



## HORIZON INSTITUTE

**Press Release: Embargoed, 12 November 2020**

“My plan is to look for a job and work. I don’t want to go back to school because [the school] would take me back to the eighth grade and I don’t want that.”

- Bukhari Awil Mohamed, speaking after he was released from prison. He was 15 years old when he was convicted to two years in prison for stealing a phone.

Should the court have sentenced Bukhari to two years for stealing a \$50 USD mobile phone? Some people would argue yes. With theft of phones on the increase in Somaliland, especially in the capitol of Hargeisa, many adults, including justice sector actors, believe a punitive response is the only effective strategy to deter this trend. Sending teenagers to prison for their actions is, they insist, the best hope of putting an end to minor offences by children like phone theft and fighting.

But prison did not rehabilitate Bukhari. It merely set him on a path that convinced him getting an education would not be part of his future. Released from prison, he did not see going to school to finish his education as an option.

Imprisonment did not need to be the answer to Bukhari’s wrongdoing. Somaliland’s 2007 Juvenile Justice Law sets progressive standards for judges to follow when they are deciding what do to with a youngster who has committed a crime. It requires them to treat every child as an individual and try to address the reason they ended up in their courtroom in the first place. The law discourages short-term thinking focused on punishment, and encourages long-term thinking on how to promote rehabilitation. It achieves these goals by requiring that prison be treated as a last resort, and even then for the shortest time possible, for any

teenager found guilty of a crime. The law mandates that judges consider community-based sentences, termed diversion, in every case of a child.

In the report published today, *Sentencing Children to Significant Prison Time for Minor Offences*, the story of Bukhari is told. It demonstrates that the law provides more age appropriate responses to holding teenagers responsible for their actions rather than sending them to prison.

Bukhari did not need to go to prison for stealing a mobile phone. A judge could have ordered a community-based sentence that held him accountable and taught him right from wrong, but kept him out of prison.

This report is the third of the five-part series, *A Collective Failure: How Somaliland's Criminal Justice System Harms Children and What We Can All Do About It*. The aim of this series is to let the public know about the legal protections afforded children and empower everyone to take action to make these laws a reality.

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 processes at court in Series Two; how the criminal justice system is being used to address issues better answered by communities, education and social services in Series Four; 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. Somaliland's laws protect children so they can grow up at home and not in prison cell. It is up to everyone to help make sure this happens.

To read the report and learn how you can become part of the solution and help, [click here](#).

To read *Criminally Punishing Children Considered Too Young To Fully Understand Right From Wrong*, the first instalment of the five-part series, [click here](#) for English and [click here](#) for Somali.

To read the second instalment, *Imprisoning Children Before A Court Decides They Are Guilty*, [click here](#) for English and [click here](#) for Somali.

***Horizon Institute is working to advance the rule of law and human rights. Our reports and discussion papers explore issues identified through our work. They provide information and analysis intended to stimulate debate among the public, government institutions, the media, human rights groups, NGOs, independent bodies and donors and promote government policies based on respect for human rights, the rule of law and the encouragement of self-reliance.***

***To learn more, visit us at [www.thehorizoninstitute.org](http://www.thehorizoninstitute.org) and follow us on Twitter at @Horizon\_SL and on Facebook at @HorizonInstituteSomaliland.***

***For inquires and comments, we can be contacted via email at  
info@thehorizoninstitute.org.***