



**CHILD RETURNS IN
SOMALIA:
PROSPECTS FOR
DURABLE SOLUTIONS**



Save the Children

Annex 3 – ‘Achieving Durable Solutions for Returnee Children: What Do We Know?’

1

Returns contextualized

Between 1990 and 2015, the number of people born in Somalia but living abroad more than doubled, from 850,000 to over two million.¹ The civil war in Somalia dramatically increased the size of the diaspora, the majority of which is composed of refugees. A large share of the displaced never left the region: according to UNHCR, slightly over one million refugees from Somalia are hosted in neighboring countries including Ethiopia (256,000 Somali refugees), Kenya (527,000) and war-torn Yemen (256,000).² The Somali community in Europe is estimated at 250,000 (mainly clustered in the UK, the Nordic countries and Germany), with the United States hosting approximately the same number.³

Large regional differences exist in Somalia today, in terms of security, governance and legislation, including child-specific legislation, alongside disparities in general socio-economic welfare, educational levels etc. Generally speaking, Somaliland has experienced a more peaceful and prosperous development than the rest of the country. It should be noted that Al-Shabaab does not operate in Somaliland.

Today, despite the fact that the southern part of Somalia continues to face high levels of food insecurity and remains subject to devastating insecurity, returns are increasing. From January to October 2017, close to 34,000 Somali refugees were voluntarily repatriated from Kenya.⁴ Human Rights Watch denounced Kenya's repatriation program for Somali refugees, calling it "fueled by fear and misinformation."⁵ UNHCR reports that over 30,600 Somalis have returned to Somalia from Yemen since the beginning of the war there in 2015.⁶ Indeed, although certain returns are fueled by perceived opportunities back in Somalia, material and psychological pressures have certainly contributed to the decision of a number of returnees.

These returns to a highly fragile context have received considerable attention. The *Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia* has committed to developing a comprehensive regional approach to facilitate durable solutions and to strengthen the protection environment for Somali refugees. A comprehensive IGAD (Intergovernmental Authority on Development) *Regional Framework for Durable Solutions* is based on national plans while also supported by the international community at large. This builds on the *Comprehensive Refugee Response Framework (CRRF)* of the *New York Declaration on Refugees and Migrants*. Comprehensive efforts are also underway under the EU Emergency Trust Fund (EUTF) for *Stability, and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa* which aims to create economic opportunities, strengthen resilience and contribute to improved migration management.

Somalia has a very young population, of which 44% are under 14 years old.⁷ Children have also accounted for the majority of returns to Somalia in recent years and months. These children enjoy a certain status and protection under the law, including the Constitution which grants them the right to protection from abuse and mistreatment, and underscores the right to free education up to secondary school. Somalia is a signatory to the Convention on the Rights of the Child, and a Child Rights Bill is in the process of being drafted. In practice however, the law for most Somalis is Sharia, and the traditional law (xeer) does not contain specific definitions of childhood, or particular rules regarding children as a group.⁸ Little is known about the conditions faced by child returnees, besides the fact that they are returning to a country ranked last on the 2014 *Human Development Index*.

Using Save the Children's child-sensitive durable solutions indicator framework, this paper assesses the information available on return conditions in Somalia. It sheds light on data available, and data gaps, for the population as a whole, and child returnees in particular. It summarizes what is known of the conditions of children generally, and then analyses conditions of returnee children in Somalia, consequently presents recommendations in terms of support needed, and information required to better monitor respect of international obligations in regards to child rights.

This report provides stakeholders with the knowledge needed to better support vulnerable returnee children and improve their access to rights in Somalia. It should be used in combination with information regarding associated key drivers of solutions, namely public attitudes, the policy environment, solutions programming in place, as well as the input of the displaced themselves in shaping the policies and programmes designed to benefit them.

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Return conditions: available information and data gaps

The 4 dimensions of the child-specific durable solutions assessment indicator framework are material, physical and legal safety as well as psychosocial well-being. Each of these dimensions is in turn composed of a number of individual indicators. The following section sheds light on those relevant indicators and dimensions where reliable data is available, ideally disaggregated not only by migration status but furthermore by age. In order to ascertain to which degree returnees in general, and child returnees specifically, face particular hardship, their status is compared to that of the population as a whole whenever possible. Offering a comprehensive view of the various domains that support the welfare of a child, this indicator framework is designed to help the user understand the extent to which the general environment is conducive to achieving durable solutions for children. This framework was not developed with the objective of assessing protection thresholds or informing status determination, but rather as a generalized baseline which can enable prioritized reintegration support to children, and assist child/adolescent focused as well as general stakeholders in their quest to minimize migration-specific vulnerabilities of young returnees. As such it should be perceived as complementary to the durable solution efforts of the UN team in Somalia and of the Regional Durable Solutions Secretariat (ReDSS), and function as complementary to existing data collection mechanisms, and as a mobilization instrument of actors which focus on children and youth.

Caveat: No primary data was collected for this brief. The data presented is based on a thorough review of the available literature, but does not claim to be exhaustive of all information in the public domain. It was aggregated from different sources which on occasion adopt their own definitions of indicators, and sometimes figures do not cover the entire country but are rather reflective of a particular local context within Somalia. This is pointed out in the text where applicable. Sources are provided for all figures cited.

Physical Safety



States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.

CDC
Article 19

With quite significant regional variables, Somalia as a whole suffers from chronic levels of insecurity and violence, with government authorities unable to ensure reliable security and rule of law. A long-term armed conflict between the Somali National Army and anti-government insurgents (including Al-Shabaab) has led to underlying societal violence and abuse of civilians. Amnesty International reported in 2017 that “all parties to the conflict were responsible for violations of human rights and international humanitarian law.”⁹

Protection against violence and abuse

This category of indicators focuses on the risk of violence and abuse incurred by children in the countries of return, their risk of child detention and their vulnerability to human trafficking. Established indicators measuring the exposure to violence do not exist. At best, one may consult data on violent incidents.

ACTED reports that between January 2016 and August 2017, close to 1,500 civilians were killed, with about half of those stemming from conflict and half from “remote violence” (where the conflict actor engages another group while remaining spatially removed from the area of attack, and which targets adults and children indiscriminately). In a climate of indiscriminate attacks, returnees are not generally targeted specifically based on their migration background. Given the lack of apparent distinction between returnees and their non-displaced peers in the wider Somali security context, one might thus use the information on violence suffered by the population as a whole as a proxy for violence suffered also by returnees, as well as child returnees.

Sexual and gender-based violence, including FGM is a prevalent issue in Somalia, and appears to be particularly widespread within Internally Displaced Persons (IDP) camps¹⁰. Child detention is a reality, with reported cases of decade-long sentences for children condemned by military court for “insurrection” after forced recruitment by Al-Shabaab.¹¹ While information regarding trafficking in Somalia remains particularly difficult to obtain or verify, its victims appear to stem primarily from Somalia’s southern and central regions, and to be subjected to trafficking within the country, especially in Puntland and Somaliland in the north.¹² Women and girl migrants working in the informal economy are particularly vulnerable to trafficking.

Protection of child rights

This dimension covers the right of children to be safe from recruitment into armed forces, from forced labor and child marriage. The UN Security Council December 2016 *Report on Children and Armed Conflict in Somalia* discusses grave violations committed against children. The UN Somalia and Eritrea Monitoring Group notes an overall rise in the number of instances and recruitment of child soldiers as verified by the UN, with recruits as young as eight years old. According to UNICEF’s 2016 Situation Analysis on Children in Somalia, about half of Somali children aged between 5 and 14 engage in child labor. The rate is higher for rural than for urban children, and higher for older than for younger children within that age group. The incidence of child labor is somewhat higher for girls than for boys. The legal age for marriage in Somalia is 18 (but 16 for girls whose parents explicitly consent to the match). UNICEF estimates that half of all girls marry before reaching the age of 18.¹³ Save the Children noted in 2017 that this figure might slowly be declining, but that child marriage is relatively more prevalent in the south and central parts of the country (i.e. areas of high return) than the north.¹⁴

Protection from other incidents

Other factors which might make a context unsafe for minors (as well as adults) to return to are natural hazards, along with human-made hazard such as landmines. The main natural hazard facing Somalia’s population, and a major cause of both internal and external displacement, is drought, leading in turn to further population movements, increased inter-communal conflict and often devastating famines. As of mid-2017, some 740,000 people had been displaced by drought, with a quarter of those under the age of five.¹⁵ Added to this is the risk of man-made risk factors such as landmines and cluster munitions. The UN Mine Action Service recorded 22 casualties in 2016 – three quarters of those were children.¹⁶

Material Safety



In Somalia, two key factors resulting in a dire humanitarian situation are the prevalent risk of drought and the desolate security situation. This is a challenge for the population as a whole, whilst also being a major driver of displacement. As a result, returnees and IDPs face a “*lack of protective shelter, safe water and sanitation facilities as well as other basic needs in the displacement settlements [which] further increase the exposure of the most vulnerable to protection risks*”, as per the UNOCHA Humanitarian Bulletin from April 2017.¹⁷

For the population to enjoy material safety, basic needs in terms of water / sanitation, nutrition, healthcare and shelter need to be covered in line with the minimum SPHERE standards. Furthermore, and particularly for children, access to education must be ensured. For such material safety to be available in the long-term and in a self-reliant fashion, livelihoods must be sustainable.¹⁸

WASH

Material safety in the water and sanitation sector implies that the population has daily access to sufficient and safely accessible drinking water. Adequate toilet facilities must be available and safe, both in terms of hygiene and access. A report by the African Development Bank group noted in 2016 that only an estimated 31% of the population in North-West Somalia has access to safe drinking water, compared to 19% in the North-East and 20% in the South. The differences between urban and rural environments is stark – while a third of Mogadishu residents might enjoy access to safe water, this is only the case for 10% in rural areas.¹⁸

The situation tends to be worse for the displaced. The 2019 *Humanitarian Needs Overview* notes that 41% of IDP households have insufficient access to water to meet their needs, compared to 26% of host households.¹⁹ Catholic Relief Services (CRS) notes in its 2018 appeal for emergency WASH that “*IDP populations are among the most vulnerable to water borne diseases due to overcrowded living conditions and lack of access to clean water supply or improved latrines.*” CRS notes that this lack of adequate and accessible WASH services leads to protection concerns, particularly for children.²⁰ The 2018 Strategic Operational Framework of the Somalia WASH Cluster calls poor access to safe drinking water and lack of adequate sanitation facilities coupled with poor hygienic practices major threats for the survival of children in Somalia.²¹

Nutrition

Reliance on subsistence farming does not bode well in periods of drought, and Somalia is highly vulnerable to periodic large-scale famine. According to the UN Secretary General, 6.2 million people, or close to half of the overall population, faced acute food insecurity in 2017.²² The Global Acute Malnutrition rate stands at 17% overall, while the Severe Acute Malnutrition rate stands at 3%. UNICEF notes that 1.2 million children under the age of five are acutely malnourished.²³ The April–June 2017 *Food Security and Nutrition Analysis* assessment indicates that the prevalence of global acute malnutrition in the livelihood zones of Bay, Bakool, Gedo, as well as in the IDP camps in Hargeisa, Berbera, Qardo, is critical (15–30%).²⁴ The risk of malnutrition is not specific to returnees, or child returnees, but likely to be felt acutely by those who do not have access to land and networks which might help to mitigate the shock. Indeed, the Danish Refugee Council (DRC) notes in 2016 that in the Benadir region, 41% of interviewed returnees have a poor Food Consumption Score (FCS), compared to 9% of the resident population.²⁵

Housing

Somalia is urbanizing fast, and an increasing number of city dwellers are living in precarious conditions.²⁶ Many settlements for the displaced have turned into urban slums.²⁷ The displaced are more likely to live in temporary housing: while the majority of IDPs and returnees lived in temporary shelters in 2016, this was only the case for 14% of local residents.²⁸ In the absence of a home to return to, many returnees join IDP settlements and become part of the urban poor. ReDSS reports that in three quarters of the settlements profiled by IOM's Displacement Tracking Matrix (DTM), shelter was identified as the most needed humanitarian support.²⁹ However, needs of returnees in terms of housing must be assessed in a differentiated fashion. While returnees in Mogadishu and Kismayo are likely to arrive in IDP camps, those in Baidoa might benefit from lower costs of land and living and, at least temporarily, be better off than their non-displaced peers.³⁰

Healthcare

According to LandInfo, “*Somalia has a poor health and health services situation compared to most other African countries and an estimated 80% of the population has no access to health care*”.³¹ Infant mortality is 137 per 1,000 live births, which is the third highest in the world.³² The National Development plan for 2017–2019 for Somalia states that routine immunization coverage remains very low, as only 46% of children received the necessary doses of pentavalent vaccine and 43% for measles in 2014.³³ Data covering the entire returnee population of Somalia is not available, but as noted by ReDSS in 2017, the displaced and the poorest of the poor suffer the most as they are not able to access private health care providers.³⁴

Education

The right to education is not guaranteed in Somalia and the national gross enrollment rate (GER) stands at 30% for primary education. The situation is particularly dire for the displaced: REACH reports that 58% of girls in host communities are out of school, compared to 75% of girls in displaced communities. According to REACH, “*the large gap in attendance rates between IDP and non-displaced households highlights the financial costs preventing displaced households from accessing education services*.”³⁵ According to the ReDSS some 90% of returnee children are out of school, often due to the inability to pay school fees.

Livelihoods

Somalia is one of the world's poorest countries, with a large share of the population living in extreme poverty. To a large extent, the Somali economy is based on agriculture and pastoralism – livestock which is highly sensitive to climatic shocks accounts for some 40% of GDP.³⁶ Various sources estimate the unemployment rate to be between 50–66%.³⁷ Disaggregated figures by migration status for all of Somalia do not exist, but it is commonly acknowledged by stakeholders that the lack of livelihood opportunities is one of the most urgent challenges for returnees and IDPs in Somalia.

Access to electricity

Somalis have limited access to electricity, which negatively affects quality of life and constrains productivity. Somalia is reliant upon charcoal and firewood as the core sources of energy, “*meeting 80%–90% of the energy needs of the country and resulting in excessive exploitation of these primary resources*” according to the 2017–2019 National Development plan. Access to electricity varies considerably by region, with estimates ranging from 68% in Hargeisa to 23% in Merka.

Legal Safety



Within the dimension of legal safety, child-appropriate durable solutions imply that the population of concern has some kind of legal identity/civil documentation. Society does everything in its power to keep children and parents from being separated, and to reunite them should such need arise. People feel that they have access to fair justice mechanisms, and their movement is not restricted.

Civil documentation

Obtaining civil documentation is naturally challenging in a context where there is no recognized civil authority to issue such documents, or to register births, marriages or deaths. It is hard to ascertain, though well within the realm of possibility, that returnees might have a higher probability of possessing some kind of ID compared to the local population. The ReDSS reports, however, that the majority of IDPs and refugee returnees do not have documents such as birth certificates, national ID cards or other personal documents, “*although it has to be considered that lack of documentation is a problem that also affects the rest of the population.*” It is estimated that fewer than 10% of IDPs/returnees in Kismayo covered by a multi-sectoral assessment possess legal identity documents.³⁸



Family (re)unification

Save the Children reports in 2017 that “*more than a million children in Somalia are at risk of (...) being separated from their families.*”³⁹ UNICEF reports that the percentage of Somali children living away from any biological parent is rising over time. According to the most recent available estimate, the share of minors aged 15–17 separated from their parents stands at 18%, compared to 12% of children aged 5–9 and close to 3% of children aged 0–4.⁴⁰ Exact figures for displaced populations do not exist, but it has been reported that families sometimes send their children to live in IDP camps to improve their access to basic services. There are not currently adequate mechanisms in place for tracing children separated from, and reuniting them with, their families.

Justice mechanism

Although the judiciary is technically an independent branch of government, the judicial system remains largely dysfunctional across the country. Human Rights Watch notes that “*the military court continues to try cases that are not within its jurisdiction, including terrorism-related offenses, and cases against civilians, contrary to international law and the provisional constitution.*”⁴¹ Traditional justice mechanisms are often preferred, including tribal courts which by definition depend on local clans for their authority (and are thus likely less readily accessible to displaced populations). Overall, perceptions of integrity are low at 48%.⁴² Children are at risk in terms of fair access to the judiciary: the Special Representative of the UN Secretary-General for Children and Armed Conflict notes in 2017 that “*for children brought before a court, there were concerns about the lack of application of juvenile justice standards and the adherence to international obligations.*”⁴³

Freedom of movement

Even if freedom of movement is theoretically guaranteed, this is a moot point in the Somali context. De facto, there are grave risks involved in travelling related to the various checkpoints manned by either government forces or Al-Shabaab. Furthermore, banditry is rampant.⁴⁴ As such, even in the absence of official statistics, it is evident that freedom of movement is severely restricted to anyone traveling in Somalia today.



Mental health and psychosocial safety



In order for child-sensitive durable solutions to be ensured, mental health needs should receive particular attention. Any child-friendly return environment must feature spaces where children can safely socialize and thrive. Children must be respected as part of the community and, free from discrimination, have a sense of inclusion. Reconciliation programs should be available to those wishing to benefit from them. Children with special needs or suffering from mental health disorders/trauma have a right to benefit from adequate care.

Nurturing environment

Data is not available on the total number of child-friendly spaces in Somalia. While punctual needs assessments might well inquire into the sense of independence, perceived inclusion and feelings of discrimination of children (and, for that matter, adults), overall data speaking to these important, albeit somewhat subjective indicators does not currently exist.

Community and family support, professional support

Information on the number and situation of people with disabilities in Somalia is not readily available. A collaborative profiling exercise of IDPs in Mogadishu notes that 1% of IDPs have a mental disability, similar to the host population. Other studies suggest that “disability amongst IDPs is likely to be higher than the 15% average”.⁴⁵ An informal survey targeting ten schools in Mogadishu in 2015 concluded that less than 1% of children with disabilities were enrolled in school.⁴⁶ NRC notes that depression, anger and irritability were common among returnees, with three out of seven returnees from Europe suffering symptoms of distress. Somalia counts five mental health centers and three psychiatrists for a population of over 12 million.⁴⁷

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Conclusions

This paper has provided an analysis of gaps, obstacles and opportunities for the criteria of the child-sensitive durable solutions indicators, namely physical safety, material safety, legal safety and psychosocial well-being. It found that the challenges to achieving durable solutions in Somalia are many. All children in Somalia today face grave risks to their safety, and infringements upon their fundamental rights in regards to being safe from child labor, marriage, trafficking and recruitment into the armed forces. Current standards of living indicators are dire for the population as a whole, be they related to WASH, nutrition, shelter or livelihoods. The rule of law is not being upheld, freedom of movement not a reality and legal identity is near-inexistent.

Ongoing initiatives in Somalia have shown that data collection, if built on collective efforts, will go a long way to support an accountable, solutions-oriented approach. The following steps are recommended to those relevant actors and coalitions with a view to allowing the international community to compile the information necessary to achieving durable solutions for children in the Somalia context:

- It is difficult, based on available data, to compare the vulnerabilities of the displaced with those of the general population of the same age. Similarly, additional risks related to disabilities or to unaccompanied minors have been difficult to ascertain from existing data sets. Data collection should adopt a displacement focus, and data collection instruments should be standardized. Once collected, raw (anonymized) data should be shared among stakeholders rather than just presented in a report in the form of summary statistics.
- Respecting the Age, Gender and Diversity approach, information must be collected and presented disaggregated by age – lest the plight of the most vulnerable become lost in the aggregate of the population as a whole, or (in the case of selected areas and selected indicators) the returnee population as a whole.
- Child-sensitive indicators must feature more prominently in future rounds of data collection targeting both the displaced, and the population as a whole. While some relevant metrics (such as trafficking, child recruitment etc.) suffer from notorious underreporting, many are measurable and should be collected as a matter of course, by all, disaggregated by migration status and age. Those include the prevalence of child labour and child marriage, child malnutrition and school attendance rates, as well as data on the prevalence of children without any type of legal documentation.

Rather than a one-dimensional checklist for local integration to be considered attained, a more appropriate – and realistic – approach is to consider minimum standards of acceptable conditions for people of concern. These minimum standards should naturally not only apply to the child-sensitive indicators but to the durable solutions frameworks as a whole, and be widely available and regularly updated to the Somalia context.

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