected the rich oral tradition of the Somali culture as one street child explained in Hargeisa: “I like it when somebody tells me something new every day, and I like listening to what is happening around.”



## 4.7 Existing Interventions and Support Systems

The study established that various partners were actively promoting child protection in Somaliland. Most of the partners were local and international NGOs. The range of services available included policy, funding, advocacy, networking, capacity building, monitoring and documentation, rehabilitation, psychosocial support, medical services, law enforcement and legal representation. Table 4.4 presents the different organisations providing the different services in the three regions.

**Table 4.4: Service providers in child protection**

Area of Intervention	Hargeisa	Toogdheer	Awdal
Policy	UNICEF, UNDP, UNHCR, SC-A, MoJ, SOYDA, Samotalis, CCBRS, HAVOYOCO	UNICEF	UNICEF
Funding	Oxfam-Novip, UNICEF, UNDP, UNHCR, SC-Den., NRC,	Oxfam-Novip, UNICEF, UNHCR, UNDP, SC-D, NRC	Oxfam-Novip, UNICEF, UNDP, UNHCR, NRC
Advocacy	UNICEF, SOYDA, CCBRS, Samotalis, HAVOYOCO	UNICEF, CCBRS	UNICEF, Moonlight,
Networking	UNICEF, MoJ	UNICEF, TCPN	UNICEF, ACPN
Capacity building	Oxfam-Novip, UNICEF, UNHCR, NRC	Oxfam-Novip, UNICEF, UNHCR	Oxfam-Novip, UNICEF, UNHCR
Monitoring & Documentation	SOYDA, UNHCR	BILAN	AYODA, UNHCR, NRC, Moonlight, ACPN, HAWA
Rehabilitation	CCBRS	CCBRS	AYODA, Moonlight
Psychosocial support	CCBRS, HAVOYOCO	CCBRS	AYODA, Moonlight
Medical services	Hargeisa Hospital,	Burao Hospital, CCBRS	Borama Hospital CCBRS
Law enforcement	Police, Children Court	Police, Children Court	Police, Children Court, HAWA
Legal representation	Hargeisa University		



Though there were claims that most NGOs are concentrated in Hargeisa, the table above seems to indicate a fair balance in the distribution of interventions among the three regions. However, differences were noted between urban and rural areas, with most interventions only reaching urban centres. From the analysis, rural areas seem largely un-reached. Following are the milestones achieved in every intervention area:

### *Policy*

- The Juvenile Justice Bill has been drafted and has been approved by Parliament. It is awaiting ratification by the President (contact Ministry of Justice).
- Diversion guidelines have been developed, and District Diversion Core Teams formed in most of the regions (contact Save the Children – Denmark).
- The child protection working group (Hargeisa) seeks to lobby the government to enact laws, and to raise awareness through the media on child protection (contact UNICEF).

### *Networking*

- UNICEF has been supporting the setting-up of child protection networks in every region. Formed in January 2007, the Awdal Child Protection Network (ACPN) seemed most active. The network meets monthly to submit and discuss cases of violence against children. By February 2008, the network had conducted two forums and several workshops on various child protection themes. Plans to form a child protection network in Hargeisa were at advanced stages.
- A Child Protection Working Group is active in Hargeisa, chaired by the Director General, Ministry of Justice.
- Juvenile Justice Committees are active in Burao and Borama, though they are poorly funded.

### *Reporting and documentation*

- There seems to be a lot of documentation going on. UNHCR and UNICEF have built capacities of local partners to document and process cases of violence against children. A standardised computerised documentation form was found to be in use in the three regions.

## **4.8 Perceived Choices in Addressing Violence Against Children in Somaliland**

The respondents provided suggestions on the strategies they thought would work in enhancing child protection in Somaliland:

- Improvement of education and healthcare: respondents were of the view that expanding access and improving the quality of both education and

healthcare would significantly reduce cases of violence against children, in both short and long-terms.

- Giving children a voice: another group of respondents felt that initiatives should target giving children a voice by ensuring their participation and confidence building. This would improve aspects of reporting, and self assertion in compromising situations.
- Enactment of a comprehensive law on children was also seen as an effective strategy. Some respondents were of the opinion that such a statute would achieve much progress in stipulating the rights of the Somaliland child. However, some children felt that beating by parents and teachers was not bad, and there should be no policy outlawing it whatsoever.
- The largest proportion of respondents saw creation of orphanages, child rescue and child care centres as a strategy that could deliver impressive results. However, this needs to be considered carefully, since global trends are now questioning institutionalisation as a viable option, and rather favour community-based rehabilitation.
- Another option mentioned by respondents was giving training at school and in the community on improved childcare, and sensitising the community on violence against children.
- Some respondents felt that interveners need to deliberately focus on reaching out to rural areas, where the majority of populations had not been reached at all by any channel of information.
- Mobilising religious leaders was also seen as a priority, since this population was seen to exercise a lot of influence in reaching out to the communities.
- Interveners felt that there was need for the different actors to create and strengthen networks. Strengthening aspects would involve training of local organisations and increased funding for child protection initiatives.

# Conclusions and Recommendations

The following conclusions and recommendations can be drawn from the findings of this study:

### 5.1 Rethinking Child Protection

Interveners should carefully rethink their child protection interventions against findings contained in this report. Besides, it seems very few of the recommendations given in earlier studies (Save the Children UK, 2003) have been implemented. It is paramount to carefully study the gaps highlighted in this report, and work out the most effective means of filling these gaps. To achieve this, there is need for a stakeholders' forum to develop a joint roadmap for child protection in Somaliland. To improve the effectiveness of such a forum, it would be paramount to hold it at the regional level, rather than in Hargeisa (where most things take too long to trickle down to the grassroots). The participation in this forum should target working with grassroots communities, which may be achieved by engaging teachers and religious leaders in the child protection interventions.

### 5.2 Strategies Sensitive to an Oral Tradition

The findings of the study indicate that the TV, radio and the print media are limited in accessing the majority of the Somaliland population. This is especially due to low coverage and high levels of illiteracy. There being no alternative media of communication especially in the rural areas, it would be crucial to draft an innovative communication and sensitisation strategy for the country. These strategies should largely be based on the oral tradition, through recruitment of gatekeepers and utilisation of existing structures like mosques, tea shops, markets and so on. Awareness raising needs to be co-ordinated to enhance its effectiveness and avoid sending contradictory signals.

### 5.3 Reaching the Rural Areas

Though the child protection networks seem to be working fine, it is paramount that the networks stretch beyond the urban centres. So many initiatives seem to target only the urban populace, yet there could be worse forms of violence happening out there in the rural areas. One option of reaching out might be by establishing a network of child protection volunteers at the village level who would relay information to the upper networks and raise awareness at the local levels. Such volunteers should be trained on childcare and protection, and mobilised to play an active role. If this is taken as an option, it would be crucial to plan ahead, thinking about their motivation, facilitation, empowerment and

other elements fundamental to their operation. Only then can such innovations be sustainable. Along this, partners are called to increasingly focus on Sool and Sanaag regions, which seem to be most neglected and where children may be under unique exposure to violence, especially due to the resurgence of insecurity in these regions.

#### **5.4 Comprehensive Child Protection Law**

The findings of the study point to the glaring policy gaps in child protection. Though the juvenile justice bill is almost becoming law, it may not alone suffice to cover all areas of child protection. Therefore, it would be necessary to think about a comprehensive statute covering all pertinent aspects, including entitlements and responsibilities of the child as well as other aspects like guardianship, adoption and rehabilitative care. To enhance ownership, the process of formulating this statute should be as participatory as possible.

#### **5.5 Making Policies more Effective**

Experience in other African countries has shown that enactment of policies alone does not translate to any meaningful gains in child protection. For policies to be effective, the processes that enact them must be ones that provide for ownership among local communities. It would then be necessary, not to just wait for the finalised policy to disseminate it but to lobby grassroots communities from the onset. Partners in this must avoid making the mistake they seem to have made in preparing the Juvenile Justice Bill, since, none of the school children, street children or community members was aware of the bill. This information, according to what we found out, was limited to people working with NGOs only. After enactment of the laws, concrete roadmaps and guidelines for implementation need to be developed, and monitored with unusual commitment by all partners. Only then will the laws translate to child protection.

#### **5.6 Training the Police**

The police, who are the primary custodians of the rights of all persons, seem to violate these rights the most. It might be true, with high probability, that the police have no training on child rights, and the different ways of working with children. Subsequently, rather than keep pointing fingers, partners need to design a training package for the entire police force at all ranks, and at both pre- and in-service levels. Somaliland should borrow a curriculum that was developed for Kenya, and see if this could be upgraded to serve the local context, instead of re-inventing the wheel.

#### **5.7 Training of Teachers**

Teachers seem to be largely unaware of alternative methods of maintaining discipline in school, without the cane. In this regard, partners in child protection

need to develop a code of ethics for teachers, and re-equip teachers with practical skills for alternative behaviour management. The wide network of teachers in the country presents a huge opportunity, especially in reaching out to the rural areas.

### **5.8 Building Synergy in Intervention**

Even with such a huge number of NGOs, the gains achieved in child protection seem to be too few. This observation might hint on either two factors. One is the question of efficiency: to what extent are the organisations able to produce the most at the lowest levels of investment? Second, by how far are the organisations working together to avoid duplication of services? To avoid resource wastage among interveners, there is need to explore new ways of creating synergy among them, rather than stick to a competition race, serving the same client. The networks established through UNICEF and the Norwegian Refugee Council (NRC) seem to be making impact. However, there is need for other agencies to join in and bring in resources to networking, rather than continue working in isolation. In estimation, the amount of funds going to waste through duplication is immense, and this cycle should be reversed through increased collaboration and common strategy development.

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