

From Law to Reality: Examining the Challenge of Lack of Rehabilitation Facilities in Puntland's Juvenile Justice System

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Abstract

The identified gap between the Puntland juvenile justice law and the practice that will be explored in this paper is the lack of rehabilitation facilities as stipulated by the Puntland Juvenile Justice Act (Law No. 8 of 2016). Despite the fact that the Act is based on international standards, the practice of juvenile justice in Puntland is still mainly punitive and not rehabilitative. Most juveniles are often held in adult jails, where they get involved in abuse and suffer psychological damage. The study will employ a qualitative method, which will be based on semi-structured interviews with 40 justice-sector stakeholders, such as judges, prosecutors, police officers, prison administrators, and human rights officials. The results show that there are systematic institutional-procedural breakdowns, professional competency voids, and dysfunctional socio-cultural ideologies, which perceive justice as punishment. The article claims that the lack of effectiveness of the rehabilitative provisions is a failure of governance and coordination, but not a lack of the necessary legal framework, and the paper suggests immediate multisectoral reforms

to implement a rights-based system of juvenile justice in weak settings.

Keywords: Juvenile justice, Rehabilitation facilities, Juvenile Justice Act (2016), Child rights, Legal implementation gap, Puntland, Somalia

INTRODUCTION

The foundational principle of juvenile justice across the globe is based on the understanding that the juveniles who are in conflict with the law are developmentally different to the adult ones and should, therefore, be handled within systems that emphasize rehabilitation over punishment. The international legal requirements that affirm this orientation are the United Nations Convention on the Rights of the Child (CRC, 1989) and the United Nations Standard Minimum Rules of the Administration of Juvenile Justice (the Beijing Rules, 1985). These frameworks demand justice answers that will enable the reintegration of juvenile offenders into society and advance their well-being and dignity, such as avoiding the formal justice route, non-custodial options, and access to education, health, and family services. Over the past few decades, an increasing number of scholars and policymakers have come to the view that punitive models of juvenile justice are

ineffective and, in most instances, counterproductive. There are indications that incarceration, especially in adult prisons, is a contributory factor to mental trauma, social isolation, and recidivism (Lipsey & Cullen, 2007; UNODC, 2019). The labeling theory and restorative justice models focus on the role of contact with formal justice systems in entrenching deviant identity and reinforcing marginalization (Raia, 2013) and the role of repairing harm and integrating communities into the reintegration process (Carter, 2021). On the same note, the social control theory identifies the protective effect of a strong attachment to family, school, and community in deterring juvenile delinquency (Silver et al., 2023). In the Somali context, an attempt has been made to adopt these international standards by enacting the Juvenile Justice Act (Law No. 8 of 2016) by the Puntland State that is aimed at harmonizing domestic laws with these international standards. The Act provides a juvenile-sensitive justice system entailing a special police force, special juvenile benches in the courts, age-based sentencing, and development of rehabilitation centers of varying levels of security. It also requires parents or guardians to be present at investigations, and no juvenile should be sentenced to life or capital punishment, and a methodical procedure must be followed to ascertain the age of a juvenile in the case of lack of documentation. The act is an important move in the institutionalization of a rehabilitative framework of justice in a post-conflict and legally pluralistic context. The legal

framework has faced a myriad of challenges despite the comprehensiveness of the legal framework. Puntland has documented empirical reports that juveniles are still arrested, prosecuted, and imprisoned like adults, usually violating the very protection that was aimed at protecting juveniles (Human Rights Watch, 2021). The rehabilitation facilities that are supposed to be delivered do not exist, and institutional participants such as judges, prosecutors, police officers, and employees of the prison do not usually have the necessary specialized training and resources to put the provisions of the law into practice (Mohamed & Hassan, 2021). In most of the instances, the juveniles are physically and psychologically abused in the places of detention and denied education and psychosocial services and are left with reduced chances of being reintegrated into society. These drawbacks are further facilitated by structural and cultural aspects. In the manner of most fragile states, in Puntland the lack of fiscal resources, the inability of the inter-agency to coordinate, and the lack of proper infrastructure are the factors that hinder juvenile justice. Prisons are overpopulated, courts are understaffed, and police do not always have the logistical capability to pursue procedures sensitive to juveniles (Ali & Warsame, 2022). To add to these institutional shortcomings is a well-established cultural belief that justice is punitive. The participants in both previous surveys and this study observe that community members and actors of justice commonly consider

incarceration to be the most valid way of responding to juvenile offending regardless of the background of the child and the type of offense committed. Studies of the juvenile legal system in Muslim-majority societies found that, despite a focus upon the rehabilitative ideals of the legal systems, punitive legal cultures and the capacities of these systems can hinder this goal, especially in relation to vulnerable groups such as girls in these systems (Aladib, 2013). Psychosocial aspects also make the picture more problematic. A study conducted in Puntland revealed that mental health problems and substance misuse among incarcerated young people are underidentified and remain untreated and are strongly linked to both the initial delinquency and recidivism (Egal, 2022; Gogineni et al., 2023). The vulnerability of youth is also caused by structural factors like poverty, family breakdown, displacement, and protracted conflict where a legalistic solution is inadequate. It is the lack of an effective rehabilitation system in these situations that is not just a policy failure but is a larger failure by society as a whole to safeguard and invest in its youth. The researchers and professionals warn against the mass importation of Western juvenile justice systems without considering the domestic socio-cultural factors (Grip & Kotajoki, 2024). Rather, they demand the hybrid systems, the combination of statutory reforms with the community-based solutions, such as the restorative justice systems and the traditional methods of conflict resolution that focus on healing and reintegration. It is on this

intricate background that this paper explores the structural, procedural, and cultural impediments that have been a barrier to the enforcement of the Juvenile Justice Act in Puntland. It uses qualitative interviews of 40 stakeholders in the justice sector, which consists of judges, prosecutors, police officers, prison officials, and a representative of the Ministry of Justice human rights institutions because it aims to capture a grounded view of the disjuncture between law and practice. Through an integrated empirical field research along with an overview of world best practices and theoretical knowledge, the research results provide an in-depth analysis of the shortfalls and opportunities of juvenile justice reform in Puntland. The study will help to fill a larger discussion on juvenile justice in fragile and post-conflict states. It argues that unless rehabilitative ideals are operationalized to the extent of making investments in infrastructure, capacity building, and culturally informed practices, legal reforms will be an aspiration at best and a harmful endeavor at worst. The results that have been reported in the present paper do not only record the systemic violations of the juvenile justice system but also establish the locally applicable channels of reforming the juvenile justice system in Puntland in accordance with its legislative obligations and those of the international community.

METHODOLOGY

Research Design

The research design used in the study was qualitative and exploratory, whereby the researcher sought to examine the implementation barriers that influence the juvenile justice system in Puntland, including the lack of rehabilitation facilities required in the Juvenile Act (Law No. 8 of 2016). The contextual complexity and scarcity of existing empirical studies on this matter in Somalia led to compelling the use of a qualitative research design to produce in-depth information on the life experiences and professional conduct of the actors of the justice system.

Data Collection

Semi-structured interviews with the key stakeholders in the juvenile justice ecosystem in Puntland were used as primary data collection methods. A sampling strategy that was driven by a purposive criterion was used to make sure that people with considerable professional experience and direct participation in the juvenile justice administration were included. The sample consisted of the judges, prosecutors, police officers, prison officials, legal professionals, and the Ministry of Justice and Office of the Puntland Human Rights Defender representatives. The study involved a total of 40 stakeholders, who were representatives of all the seven administrative regions in Puntland where first-instance courts exist. A total of 17 chief judges who observed the first-instance courts in the

regions of Bari, Nugaal, Mudug, Karkaar, Sanaag, Highland, and Ras'asayr were used as the sample. The researchers also involved seven regional prosecutors and seven Criminal Investigation Department (CID) officers who were all stationed in regional capitals. It also interviewed four directors of central prisons in Garowe, Bosaso, Galkayo and Qardho as well as two heads of police stations located in Bosaso and Garowe. This sample was supplemented by one senior official of the Ministry of Justice, one representative of the Puntland Bar Association, and one of the Open Office of the Human Rights Defender officers. The semi-structured interview guide has been formulated in line with available literature, national policy frameworks, and international standards of juvenile justice. There was also a discussion of procedural fairness, the determination of age, the right to counsel, the conditions of detention, and whether rehabilitation programs are available. The guide was tested by two legal practitioners before its full implementation and simplified to make it easy to understand and contextually relevant. The interviews took place between January, 2024, and January, 2025, either face-to-face or remotely through secure communication platforms, depending on the location of the participant and his/her accessibility. The interviews took 45 to 90 minutes and were transcribed word-to-word.

Ethical Considerations and Approval

Each participant gave informed consent before being involved. Anonymity and confidentiality

were ensured by assigning coded identification and storing all transcripts in a secure way. Ethical approval of the study was granted by University Research Ethics Committee and is in compliance with the international ethical standards of conducting research using human subjects. All participants provided informed consent.

Document Review

Besides the face-to-face interviews, a thorough review of the documents was also done. Thirty-five documents were examined, including such international legal instruments as well as international instruments with the Juvenile Act of Puntland, national policy reports, scholarly journal articles, and NGO publications. The review has highlighted five thematic areas, including the theoretical basis of juvenile justice, institutional obstacles to operationalization, psychosocial aspects of juvenile incarceration, legal gaps of procedure, and comparative best practices across regions.

Data Analysis

Interpretation of interview transcripts and documents was done through thematic content analysis. In accordance with the steps or methods followed by Berg (2007) and Neuendorf (2002), transcripts were reviewed by the members of the research team independently to see any repeat themes and patterns. Codes were inductively created and grouped into categories that denoted institutional, procedural, cultural, and psychosocial aspects. Synthesized findings and the addition of analytical rigor were done with

the use of conceptually clustered matrices in accordance with the framework by Miles and Huberman (1994). Themes based on primary data were verified against the secondary data to enhance the validity of the interpretations and to offer a comprehensive picture of the problems of implementation.

RESULTS

Interpretation of the interview data using thematic analysis showed that there were major structural, procedural, and normative shortcomings that hinder the successful execution of the Puntland Juvenile Act (2016). The results are presented in seven broad themes, including (1) disjuncture between the legal structure and practice, (2) procedures violation, (3) detention conditions, (4) institutional and capacity limitation, (5) psychosocial effect on juveniles, (6) regional variation and operational issues, and (7) stakeholder suggestions.

Operational Reality versus Legal Framework

Even though the Puntland Juvenile Act offers a well-developed legal framework of juvenile-sensitive justice, the lack of correspondence between the legal promises and practice was reported overwhelmingly by the respondents. According to the judges, prosecutors, and Ministry of Justice officials, some provisions of the Act such as the foundation of the rehabilitating centers, juvenile-specific court benches, and special police units, have not been implemented to a great extent. The juveniles are

also often taken through the regular criminal procedure and are sentenced like the adults, which is against the rehabilitative nature of law. Some of the respondents said the law was symbolic because there were no institutional enforcement mechanisms.

Violations of Procedures Systemically

All the regions where interviewees were interviewed cited consistent instances of procedural violations at different levels of the juvenile justice system. Although it is an offense covered by the law, the statutory requirements are frequently disregarded as juveniles are frequently detained, investigated, and tried without having legal counsel and guardians. CID officers and judges admitted typical violations of the implementation of the age-determination procedures in their compliance with Article 6 of the Act. In most instances, the law enforcers use their own judgment based on the visual evaluation or other informal allegations to get an approximate age, a fact that has led to juveniles being tried like adults.

Conditions of Detention

It was established in the research that children in custody are often confined in adult prisons, which contravene Articles 14 and 19 of the Juvenile Act and international standards of protection of juveniles. The prison directors and police officers, as well as other respondents, recounted situations where the juveniles were subjected to physical abuse, psychological torture, and the

influence of adult inmates. In places where central prisons were unwilling to take in juvenile delinquents, juveniles were imprisoned in police holding cells, released, or returned to central prisons, and all three options could not help the situation. Some of the interviewees expressed concerns that there is no educational or rehabilitative programming at all in these detention facilities.

Institutional and Capacity Deficiencies

Lack of institutional preparedness came out as a significant cross-cutting theme. The untrained staff, specialized facilities, and operational budget were mentioned by the respondents several times as the major impediments to implementation. The police and judges admitted to not knowing much about juvenile specific procedures and the prison officials complained that there were not enough staff members and dedicated facility to hold juveniles. Under policy level, the Ministry of Justice was reported to be under-resourced. This was also pointed out as one of the significant governance gaps because of the failure to form a Steering Committee of Juvenile Rehabilitation Centers as per Article 21 of the Act.

Psychosocial and Developmental Consequences

The research found that adult punitive imprisonment is very devastating to the juvenile detainees. The human rights and legal aid stakeholders reported high levels of trauma, withdrawn behavior, and regressive behavior

among the released juveniles. In other cases, juveniles were said to have become substance users or violent during their time in prison. These trends were explained by the exposures to adult inmates, as well as the total absence of psychosocial support, vocational training, or reintegration services. Some of the respondents described the system as the one that produces future criminals instead of correcting young people.

Local Inequality and Regional Inequality

Systemic inequities in the juvenile justice system in Puntland are also worsened by geographic differences in infrastructure and legal awareness. Whereas Garowe and Bosaso were observed to have relatively easier access to trained personnel and legal services, some of the respondents indicated that Garowe prison has in the recent past introduced a special block where the rehabilitation of juvenile delinquents can be carried out, but Highland, Sanaag, and Ras'asayr stakeholders noted almost no juvenile-specific mechanisms. Such an unequal distribution of resources causes unequal application of the law and restricts access of juveniles to justice in the peripheral areas. Respondents pointed out that a system that is not based on a decentralized, geographically coordinated approach will make the legal protections inaccessible to many.

Stakeholder Reflections and Recommendations

The actionable interventions that respondents suggested have to deal with the challenges that

pervaded the case. Some of the recommendations that were made included immediate operationalization of the rehabilitation provisions of the Juvenile Act, formation of public-private collaborations to finance juvenile centers, and integration of juvenile rights training into judicial and law enforcement curriculums. The stakeholders additionally demanded inter-agency coordination platforms, especially between the Ministries of Justice, Interior, Education and Social Affairs. Awareness-raising campaigns were suggested at the community level to change the existing punitive-based attitude toward more restorative and developmental concept of juvenile justice.

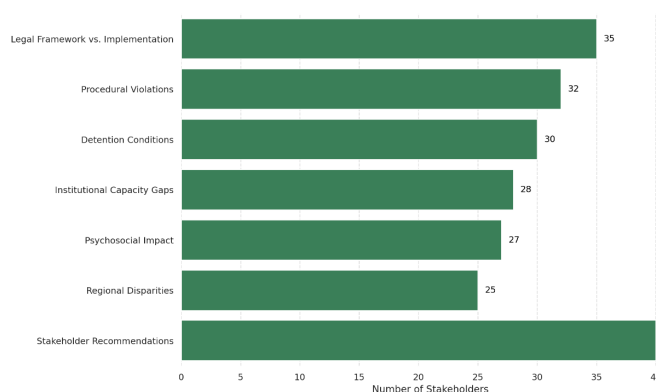


Figure 1. Number of stakeholders referencing key challenges in implementing juvenile justice in Puntland, highlighting legal-practice gaps, procedural violations, and lack of rehabilitation facilities

DISCUSSION

The results of the current paper highlight the extreme malfunctions of the juvenile justice system in Puntland and demonstrate that there has always been a gap between the law and reality. A legal framework is present and has been embodied in the Puntland Juvenile Act (Law No. 8

of 2016); however, it is not really put to use. The ongoing inability to enforce the statutory protection implies that the justice system, though in form present, is in fact paralyzed in terms of functionality. All the respondents confirmed that the rights of the juveniles are either actually violated or not given attention because of institutional inability or ignorance or both.

The results of detention methods fit the existing regional and international evidence. According to Human Rights Watch (2021) and Fritz (2012), detaining juveniles in adult prisons has been rated as one of the most urgent juvenile rights violations in the past. The testimonies given by stakeholders supported these issues, as it became clear that the juveniles are often exposed to the settings in which violence is condoned, education opportunities are denied, and psychological harm is widespread. In several cases, juveniles are not even provided with access to the correctional facilities, not because of the character of the crime committed, but due to the complete lack of infrastructure. Empirical evidence proves that youth held in adult prison regimes are at much more risk of disciplinary problems and exposure to violence than another criminogenic impact of adult imprisonment on young offenders (Kuanliang, 2012). Another major impediment was cultural interpretations of young-offender crime. Respondents said that the current social norms still equate punishment and justice. This is the punitive orientation that strengthens the application of incarceration against rehabilitation

methods and points to a more fundamental societal misconception of juvenile justice. Such results echo contemporary international criticisms of the justice systems of fragile states, where legal transformations tend to outpace cultural transformation and capacity building (Sexton, 2010; Silver et al., 2023). The research also found that there were great regional differences in the application of juvenile protection. In Bosaso and Garowe, the respondents were marginally more aware and reported better infrastructure, whereas the stakeholders of the more distant locations were Ras'asayr, Highland, and Sanaag, which were characterized by systemic neglect. Such an unequal supply of legal services and safeguards not only indicates the lack of resources but also a lack of a centralized and coordinated process to implement juvenile justice criteria. The same dynamics have been registered in studies of other decentralized governance contexts, such as Somaliland (Grip & Kotajoki, 2024). Juvenile justice reforms in weak institutions, resource scarcity, and ineffective inter-agency coordination are often associated with failure on the implementation phase even when a progressive legal framework is present in the conflict-affected and fragile context (United Nations Development Programme [UNDP], 2021). One of the most pernicious system failures is the very close lack of functional rehabilitation programs. In the absence of such programs, juveniles become more exposed to recidivism and radicalization, as well as long-term marginalization patterns, which

are widely observed by the UNODC (2019) and validated locally by Ali and Warsame (2022). Respondents affirmed that in most instances when a juvenile is sentenced, the court usually lacks a suitable facility where the same can be referred to. As a result, juveniles are either taken to adult prisons or discharged without any systematic support, both of which lead to social vices and wasted rehabilitation opportunities. The stakeholder proposals were encouraging with a vision on reform. The participants encouraged the transition of a youth-centered model of justice that incorporates the cooperation of the government and the non-governmental institutions, the increased involvement of the community, and the improved training of the justice workers. The given recommendations are consistent with the best practices advocated by the UNCRC (1989) and the ILO (2020) and presuppose that effective juvenile justice reform should be locally led but internationally assisted. Assessments of the reforms of a diversionary nature, including the Juvenile Detention Alternatives Initiative (JDAI) reveal that lessening the emergency of custodial imprisonment can decrease recidivism and enhance youth outcomes without jeopardizing public security (Maggard, 2013).

Combined, the results of the current research point to the fact that any significant reform in the juvenile justice system in Puntland will not be achieved by legal reforms. There is a necessity to shift the formalism of law to enforceable

protections, retributive practices to rehabilitative interventions, and institution fragmentation to coordinated governance. In the absence of this change, the rights accorded by the Juvenile Act will only be theoretical and not transformational.

LIMITATIONS

Even though the results provide an informative and extensive description of the juvenile justice issues in Puntland, this research has its limitations. The study was based on the main use of interviews with institutional actors that might lead to bias based on professional and political restrictions or personal influence on the system. Lack of firsthand accounts of affected juveniles and their families restricts the opportunity to have a complete picture of lived experiences and psychosocial aspects of justice outcomes. Moreover, the qualitative method is context-enriched but constrained in generalizability of results. Secondary research efforts in the future ought to carefully include participatory techniques, quantitative questionnaires, and follow-ups of juvenile cases so as to build a stronger evidence base and provide a more comprehensive estimation. Collectively, the results of the present research reveal that the juvenile justice system in Puntland will need more than only legal reforms to carry out significant reforms. It needs a shift toward legal formalism to enforceable protection, retributive practices to rehabilitative interventions, and institutional fragmentation toward integrated governance. In the absence of this change, the

rights that are enshrined in the Juvenile Justice Act will not be transformative but hypothetical.

CONCLUSION

This paper reveals major shortcomings of a structural and procedural nature when implementing the Juvenile Act of Puntland. Although it is in line with the international law standards, systemic violation of rights continue, such as the unlawfulness of detention of juvenile, the lack of rehabilitation centers and the prevalence of non-observance of the procedures. The current practice of punishment is indicative of institutional failure and the culture that is not easily changed. The results confirm that legal systems are inadequate. The operationalization of the rehabilitation provisions, allocation of funds to the institutional capacity and coordinated governance are the key to effective juvenile justice. Civil participation and legal literacy play equally important roles as well towards the cause of changing the retribution to reintegration. Reform should be sustainable based on enforcement and attitudinal change. The transformation of Puntland into a symbolic compliance with a functional child-centered justice system is a crucial step to a long-term stable society and social justice, and with political will, strategic investment, and international support, it becomes achievable.

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CONFLICT OF INTEREST

The authors declare no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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return them to Bosaso. When they were returned, the father instructed them to obey him and afterwards attempted to register them in a private sector rehabilitation and education facility. One of the juveniles disobeyed his father, so the father brought him before the court and asked that he be rehabilitated. In the absence of any rehabilitation center being available, the judge sentenced the boy for 6 months of imprisonment. He was kept in jail with adult offenders of serious crimes, such as rape, robbery, murder, and terrorism. The above case is a typical example of the violation of the rights of the juvenile, in which a juvenile who had not done anything criminal was imprisoned with hardened criminals. This case is characterized by several breaches of the Puntland Juvenile Act No. 08 of 2016, notably:

- Article 44(1): An offending juvenile was imprisoned, as opposed to a ban in the law against penal sanctions where a crime has not been committed.

- Approximately Articles 19 and 34: The juvenile was placed in an adult institution, violating specified provisions that require the use of juvenile-sensitive placement and separation from the adult prisoners.

Appendix A: Case Studies

The case studies presented below rely on the stories given by the officials of the legal system during key informant interviews; no juveniles took part in this study.

Case 1: Two Juvenile Brothers in Bosaso.

Two juvenile brothers between the ages of 14 and 16 years departed Bosaso with intentions of irregular migration. The father requested the police halt them at checkpoints, arrest them, and

Case 2: Two Juveniles Sentenced by Garowe Court

Two juveniles, both under the age of 18 years, were sentenced by Garowe court to imprisonment for 6 months. But the central prison refused to take them in since they were

juveniles. They were thus sent back to the main police station, where they were detained until the end of their sentence. This is proof of the inefficiency of the justice system in providing a corrective setting to juvenile delinquents. In this instance, several provisions under the Puntland Juvenile Act were violated:

- Articles 19 and 34: Police station detention contravened compulsory placement in juvenile-specific facilities and segregation from adult detainees.
- Articles 3(7) and 27: The welfare of the juvenile was ignored, and they were exposed to psychologically and socially harmful influences.

Case 3: Child with Disputed Age

A young boy under the age of 18 years was accused of raping a female. During police investigation and prosecution by the prosecutor, his age was mentioned to be 16 years. However, when produced before the judge as receiving the accused confession as per articles 39 and 45 of the Somali Criminal Procedural Code, the court was informed—both by the boy himself and by the parents—that he was merely 13 years old and had no official birth certificate or identification document. There was an effort to confirm his age via medical examination, but it did not succeed. Consequently, the age arrived at by the police and the prosecution (16 years) was agreed upon, and the boy was jailed for seven years. The central prison initially refused to take him due to his age. It was reported that without evidence, age determination occurred through undressing the

juvenile to examine his physical condition and genital development—an intrusive and questionable practice in which serious concerns are raised about maintaining juvenile dignity and rights. It is a duplication of the lack of good systems for age determination and endangerment of children by wrongful conviction. This case reveals severe procedural and substantive violations, including:

- Article 6: Determination of age was illegally and in a humiliating way carried out; the legal provision for birth certificate, medical check-up, or scrutiny by medical committee and choosing the best benefit age interpretation for the juvenile was not taken into account.
- Articles 19 and 34: The boy was unlawfully imprisoned in an adult jail.
- Articles 3(11) and 27: The intrusive medical examination was an affront to and invasion of the juveniles' privacy.

Case 4: Child Exposed to Sexual Abuse During Detention

A boy under the age of 18 was committed to central prison under the pretext of rehabilitation. In detention, he was placed in the same cell with a man who was imprisoned for engaging in homosexual acts. The man allegedly manipulated and coerced the juvenile into homosexual acts. The episode was witnessed by the prison wardens, who sent the case back to court. The authorities agreed that they could no longer detain the child because he had been negatively

influenced and exploited by an adult inmate. The court of appeal subsequently overturned the initial verdict, and the boy was released into his parents' care under alternative rehabilitation. The episode involves flagrant breaches of fundamental juvenile safeguards:

- Articles 34 and 19: The juvenile was unlawfully detained in an adult facility, in direct violation of mandatory segregation requirements.
- Article 27: The juvenile was exposed to sexual abuse via institutional neglect and failure to enact protective measures.