



**Federal Republic of Somalia**  
**Ministry of Interior, Federal Affairs & Reconciliation**

**National Action Plan to End  
Statelessness in Somalia  
2021 - 2024**

## 1.OVERVIEW

On 4 November 2014, the UN High Commissioner for Refugees (UNHCR) launched the global “**I Belong**” campaign to end statelessness by 2024, resulting in the adoption of the Global Action Plan to End Statelessness (2014 – 2024) (Global Action Plan). On 18 December 2014, the UN General Assembly adopted by consensus a resolution (A/RES/69/152) which stated that the prevention and reduction of statelessness is the primarily responsibility of States, in appropriate cooperation with the international community. The Executive Committee’s Conclusions and General Assembly Resolutions have developed and refined United Nations High Commissioner for Refugees’ (UNHCR) mandated responsibility for statelessness, referring to four distinct areas in which the agency is authorized to act: identification, prevention and reduction of statelessness and the protection of stateless persons.

The Global Action Plan establishes the guiding framework of 10 Actions to be implemented by States, with the support of UNHCR and other stakeholders to resolve existing situations of statelessness, prevent new cases of statelessness and better identify and protect statelessness populations. To effectively implement the Global Action Plan, States are encouraged to develop country-specific national action plans to eradicate statelessness, focusing on one or more of the 10 Actions and based on the comprehensive analysis of the statelessness situations, country priorities, and gaps in the national legal, policy and administrative frameworks that may lead to statelessness and implementation capacity. It recommended that the NAP should be developed through a consultative process under the leadership of the Government and Minister in charge of nationality issues with involvement of key State stakeholders including UNHCR, UN sister agencies, international, regional and national organizations, civil society and stateless populations.

Without the ability to show one’s state membership, a stateless person lacks the means to assert his or her legal rights or even access basic services, and so the consequences, including exploitation, discrimination, and abuse, can be devastating. Considering that statelessness is a human rights and development issue, addressing the issue goes a long way towards realizing the Sustainable Development Goals (SDGs) in the context of Somalia’s national development agenda as articulated in National Development Plan 9 (2020-2024). Thus, there are linkages between Somalia’s National Development Plan 9, the Global Refugee Forum (GCR) and accompanying Comprehensive Refugee Response Framework (CRRF) and the Federal Government of Somalia’s (FGS) pledges made during the October 2019 High-Level Segment on the eradication of statelessness.

In Somalia, statelessness has roots in the colonial history that resulted in the arbitrary delineation of borders which divided many ethnic groups between two or more countries, the forced movement of populations, and discriminatory laws and systems. These are exacerbated by the challenges created by protracted conflicts and forced displacements, as well as the lack of a civil registration and identification system for the population.

While the FGS enacted the Somali Citizenship Law No. 28 (1962), a UNHCR study on Statelessness and Citizenship in the Horn of Africa<sup>1</sup> (the Regional Statelessness Study) identified several factors that contribute to potential risk of statelessness, including the following: gaps in the nationality law which do not provide sufficient protection safeguards against statelessness as established in international law; discrimination between men and women in the transmission of nationality to children and their spouse; weak administrative procedures and lack of effective identification systems to ensure that a legal right to nationality can be claimed in practice (incl. lack of a universal birth registration system).

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<sup>1</sup> The Regional Statelessness Study is expected to be published before the end of 2021. The final draft report has been shared with the federal authorities for review.

The Federal Government of Somalia, with financial support from the World Bank, is in the process of establishing a digital national identity system (“**digital uplift project**”). This project was approved in 2016 and is expected to support the Government to establish a specialized authority that will administer a digital identification system and issue unique identity numbers based on biometric data and other basic information. This will form the foundation for identity documents including driver’s licences and passports, and all adult residents will be eligible to register and receive a digital identity document regardless of their status. It is believed that this project has great potential of establishing safeguards to prevent statelessness among various population groups residing in Somalia, including internally displaced persons (IDPs), refugees, asylum seekers, and migrants. Furthermore, the digital identity system will contribute to strengthening civil registration, which remains a critical gap in the country as it exposes individuals to potential statelessness.

This Federal Government of Somalia National Action Plan to End Statelessness (2021-2024) (NAP) is informed by the Regional Statelessness Study conducted in late 2020 and early 2021, and the multi-stakeholder technical workshops held on 17 June 2021. The participants involved in the elaboration of the National Action Plan (NAP) included representatives of Government ministries (including the Ministry of Interior, Federal Affairs and Reconciliation, the Ministry of Women & Human Rights Development, the Ministry of Planning, Investment & Economic Development, the Immigration & Naturalization Directorate, the National Commission of Refugees and IDPs, the Ministry of Foreign Affairs, the Ministry of Justice, the National ID Authority and the National Bureau of Statistics); UN agencies (UNHCR, IOM), civil society and academic institutions.

At the 17 June 2021 workshop, participants deliberated on the causes and consequences of statelessness based on the findings of the Regional Statelessness Study as well as research, and innovations in civil documentation by MoIFAR. The NAP prioritizes six action areas, informed by the findings from the Regional Statelessness Study (which provides a comparative analysis of various nationality legislative frameworks), as well as from the political will, commitment and pledges made by the Federal Government of Somalia during the High-Level Segment on Statelessness.

The NAP provides an opportunity for the FGS to operationalize and implement its pledges made during the High-Level Segment on Statelessness in a strategic and policy framework. Specifically, the pledges made by the FGS included the following:

1. By 31 December 2020, accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention Relating to the Reduction of Statelessness.
2. By 31 December 2020, conduct and publish a qualitative study to better understand the situation of stateless groups and individuals and those at risk of statelessness living in its territory in order to find a solution to their situation.

## 2. Situational Analysis of Statelessness in Somalia

The international legal definition of a stateless person comes from the 1954 Convention relating to the Status of Stateless Persons and defines a stateless person as “*a person who is not recognized as a national of any State under the operation of its law*”. According to UNHCR, establishing whether an individual is not considered as a national under its law requires a careful analysis of how a State applies its nationality laws on individual cases in practice and any review and appeal decisions that may have had an impact on an individual’s status. Thus, in some contexts, persons can be stateless if they are unable to establish a nationality in practice.

Somalia’s Provisional Constitution of 2012 provide that dual citizenship is permitted. Further, some of the Federal Member States have also enacted their own laws on citizenship in their respective Constitutions. For the reasons stated below, the Somali Citizenship Law does not provide adequate protection safeguards against statelessness. The Somali Citizenship (Amendment) Bill of 2016 aims to amend the provisions of

the Somali Citizenship Law to ensure compliance with the Provisional Constitution of the Federal Republic of Somalia (2012), remains to be finalised.

The Somali Citizenship Law provides for the attribution of citizenship by operation of law to any person whose father is a Somali citizen, or a person “who is a Somali resident in Somalia or abroad and declares to be willing to renounce any status as citizen or subject of another country” (art.2). “Somali” is defined in the law as “any person who by origin, language or tradition belongs to the Somali Nation” (art.3). The Somali Citizenship (Amendment) Bill aims to address gender discrimination of the Somalia Citizenship Law which is a major driver of statelessness.

Generally, there is limited knowledge and understanding of the statelessness issues among various shareholders in Somalia. This situation is exacerbated by the lack of data on the populations at risk of statelessness, and the reasons why they are at risk, thus making it extremely difficult to develop effective policies and interventions to address the issue. The national census which provides an opportunity to establish better baseline data on the number of Somalis and aliens whose lack of documents may place them at risk of statelessness was last conducted in 1985/1986 and the final report was not formally published. In late 2013 to early 2014, the FGS, in collaboration with the international community, conducted a countrywide National Population Estimation Survey. This study produced the first comprehensive estimates of the Somali population in over four decades. The nationwide survey collected information from Somali women and men residing in 250,000 households in urban, rural, nomadic settings and IDP camps. In addition, the report provided crucial information on the size, sex and age of Somali citizens, as well as how they are distributed among the 1986 pre-war regions. However, this study did not focus on stateless populations and those at risk of statelessness including identifying problems related to discrimination based on sex or other grounds.

There is therefore a need to conduct a survey study to assess and establish the scope of statelessness, its causes, the populations at risk, and to find effective mechanisms to improve identification, prevention, reduction and protection of stateless population and at risk groups.

The Government of Somalia recognizes the importance of obtaining information on the causes of statelessness and scope of statelessness in Somalia. In this regard, the Government is committed to honouring its pledges made during the High-Level Segment on Statelessness through conducting a study on statelessness and gathering data on the stateless populations in the country. In addition, as noted above, the Government of Somalia has committed to acceding to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention Relating to the Reduction of Statelessness

The NAP aims to provide the roadmap and strategy for addressing statelessness in Somalia by 2024, focusing on six priority areas of the Global Action Plan to eradicate statelessness. These actions are consistent with Somalia’s international obligations, commitments and pledges made during the High-Level Segment on Statelessness, and include the following:

1. Ensure that no child is born stateless
2. Remove gender discrimination from nationality laws
3. Prevent denial, loss or deprivation of nationality on discriminatory grounds
4. Ensure birth registration for the prevention of statelessness
5. Accede to the UN Statelessness Conventions
6. Improve qualitative and quantitative data on stateless populations

The NAP applies to the following groups and individuals identified by the Regional Statelessness Study as those groups at risk of statelessness (that is inclusive of those with undetermined nationality, which is a sub-category of persons at risk of statelessness):

- Vulnerable children of different categories, including foundlings, children born out of wedlock, orphans, and children separated from their parents.

- People of mixed parentage or potential dual nationality, especially where the father is known or believed to be foreign.
- Cross-border populations and nomadic pastoralists.
- Long-term refugees and former refugees, and their descendants, including Somalis in neighbouring countries as well as refugees in Somalia.
- Members of minority communities in Somalia who are not considered to form part of the “Somali Nation” (as mentioned in the Somali Citizenship Law).

The NAP will be implemented from 2021 to 2024 and its implementation will be regularly monitored and reviewed to assess progress made and adjust relevant actions, activities, and timelines, as might be necessary. MoIFAR will be in charge of regular monitoring and review of the NAP by way of calling and chairing technical and decisional-level meetings as described below.

At the above noted multi-stakeholder technical level workshop held on 17 June 2021, the monitoring, evaluation, and reporting mechanisms for implementation of the NAP was established as follows:

**Technical level:** establish a technical level steering National Taskforce to follow up on the implementation of the NAP consisting of the Ministry of Interior, Federal Affairs and Reconciliation/the Government Focal Point on Statelessness from the MoIFR, the National Bureau of Statistics, the Ministry of Women & Human Rights Development, the Ministry of Planning, Investment & Economic Development, the Immigration & and Naturalization Directorate, the National Commission of Refugees and IDPs, the Ministry of Foreign Affairs, the Ministry of Justice, the National Registration and Identification Agency, civil society organisations (CSOs), academia, UNHCR, IOM, UNICEF, OHCHR, UNDP, UNFPA, and other agencies as appropriate.

**Decisional level:** the High-Level Steering Committee on the Eradication of Statelessness in Somalia will be chaired by the Minister of Interior, Federal Affairs and Reconciliation, and composed of Commissioners/Senior Officers of relevant departments that are part of the technical-level coordination structure and the UNHCR Country Representative.

**Partnerships** will be developed across all priority actions and with diverse stakeholders including the Government and public agencies, private sector, development and humanitarian actors, CSOs and others. Increased effort will be undertaken to engage and attract the development and private sector entities through the development of credible and evidence-based innovative initiatives. A few engagements have been initiated particularly with the US-PRM that currently support UNHCR to implement statelessness related capacity building interventions and the World Bank that has signed an agreement with the Federal Government to support the digital identity system. UNHCR and partners will be actively involved in partnership forums such as the Global IBelong campaign, Global Refugee Forum and other High-Level forums organized at the national, regional and global levels.

The NAP will focus on the above noted six priorities that emanate from and linked to relevant actions of the Global Action Plan. These are elaborated as follows.

**Priority 1: Ensure no child is born stateless**

**National context:**

Somalia is party to the 1990 African Charter on the Rights and Welfare of the Child but has not ratified it. Article 6 of the African Charter states that every child has the right to be registered after birth and to acquire a nationality of the country where the child is born, if, at the time of the child's birth, he or she is not granted nationality by any other country.

The African Committee of Experts on the Rights and Welfare of the Child advocates for stronger protections against statelessness, including automatic attribution of nationality to a child born in the territory of one parent and the right of a child to acquire nationality in a territory where he/she remains resident during his or her childhood. A protocol on the right to nationality and eradication of statelessness in Africa is currently in the final stages of consideration by the political organs of the African Union. The League of Arab States and Organization of Islamic Cooperation (OIC), of which Somalia is a member, has adopted commitments relevant to ending statelessness. The Arab League Declaration on Women's Nationality Rights urges states to grant women and men equal rights to transmit nationality to children and spouses. The Arab Declaration on Belonging and Legal Identity calls on states to ensure that all children are registered at birth and are able to acquire a nationality.

There is currently no legal or policy framework or institutions with the authority to maintain civil registration or birth registration in any of the federal member states of Somalia. Somalia's constitutional provisions on citizenship do not provide protection safeguards against statelessness required by international commitments. In particular, the Provisional Constitution does not establish a presumption that children found in Somalia whose parents are not known, are Somali citizens, nor does it provide that a child born in Somalia shall acquire Somali citizenship if he or she cannot acquire another nationality from his father. There is also no provision for children adopted or cared for by Somali citizens who are not already Somalis to be able to acquire Somali citizenship. Somali nationality is acquired through the father only, and other provisions of the law also favors people of Somali ethnicity. The law does not provide any rights to nationality based on birth in the territory - protection against potential statelessness is provided for in the law when a child's parent (s) is unknown. Membership and belonging in Somalia is based on membership to a clan, and membership of a clan is transmitted through the male line. The Islamic Sharia law does not encourage full adoption, recognizing instead the system akin to guardianship commonly known as kafala, under which a person (kafeel) undertakes responsibility for the protection, upbringing and care of a child, in the same way as a parent would do for his or her own child but without breaking the child's legal links with his or her birth family. The system of kafala is recognized by the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

The Somali Citizenship Law gave local governments in the newly independent Somalia local district councils the power to register the population and maintain registers of births and deaths but did not make it mandatory for these functions to be provided. Even before the collapse of the central government in 1991, birth registration was thus the exception rather than the rule. If a birth was registered, a local administration would create a family book and record the birth based on witnesses from the clan. This system broke down during the civil war, and most archives are not currently in place. Birth registration rates are very low, and in practice there is little incentive for an ordinary Somali to seek to register the birth of a child. There is no law in place to establish the structures and legal framework for registration of civil status events, although children born in a medical facility are issued a birth notification by that facility, and some municipal governments or consulates issue certificates of different types.

According to the findings from the Regional Statelessness Study which Somalia was part of, the following group of children may be exposed to statelessness: vulnerable children of different categories, including foundlings, children born out of wedlock, orphans, and others separated from their parents, children of long-term refugees and former refugees as well as children of migrants with irregular immigration status (especially those with no documents). In

addition, many girls from minority communities in Somalia have been taken as brides by non-state actors, who have then abandoned the family or been killed. It is unclear that either family recognize the children born from such relationships, leaving them at risk of multiple forms of exclusion, including statelessness. The acquisition of citizenship in Somalia is not conditional on the registration of the birth of the child, birth registration is one of the most important means by which the facts on which the right to the citizenship of a particular country is based can be proved. Birth registration records the location of birth and the identity of the child's parents. Achieving universal birth registration remains a crucial step towards eradicating statelessness in Somalia.

The existing Somali Citizenship Law creates the risk of statelessness through a presumption of citizenship in favour of those who are "Somali", defined as "any person who by origin, language or tradition belongs to the Somali Nation". Also, the law does not provide any safeguards against statelessness for those who might not be considered "Somali" and yet do not have any other state to call home, leaving members of Somalia's minority communities, who face significant discrimination in their daily lives, at high risk of not being recognized as nationals as the Federal Government of Somalia seeks to rebuild its identification infrastructure.

A comprehensive assessment of the civil registration and vital statistics (CRVS) system is therefore required and should involve a multi-sectorial group led by the MoFAR in collaboration with the Ministry of Health, Ministry of Education, the National Bureau of Statistics, UN agencies and civil society organizations.

The Federal Government of Somalia is committed to reduce and prevent statelessness by improving its civil registration and vital statistics system in line with Article 6 of the African Charter on the Rights and Welfare of the Child, ensuring that all children are registered immediately after birth and that late registration procedures are accessible for all unregistered individuals born in the territory.

In January 2021, the Federal Government (the Ministry of Interior, Federal Affairs and Reconciliation) with support of UNICEF developed a Civil Registration and Vital Statistics Policy and the draft workplan is under review. Once the workplan is finalized, it will facilitate the establishment of a modern and unified civil registration system throughout Somalia in accordance with international standards and declarations of the African Union's Ministers responsible for Civil Registration.

<b>Baseline</b>	<b>Goal</b>	<b>Milestones and Timelines</b>
Although Somalia signed the 1990 African Charter on the Rights and Welfare of the Child, it has not yet ratified the Charter. Gaps in the constitutional provisions and the Somali Citizenship Law leave some children at risk of statelessness, including children found in Somalia of unknown	Effective procedures are established to grant citizenship to children born in Somalia, where they cannot obtain citizenship from their parents; or to confirm a child's citizenship of another country.	Review of the provisions in the draft Citizenship law and requirements in administrative procedures (including birth registration) by the end of 2021

<p>parents, and children born in Somalia to stateless parents or foreign parents unable to transmit their citizenship or, in some cases, to Somali female parents to acquire citizenship.</p> <p>Birth registration remains a gap in Somalia and Somalia's consulates abroad. The weak capacity of civil registry and administrative systems continue to expose children born in Somalia to the risk of statelessness.</p>	<p><b>Performance indicator:</b></p> <p>Law, policy and administrative reforms are in place to grant or confirm nationality to children born in Somalia or abroad from Somali nationals.</p>	<p>Lobby and advocate for the speedy adoption of the Somali Citizenship (Amendment) Bill by the end of 2023.</p> <p>Establish an accessible and transparent independent oversight body to review appeals of decisions on the issue of identity documents confirming nationality by 2023.</p>
<b>Measures</b>	<b>Responsible agency</b>	<b>Supporting entities</b>
<p>Support revision of the draft Somali Citizenship (Amendment) Bill 2016 and advocate for its endorsement.</p>	<p>MoIFAR, the Ministry of Justice</p>	<p>Technical support with the revision of the Somali Citizenship (Amendment) Bill 2016</p>
<p>Strengthen the capacity of designated government institutions to create a Civil Registration and Vital Statistics (CRVS) system with an organizational structure and infrastructure that are responsive to the CRVS needs</p>	<p>MoIFAR, the Ministry of Health, Ministry of Education, the National Bureau of Statistics, CSOs, UNICEF and UNHCR</p>	<p>Technological support to capitate designated government institutions responsible for CRVS</p>
<p>Undertake a comprehensive assessment of the Civil Registration and Vital Statistics (CRVS) system</p>	<p>MoIFAR, the Ministry of Health, the Ministry of Education, the National Bureau of Statistics, the National Registration and Identification Agency, the Immigration and Naturalization Department, UN agencies and CSOs</p>	<p>Technical support by the National Bureau of Statistics, UN agencies and CSOs</p>
<p>Provide legal and paralegal assistance for children at risk of statelessness or those whose applications for nationality documents have been rejected by the mandated Government authority.</p>	<p>MoIFAR, the Ministry of Justice, CSO, with support from UN agencies</p>	<p>Technical support and capacity building (UNHCR) targeting relevant legal/paralegal CSO networks</p>
<p>Establish referral mechanisms within Federal and Federal member state government agencies to facilitate children whose citizenship is undetermined to have their status resolved.</p>	<p>MoIFAR, the Ministry of Health, the Ministry of Education, the National Bureau of Statistics, the National Registration and identification Agency, the Immigration and Naturalization Department UN agencies and CSO</p>	<p>Technical support to establish referral mechanisms</p>

## Priority 2: Remove gender discrimination from nationality laws

### National context:

Gender discrimination in nationality law can have far-reaching consequences on all aspects of family life. When women are unable to pass on their nationality to their children because of discriminatory laws, and those children are unable to acquire nationality from the father, they are rendered stateless.<sup>2</sup> In the Somalia context, women are unable to confer nationality to their children on an equal basis as men.

The Convention on Elimination of all forms of Discrimination Against Women (CEDAW) provides that States should grant women equal rights as men to acquire, change and retain their nationality (Art. 9(1)). Further, it obliges States to grant women equal rights as men with respect to the nationality of their children (Art. 9(2)).

Reform of the Somali Citizenship Law, which prevents women from conferring nationality to their children on an equal basis as men is necessary to prevent statelessness among children. The Somali Citizenship Law provides for attribution of citizenship by operation of law to any person “whose father is a Somali citizen”, or a person “who is a Somali resident in Somalia or abroad and declares to be willing to renounce any status as citizen or subject of another country” (art.2). “Somali” is defined in the Law as “any person who by origin, language or tradition belongs to the Somali Nation” (art.3).

Somalia is a member of the Arab League, which endorses the equal rights of parents. Any woman who is not a citizen and marries a citizen shall acquire Somali citizenship (art. 13 of the Somali Citizenship Law). No option to refuse acquisition of Somali citizenship is envisaged by the law. Somalia continues to provide that a woman acquires nationality automatically upon marriage to a national, while a man married to a Somali woman has no additional rights other than those normally provided for foreigners to acquire through naturalization.

The political will of the Federal Government of Somalia is to remove gender discrimination by enacting the Somali Citizenship (Amendment) Bill 2016, which aims to address the gender discrimination of the Somalia Citizenship Law.

There is a need to revive the discussions on the endorsement of the Somali Citizenship (Amendment) Bill in order to remove gender and other discriminatory provisions.

Baseline	Goal	Milestones and Timelines
Gender-based discriminatory provisions of the Somali Citizenship Law (1962).	Gender-based discriminatory provisions are removed from the Somali Citizenship Law to reduce and prevent statelessness by 2024.	By 2022 the discussion on the Somali Citizenship (Amendment) Bill 2016 is revived and concluded by 2022, and citizenship legislation is enacted by 2023 to ensure equality between women and men in nationality matters.
	<b>Performance indicator:</b> Equal rights to confer, retain their nationality between women and men in nationality matters is ensured through law and policy reform.	
Measures	Responsible agency	Supporting entities

<sup>2</sup> [UNHCR - Global Action Plan to End Statelessness: 2014-2024](#)

Initiate revision of the Somali Citizenship (Amendment) Bill 2016 and advocate for its endorsement.	MolFAR, the Ministry of Justice, the Ministry of Women & Human Rights Development, the Council of Ministers, the Federal Parliament.	Technical support with the revision of the Somali Citizenship (Amendment) Bill 2016 (UNHCR)
Support initiatives to promote equality of women and men in nationality matters, including through advocacy, awareness raising strategic litigation aimed at achieving legislative reform or ending the discriminatory application of nationality laws.  Support capacity building initiatives targeting legal professionals and the justice sector on statelessness and nationality issues.	MolFAR, the Ministry of Justice, the Ministry of Women & Human Rights Development	Technical support and capacity building (NGOs, civil society, academia, international coalition of the Global Campaign for Equal Nationality Rights, UNHCR, OHCHR, UNFPA)

<b>Priority 3: Prevent denial, loss or deprivation of nationality on discriminatory grounds</b>		
<p><b>National context:</b> Discrimination on the basis of ethnicity, race, religion, language or disability is a recurrent cause of statelessness. The majority of the world’s known stateless populations belong to minority groups.</p> <p>The Somali Citizenship Law of 1962 defines “Somali” as “any person who by origin, language or tradition belongs to the Somali Nation” (art.3). Such definition of “Somali” is clan-based and thus considered to be a contributing factor for putting minority groups at risk of statelessness including groups those with undetermined nationality.</p> <p>Somali Citizenship (Amendment) Bill 2016 in its current version, while an improvement on the 1962 legislation, does not address this clan-based definition. According to the findings of the Regional Statelessness Study, minority groups in Somalia are identified as those that might be at risk of statelessness as they might not be recognized as nationals. Given Somalia’s context where most of the population does not possess any nationality / identification documents, these minority groups are be considered as persons with undetermined nationality (which is a subcategory of persons at risk of statelessness) as they might find it challenging to access relevant procedures and documentation.<sup>3</sup> Furthermore, in view of ongoing returns from Kenya and neighboring countries, there is need to ensure that all returning refugees and their families have access to relevant individual documents and procedures as necessary.</p> <p>There is need to revive the discussions on the endorsement of the Somali Citizenship (Amendment) Bill 2016 in order to remove and or revise clan-based definition of “Somali”.</p>		
<b>Baseline</b>	<b>Goal</b>	<b>Milestones and timelines</b>
Clan-based definition of “Somali” of the Somali Citizenship Law that can put minority groups at heightened risk of statelessness / persons with undetermined nationality.	Clan-based discriminatory provisions are removed from the Somali Citizenship Law that will contribute to prevention and reduction of statelessness by 2024.	By 2022, the discussion on the Somali Citizenship (Amendment) Bill 2016 is revived and concluded in 2022, and citizenship legislation enacted by 2023.

<sup>3</sup> On concept of persons with undetermined nationality please refer to UNHCR Quick Guide: Researching Statelessness, available at: [Refworld | UNHCR 2021 Quick Guide: Researching Statelessness](https://www.refworld.org/docid/5a4d4d4d.html)

	<b>Performance indicator:</b> Discriminatory provisions including definitions are removed from nationality laws.	
<b>Measures</b>	<b>Responsible agency</b>	<b>Supporting entities</b>
Revive revision of the Somali Citizenship (Amendment) Bill 2016 and advocate for its endorsement.	MolFAR, the Ministry of Justice, the Ministry of Women & Human Rights Development, the Council of Ministers, the Federal Parliament	Technical support with the revision of the Somali Citizenship (Amendment) Bill 2016 (UNHCR)
Review the conditions and procedures for naturalisation to provide limits to the discretion to grant or refuse naturalisation, in order to make naturalisation accessible to a range of population including refugees and returnees.	MolFAR, the National Commission for Refugees and IDPs, the Immigration and Naturalization Department	
Provide information, legal advice and legal aid to persons under the risk of statelessness / with undetermined nationality, assist with monitoring of restitution of nationality and implementation of reformed nationality laws	MolFAR	
Support initiatives to promote equality between different groups and strategic litigation to achieve legislative reforms or ending the discriminatory application of nationality laws.  Support capacity building initiatives targeting legal professionals and the justice sector on statelessness and nationality issues.	MolFAR	Technical support and capacity building (UNHCR, CSOs, academia)

#### Priority 4: Ensure birth registration for the prevention of statelessness

**National context:** In Somalia, individuals may be exposed to statelessness if they have difficulties proving that they have links to a State. Lack of birth registration can create such a risk. This can also be applicable to refugees, returnees born in exile, cross-border / nomad populations or minority groups that are perceived to come from another country and not perceived as Somali origin. Birth certificates indicate the place of birth and parentages which are key elements to establish an entitlement to a nationality. Registering births that occur in the territory is the duty of the State, which is linked to the principle of universal birth registration and non-discriminatory birth registration. It is vital that every child is registered at birth that is explicitly mentioned in the Convention on the Rights of the Child (Art. 7 & 8). Birth registration needs to be free, accessible, and undertaken on a non-discriminatory basis<sup>4</sup>.

Currently, there is no national system of civil registration (including birth registration) or identity documents that may serve as documentary proof of nationality in Somalia. There are ongoing efforts for the establishment of the civil registration (including birth registration) system. Draft Civil Registration and Vital Statistics Policy as well as Civil Registration Bill were developed by the MoIFAR in 2020 and are planned to be submitted to the Council of Ministers for further review. The country is in the process of establishing a digital national identity system that is being supported by the World Bank and there are plans to link the digital identity system to the civil registration system.

Baseline	Goal	Milestones and timelines
Lack of a national system of civil registration (including birth registration) in the country.	<p>Birth registration for groups identified as potentially at risk of statelessness and those with undetermined nationality are prevented from becoming stateless.</p> <p>Every child born in Somalia receives a birth certificate regardless of his/her origin and nationality, which contributes to the prevention of statelessness.</p>	<p>Adoption of relevant laws and policies on civil registration and vital statistic by 2022.</p> <p>Establish a digital birth registration, certification, and record-keeping system by 2024.</p>
	<p><b>Performance indicator:</b></p> <p>Universal and non-discriminatory birth registration system for all born in Somalia is established and functional.</p>	
Measures	Responsible agency	Supporting entities
Support the implementation of Civil Registration and Vital Statistics Policy	MoIFAR	Technical support, capacity building (UNHCR and UNICEF)

<sup>4</sup> [UNHCR - Global Action Plan to End Statelessness: 2014-2024](#)

Establish a comprehensive birth and death registration system for all persons born in Somalia regardless of their legal status, age and vulnerabilities	MoIFAR	Support provision of information, legal aid and documentation campaigns to facilitate individuals at risk of statelessness or those with undetermined nationalities to file applications for birth registration (UNHCR and UNICEF)
Integrate birth registration procedures with other governmental programs, including but not limited to vaccination and education programmes, etc.	MoIFAR	

<b>Priority 5: Accede to the UN Statelessness Conventions</b>		
<p><b>National context:</b> The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are key international treaties designed to ensure that every person has a nationality and that stateless people enjoy a basic set of human rights. The Statelessness Conventions do not stand alone but complement a much broader range of international legal standards, in particular, those contained in human rights treaties.<sup>5</sup></p> <p>Accession to Statelessness Conventions is one of the pledges made by the Federal Government of Somalia (FGS) during the High-Level Segment on Statelessness in October 2019. This pledge is as follows:</p> <ul style="list-style-type: none"> <li>By 31 December 2020, the Government of the Federal Republic of Somalia commits to accede to the 1954 Convention Relating to the Status of Stateless Persons and to the 1961 Convention Relating to the Reduction of Statelessness.</li> </ul> <p>As of June 2021, accession to the UN Statelessness Convention is yet to be achieved.</p> <p>Once Somalia accedes to both Statelessness Conventions, it is crucial to incorporate into domestic law key safeguards and principles of these Conventions.</p>		
<b>Baseline</b>	<b>Goal</b>	<b>Milestones and timelines</b>
1954 Convention Relating to the Status of Stateless Persons and to the 1961 Convention Relating to the Reduction of Statelessness are not yet acceded to.	To meet the pledges made during the High-Level Segment on Statelessness	By 2022, the UN Statelessness Conventions is acceded to and deposited.
	<p><b>Performance indicator:</b> UN Statelessness Conventions are acceded to.</p> <p>Deposition of instrument of accession to 1954 and 1961 Statelessness Conventions.</p>	

<sup>5</sup> [UNHCR - Global Action Plan to End Statelessness: 2014-2024](#)

Measures	Responsible agency	Supporting entities
1954 Convention Relating to the Status of Stateless Persons and to the 1961 Convention Relating to the Reduction of Statelessness are acceded to.	MoIFAR, the Ministry of Justice, the Ministry of Foreign Affairs, Federal Parliament	Provide technical advice on formalities for accession as well as necessary steps for implementation of the two Statelessness Conventions.

#### Priority 6: To improve qualitative and quantitative data on stateless populations

**National context:** As indicated above, conducting and publishing a qualitative study to better understand the situation of stateless populations and those at risk of statelessness residing in Somalia with a view to finding solutions to their situation is one of the pledges made by the Federal Government of Somalia during the High-Level Segment on Statelessness in October 2019.

The 2020-2021 Regional Statelessness Study was a first attempt to support the FGS in the fulfilment of its pledges to identify the risk factors for statelessness. The study identified the key qualitative information on general and specific profiles of groups at risk of statelessness including persons with undetermined nationality. However, it did not identify all the specific profiles of groups at risk of statelessness. There is a need to conduct review of more specific profiles of groups at risk of statelessness. The starting point can be an initial mapping to have some estimated figures of persons at risk of statelessness within those specific profiles at risk leveraging on the definition of persons with undetermined nationality.

The stateless populations are generally considered to be “hard-to-count” due to their frequent physical remoteness, lack of documentation, lack of awareness about their legal status, unwillingness to be enumerated and the fact that statelessness is a relatively invisible phenomenon when considering society as a whole. For this reason, quantitative data collection for stateless populations can be extremely technical, costly, resource-intensive and time-consuming<sup>6</sup>.

In the Somalia context, the lack of identity documents and birth certificates is extremely widespread. At the same time, not everyone who lacks an identity document stating among other his/her nationality is stateless. While census is one of the most common methods for collecting quantitative data that are relevant to statelessness, the findings of the Regional Statelessness Study concluded that “no census could possibly provide an answer to the number of those who are stateless”. Census only provides some proxy factors that could help to identify which groups could be stateless.

There is a need to understand further the specific profiles at risk of statelessness, including minority group and persons with undetermined nationality, and to obtain qualitative and quantitative information on their demographic profiles, history, ancestry, documentation, migration or ancestors’ migrations. It is also advisable to obtain estimates on these groups and see whether or not they meet the criteria to fall within the scope of persons with undetermined nationality. This undertaking can be regarded as statelessness mapping, and qualitative profiling.

As indicated above, it is recommended that in the absence of overwhelming evidence and lack of proof of nationality, all those groups identified to be at risk of statelessness in Somalia should be referred to as persons with

<sup>6</sup> UNHCR Quick Guide: Researching Statelessness, 2021, available at: [Refworld | Quick Guide: Researching Statelessness](#)

undetermined nationality (provided they meet the other criteria of the definition of persons with undetermined nationality), which is a subcategory of persons at risk of statelessness .		
<b>Baseline</b>	<b>Goal</b>	<b>Milestones and timelines</b>
Regional Statelessness Study provides general qualitative information on profiles of groups at risk of statelessness including persons with undetermined nationality but does not provide qualitative information on specific groups at risk of statelessness. Quantitative data on the scope of statelessness is lacking.	Determine which groups / communities specifically in Somalia fall within the operational definition of persons with undetermined nationality. Collect, analyse and triangulate statistical estimates of persons with undetermined nationality.	By 2024, conduct mapping to get further qualitative and quantitative data on persons at risk of statelessness and those with undetermined nationality.
	<b>Performance indicator:</b> Estimate of persons with undetermined nationality among specific groups at risk of statelessness is available and published.	
<b>Measures</b>	<b>Responsible agency</b>	<b>Supporting entities</b>
Conduct mapping to obtain qualitative and quantitative data on persons at risk of statelessness / those with undetermined nationality in Somalia	MoIFAR, the National Bureau of Statistics	Technical support (UNFPA, UNHCR, UNICEF, CSOs working with affected communities / minority groups).
Conduct specific awareness raising activities among groups with undetermined nationality to encourage individuals to acquire documents to confirm their nationality, including birth certificates, and to apply for confirmation of nationality through the established procedures.  Support acquisition of nationality documentation to mitigate the risk of statelessness	MoIFAR	UNHCR, UNICEF, CSOs working with affected communities / minority groups.