



Series Four of a Collective Failure

# Using the Criminal Justice System to Address Anti-Social Behaviour & Minor Offences by Children

March 2021


# Introduction

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Many children and young people in prison in Somaliland today have been convicted of offences which are not very serious or because of their anti-social behaviour. For many, it is their first time in trouble with the law. When children and young people fight each other, steal, drop out of school, run away from home, indulge in substance abuse or suffer from mental health problems, there must, of course, be an intervention. The criminal justice system certainly has an important role to play in handling violent and serious crime. Too often, however, families are turning to the police, the courts and the prisons either to evade their own obligations to their children, or because they are genuinely overwhelmed and unable to cope with the challenges. In the absence of social services provided by the state, police officers are expected to work as social workers, a role for which they have neither the training nor the resources. More often than not, they respond by rounding up and detaining groups of young people to keep them out of trouble or to punish them at the request of their families. The same is true of some prosecutors and judges who see themselves as performing a public duty when they charge, convict and send young people to prison for long periods of time “to teach them a lesson.”

This common approach has serious consequences, especially given the overcrowded and poor conditions of police stations and prisons which rarely have juvenile sections or educational and vocational training programs for young people. Detention in police cells and imprisonment harms the physical well-being and mental health of young people and offer little or no opportunity for rehabilitation. The experience disrupts or ends their education and therefore affects their employment prospects. It damages their self-esteem and social skills and limits their ability to reintegrate into society. The pressures on the families — financial, emotional and time — are immeasurable.

The current emphasis on detention and imprisonment is also costly for Somaliland’s government. Diverting first-time offenders of less serious offences from the justice system would save money that can be better spent on educational and social services. In the long-term, it does little to protect society from crime. On the contrary, by incarcerating impressionable young people with hardened adult criminals, the chances are they will emerge from prison with the know-how for engaging in far more deadly crimes. Sending teenagers to prison is not the answer. Parents, the extended family, community leaders, educators and social services are much better placed to tackle socially unacceptable behaviour.



Nothing can be more important than taking care of our children when they are at their most vulnerable. Ending this destructive cycle requires, above all, government leadership to craft, implement and oversee well-thought out strategies to **prevent** anti-social and offending behaviour before it reaches the criminal justice system. The family, schools, the government and the wider community must work together both on prevention, and on how to cater for those children, and families, who are unable to cope.

This report is the fourth instalment in the five-part series, *A Collective Failure: How Somaliland's Criminal Justice System Harms Children and What We Can All Do About It*. The series aims to build public interest and confidence in rectifying these injustices. The four other topics examined are: why children 14 years and younger are being illegally prosecuted in Series One; how children are unnecessarily imprisoned while their case progresses at court in Series Two; how sentencing children to significant prison time for minor offences has a detrimental effect on children and their families in Series 3; and what those working in the criminal justice system can do now, with little to no financial resources, to implement these laws in Series Five.



# The Criminal Justice System as a Social Service

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As with many countries, there is widespread public perception in Somaliland that, over the past 10 years, there has been an increase in the frequency with which children and young people are committing criminal acts, particularly in urban areas, and in the severity of the crimes. Family breakdowns due to the high rate of divorce and separations, the absence of many fathers from the lives of their children, the economic pressures forcing mothers to work long hours outside the home, poor quality education, the short hours children spend in schools, boredom, the shortage of sports and entertainment facilities, the popularity of mobile phones, qat and other substance abuse, poverty, and the absence of free recreational space are identified as triggers for the rise in anti-social behaviour. The growing costs of schools and universities is another factor, keeping many young people out of school and university and on the streets where they are more likely to come into conflict with the law.<sup>1</sup>

At the same time, youth unemployment is high and there are limited vocational and technical opportunities available for teenagers and young adults. It is therefore unsurprising that many young people are frustrated by the perceived lack of opportunities available to them. Chewing *qat*,<sup>2</sup> joining group fights and committing offences such as simple hurt, affray, theft and robbery, instead become an attractive option on which to use the abundant time on their hands.

Somaliland has few social services to assist these young people, and those that do exist have minimal funding and effectiveness. This leaves parents and guardians with little in the way of back-up outside the immediate family. Such situations are, understandably, crushing, particularly where family structures are weak and outside assistance is, at best, minimal and more likely than not, non-existent. Schools and educational institutions are an obvious place to turn. However, in many cases the assistance they can offer is also limited. Government schools are poorly resourced and teachers struggle to deal with non-attendance, let alone extend pastoral care to young people. Even private schools are unlikely to have trained school counsellors.

As a result, parents, family members and teachers are turning to the formal justice system to combat anti-social behaviour and youth offending. In some instances, the police act like social workers, encouraging young people to remain in education, and deal with less serious offences through informal settlements

<sup>1</sup> *Hard to Ignore: Tackling Youth Violence in Hargeisa Mohamed Moge District*, a study published in 2019 by the Institute for Peace and Conflict Studies, University of Hargeisa, provides a wealth of information about the backdrop to the social and economic context of youth violence in Somaliland today.

<sup>2</sup> Frequent and prolonged chewing of the leaves of *qat*, (also spelt *Khat*), a stimulant, can cause health problems, as well as have a serious psychological impact.

outside the criminal justice system. At other times, themselves faced without the resources to process complaints by the community and investigate anti-social behaviour by young people, the police simply arrest groups of young people and collectively detain them in the police station, irrespective of whether or not they were individually guilty of an offence. In this way, communities have come to rely on the police as the main substitute for social services.

Once the formal justice system has been engaged, families look to the criminal justice institutions – the police, prosecutors, judges and prison officers to take action. Like the police, the courts also have limited resources, and are unable to effectively deliver their mandate to rehabilitate young people and reduce future offending. While the 2007 Juvenile Justice Law (JJL) gives judges a number of possibilities to hold teenagers accountable when they break the law, including ordering them to carry out a good deed in the community, attend school, make a formal apology or, in accordance with customary law, pay compensation to the victim, the lack of social workers and probation officers make these non-custodial options difficult to order or oversee. As a result, judges are under pressure to curb anti-social behaviour through imprisonment. As *Horizon* commented in a paper published in June 2018, *Juvenile Violence and Delinquency in Somaliland: Why Incarceration is the Wrong Response*, “This extensive involvement of law enforcement with troubled youth itself then reinforces the impression of a crisis.”

Rehabilitation is a stated goal of the criminal justice system, putting faith in the notion that sending a young offender to prison will protect society against crime and reduce future offending. Rehabilitation can only be achieved, however, if the imprisonment is used to ensure the reintegration of the young person into society upon release, to lead a law-abiding and self-supporting life.

But there are no juvenile rehabilitation centres in Somaliland that cater for young people. On 25 April 2018, the Minister of Justice at the time laid the foundation stone for the renovation of a former youth centre near Berbera. Since then, no further action has been taken. There are only privately-run places known as “Illaj” which have been accused of widespread and very serious human rights abuses. Or there are prisons. Once in prison, the prospects of rehabilitation for a young person are virtually non-existent. There are few educational or vocational opportunities available to young people serving prison sentences, and these are usually reserved for those serving long sentences for serious offences. In practice, this means that young people in prison for parental disobedience or mobile phone theft have little or no education that prepares them for a job. Imprisoning young people in this way does little to protect society against crime.

# A Contributing Factor to Police Detention & Imprisonment of Children: The Legal Provision for “Parental Disobedience”

Parenting a young person engaged in behaviour which is damaging to them, and compromises their future, is difficult at the best of times. This is particularly true when it comes to criminal offending. Confronted with a youngster who seems out of control, and unable to find a helping hand, it is easy to understand why turning to the police and courts is tempting.

Misuse of the criminal justice system by parents and families to discipline and punish children or to wean them off from addiction to qat and other substance abuse is most obvious with regard to the legal provisions involving “parental disobedience.” The words used to justify their choice are instructive. They include the desire to “intimidate/make him listen,” or “to show him what happens to criminals” and “so the urge to chew qat will leave his system.”

Parental disobedience is a common reason why children find themselves at the mercy of the police, the prosecution, the courts and prisons. The provisions of the 2012 Public Order Act<sup>3</sup> contradict the letter and spirit of the Constitution and the JIL. They require a child to be fifteen years old or over and for proceedings to be instituted in the District Court, with a maximum sentence of six months. In practice, however, many families simply approach the police to detain the child unofficially.

The legal limitations on the use of parental disobedience are flouted routinely, so that children much younger than fifteen are affected and other charges, such as religious blasphemy, alcohol consumption or the threat of arson or murder, are added by the prosecution, at the request of families, in order to lengthen the prison sentence. As a result, children are spending as long as three years in prison. The children, who usually have no legal representation, are often not present during the District Court hearings and when they are, the presumption of guilt makes the questions perfunctory. In most cases, the only witnesses are the parents or other close relatives who initiated the contact with the police.

When *Horizon* met Muhumed,<sup>4</sup> he was serving a prison sentence in Gabiley Prison.

I was not asked any questions or given the opportunity to say anything in court. The judge said I had disobeyed my parents and sentenced me to three months’ imprisonment. My parents did not attend court and I did not have a lawyer.

<sup>3</sup> Maintenance of the Public Order and Security Law No. 51/2012 (Public Order Law) Art. 33(3).

<sup>4</sup> All the names of children have been changed to protect their anonymity.

The mother and uncle of Abokor took him to court in Burao.

The only time I spoke was when the judge asked my age and to explain how I committed the crime. The judge did not mention any provision of the law. He asked my mother what punishment she wanted. She responded that she wanted me to be sent to prison. No sentence was given and I was taken to Burao Prison indefinitely. I don't think that I can even appeal because there was no proper case or verdict.

Based on *Horizon's* research and the legal assistance it has provided until now, the charges for parental disobedience have ranged, for boys, from "having my hair too long" to fighting, skipping school or dropping out altogether, smoking cigarettes, chewing *qat* and for girls, "behaving immorally." Both boys and girls have been detained by their parents for trying to migrate abroad, known as going on "tahrib."<sup>5</sup>

Elmi was convicted of parental disobedience by a court in Burao when he was fourteen and was serving an eighteen-month sentence at Mandera Prison when *Horizon* interviewed him.

The arguments with my parents had been going on for a while as I was smoking and chewing *qat* and not going to school. My father decided to detain me. After a month in the police station, I went to court and the judge gave me a sentence of 18 months. My father wanted less, like six months.

In February 2019, Hodo, a young university student, was detained after a disagreement with her mother and sister. She had stolen a mobile phone and planned to travel to Europe. Her sister told her parents and her father had her arrested by the police. The following day, she appeared in court and was convicted of parental disobedience. Hodo had never been in trouble with the law before. She was not given the opportunity to speak or defend herself. At her father's request, she was sentenced to 18 months in prison. When she spoke with *Horizon*, the disruption to her education was uppermost in her mind.

I am really upset by this whole situation. I feel like I am wasting time in prison. My future is jeopardised and my education is jeopardised. I just want to be released. Then I can return to university.

Hodo's family could have, and should have, listened to her reasons for wishing to leave home, discussed the dangers and risks of tahrib and helped her to find solutions to her

<sup>5</sup> For details about the detention of young people caught up in the attempts to migrate, see *Horizon's* March 2020 report, *The Legal Response to Illegal Migration*, Discussion Paper 2.

disillusionment. They could have engaged with the victim, offered an apology and replaced the stolen phone. Instead, they had her confined to a prison, putting a stop to her studies and doing little to examine why she made those choices.

A policeman in Borama lamented the fact that some parents send them even very young children to put behind bars.

We see many cases where parents don't want to take charge of their children. The children can be as young as nine years old. Mostly we try to solve the problems outside the cells. But there are children who keep coming back, and their parents keep asking for them to be detained. So, we take them in for two to three days. Some are six or seven years old – less than that we won't accept. From ten-years-old, if they are repeat offenders, we will detain them for two to three days to scare them a bit.<sup>6</sup>

Some policemen recognize the negative effects detention can have on a child, and said they try to discourage parents from bringing their children to the station. An investigator at a police station in Las Anod described an incident in which five children were brought after their parents complained they were “sitting around all night and causing mischief to others in the market.”

Once the children spent some time at the station, we convinced their parents to take them home as the police station is not the best place for a child to be, especially when there are other adult inmates around.<sup>7</sup>

In an emotional interview, where her distress was all too evident, the sister of a young man who had become addicted to *qat* and made his family's life a living hell, spoke for many families who have misplaced their faith in parental disobedience as a cure.

I love my brother and just want him to get better in terms of his health. And regain the ability to function without *qat*. I don't want him locked up for a year, but for 4–6 months, time for the addiction to leave his body and to reflect on the emotional and financial stresses he causes our family. I believe that the few months in prison will give him the wake-up call he needs. There, he will have no access to *qat* and perhaps his mind will begin to clear and he will become better.<sup>8</sup>

<sup>6</sup> Interview with Moussa Abdillahi Hanfi, Commander of Boorama Central Police Station, Boorama, 27 May 2015.

<sup>7</sup> Interview with Jama Farah Abdillahi, Head Investigator Las Anod Central Police Station, 7 September 2015.

<sup>8</sup> Interviewed in Borama, 28 February 2018.



But according to many prison officials, the rate of recidivism among this category of prisoners is high. Since no prison has a special section for youngsters charged with parental disobedience, they share cells with older prisoners convicted of violent crimes including murder and rape. As a prison official in Burao told *Horizon*:

This interaction with these prisoners will have a very bad influence on their life. When they are released, there is a very high probability they will commit a more serious crime than parental disobedient and come back to the prison.

Many young men sent to prison for parental disobedience have been caught up in the criminal justice system for stealing mobile phones. Their families, fearful they may commit more serious offences, choose to hand them over to the police for parental disobedience.

Ignorance about mental health, the cultural stigma of acknowledging problems with mental stability, and the near complete absence of mental health facilities, means families are sometimes using prisons in place of appropriate institutions.

Adan Mohamed Ali, working as a District Court judge in Borama, expressed regret that “culturally mental illness is not given priority.” The consequence, he said, is that “instead of parents taking this type of case to a hospital, they find the easier solution is to take them to prison.”<sup>9</sup>

His colleague, Mohamed Ahmed Maydani, experienced first-hand the social tendency to see prisons as mental health facilities when parents asked him to confine their son to prison “for one month so he would have no access to qat and drugs.”

The moment I saw their son, I recognized from his facial features that he suffered from a mental illness. Throughout my questioning, he would talk to himself. The parents told me they brought him back from the UK and when he came to Somaliland, he began using qat and other drugs. He became physically abusive when angry. If they stopped giving him qat, the aggression and abuse escalated. The parents didn’t know how to help him. I did not process his case. I told them they were better off taking him to the hospital where they could treat the root of the problem, his mental disability.<sup>10</sup>

<sup>9</sup> Interviewed in Borama, 28 February 2018.

<sup>10</sup> Interviewed in Borama, 28 February 2018.

## Imprisonment for First Time, Minor Offences

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Most of the people *Horizon* has provided with legal assistance are young men and boys who have committed crimes of simple hurt, affray and theft offences. As demonstrated in the cases of Mohamed (Series 1) and Bukhari (Series 3), as well as many others, children and young people in Somaliland are being imprisoned for long periods of time – sometimes for years – for offences such as mobile phone theft, when it is their first time involved in any criminal behaviour. In some instances, children and young people in prison say they were not involved, but were convicted of a crime nonetheless.

17-year-old Abdirisak Hassan Abdi was playing video games in his hometown of Wajaale when the police arrested him along with three friends. Two of the boys he was with had stolen a mobile phone, which Abdirisak said he was unaware of. He was convicted and sentenced to two years' imprisonment, a harsh and disproportionate punishment even if he had taken part in stealing a mobile phone. At the time of his arrest he was in full-time education, in Grade 7. When *Horizon* spoke with him in April 2019, he was an inmate in Gabiley Prison, sharing a cell with adults that he complained mistreated him. He and his parents worried about his missed education and the impact on his long-term future. His parents visited him every week in prison, although it was expensive for them to do so.

Sending young men like Abdirisak to prison will do nothing to alter the life circumstances that landed him and others like him in prison in the first place.

## Spending Time and Resources Better Focused on Serious Crimes

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The futility, cost and distress caused when the police and judges insist on imprisonment as a solution to social problems is powerfully illustrated by a case *Horizon* worked on in Wajaale. In January 2020, Ismail (14), Sanadin (15), Ismail (15), and Abdifatah (15) were among a group of eleven 12–16-year-olds who were fighting in the street. In the course of the scuffle, a young man was injured and a car side-mirror was damaged. The families of the boys made an agreement with the victims to pay compensation. But the police refused to accept the outcome. Instead, they arrested the eleven, charged them with simple hurt and property damage and detained them in the Kala-Baydh police station for two weeks, a distance of 21 kilometres. The boys did not have a lawyer, neither at the police station nor at court. At the trial, the judge also rejected the

compensation agreement. Like the police, he believed that imprisonment was the best way to deal with the case. He did not allow the boys, nor the father of the injured boy, to speak during the hearing. Instead, the judge sentenced each of the group to three years' imprisonment and a 3 million SL shilling fine. They were sent to Gabiley prison, 37 kilometres from their homes in Wajaale, to serve their sentences.

The families then hired a lawyer to take the case to the Appeal Court. The young man who had been injured told the court he was happy the families had resolved the case through compensation and that he did not want any further punishment. The Appeal Court accepted the agreement reached between the families. The Court reduced the group's sentences to seven months' imprisonment and 300,000 SL shillings fine. They were released in March 2020 after their families paid for the remainder of their sentence as allowed by law.<sup>11</sup>

The insistence by the police and the judge in the first instance to prosecute, and then imprison the boys, was a waste of police, judicial and prison resources, and had a negative impact on the boys and their families, as discussed below.

## Why Locking Up Young People is Likely to Make Matters Worse

As these cases, and countless others demonstrate, imprisonment can have extremely damaging effects on the physical, mental and emotional wellbeing of children. These negative health effects can last long into adulthood and can lead to an increased likelihood of developing long-term mental health conditions such as depression and anxiety. Children and youth, given their level of cognitive immaturity, have not developed adequate coping mechanisms to deal with the trauma and threats to personal safety that can be experienced within the prison system. The risks are heightened when they are detained with adults in adult facilities, as was Abdirisak, and which is common throughout Somaliland. Abdirisak had this to say about sharing a cell with adults convicted of violent offences.

They shared stories with us. And sometimes they are really bad stories. The adults push me around and I can't do anything back because I am younger. This upsets me. Young prisoners should not be held with older ones; they are vulnerable to being hurt.<sup>12</sup>

<sup>11</sup> The Penal Law allows defendants to pay, instead of serving a prison sentence, for certain misdemeanour crimes where the sentence is less than a year.

<sup>12</sup> Interviewed in Gabiley, 18 April 2019.

Missing out on school can put children at a permanent disadvantage, and in some instances, reduces their ability to fully reintegrate into their communities. In the case of the group from Wajaale, three of the four boys *Horizon* spoke to have given up on school entirely as a direct result of their imprisonment. Some of these boys also feel stigmatised on account of their time in prison.

15-year-old Saddam cannot face returning after what happened.

I have gone through a lot. The other children at school would always tease me, saying " 'oh, he's the one who got arrested.' This continued until I left school altogether. I still haven't gone back.<sup>13</sup>

Another member of the Wajaale group, who has also been teased for having been arrested and having fallen behind his old classmates, said "imprisonment has damaged my morale and I have lost part of my future."

### *Imposing Unnecessary Hardship on Family Members*

Imprisoning young people also places financial and practical hardship on families, in addition to the emotional impact. Travel costs to courts, police stations, prisons and fines to get their children released are expenses poor families cannot afford. In the case of the Wajaale group, when they were detained in Kala-Baydh police station, the boys' mothers took them three meals a day, a significant sacrifice for them. When the boys were sent to prison in Gabiley, their families had to give them money for food at a time when their transport costs more than doubled. This pushed three of the families into serious debt, including one widowed mother who is raising her seven children alone. Ismail Nuur's mother, Haali Nuh Bulhan, told *Horizon* she had to raise approximately \$1100 altogether, some of which she had to borrow. As a result, she lost her livelihood when her small business making and selling sandwiches – the family's main income – went bust.

It changed the lives of the family. I used to make between \$30 and \$50 each day. But I had to sell everything, including the equipment, to pay for everything associated with his imprisonment.

I can no longer afford to pay for the education of my children. Ismail used to attend both school and a *madrassa*, but now since I can only afford one, he only goes to school.<sup>14</sup>

<sup>13</sup> Interviewed in Wajaale, 19 January 2021.

<sup>14</sup> Interviewed in Wajaale, 19 January 2021.



The experience of these boys' families is not unique. Farrah Omar Ali is the mother of eight children, the guardian of her 15-year-old nephew and the family's sole breadwinner. In 2019, her nephew was arrested and detained in Hargeisa for stealing a mobile. Farrah spent a lot of time and money trying to secure her nephew's release. He was convicted and sentenced to three years' imprisonment. She advocated for her nephew to be imprisoned nearby, rather than in Mandera. Farrah successfully appealed the conviction and he was released after eight months. Farah spent a great lot of time visiting him in prison and pleading with the prison authorities to improve his conditions. Farrah and her children paid a heavy price.

I felt a lot of pain and stress throughout. I had to walk to court as I could not afford the bus. I went to court over 20 times over the eight-month period, and often just to seek information about my nephew. It would take me two hours to walk there. It was exhausting and it took time away from my children. I had to lock my 3, 5 and 7-year-olds in the house while I was away at court. I lost money. I could have been working and earning money for my family. I had to take out a loan to pay for the release of my nephew.<sup>15</sup>

The boys from Wajale, and the nephew of Farrah, who could at least be visited by their families, are the lucky ones, as pointed out by Suhayb, a 16-year-old who was in Gabiley prison in April 2019.

Many families can't afford visits to their detained children, particularly if they are being held in a different region. The children are isolated and are forced to share the food that other prisoner's families bring.<sup>16</sup>

It is unsurprising that the detention and imprisonment of young people is strongly linked to increased rates of re-offending. Research has shown that when people perceive the justice system to be fair, they are more likely to obey the law in the future. But where people are treated unfairly, without the opportunity to express their point of view or be heard, as in the case of the group from Wajaale, they are more likely to fall foul of the law in the future. In the end, this undermines the longer-term security of the community.

<sup>15</sup> Interviewed in Hargeisa, 29 April 2019.

<sup>16</sup> Interviewed in Gabiley on 17 April 2019.

## Prioritizing Prevention and Providing Support and Alternatives

The majority of parents, families, policemen, prosecutors and judges who put children behind bars are at a loss for alternatives. The Government of Somaliland must urgently show leadership, not only to the justice sector, but to society at large, in acknowledging, and then tackling, the root causes of why so many children are caught up in anti-social behaviour and getting into trouble with the law. The government has a clear duty to show the people of Somaliland it is working, in a proactive, serious and consistent manner, on what can be done, first and foremost, to **prevent** crimes by children. Assisting children and their families as they struggle with detention, prosecution and imprisonment, giving offenders the assistance and supervision they need to reorient their lives away from crime and avoid a return to criminal behaviour are obligations no government can afford to neglect.

It is all too easy to cite the lack of resources as the catch-all answer. But far more important in explaining the gravity facing the youth of Somaliland today is the complete absence of leadership on the part of successive governments in seeking solutions to the underlying reasons pushing children and young people onto the path that leads to criminal offending. The lives, minds and families destroyed by *qat* addiction is only the most glaring example of widespread indifference and inaction on one of the most significant contributions to youth violence, family breakdowns, mental health problems and overcrowded prisons.<sup>17</sup>

Finding solutions to these root causes is neither simple nor straightforward. But the work has to begin somewhere, and it needs to begin now, with all of us. The goal of striving towards communities and a society where every child, irrespective of their parents' economic status, feels protected and safe, requires the best from each and every adult. This becomes all the more relevant and urgent when that child, and his or her family, need us the most because their circumstances make it impossible for them to manage on their own.

Government institutions, parents, the extended family, community leaders and teachers, amongst others, have a social and moral responsibility to intervene and prevent detrimental and anti-social behaviour. In turn, this will ensure that it does not fall to police officers, prosecutors and judges to respond in the easiest way they know how, yet the most damaging. Rather than reflexively resorting to detention and imprisonment, criminal justice actors must look for constructive alternatives to keep young people out of prison and in the communities where they belong. Only if we all do our part can we

<sup>17</sup> *Hard to Ignore* by the Institute for Peace and Conflict Studies discusses the question of *qat* at length, including its role in youth violence, as well as the failure of governments in Somaliland to confront the problem and provide solutions.

break the destructive cycle of locking up children and young people, diminishing their opportunities, and in the long-term, their communities, which are also ours.

## BECOMING PART OF THE SOLUTION

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### What Can You Do to Help?

Everyone can help to prevent anti-social behaviour by young people so the criminal justice system can concentrate on serious crimes and, as a last resort, for repeat offenders. It is in all our interests to ensure that young people are not unnecessarily arrested, charged, prosecuted and imprisoned, and that the police and courts are not used as a replacement for social services.

- If you are a parent, guardian or teacher confronted with a young person who is unruly, seek advice and intervention first within the wider family and community – elders, members of community committees, a youth organisation or a non-governmental organisation.
- If you have a family member aged 17 or younger arrested for a crime that's not very serious, see if it can be dealt with by a customary agreement with the victim's family. This is allowed under the law. For children younger than 17 (called "juveniles") Article 67 of the Juvenile Justice Law allows customary agreements as a means to keep young people out of prison.
- If you are an elder, religious or community leader, discuss at mosques, social gatherings or any appropriate forum how best to keep children and young people in school and prevent them from being arrested, prosecuted and imprisoned for parental disobedience and non-violent youth offending such as stealing for the first time.
- If you are a teacher or work in a school or university, share this information with the parents of students. Making sure parents know the law, and the long-term damage imprisonment can cause children and young people, can keep your students out of prison and in school.
- If you work in the private sector, make this information available to your colleagues. Consider whether you can offer an internship program, mentoring scheme or work placement for young people to gain practical experience in the workplace.
- If you are a journalist or media worker, use your professional skills to raise community awareness about the damage that imprisoning young people has on their lives, their families and society at large.

- If you are a police officer, consider whether arresting and detaining a child or young person for a less serious offence is really necessary. Can the behaviour be more easily settled through an apology, or a customary agreement with the victim's family?
- If you are a prosecutor or judge, you play a crucial role in reducing the arrest, prosecution and imprisonment of children and young people. Use the Juvenile Justice Law to help children and young people stay out of prison. Can the case be dealt with by a judicial pardon, a written apology, ordering school attendance or making restitution to the victim?
- Everyone can help keep children and young people out of prison by sharing this information with their family, neighbours, friends, colleagues and community.

We would welcome suggestions from readers about how the subject matter of this report can be more widely disseminated to different audiences for the protection of all children in Somaliland.

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