



Federal Republic of Somalia

Sexual Offences Bill (2015)

THE SEXUAL OFFENCES BILL (2015)

Federal Republic of Somalia

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SEXUAL OFFENCES BILL (2015)

This is a draft law to prevent sexual offences and gender based violence; protect vulnerable persons, including, children, and persons with a disability from sexual offences; punish sexual offenders and end impunity in Somalia for sexual and gender based violence; amend existing Somali laws on sexual offences in compliance with human rights laws, and for connected purposes.

Be it therefore enacted by the Parliament of the Federal Republic of Somalia, as follows:

Short title

This draft law may be cited as the Sexual Offences Bill (2015).

PART (1) – PRELIMINARY

1. **Interpretation** In this law, unless the context indicates otherwise —

“Abuse of a position of vulnerability” shall refer to any situation in which a person involved believes he or she has no real and acceptable alternative but to submit to engage in sex acts or agree to be sexually exploited; and includes but is not limited to taking advantage of the vulnerabilities resulting from the person having entered the Federal Republic of Somali illegally or without proper documentation, pregnancy or any physical or mental disease or disability of the person, including addiction to the use of any substance or reduced capacity to form judgements by virtue of being a child.

“Accused” shall mean a person accused of an offence under the provisions of this Law.

“Age of consent” shall mean the age a person can legally consent to a sexual act, which is eighteen years or older.

“Bodily harm” shall mean hurt or injury likely to interfere with the physical, psychological or mental health of a person.

“Child” shall mean any person, whether male or female, below the age of eighteen years.

“Child pornography” shall mean any representation, written publication, or visual depiction; including: any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or any other means, of a child engaged in real or simulated explicit sexual activities or any representation of a child primarily for sexual purposes.

“Coercion” shall mean the use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to: threats of harm or physical restraint of any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; abuse or any threat linked to the legal status of a person; or psychological pressure.

“Commercial sex act” shall mean any sexual act on account of which anything of value is given to or received by any person.

“Complaint” shall mean an oral or written statement made by a complainant to the relevant authorities that an offence under this Law was committed or attempted against any person.

“Complainant” shall mean a person who alleges that an offence under this Law was committed or attempted against them; or a representative duly authorised in writing by a person who alleges that an offence under this Law was committed or attempted against them, or any other person who is authorised by Law to file a complaint on behalf of a person who alleges that an offence under this Law was committed or attempted against them.

“Disability” shall mean a physical, sensory, psychological or mental impairment, which has a substantial or long term adverse effect on a person’s abilities.

“Gang rape” shall mean a group of two or more persons acting in union or jointly in the commission or attempted commission of an offence.

“Genital organ” shall mean the sex organ of a person.

“Grievous bodily harm” shall mean injury inflicted upon a person that is likely to endanger the life or cause serious damage or harm to the physical, psychological or mental health of a person.

“Grooming” shall mean to prepare, train, or entice a child for a sexual purpose or activity.

“HIV” shall mean the human immunodeficiency virus.

“Injured party” shall mean “injured party” as defined by Article 14 of the Somali Criminal Procedure Code (1963).

“Intent” shall mean a person has intent where: (a) in relation to the conduct, that person means to engage in the conduct (b) in relation to a consequence, that person means to cause consequence or is aware that it will occur in the ordinary course of events.

“Intoxicated” shall mean the condition of a person whereby their mental or physical capacities are affected by drinking alcohol, taking a drug or any other substance.

“Marriageable age” shall mean the age of 18 years old or above, which is the age a person can legally marry under the Laws of the Federal Republic of Somalia.

“Ministry” shall mean the Ministry of Women and Human Rights Development, Federal Republic of Somalia or any other lawfully designated Ministry responsible for the implementation of this Law.

“Police” shall mean “police” as defined by Article 23(1) of the Somali Criminal Procedure Code (1963).

“Police officer” shall mean “police officer” as defined by Article 23(2) (b) of the Somali Criminal Procedure Code (1963).

“Police station” shall mean “police station” as defined by Article 23(2) (a) of the Somali Criminal Procedure Code (1963).

“Regulations” shall mean the Regulations prescribed by the designated Ministry under the provisions of this Law.

“Sexual act” shall mean any act which is committed for a sexual reason, or any act involving contact with the genital organ, genital area, breast, anus, mouth or any part of a person’s body, however slight, that a reasonable person would deem sexual in nature.

“Stalking” shall mean repeatedly following or watching a person, or engaging in threatening conduct directed at a person, which causes the person to fear for their safety.

“Threat” shall mean an oral or written statement made by a person declaring their intention or purpose to unlawfully inflict pain, injury, damage or take any other hostile action towards any person.

“Torture” shall mean any act of unlawfully inflicting severe mental, emotional, or physical pain or suffering on a person as a means of intimidation, control, coercion, or punishment for any reason or based on discrimination of any kind; or for the purpose of obtaining information; or a confession during an interrogation or investigation. Torture also means the use of methods to obliterate the victim’s personality or to diminish their physical or mental capacities, even if this does not cause the victim mental pain or anguish.

“Tourist” shall mean a person who is a short term visitor (and who is not a Somali citizen or national) to the Federal Republic of Somalia, and their duration of stay does not exceed twelve consecutive months. The purpose of the person’s travel may be for pleasure, business or any other reason.

“Unlawful detention” shall mean unlawfully detaining or imprisoning a person.

“Violence” shall mean acts or behaviour inflicting physical or psychological harm or threats of such acts, coercion and other deprivations of liberty.

“Vulnerable person” shall mean any person who is susceptible to a sexual offence being committed against them because of their age, gender, ethnicity, clan, religion, political opinion, social, economic or any other status; including, a child, an elderly person, a person with a disability, an internally displaced person, a stateless person, or a refugee.

“Weapon” shall mean an object designed or used for inflicting harm, injury, damage or death.

2. Meaning of Consent

- (1) For the purposes of applying the provisions of this Law, a person consents to a sexual act if they agree by choice, and have the freedom and capacity to make that choice.
- (2) A person lacks the capacity to give their consent to a sexual act in the following circumstances:
 - (a) the person is below the age of consent;
 - (b) the person is incapable of understanding the essential nature of the sexual act or of communicating their unwillingness to participate in the act due to a disability;
 - (c) the person is voluntarily or involuntarily intoxicated;
 - (d) the person is unconscious;
 - (e) the person submits to the sexual act because of the use of torture, violence, coercion, or force on themselves or someone else;
 - (f) the person submits to the sexual act because he or she is in a coercive environment or under coercive circumstances; this includes being in an area where there:
 - i) is a military presence,
 - ii) are armed combatants or militia present or in control,
 - iii) is a terrorist group present or in control,
 - iv) there is ongoing armed conflict, or
 - v) there is ongoing widespread or systematic attack on a civilian population;
 - (g) the person submits to the sexual act because of threats or intimidation against themselves or someone else;
 - (h) the person submits to the sexual act because of fear of harm to themselves or to someone else;
 - (i) the person submits to the sexual act because he or she is outnumbered by a group of persons;
 - (j) the person submits to the sexual act whilst he or she is lawfully or unlawfully in detention;
 - (k) the accused causes the person to engage in the sexual act by abusing a position of trust, power or authority;

- (l) the accused obtains the person's consent by fraud or false representation about the nature of the sexual act or the identity of the accused; and
 - (m) the person, having consented to engage in the sexual act, expresses, by words or conduct, a lack of agreement to continue to engage in the sexual act.
- (3) In determining whether a person consented to a sexual act that forms the subject matter of the charge, the following applies:
- (a) The court shall not determine or conclude that a person consented to a sexual act just because –
 - i) the person did not physically resist;
 - ii) the person did not sustain an injury;
 - iii) on that or an earlier occasion the person freely agreed to engage in another sexual act with that person or some other person; or
 - iv) the accused and the other person are in a previous or current relationship as defined under Article 39(k) in the Somalia's Legislative Decree No. 5 of 16 December (1962).
 - (b) The court in determining whether the accused reasonably believed that a person consented to the conduct in issue, shall have regard to all the circumstances, including any steps the accused took to ascertain whether the person consented to the conduct in issue.
- (4) If an accused asserts as a defence to an allegation of an offence committed under this Law, that he or she reasonably believed that the injured party consented to the conduct in issue; the accused shall bear the burden of proof, and the standard of proof shall be on the balance of probabilities.

3. Non-discrimination

- (1) The provisions set forth in this Law, in particular the measures aimed to protect and promote the rights of the injured party or a witness, including a child or person with a disability, shall be interpreted and applied in a way that is not discriminatory on any ground, such as, clan, race, colour, religion, belief, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, political or other opinion, disability, property, birth, immigration status, the fact that the injured party has been trafficked, smuggled, or has participated in the sex industry, or other status.
- (2) A child survivor of a sexual offence shall be treated fairly and equally, regardless of their, or their parents' or the legal guardian's clan, race, colour, religion, belief, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, political or other opinion, disability, property, birth, immigration status, the fact that the parent or legal guardian had been trafficked, smuggled, or has participated in the sex industry, or other status.

PART (2) — SEXUAL OFFENCES AGAINST THE PERSON

4. Rape

- (1) A person commits an offence of rape if —
 - (a) he or she intentionally penetrates to any extent whatsoever, however slight anybody orifice of another person with their genital organ; and
 - (b) the other person does not consent to the penetration.
- (2) A person guilty of an offence of rape is liable, on conviction, to a minimum term of imprisonment not less than ten years and not exceeding twenty five years.
- (3) A person who attempts to commit an offence of rape is liable, on conviction to term of imprisonment not less than seven years and not exceeding ten years.

5. Gang rape

- (1) A person commits an offence of gang rape if he or she —
 - (a) commits the offence of rape against another person; and
 - (b) is part of a gang whilst committing the offence of rape against another person.
- (2) A person guilty of the offence of gang rape is liable, on conviction, to term of imprisonment not less than fifteen years and up to a term of imprisonment for life.
- (3) A person who attempts to commit an offence of gang rape is liable, on conviction, to term of imprisonment not less than ten years and not exceeding fifteen years.

6. Sexual assault by penetration

- (1) A person commits an offence of sexual assault by penetration if —
 - (a) he or she intentionally penetrates to any extent whatsoever, however slight, any body orifice of a person with an object, a part of their body, or anything else; and
 - (b) the other person's does not consent to the penetration.
- (2) A person guilty of an offence of sexual assault by penetration is liable, on conviction, to a minimum term of imprisonment not less than seven years and not exceeding fifteen years.
- (3) A person who attempts to commit sexual assault by penetration is liable, on conviction to term of imprisonment not less than one year and not exceeding five years.

7. Sexual assault

- (1) A person commits an offence of sexual assault if —
 - (a) he or she intentionally commits a sexual act against another person; and
 - (b) the sexual act is committed without the other person's consent.

- (2) A person guilty of an offence under this article is liable on conviction, to a term of imprisonment not less than two years and not exceeding seven years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than one year and not exceeding five years.

8. Causing a person to engage in a sexual activity

- (1) A person commits an offence of causing a person to engage in a sexual activity if he or she intentionally causes a person to engage in a sexual activity without the other person's consent.
- (2) A person guilty of an offence under this article is liable on conviction, to a term of imprisonment not less than two years and not exceeding seven years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than one year and not exceeding five years.

9. Sexual slavery

- (1) A person commits the offence of sexual slavery if he or she intentionally coerces or compels another person to engage in a commercial sex act by using –
 - (a) threats, force, or violence;
 - (b) withholding the person's identification or travel documentation;
 - (c) taking monies or earnings from the person;
 - (d) demanding the payment of an illegal debt bondage;
 - (e) enforcing involuntary servitude; or
 - (f) any other physical or psychological means.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than seven years and not exceeding twelve years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

10. Sex tourism

- (1) A person commits an offence of sex tourism if he or she —
 - (a) intentionally facilitates, arranges, invites a tourist to travel anywhere in the Federal Republic of Somalia to engage in a commercial sex act with another person; and/or
 - (b) demands or receives anything of value as payment for the tourist engaging in a commercial sex act with a person.
- (2) A person commits an offence of sex tourism if he or she —

- (a) intentionally travels anywhere in the Federal Republic of Somalia as a tourist to engage in a commercial sex act with a person; and/or
- (b) offers or pays anything of value to any person as payment for engaging in a commercial sex act with a person.
- (3) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.
- (4) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than two years and not exceeding three years.

11. Sex trafficking

- (1) A person commits an offence of sex trafficking if he or she intentionally-
 - (a) recruits, transports, transfers, harbours or receives another person;
 - (b) by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or
 - (c) for the purpose of the sexual exploitation of that person.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than seven years and not exceeding twelve years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.
- (4) In applying the provisions of this article, the consent of the victim is irrelevant in determining whether an offence has been committed.

12. Forced marriage

- (1) A person commits the offence of forced marriage if he or she intentionally enters into a marriage with another person without their consent.
- (2) A person commits the offence of forced marriage if he or she intentionally facilitates, organises or arranges a marriage without the consent of one or all of the parties.
- (3) A person guilty of an offence under this article is liable, on conviction, to imprisonment for a term not less than five years and not exceeding seven years.

- (4) A person who attempts to commit an offence under this article is liable, on conviction, to imprisonment for a term not less than two years and not exceeding three years.

13. Sexual harassment

- (1) A person commits an offence of sexual harassment if he or she intentionally makes —
 - (a) unwanted sexual demands whether by words or actions against another person;
 - (b) unwanted sexually coloured remarks to a person;
 - (c) a threat by words or actions against another person, to withhold from them an employment offer, benefit or promotion or anything of value, or to punish them, if the other person does not perform a sexual favour for them or any person;
 - (d) unwanted sexual advances by making physical contact, stalking, pursuing, accosting, loitering outside or near a building where another person resides, works, carries on business, studies or happens to be;
 - (e) unwanted sexual advances by unwelcome communication towards another person, including: repeatedly making telephone calls whether a conversation ensues, repeatedly sending, delivering or causing the delivery of letters, packages, facsimiles, electronic mail or other objects or messages to another person's residence, school, workplace, or anywhere in a private or public; or
 - (f) unwanted sexually indecent or offensive gestures, either by words or action that causes another person to fear for their safety, or feel alarmed, anxious or distressed.
- (2) A person guilty of an offence under this article is liable on conviction, to a term of imprisonment not less than six months and not exceeding two years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than three months' probation and not exceeding six months imprisonment.

Preparatory offences

14. Administering an intoxicating substance with intent

- (1) A person commits an offence of administering an intoxicating substance with intent if—
 - (a) he or she intentionally administers any substance to, or causes a substance to be taken by a person;
 - (b) without the other person's consent;
 - (c) he or she does not reasonably believe that the other person consented; and
 - (d) he or she intoxicates or stupefies a person, so as to enable themselves or any other person to engage in a sexual act with the intoxicated person.
- (2) A person guilty of an offence under this article is liable on conviction to imprisonment for a term not less than five years and not exceeding seven years.

- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than two years and not exceeding three years.
- (4) A person guilty of an offence under this article against a child is liable, on conviction, to a term of imprisonment not less than seven years and not exceeding ten years.
- (5) A person who attempts to commit an offence under this article against a child is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

15. Abduction for sexual purpose

- (1) A person commits an offence of abduction for a sexual purpose if —
 - (a) he or she intentionally abducts, kidnaps, or takes hostage another person; and
 - (b) with the intent to engage in a sexual act with the abductee.
- (2) A person guilty of an offence under this article is liable on conviction to a term of imprisonment not less than five years and not exceeding seven years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than three years and not exceeding five years.
- (4) A person guilty of an offence under this article against a child is liable, on conviction, to a term of imprisonment not less than seven years and not exceeding ten years.
- (5) A person who attempts to commit an offence under this article against a child is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

16. Unlawful detention for sexual purpose

- (1) A person commits an offence if —
 - (a) he or she intentionally detains another person against their will; and
 - (b) with the intent to engage in a sexual act against the detainee.
- (2) A person guilty of an offence under this article is liable on conviction to a term of imprisonment not less than seven years and not exceeding ten years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than three years and not exceeding five years.

- (4) A person guilty of an offence under this article against a child is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding twelve years.
- (5) A person who attempts to commit an offence under this article against a child is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

Other offences

17. Unlawful recording, sharing or distributing sexual photographs or recordings

- (1) It is unlawful for any person to take an audio recording, video, or photograph of any sexual offence under this Law, unless these actions were taken for a Law enforcement purpose.
- (2) It is unlawful for any person to share or distribute by any means, an audio recording, video, image or photograph of a sexual offence, unless such actions were taken for a Law enforcement purpose.
- (3) In applying this article, the court shall take into consideration whether the offence re-victimised the injured party.
- (4) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than two years and exceeding five years.
- (5) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than one year and not exceeding three years.

PART (3) – SEXUAL OFFENCES AGAINST CHILDREN

18. Child rape

- (1) A person commits an offence of child rape, if he or she intentionally penetrates to any extent whatsoever, however slight, any body orifice of a child with their genital organ.
- (2) A person guilty of an offence under this article is liable, on conviction to imprisonment for life, if the injured party is a child aged or below eleven years old.
- (3) A person guilty of an offence under this article is liable, on conviction to imprisonment for a term not less than fifteen years and not exceeding twenty five years, if the injured party is a child between the age of twelve years and eighteen years old.

- (4) A person who attempts to commit an offence under this article is liable, on conviction to imprisonment for a term not less than ten years and not exceeding fifteen years.
- (5) A person accused of an offence under this article, may plead the defence of mistake of fact, if there is evidence to prove that the accused took reasonable steps to ascertain whether the child was above the age of consent, and the accused reasonably believed the child was above the age of consent. However, there is no available defence of “mistake of fact” if the child is under the age of fifteen, no matter what the accused reasonably believed. The accused person shall bear the burden of proof and the standard of proof shall be beyond a reasonable doubt.

19. Child gang rape

- (1) A person commits an offence of child gang rape if he or she —
 - (a) commits the offence of rape against a child; and
 - (b) is part a gang whilst committing the offence of rape against the child.
- (2) A person guilty of an offence under this article is liable, on conviction to imprisonment for life.
- (3) A person who attempts to commit an offence under this article is liable, on conviction to imprisonment for a term not less than ten years and not exceeding fifteen years.

20. Child sexual assault by penetration

- (1) A person commits an offence of sexual assault by penetration if he or she intentionally penetrates to any extent whatsoever, however slight, any body orifice of a child with an object, a part of their body, or anything else.
- (2) A person guilty of an offence of child sexual assault by penetration is liable, on conviction, to a minimum term of imprisonment not less than ten years and not exceeding twenty five years.
- (3) A person who attempts to commit an offence of child sexual assault by penetration is liable, on conviction to term of imprisonment not less than three years and not exceeding five years.

21. Child sexual assault

- (1) A person commits an offence of child sexual assault if he or she intentionally commits a sexual act against a child.

- (2) A person guilty of an offence under this article is liable on conviction, to a term of imprisonment not less than five years and not exceeding ten years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than three years and not exceeding five years.

22. Causing or inciting a child to engage in a sexual activity

- (1) A person commits an offence of causing or inciting a child to engage in a sexual activity if he or she intentionally causes or incites a child to engage in a sexual activity.
- (2) A person guilty of an offence under this article is liable on conviction, to a term of imprisonment not less than seven years and not exceeding fifteen years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

23. Child marriage

- (1) A person commits an offence of child marriage if he or she intentionally enters into a marriage with a child.
- (2) A person commits the offence of child marriage if he or she —
 - (a) intentionally facilitates, organises or arranges a marriage; and
 - (b) a party to the marriage is a child.
- (3) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding fifteen years.
- (4) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

24. Child sexual exploitation

- (1) A person commits an offence of child sexual exploitation if he or she—
 - (a) intentionally offers or pays anything of value to any person in exchange for engaging a child in a commercial sex act;
 - (b) intentionally finances, owns, manages, hires, lets a place or premises for the sexual exploitation of a child; or
 - (c) intentionally benefits or profits monetarily, socially, politically or otherwise as a direct result of the sexual exploitation of a child.

- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than fifteen years and up to life imprisonment.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding fifteen years.

25. Child sexual slavery

- (1) A person commits the offence of child sexual slavery if he or she intentionally coerces or compels a child to engage in a commercial sex act by using –
 - (a) threats, force, or violence;
 - (b) withholding the child's identification or travel documentation;
 - (c) taking monies or earnings from the child;
 - (d) demanding the payment from the child for an illegal debt bondage;
 - (e) enforcing involuntary servitude; or
 - (f) any other physical or psychological means.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than fifteen years and up to life imprisonment.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding fifteen years.

26. Child sex tourism

- (1) A person commits an offence of child sex tourism if he or she —
 - (a) intentionally facilitates, arranges, invites a tourist to travel anywhere in the Federal Republic of Somalia to engage in a commercial sex act with a child; and/or
 - (b) demands or receives anything of value as payment for the tourist engaging in a commercial sex act with a child.
- (2) A person commits an offence of child sex tourism if he or she —
 - (a) intentionally travels anywhere in the Federal Republic of Somalia as a tourist to engage in commercial sex act with a child; and/or
 - (b) offers or pays anything of value to any person as payment for engaging in a commercial sex act with a child.
- (3) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than fifteen years and up to life imprisonment.
- (4) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding fifteen years.

27. Child sex trafficking

- (1) A person commits an offence of child sex trafficking if he or she intentionally recruits, transports, transfers, harbours or receives a child, for the purpose of the sexual exploitation of that child.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than fifteen years and up to life imprisonment.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding fifteen years.

28. Child sexual harassment

- (1) A person commits an offence of child sexual harassment if he or she intentionally makes —
 - (a) a sexual advance whether by words or actions towards a child;
 - (b) a sexual advance whether by words or actions towards a child at school, on the internet, or anywhere in a public or private place;
 - (c) a sexual demand whether by words or actions from a child;
 - (d) a sexually coloured remark to a child;
 - (e) a threat by words or actions against a child to withhold anything of value or punish the child, if the child does not perform sexual favours for them or any person;
 - (f) a sexual advance by making physical contact, stalking, pursuing, accosting, loitering outside or near a building where the child resides, studies or happens to be;
 - (g) a sexual advance by unwelcome communication to a child, including: repeatedly making telephone calls whether a conversation ensues, repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects or messages to the child's residence, school, or anywhere in a private or public; or
 - (h) any sexually indecent or offensive gesture, either by words or action that causes a child to fear for their safety, or feel ashamed, alarmed, anxious or distressed.
- (2) A person guilty of an offence under this article is liable on conviction, to a term of imprisonment not less than two years and not exceeding five years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than one year and not exceeding two years.

29. Meeting or grooming a child for sexual purposes

- (1) A person commits an offence of meeting or grooming a child for sexual purposes if he or she —
 - (a) travels or arranges to meet a child in any part of the Federal Republic of Somalia; and/or
 - (b) grooms a child for a sexual purpose;
 - (c) with the intent for any person to engage in a sexual act with the child.

- (2) A person commits an offence of grooming a child for sexual purposes if he or she meets or grooms a child for a sexual act in any part of the Federal Republic of Somalia, whether or not they intend to commit an offence within the Federal Republic of Somalia.
- (3) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.
- (4) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than three years and not exceeding five years.

30. Production of child pornography

- (1) A person commits an offence of the production of child pornography if he or she —
 - (a) intentionally produces, prints or publishes child pornography;
 - (b) intentionally invites, compels, incites, procures, arranges, organises, or causes a child to be involved in the production of child pornography;
 - (c) is a parent or a person having the care or custody of a child who intentionally arranges or agrees for the child to be used in the production of child pornography;
 - (d) is a director, photographer, camera operator, or any other type of worker who intentionally is involved in the production of child pornography; or
 - (e) intentionally benefits or profits monetarily, socially, politically or otherwise as a direct result of child pornography.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than fifteen years and up to life imprisonment.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than ten years and not exceeding fifteen years.

31. Sale or distribution of child pornography

- (1) A person commits an offence of sale or distribution of child pornography if he or she intentionally—
 - (a) advertises, exhibits, sells, lets to hire, give or lends child pornography; or
 - (b) exports, imports, circulates, conveys, transmits or distributes child pornography; or
 - (c) benefits or profits monetarily, socially, politically or otherwise as a direct result of child pornography.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than seven years and not exceeding fifteen years.
- (3) A person who attempts to commit offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.

32. Purchasing or possessing child pornography

- (1) A person commits an offence if he or she intentionally—
 - (a) hires or purchases child pornography; or
 - (b) accesses, views or possesses child pornography.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than three years and not exceeding seven years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than one year probation and not exceeding three years.

PART (4) – ABUSE OF TRUST OR AUTHORITY

33. Abuse of trust or authority

- (1) A person commits an offence abuse of trust if he or she —
 - (a) intentionally engages in an unlawful sexual act with a person; and
 - (b) is in a position of authority, power or trust.
- (2) A person guilty of an offence under this article is liable, on conviction, to a term of imprisonment not less than five years and not exceeding seven years.
- (3) A person who attempts to commit an offence under this article is liable, on conviction, to a term of imprisonment not less than three years and not exceeding five years.
- (4) A person is in a position of authority, power or trust if they are one of the following but not limited to a —
 - (a) public officer or any type of government employee;
 - (b) medical practitioner, nurse, or any other type of health-care worker;
 - (c) humanitarian, counsellor, or any other type of social worker;
 - (d) principal, teacher or any other type of worker in an educational facility;
 - (e) family member or relative; or
 - (f) domestic worker or any type of worker that is entrusted with the responsibility to care for a child or person with a disability.

PART (5) – INVESTIGATIONS

34. Filing a complaint

- (1) A complaint about a sexual offence may be filed by a complainant, in the manner prescribed by the Regulations.
- (2) There is no statute of limitations for filing a complaint regarding a sexual offence under the provisions of this Law.

- (3) Any delay in reporting a sexual offence or filing a complaint about a sexual offence shall be done without prejudice to the rights of the complainant.
- (4) A complainant shall not be prosecuted or sued in civil proceedings for reporting a sexual offence; unless the complainant knew or had reason to believe the complaint was false.
- (5) An injured party at any time after a sexual offence has been committed may seek medical treatment from any hospital or any type of medical facility with or without obtaining an official referral from the police or any other relevant authority.
- (6) An injured party may produce a medical and psychological report to the police or any relevant authority detailing the injuries occasioned by an alleged sexual offence, but failure to provide such a report shall not prevent the relevant authorities from commencing an investigation.
- (7) A teacher, medical professional, health worker, humanitarian worker, or social worker, shall make a report to the police, if he or she has reasonable cause to suspect that a child or a person with disability has been a victim or a witness to a sexual offence, and only if it is in the best interests of the injured party.
- (8) A parent or legal guardian shall have a duty to make a report to a police station, if he or she has reasonable cause to suspect that a child or a person with disability under their custody or care has been a victim or a witness to a sexual offence.
- (9) A failure to report under this articles (7) and (8) may amount to an obstruction of justice under Article 41 of this Law. However, except in the case where a person has reasonable grounds to believe that their life will be in danger if they reported a sexual offence.

Duties of Police Officers

35. Handling a complaint

- (1) For the purpose of implementing the provisions of this Law, any police station may establish a specialised unit to investigate sexual offences. The specialised unit may be staffed with desk officers, responding police officers and investigative officers.
- (2) Upon receiving a complaint, a responding police officer has a duty to—
 - (a) Respond promptly to the call reporting a sexual offence and offer immediate assistance and protection to the injured party.
 - (b) Immediately separate the accused from the injured party, and take the accused to the nearest police station for questioning.
 - (c) Immediately provide the injured party with free transport to the nearest medical facility.

- (d) Identify and secure any weapons that may be on hand, so as to protect all persons present.
 - (e) Involve a social services provider if the injured party is a child, a person with a disability or a vulnerable person.
 - (f) Keep the identity of the injured party and any witness confidential whether or not the injured party or witness requests their privacy.
 - (g) Secure the crime scene and ensure that any evidence is not contaminated.
 - (h) Ascertain the initial facts in order to establish the offence committed.
 - (i) Advise the concerned parties of their rights.
 - (j) Conduct an initial interview of the concerned parties, any witness, including children, in a language understood by them and in separate rooms from each other to ensure there is an opportunity to speak freely.
 - (k) Record initial statements in writing.
 - (l) Document the initial investigation, evidence, and statements in an official report and send it to an investigating officer; and
 - (m) Avail a copy of the initial report to the complainant or their duly authorised representative.
- (3) It is an offence for a police officer or any public official to make public or disclose to the media the identity of the injured party or any witness without the express written consent of the injured party or witness. A person guilty of an offence under this article, is liable on conviction to a term of imprisonment not exceeding two years.
- (4) Upon an investigation commencing, the investigating officer has a duty to:
- (a) Conduct a thorough investigation of the crime scene.
 - (b) Conduct an in-depth interview with the injured party and any witness in a language understood by them.
 - (c) Involve a social services provider if the injured party is a child, a person with a disability or a vulnerable person
 - (d) Provide protection to the complainant and any witness.
 - (e) Keep the identity of the injured party and any witness confidential whether or not the injured party or the witness requests their privacy.
 - (f) Take all reasonable steps for the purposes of the investigation and, in particular, ensure that all reasonable lines of enquiry are pursued.
 - (g) Question the accused and record the accused's statements.
 - (h) Utilise all possible investigative tools and aids throughout the investigation.
 - (i) Collect, retain, store and maintain all types of admissible evidence from the crime scene or anywhere.
 - (j) Complete the investigation in a timely manner.
 - (k) Document the investigation, evidence, and statements in an official report.
 - (l) Seek early investigative advice wherever possible from Attorney General's office.
 - (m) Send an official and sufficiently detailed report of the case to the Attorney General's office in a timely manner; and
 - (n) Provide or disclose evidence or material as requested by the Attorney General's office.

- (5) The collection and storage of evidence, including, forensic evidence, shall be prescribed by the Regulations.

Duties of Attorney General's Office

36. Prosecuting a sexual offence

- (1) The decision to prosecute a sexual offence or any other offence under the provisions of this Law shall be made by the Attorney General and not the complainant. For the purposes of applying the provisions of this Law, Article 145 of the Somali Penal Code shall not apply.
- (2) For the purpose of implementing the provisions of this Law, the prosecution authorities may establish specialised prosecutorial units to prosecute sexual offence cases that are staffed with specialised prosecutors.
- (3) In a sexual offence case, the prosecution authorities at all relevant stages of the legal process shall have a duty to inform the injured party in a language they understand of:
 - (a) their rights;
 - (b) the details of the relevant legal proceedings;
 - (c) the available services, support mechanisms and protective measures;
 - (d) their rights to restitution and compensation;
 - (e) the details of events in relation to their case, including specific places and times of hearings; and release of the accused from pre-trial detention or from jail; and
 - (f) the outcome of the prosecution's case, including the sentence, penalties if any, awarded. In the event, the case is discontinued explain to the injured party in writing the reasons the case was discontinued.

37. Obstruction of justice

- (1) It is unlawful for any person to obstruct, undermine or interfere with the course or administration of justice, in regards to the reporting, investigation, or prosecution of an offence under the provisions of this Law.
- (2) A person found guilty of an offence under this article, is liable on conviction, to a term of imprisonment not less than three years and not exceeding ten years.
- (3) A person, who attempts to commit an offence under this article, is liable on conviction, to term of imprisonment not less than two years and not exceeding five years.

Protection Orders

38. Protection orders

- (1) At any stage of the investigations or the legal proceedings, the court may grant emergency or any other type of protection order to the following persons—
 - (a) the complainant;
 - (b) the complainant's family, close relations, and dependents;
 - (c) a witness;
 - (d) a medical practitioner, or any health care worker caring for the injured party;
 - (e) legal representative or legal aid provider representing the injured party; and
 - (f) a humanitarian worker, counsellor, or any type of social worker providing the injured party with assistance.
- (2) A protection order may state specific conditions to prohibit the accused from posing any threat, intimidation, or danger to the persons listed in paragraph (1) above. These conditions may include, but are not limited to, an order—
 - (a) to hand in any weapon in the accused's possession within twenty four hours;
 - (b) prohibit the accused from making any direct or indirect contact with the complainant or any concerned family members; and
 - (c) prohibit the accused from being within a certain distance from the property or residence of the complainant any concerned family members.
- (3) A protection order may granted by the court post-hearing, that is after the court proceedings have been concluded in a case, in order to protect the injured party or any witness's safety.
- (4) It is an offence for any person to breach a protection order granted by the Court under this Law. A person found guilty of an offence under this article, is liable on conviction, to a term of imprisonment not less than two years and not exceeding five years. A person, who attempts to commit an offence under this article, is liable on conviction, to term of imprisonment not less than one year and not exceeding three years.

Court's Jurisdiction

39. Civilian court

In a sexual offence case where the injured party is a civilian the case shall fall under the jurisdiction of the civilian court, regardless, of whether the accused person is a civilian or employed by any military.

40. Country-wide jurisdiction

- (1) The injured party have a right to travel or move between regions if he or she feels unsafe remaining in the region where the alleged offence occurred. The court's jurisdiction to prosecute a sexual offence follows the injured party's location.
- (2) The state shall make funds available for the travel and accommodation, as required, to move the injured party, any witness, or accused for the purposes of a court trial.

41. Extra-territorial jurisdiction

- (1) A person who, while being a citizen of Somalia, or permanently residing in Federal Republic of Somalia commits an act outside Somalia which would constitute a sexual offence had it been committed in Somalia, is guilty of such an offence and is liable to the same penalty prescribed for such offence under this Law.
- (2) A person may not be convicted of an offence contemplated in sub- article (1) if such a person has been acquitted or convicted in the country where that offence was committed.

Rights of the Injured Party or Witness

42. Right to free medical care

- (1) An injured party has a right to free medical, psychiatric, or psychological treatment, psychosocial care, optional confidential testing for sexually transmitted diseases including HIV, at any stage before, during and after the legal proceedings.
- (2) An injured party has a right to receive and take safe emergency contraception after the occurrence of an unlawful sexual act. So far as it is possible, the Somali government shall provide free and safe emergency contraception to an injured party.
- (3) An injured party has the right to request and receive a detailed medical and psychological report specifying their injuries, medical diagnosis and treatment.

43. Right to privacy

- (1) An injured party or a witness in a sexual offence case shall have the right to confidentiality and keep their identity private.
- (2) Information that would identify an injured party or a witness shall not be published without the express written permission the injured party or witness.
- (3) The court and relevant authorities at any stage of the legal proceedings may adopt measures aimed at protecting and preventing the disclosure of the injured party's or a witness's identity, including the following—
 - (a) Order court proceedings to be conducted in private away from the presence of the media and public;
 - (b) Permit use of image or voice altering devices or close circuit television during testimony;

- (c) Permit evidence of the injured party or witness to be heard through a video link, other communications technology, or behind a screen from the view of the accused;
 - (d) Expunge names and identifying information of the injured party or witness from public records;
 - (e) Assign the injured party or witness of a pseudonym; and/or
 - (f) Seal the court records.
- (4) If the injured party or a witness is a child, the court and relevant authorities at any stage of the legal proceedings, shall take all necessary measures to protect and prevent the disclosure of the identity of the child injured party or a child witness, including but not limited to the measures listed in this Article (3) from (a) to (f).

44. Rights of children

- (1) In addition to any other protections provided for a child who is an injured party or a witness in this Law:
 - (a) a child shall be given special care and attention;
 - (b) when the age of a child is uncertain and there are reasons to believe that the injured party or witness is a child, he or she shall be presumed to be a child and shall be treated as such, pending verification of his or her age;
 - (c) a child shall have a right to be heard and to express their concerns and views freely to the court and any relevant authority;
 - (d) assistance to a child shall be provided by trained or specialised professionals, and in accordance with their special needs, especially with regard to accommodation, education, medical treatment and care;
 - (e) the court shall ensure that proceedings relevant to the testimony of a child are conducted in language that is simple and comprehensible to a child;
 - (f) if the child is an unaccompanied minor the relevant authority shall:
 - (i) appoint a legal guardian to represent the interests of the child;
 - (ii) take all necessary steps to establish his or her identity and nationality;
 - (iii) make every effort to locate his or her family when this is in the best interest of the child; and
 - iv) cautiously assess any situation where a child may be at risk of being re-trafficked. A child shall not be returned to their country of origin unless it is in their best interest and appropriate measures for their protection have been taken.
 - (g) Information may be provided to a child through their parent or legal guardian or, in case the parent or legal guardian is the alleged offender, a support person or organisation.

45. General rights to assistance and other measures

- (1) The Ministry in cooperation with non-governmental organisations, charities, civil society groups and other relevant organisations, shall provide assistance to an injured party, in the provision of:
 - (a) Appropriate housing;
 - (b) Counselling and relevant information in a language understood by the injured party;
 - (c) Employment, education and employment opportunities; and

- (d) Any other necessary assistance required by the injured party.
- (2) The Ministry shall take into account, in applying the provisions of this article, the age, gender and special needs of the injured party.
- (3) The Ministry shall prescribe Regulations to establish and implement effective measures in compliance with international human rights Laws in addition to the measures under this Law, for the prevention of sexual offences; the protection of survivors of sexual offences, especially for children; and to ensure cooperation between stakeholders and Law enforcement for the prosecution and punishment of sexual offenders.
- (4) The Ministry shall prescribe Regulations to provide the widest measure of mutual legal assistance in compliance with international Law for investigations, prosecutions and judicial proceedings regarding offences under this Law.

46. Rights of persons with a disability

- (1) In addition to any other protections provided for a person with a disability in this Law:
 - (a) an injured party who is person with a disability, shall be given specialised care and attention, especially with regard to accommodation, education, medical treatment and care; and
 - (b) in the event that an injured party is a person with a disability who does not have any family members, the relevant authority shall appoint a support person or organisation to represent and care for their best interests.

47. Rights of survivors of sex trafficking

- (1) If the injured party is a survivor of sex trafficking, he or she shall have a right to lawfully reside in the territory of the Federal Republic of Somalia, either temporarily or permanently, depending on circumstances of the case. In applying this article, the relevant authorities shall give appropriate consideration to humanitarian factors.
- (2) If the injured party is a survivor of sex trafficking, he or she may request assistance to be safely repatriated to the country of their lawful residence or citizenship. In applying this article, the relevant authorities in cooperation with other governments, non- governmental organisations, shall provide whatever assistance is necessary to the injured party.
- (3) If the injured party is a survivor of sex trafficking, he or she shall not be held criminally or administratively liable for immigration offences as a direct result of them being trafficked. This article shall apply without prejudice to general defences available to the injured party.

48. Right to initiate civil action

- (1) An injured party shall have the right to initiate civil proceedings to claim material and non-material damages suffered by him or her as a result of an act specified as an offence by this Law.
- (2) The injured party's right to pursue a civil claim for material or non-material damages shall not be affected by the existence or determination of criminal proceedings in connection with the same act from which the civil claim derives.
- (3) The injured party's immigration status or the return of the injured party to his or her home country or other absence of the injured party from the court's jurisdiction shall not prevent the court from ordering payment for compensation in a sexual offence case.

Rights of the Accused

49. Rights of the accused

- (1) The Federal Government of Somalia in cooperation with non-governmental organisations, charities, civil society groups and other relevant organisations shall endeavour to take all necessary steps to protect the constitutional and human rights of the accused.
- (2) So far as it is possible, the Federal Government of Somalia shall endeavour to provide the accused with free and impartial legal aid, in the event the accused does not have means to pay for defence lawyer's services.
- (3) The accused person shall have a right to keep his or her identity private throughout the legal process regarding a sexual offence under the provisions of this Law. Information that would identify an accused person shall not be made public by any person without the court order of a judge from a competent court.
- (4) The accused person's right to keep their identity private shall cease to apply in the event the accused is found guilty by a competent court under the provisions of this Law.

Evidentiary Rules

50. Admissible evidence

- (1) A medical or psychological report may be adduced as evidence in court proceedings for an offence allegedly committed under the provisions of this Law. Failure to produce a medical report shall not be a bar to prosecution.
- (2) A medical or psychological report referred to under this article, must contain details about the physical, psychological, mental or emotional injuries sustained by the in-

jured party, and any other relevant information; but it does not need to specify or conclude that a sexual offence occurred.

- (3) A government or private hospital, any gynaecologist, doctor, a nurse, or other qualified medical professional is authorised to provide the injured party with a medical report with or without a referral from the police.
- (4) Any government or private psychologist, counsellor or any type of social worker is authorised to provide a psychological report to the injured party with or without a referral from the police.
- (5) Any type of forensic evidence may be adduced as evidence in court proceedings for an offence allegedly committed under the provisions of this Law. Failure to produce forensic evidence shall not be a bar to prosecution.
- (6) Any object, weapon, or relevant material relating to the alleged commission of an offence under the provisions of this Law may be adduced as evidence in court proceedings; but failure to provide such evidence shall not be a bar to prosecution.
- (7) Any type of corroborative evidence may be adduced as evidence in court proceedings, but failure to provide such evidence shall not be a bar to prosecution.
- (8) A referral from the police may be adduced as evidence in court proceedings, but failure to provide such evidence shall not be a bar to prosecution.

51. Inadmissible evidence

The injured party's sexual history is inadmissible as evidence in a sexual offence case.

PART (6) – SENTENCING

52. Aggravating factors

- (1) In sentencing a person for any offence under this Law, the court may impose a higher sentence or the maximum sentence if an aggravating factor exists, this may include the following:
 - (a) injured party is a child aged or below 11 years of age;
 - (b) injured party is a pregnant woman;
 - (c) Injured party is a person with a disability;
 - (d) injured party is a vulnerable person, including: a refugee, an elderly person, an internally displaced person, a stateless or any other person found by the court to be vulnerable;
 - (e) injured party was impregnated by rape;
 - (f) injured party suffered a serious mental injury or grievous bodily harm;
 - (g) offender used or threatened to use a weapon, object or instrument;
 - (h) offender used or threatened to use a substance to burn, disfigure or scar the injured party;

- (i) offence was committed in front of a child;
 - (j) offence was committed in front of others publicly humiliating the injured party;
 - (k) offender made threats to harm the injured party or any other person if they reported the offence to the authorities;
 - (l) offender had previously committed an offence of a similar nature against the injured party;
 - (m) offender is a repeat offender with previous convictions for sexual offences;
 - (n) offender at the time of committing the offence was willfully evading the execution of an arrest warrant or an order of imprisonment; or
 - (o) offence was committed by more than one offender.
- (2) The court in determining liability for the sentencing term to be ordered against a person convicted under this Law shall take into consideration the sentencing guidelines prescribed by the Regulations and the provisions of the Somali Provisional Constitution (2012) of the Federal Republic of Somalia.

53. Injured party's personal statement

- (1) For the purposes of determining the sentence to be imposed on a convicted offender under this Law, the court may consider any statement that may have been prepared orally or in writing by the injured party describing the harm done to or loss suffered by them as a result of the commission of the offence.
- (2) A statement by the injured party of an offence prepared and submitted to the court in accordance with this article does not prohibit the court from considering any other evidence to determine the sentence to be imposed on the offender.

54. Joint offender's liability

Any person who instructs, commands, induces, counsels, procures, compels, instigates, incites, conspires with, aids or abets another person to commit an offence under the provisions of this Law is liable, on conviction, to the sentence or punishment prescribed for the principal offence.

Compensation and other orders

55. Compensation order

- (1) Upon entering a judgement of conviction, the court shall in addition to any other punishment, order a person convicted under this Law to make restitution or pay the injured party or their duly appointed representative, adequate compensation within a reasonable amount of time fixed by the court. The court shall take into consideration any submissions made by the accused, injured party or prosecution authorities prior to making a compensation order.
- (2) Prior to entering an order for compensation, the court shall also take into account the offender's means and ability to pay compensation, and shall give priority to a compensation order over a fine. The court may effect a compensation order by seizing or

forfeiting the property or assets of the person convicted of an offence under this Law.

- (3) The purpose of an order for compensation shall be to compensate the injured party for any injury, loss or damage caused by the offender. An order for compensation may include payment for or towards:
 - (a) costs of medical, psychiatric or psychological treatment required by the injured party;
 - (b) costs of physical and occupational, therapy and rehabilitation required by the injured party;
 - (c) costs of necessary transportation or housing, required by the injured party,
 - (d) costs for relocating the injured party to a safe residence;
 - (e) costs for childcare in the case of forced pregnancy resulting from rape (the court may also be deprive the accused of any parental rights);
 - (f) the injured party's lost income or wages;
 - (g) compensation for the injured party's family or dependents;
 - (h) legal practitioner's fees and other related costs reasonably incurred by the injured party for preparing and attending legal proceedings, including, accommodation and travel costs;
 - (i) non-material damages for emotional distress, pain and suffering;
 - (j) material damages for any other losses incurred by the injured party; and
 - (k) any other costs incurred by the injured party as a direct result of the offence and reasonably assessed by the court.
- (4) An order for compensation under this article shall be enforced by the Somali prosecution authorities by means available under Somali Law.
- (5) The immigration status or the return of the injured party to his or her home country or other absence of the injured party from the court's jurisdiction shall not prevent the court from ordering payment of compensation under this article.
- (6) Where the offender is a public official whose actions constituting an offence under this Law, the court may order the State to pay compensation to the injured party. An order for the State's compensation under this article may include payment for or towards all or any of the items under paragraph article 3 (a) to (k) above.

56. Order to confiscate or seize assets

- (1) Upon entering a judgement of conviction, the court shall in addition to any other punishment, order for the confiscation and seizure of goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under this Law; proceeds derived from such offences; closure, on a temporary or definitive basis, premises used to commit such offences.
- (2) The court may order that the any seizure of proceeds of crime under this article are sold or transferred and used to pay compensation to the injured party.

- (3) The Ministry shall prescribe Regulations to establish measures necessary for identifying, tracing, freezing, confiscating and seizure of the proceeds of crimes under this Law. As well as, the procedure for the government of the Federal Republic to receive requests from other countries having jurisdiction over an offence under this Law to assist with the seizure and confiscation of proceeds of crime.

PART (7) – SEXUAL OFFENDER’S REGISTRY

57. Sexual offender’s registry

- (1) There shall be a registry of all sexual offenders convicted under the provisions of this Law for an offence against a child or person with a disability, or being sentenced to a term of imprisonment exceeding four years. In the case, offenders sentenced for an offence against a child or person with a disability the details of the offender shall be in the registry regardless of the sentence.
- (2) The sexual offender’s registry shall only be accessible by the relevant authorities, law enforcement and public organisations exercising a public function.
- (3) The Ministry is responsible for the maintenance and use of the sexual offender’s registry and shall prescribe the relevant regulations.
- (4) Any person who has been convicted of a sexual offence against a child or a person with a disability shall not be eligible to work in a service, institution, organisation or association providing services to children or persons with a disability.

PART (8) – IMPLEMENTATION OF SEXUAL OFFENCES BILL

58. National framework

- (1) The Ministry shall prepare a national policy framework within six months after this Law comes into force to guide the implementation, and administration of this Law in order to secure acceptable and uniform treatment of all sexual related offences including treatment and care of the injured party.
- (2) The national policy framework will be reviewed and amended on a needs basis by the Ministry.
- (3) For the purpose of implementing a national policy framework, the Ministry shall train relevant institutions, organisations, and public at large on the prevention of gender based violence and sexual offences under this Law.

59. Inter-ministerial committee

This Law hereby establishes a committee to be known as the Inter-Ministerial Committee for the management of matters relating to sexual offences (or the Sexual Violence Oversight Committee).

PART (9) – FINAL AND MISCELLANEOUS

60. Power to issue Regulations

- (1) The Minister may issue the necessary Regulations regarding:
 - (a) Any matter which is required or permitted by this Law to be prescribed by Regulations;
 - (b) the inter-sectorial implementation of this Law; and
 - (c) any other matter which is necessary or expedient to prescribe in order to achieve or promote the objects of this Law.
- (2) Regulations for the implementation of this Law shall be issued within six months of the date of entry into force of this Law.

61. Repeal

- (1) Articles 398, 399, 400, 401, 405, 407, 408 of the Somali Penal Code (1962), are hereby repealed and replaced by the provisions of this Law.
- (2) Any other Law or provision contrary, or inconsistent with this Law is hereby repealed and replaced by the provisions of this Law.

-End-