

Do our children have rights?

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Propositions accompanying the thesis:

Do Our Children Have Rights? Children's Rights in the Unrecognised State of Somaliland

Guleid Jama

1. International human rights law is ill-prepared to provide adequate mechanisms to protect children living in unrecognised States, including Somaliland.
2. The rigid dichotomy between State and non-State actors, as well as the tendency to look at subjects and objects of international law through the prism of the State, make Somaliland an anomaly.
3. Human rights treaties could be more open to entities like Somaliland becoming signatories, to ensure children's (human) rights are protected universally.
4. The existing treaty and Charter-based human rights bodies do not have an inclusive reporting mechanism that would permit unrecognised States such as Somaliland to separately submit periodic reports as an unrecognised State. The State-centrist complaint mechanisms for judicial and quasi-judicial bodies based on State jurisdiction hinder access to justice for children living in Somaliland.
5. There is a mismatch between the legal fact of having a right and the entity that bears the obligation, which makes international human rights almost meaningless in the case of Somaliland.
6. The General Assembly should use its power to permit Somaliland and other unrecognised States to ratify human rights treaties without necessarily solving their contested status.
7. There are contradictions, loopholes and ambiguities, as well as clear violations of children's rights in Somaliland's plural legal system.
8. Somaliland's legal system can be improved to protect children under its national law by implementing domestically the UN Convention on the Rights of the Child.