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2 March 2023

SOM201367.E

Somalia: Birth registration, including requirements and procedures; issuance of birth certificates and marriage certificates from the Benadir [Benaadir, Banaadir, Banadir] Regional Administration (BRA) [Mogadishu municipality] (2021–March 2023)

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

According to a 2021 report by Somalia's Ministry of Interior, Federal Affairs and Reconciliation (MoIFAR), "[c]urrently, there is no national system of civil registration (including birth registration) or identity

documents that may serve as documentary proof of nationality in Somalia" (Somalia 2021-06-22, 11). The same source further states that "in practice" an "ordinary Somali" has "little incentive" to register the birth of a child; "the birth registration rates are very low" and "the lack of identity documents and birth certificates is extremely widespread" (Somalia 2021-06-22, 5, 13). The 2020 Somali Health and Demographic Survey, conducted by Somali government entities with technical support from the UN Population Fund (UNFPA), notes that of the 19,864 children under age five surveyed under this category, 3.5 percent of children had been registered with a civil authority and 0.3 percent had birth certificates; there is "no significant variatio[n]" in registration level across the country (Somalia 2020-04, 33, 44). According to a report by the Norwegian Refugee Council (NRC), an "independent" international NGO that provides "assistance" and "protection" to refugees and internally displaced persons (IDPs) globally, in Somalia "impaired" access to legal identity and civil documentation, including birth registration, has resulted in "countless" children being "undocumented" (NRC 2022-11, ii, 1).

The US Department of State's *Country Reports on Human Rights Practices for 2021* states that while births were registered in Somaliland, "numerous births in the region were unregistered" (US 2022-04-12, 41). The NRC notes that civil registration is not available in IDP camps (2022-11, 31). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Legal Framework

According to the 2021 MolFAR report, Somalia does not have a law to "establish the structures and legal framework for registration of civil status events," and "[t]here is currently no legal or policy framework," nor are there "institutions with the authority to maintain civil birth registration in any of the federal member states of Somalia" (Somalia 2021-06-22, 5). The NRC observes that Somalia's 2012

Provisional Constitution "does not directly establish a right to birth registration" (NRC 2022-11, 12). A report on Somalia's Civil Registration and Vital Statistics (CRVS) system commissioned by the UNFPA and prepared by Chalapati Rao, an associate professor of global health at the Australia National University who has conducted research on evaluating mortality data through civil registration systems (ANU n.d.), citing a 2015 assessment of Somalia's CRVS system conducted by "national stakeholders" with support from the WHO, notes that article 9.10 of National Law No. 7 of 2003 "bestows the responsibility o[n] local government to register births, deaths, marriages and divorces" (Rao 2021-12, 4, 6).

The MolFAR report, however, adds that there are "ongoing efforts" to establish a civil registration system, such as the drafting of the CRVS Policy in 2020 (Somalia 2021-06-22, 11). The NRC notes that Somalia adopted the CRVS Policy in 2021 "with the aim of establishing a public registration system to issue identity documents and certificates" for vital events, including birth and marriage (NRC 2022-11, 14). In correspondence with the Research Directorate, a representative of UNHCR Somalia indicated that in August 2021 Somalia's Council of Ministers approved the CRVS Policy by Regulation No. 135 and that the MolFAR, which is leading the development of the CRVS bill "hopes" for it to be "passed into a legislation before the end of 2023" (UN 2023-02-10).

3. Birth Registration in Somalia

In correspondence with the Research Directorate, a representative of the Somali Canadian Association of Etobicoke (SCA), a non-profit organization that supports the "needs of new Somali immigrants and refugees transitioning to life in Canada" (SCA n.d.), indicated that each of the six "provincial" [federal member state] governments in Somalia has its own birth registration procedure and issues birth certificates through municipal governments, for which a new parent is required to complete a birth certificate form (Representative

2023-02-08). A 2016 joint report by the World Bank, the UN International Organization for Migration (IOM), UNDP and Terra Incognita, a non-profit organization in Somalia that supports state-building, notes that "[s]ome" of the 22 municipal governments in Somalia are responsible for keeping registers and issuing births, deaths and marriage certificates (World Bank, et al. 2016, 2, 12). According to the 2021 MoIFAR report, "some" municipal governments or consulates issue certificates of "different types" (Somalia 2021-06-22, 5). According to local focus group discussions [1] conducted for the NRC report, respondents reported that birth certificates were issued by the municipal offices of Baidoa, Jubaland and Puntland (NRC 2022-11, 29, 30).

The SCA representative stated that hospital authorities "can produce a birth certificate" if the birth occurred there but added that "most" Somali are nomadic, and "many" deliveries occur at home with "an unregistered midwife" (Representative 2023-02-08). The NRC similarly indicates that documentation is not available for home births, which are "common" (NRC 2022-11, 31). According to the 2021 MoIFAR report, medical institutions issue a "birth notification" to children born at their facility (Somalia 2021-06-22, 5).

4. Issuance of Birth Certificates in Mogadishu

Rao, citing the 2015 CRVS assessment, states that in July 2014 a population registration department started operations in Mogadishu to issue birth certificates for passport and visa purposes (Rao 2021-12, 6). The World Bank et al. report notes that another system to provide identity documents was introduced in 2016 in Mogadishu, including birth certificates (World Bank, et al. 2016, 12, 63). An information brochure for returnees published by the UNHCR in 2020 notes that a birth certificate issued by the BRA can be obtained in Mogadishu for US\$24 (UN 2020, 8).

The information in the following paragraph was provided by the UNHCR representative, based on information collected "informally" by UNHCR Somalia:

An individual who can pay the fee for a birth certificate can make an application at the *Degmada* (local government office). Somali nationality is "not a pre-requisite" to obtain a birth certificate issued by the BRA, as the certificate is not a proof of nationality and does not contain a field for nationality. The Degmada will collect the applicant's personal information, including photo and thumbprint. The office will inform the applicant to return in one week to collect the birth certificate. However, "in some instances" individuals have been able to collect it on the same day (UN 2023-02-10).

4.1 Contents and Appearance

The UNHCR representative indicated that a birth certificate is "similar in appearance" to a certificate of identity, but the latter contains a photo of the individual; if the documents are "process[ed]" in Mogadishu, both of these IDs are issued by the BRA (UN 2023-02-10). For additional information on the certificate of identity, including its content, appearance and security features, see Response to Information Request SOM200884 of January 2022.

The information in the following paragraph was provided by the UNHCR representative, based on a review of two birth certificates that were issued by the BRA in 2022 [2]:

The two birth certificates included "serial numbers at the top left, a logo for the BRA/Mogadishu Municipality at the top centre, a stamp at the bottom left, and a seal at the bottom centre," as well as the mayor's signature. The two birth certificates also included the following fields:

- full name
- date of birth
- place of birth
- gender

- father's full name
- mother's full name
- address
- date of issue (UN 2023-02-10).

A sample birth certificate issued by the BRA and provided by the UNHCR is attached to this Response (Attachment 1).

The UNHCR representative noted that hospital-issued birth documents, which can be "erroneously presented" as birth certificates, do not have a standard appearance (UN 2023-02-10).

The information in the following paragraph was provided by the UNHCR representative, based on a review of two birth documents issued by two different hospitals in Mogadishu for two children born in 2019 and 2022 respectively:

The two birth documents included the hospital's name and logo at the top and the hospital's stamp at the bottom. The following fields are also included:

- full name
- mother's name
- father's name
- sex/gender (different terms are used on the two certificates)
- time of birth
- date of birth
- place of birth
- child's weight

Regarding the differences between the two birth documents, only one document indicated the child's nationality, the serial numbers appeared in different locations, and one document was signed by a doctor and the other by the hospital director (UN 2023-02-10).

Two samples of birth documents issued by two different hospitals in Mogadishu provided by the UNHCR Somalia representative are attached to this Response (Attachments 2 & 3).

5. Issuance of Marriage Certificates in Mogadishu

According to the NRC, Somalia does not have official statistics on marriage or divorce registration (NRC 2022-11, 31). The same source, citing a "key informant" interviewed, adds that "[m]ost marriages" occur in Sharia courts, "and while certificates have been issued at the request of various Sharia courts in Mogadishu and other cities, consistent documentation of marriages remains patchy" (NRC 2022-11, 31).

The information in the following paragraph was provided by the SCA representative:

The "Mogadishu government" or a religious leader can issue marriage certificates. Both types of certificates include the names of the couple and the date of the marriage. Additionally, the government certificate includes letterhead, logos, stamps and signatures, while a certificate issued by the religious leader includes the signature of the religious leader and a witness (Representative 2023-02-08).

Based on a review of a marriage certificate issued by the Howlwadaag [Howlwadag, Hawle Wadag] district court in Mogadishu [3], the UNHCR representative provided the following description of the certificate:

The certificate includes a Federal Republic of Somali logo at the top of the document under which the following text is provided: "FEDERAL REPUBLIC OF SOMALI / HOWLWADAG DISTRICT COURT / MOGADISHU- SOMALIA" (the Somali-language version is printed at top left, while the Arabic-language is at the top right). The form reviewed was issued on yellow paper with the government logo and text printed above a green and red double line running horizontally across the page. There is a Howlwadaag District Court seal/stamp at the top right and the bottom right and the certificate is signed by a judge of the court. The form includes dotted lines where information is inserted onto a standard form.

The English-language certificate is an authenticated English translation of the original Somali-Arabic form and all text appears to have been typed (there are no dotted lines prompting entries for specific fields). The translation does not include a logo and includes the following words at the top centre: "FEDERAL REPUBLIC OF SOMALIA / H/WADAG DISTRICT COURT / MOGADISHU-SOMALI." At the top right, there is a seal/stamp from the Howlwadaag District Court over the date. At the bottom, there is a stamp over the signature of the judge of the district court as well as four additional stamps: (a) Ministry of Justice stamp certifying the authenticity of the signature (signed and dated); (b) Ministry of Foreign Affairs [stamp] certifying the authenticity of the signature (signed and dated); (c) seal/stamp of the Ministry of Foreign Affairs and International Cooperation; and (d) seal/stamp of the Ministry of Justice & Judiciary Affairs (UN 2023-02-10)

The certified English translation of a sample marriage certificate issued by the Howlwadaag district court provided by the UNHCR Somalia representative is attached to this Response (Attachment 4).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] For their report, the Norwegian Refugee Council (NRC) conducted fieldwork between July and August 2022 in Benadir (Mogadishu), Bay (Baidoa), Jubaland (Kismayo), Puntland (Bossaso and Garowe) and Somaliland (Hargeisa), which included focus group discussions, case studies, and interviews with "national and local officials and leaders, and national and international humanitarian actors" (NRC 2022-11, 4).

[2] The UNHCR representative stated that in preparation for their response to the Research Directorate, the UNHCR reviewed two documents called "birth certificate" with text printed in English and Somali. Both documents were issued in 2022 by the "Banadir Regional Authority (Municipality of Mogadishu)" to a child born in 2022 and to an individual born in 1998 (UN 2023-02-10).

[3] In preparation for their response to the Research Directorate, UNHCR reviewed a marriage certificate that was issued in Somali and Arabic with a "certified" English translation (UN 2023-02-10).

References

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United States (US). 2022-04-12. Department of State.  "Somalia." Country Reports on Human Rights Practices for 2021. [Accessed 2023-02-03]

World Bank, et al. 2016. Tariq Malik, et al.  Toward a Somali Identification System: ID4D Diagnostic. [Accessed 2023-02-22]

Additional Sources Consulted

Oral sources: African Union – African Union Transition Mission in Somalia; immigration lawyers in a Mogadishu law firm; International Crisis Group; Just Solutions Ltd.; Dr. Mahdi Multispeciality Hospital; Saferworld; Somalia – Immigration and Naturalization Directorate, Ministry of Interior, Federal Affairs & Reconciliations; Somali Canadian Cultural Society of Edmonton; Somali Centre for Family Services; Somali Development Center; Somali Public Agenda; UN – UNICEF Somalia;

Internet sites, including: Al Jazeera; AllAfrica; Amnesty International; Asylum Research Centre; Austrian Red Cross – ecoi.net; Benadir Regional Administration; Bertelsmann Stiftung; Denmark – Danish Immigration Service; Marqaan News Media; Mogadishu Times; Somalia – Immigration and Naturalization Directorate, Ministry of Finance; Somali National News Agency; UK – Gov.UK; UN – Office of the UN High Commissioner for Human Rights, UN Women, WHO; University of Minnesota; University of Toronto – Munk School of Global Affairs; US – Centers for Disease Control and Prevention, Department of Justice.

Attachments

1. Benadir Regional Administration / Mogadishu. 2022. Sample of a birth certificate. Sent to the Research Directorate by a representative of the UN High Commissioner for Refugees (UNHCR) in Somalia, 2023-02-10. Translated into French by the Translation Bureau, Public Services and Procurement Canada.
2. Hanano Medical Center. 2019. Sample of a birth record. Sent to the Research Directorate by a representative of the UN High Commissioner for Refugees (UNHCR) in Somalia, 2023-02-10. Translated into French by the Translation Bureau, Public Services and Procurement Canada.
3. Kalkaal Hospital. 2022. Sample of a birth certificate. Sent to the Research Directorate by a representative of the UN High Commissioner for Refugees (UNHCR) in Somalia, 2023-02-10. Translated into French by the Translation Bureau, Public Services and Procurement Canada.
4. Somalia. 2022. Howlwadaag District Court. Certified English translation of a sample of a marriage certificate. Sent to the Research Directorate by a representative of the UN High Commissioner for Refugees (UNHCR) in Somalia, 2023-02-10. Translated into French by the Translation Bureau, Public Services and Procurement Canada.

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