



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the initial report of Somalia\*

#### I. Introduction

1. The Committee considered the initial report of Somalia<sup>1</sup> at its 2592nd and 2593rd meetings,<sup>2</sup> held on 9 and 10 May 2022, and adopted the present concluding observations at its 2630th meeting, held on 3 June 2022.

2. The Committee welcomes the submission of the initial report of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the development of legislative bills, the Somalia Every Newborn Action Plan for 2019–2023; the National Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Strategic Plan for 2019–2023; and the Social Protection Policy, 2019. It also welcomes the progress achieved by the State party in various areas, including the adoption of national development plans, the latest of which is for the period 2020–2024. The Committee further notes with appreciation the State party's ratification of the Convention on the Rights of Persons with Disabilities in 2019.

#### III. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes the particularly severe effects of the ongoing armed conflict, political instability, presence of armed groups and consequences of climate change creating natural disasters in the State party, which have led to severe violations of children's rights and constitute a serious obstacle to the implementation of the rights enshrined in the Convention. The Committee reminds the State party of the continuity of international human rights obligations and that the rights under the Convention apply to all children at all times. The Committee also reminds the State party that it bears the primary responsibility to protect

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\* Adopted by the Committee at its ninetieth session (3 May–3 June 2022).

<sup>1</sup> [CRC/C/SOM/1](#).

<sup>2</sup> See [CRC/C/SR.2592](#) and [2593](#).

<sup>3</sup> [CRC/C/SOM/RQ/1](#).



its population and should therefore take immediate measures to prevent further violence against children, including killings and injuries.

#### **IV. Main areas of concern and recommendations**

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

##### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

###### **Reservations**

6. The Committee regrets that upon ratification, the State party expressed reservations to articles 14, 20 and 21 of the Convention and any other provision contrary to the general principles of Sharia law.

7. **The Committee, in the light of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, urges the State party to accelerate ongoing consultations and to withdraw its interpretative reservations to articles 14, 20 and 21 and its general reservation to any other provisions contrary to Sharia law.**

###### **Legislation**

8. The Committee notes that the State party extensively referred to the Provisional Constitution of 2012, which had introduced a number of child rights standards, especially with regard to the definition of the child, non-discrimination, the principle of the best interests of the child and outlawing harmful practices. However, the Committee is concerned that:

(a) The Constitution remains provisional since 2012 and that the constitutional review process, aimed at adopting the permanent Constitution, has been slow;

(b) Many bills relating to the rights of children have been pending before the Parliament for years.

9. **The Committee recommends that the State party:**

(a) **Accelerate the process of adopting a permanent Constitution that is in line with international human rights standards, including with the Convention on the Rights of the Child;**

(b) **Compile information on best practices of States parties with similar legal systems and cultural and religious backgrounds, where more progressive interpretations of Islamic law have been codified in legislative reforms, and strengthen community-level consultations with the general public, relevant professionals and community and religious leaders, with a view to building consensus, accelerating the adoption of bills concerning the rights of children, which are in line with international human rights standards, and reviewing existing legislation.**

###### **Comprehensive policy and strategy**

10. The Committee notes that the State party is in the process of developing a five-year national plan of action for children to start in 2023 and that its five federal member States are also at different stages of developing their child protection policies and plans. It further notes the implementation of the National Development Plan 2020–2024, under which activities are being undertaken that address children's rights. The Committee regrets the lack of information on the timelines for adoption and the resources allocated for the effective implementation of policies and plans that are in line with the provisions of the Convention.

11. **The Committee recommends that the State party accelerate the adoption of plans, both at the national and federal member State levels, that encompass all areas covered by the Convention and that are supported by mechanisms and sufficient human, technical and financial resources for effective implementation.**

#### **Coordination**

12. The Committee welcomes the establishment of the National Child Rights Task Force and Director Generals Coordination Group to coordinate child rights activities among key line ministries at the national and federal member State levels, as well as district-level coordination in Mogadishu. The Committee regrets, however, the insufficient intersectoral collaboration on children's rights, which varies from one State to another.

13. **The Committee urges the State party to establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention, both horizontally and vertically, at cross-sectoral, national, federal member State and local levels. The State party should ensure that said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

#### **Allocation of resources**

14. The Committee notes that the State party has qualified for debt relief, which could enable the Government to address social reform. However, the Committee is seriously concerned about the reports of large-scale corruption, clan rivalries, lack of financial accountability and the absence of agreement on revenue distribution between the national Government and the federal member States that have an extremely negative impact on the realization of children's rights in the country. The Committee is also concerned that budget allocations to health, education and social protection sectors remain very low and vary significantly among federal member States.

15. **Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, and taking note of target 16.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs of children, develop costing estimates for new laws concerning children's rights and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights;**

(b) **Define budgetary lines for all children, with special attention to those in disadvantaged or vulnerable situations that may require affirmative social measures, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(c) **Take appropriate measures to address clan rivalries and strengthen the anti-corruption commission to effectively detect, investigate and prosecute corruption.**

#### **Data collection**

16. The Committee welcomes the information provided by the State party in relation to data on children affected by the conflict, asylum-seeking and refugee children, and trends concerning the immunization of children. The Committee is, however, concerned about the absence of a data-collection system and data on the situation of children in all areas, as well as about the lack of updated population data, which hinders the assessment of the current situation of, as well as policy and investment impacts on, children.

17. **Recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**

(a) **Establish a data-collection system both at the national and federal member State levels and ensure that data collected on children's rights covers all areas of the Convention, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin, clan affiliation and socioeconomic background, in order to**

**facilitate analysis of the situation of children, in particular those in situations of vulnerability;**

**(b) Ensure that data on children's rights are regularly updated and shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention, independent of political and clan influences.**

#### **Independent monitoring**

18. The Committee notes the adoption of a law establishing the National Human Rights Commission in June 2016, but regrets that the nine proposed commissioners are still awaiting the endorsement of the cabinet and the approval of the Parliament and that the Commission is not yet operational.

19. **The Committee recommends that the State party:**

**(a) Finalize the endorsement of commissioners, who are truly independent, especially from clan influences, for the National Human Rights Commission and ensure that the Commissioner dedicated to monitoring children's rights will be able to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner;**

**(b) Guarantee the independence of the Commission, including with regards to its funding, mandate and immunities, so as to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Dissemination, awareness-raising and training**

20. The Committee notes the efforts made by the State party to raise awareness of the Convention, including among parliamentarians and the focal points in the State party's ministries. However, it is concerned about the low level of knowledge on the Convention among the general public, including children and relevant professionals.

21. **The Committee recommends that the State party:**

**(a) Strengthen its awareness-raising programmes, including campaigns, in cooperation with civil society organizations, to ensure that the Convention is widely known by the general public, including parents and children themselves;**

**(b) Ensure that all professionals working with and for children, in particular social workers, law enforcement officials, health-care personnel, immigration and asylum officers, professionals and staff working with children deprived of a family environment, as well as the media, receive mandatory training on the rights of the child under the Convention.**

### **B. Definition of the child (art. 1)**

22. The Committee notes that the Provisional Constitution of 2012 defines a child as a person below the age of 18 years, but is concerned that:

**(a) Other laws and policies provide for different definitions of the child, including the constitutions of the member States of Puntland and Somaliland, which define a child as anyone below the age of 15 years;**

**(b) Sharia law and traditional customs dictate that childhood ends at physical maturity somewhere between 12 and 14 years of age;**

**(c) According to article 28 (5) of the Provisional Constitution, marriage is illegal if either party has not reached the age of maturity.**

23. **The Committee recommends that the State party:**

(a) **Amend and harmonize its legislation with article 29 (8) of the Provisional Constitution in order to ensure that all laws and regulations, without any exception, define a child as a person under the age of 18 years;**

(b) **Amend its legislation to ensure the explicit prohibition of marriage with a person below the age of 18 years for both girls and boys;**

(c) **Undertake awareness-raising programmes to increase support for and understanding of the definition of the child as every human being below the age of 18 years.**

## **C. General principles (arts. 2–3, 6 and 12)**

### **Non-discrimination**

24. The Committee welcomes that the Provisional Constitution provides for the equality of all children and prohibits discrimination. It is, however, deeply concerned about the structural discrimination against girls due to restrictive social, cultural and religious norms and practices that are harmful for their well-being and development. The Committee is also concerned about the persistence of discrimination against children with disabilities, internally displaced children, children deprived of a family environment, children from minority clans and other children in marginalized and disadvantaged situations.

25. **Taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Put an end to discrimination against girls in all areas of life, both in law and in practice, including by putting in place an awareness-raising strategy that is aimed at combating social and cultural norms and representations that enshrine discrimination, and ensure that girls are provided with equal rights and opportunities as boys;**

(b) **Amend its legislation and practices in order to prohibit any forms of discrimination against children with disabilities, internally displaced children, children deprived of a family environment, children from minority clans and other children in marginalized and disadvantaged situations.**

### **Best interests of the child**

26. The Committee welcomes that the principle of the best interests of the child is set out in article 29 (7) of the Provisional Constitution. It is nevertheless concerned that the principle is not sufficiently reflected in law and in practice.

27. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) **Ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all legislation, policies, programmes and projects that are relevant to, and have an impact on, children;**

(b) **Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

### **Right to life, survival and development**

28. The Committee is seriously concerned about the large number of children killed or injured during combat and attacks by armed forces and groups. It is also concerned about

high mortality rates of children under 5 years of age, including from preventable diseases, despite the significant decline in recent decades.

29. **The Committee urges the State party to:**

(a) **Prevent children's participation in violence and apply all feasible measures to ensure their protection from the effects of hostilities and to care for child victims, including by enforcing article 29 (6) of the Provisional Constitution, by fully implementing the commitments made under the action plans to end and prevent the recruitment and use, killing and maiming of children, signed in 2012,<sup>4</sup> and by continuing to remove explosive ordnance and raise awareness of mine risk reduction;**

(b) **Continue taking measures aimed at preventing and reducing mortality and morbidity of children under 5 years of age, including by addressing preventable diseases and providing basic social services;**

(c) **Apply the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age.<sup>5</sup>**

#### **Respect for the views of the child**

30. The Committee welcomes the State party's efforts to create platforms for children's participation in schools and children's parliaments. However, it regrets that little progress has been made to recognize the right of the child to be heard in policies and practice.

31. **In accordance with article 12 of the Convention and recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Promote meaningful and empowered participation of all children within the family, communities and schools, establish a children's parliament, and include children in decision-making in all matters related to them, with particular attention to girls, children in marginalized and disadvantaged situations and children who are out of school;**

(b) **Ensure that children's views are given due consideration in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation and the training of professionals.**

## **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

### **Birth registration and nationality**

32. The Committee is seriously concerned that:

(a) The birth registration coverage in the State party remains extremely low, despite the initiatives undertaken in some districts of Puntland and Somaliland, which also impacts age verification efforts of persons enlisting to the armed forces;

(b) There is no legal or policy framework or structure to register a child at birth;

(c) Somali women cannot pass citizenship to their children unless the father is also Somali;

(d) Discussions on the Citizenship Amendment Bill has not progressed since 2016.

<sup>4</sup> CRC/C/SOM/1, para. 346.

<sup>5</sup> A/HRC/27/31.

33. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee strongly urges the State party to:**

(a) **Enact civil registration legislation and policies and provide the necessary resources to establish registration that is free of charge of all children born in its territory;**

(b) **Promote and raise awareness of the public on the importance of the registration of children;**

(c) **Step up and accelerate the adoption of the Citizenship Amendment Bill and other legislative measures to ensure non-discriminatory access to nationality for all children, including children born to Somali mothers and foreign fathers;**

(d) **Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Torture and other cruel, inhuman or degrading treatment or punishment**

34. The Committee is seriously concerned about the reports of torture and ill-treatment of children suspected of association with Al-Shabaab at the hands of security forces for the purposes of forced confessions. The Committee is particularly concerned about the reports of incommunicado detention of such children, preventing their contact with family members and denying them legal counsel.

35. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Take measures to prohibit and prevent torture and other cruel, inhuman or degrading treatment or punishment of children and enforce such legislation by ensuring that reports of torture and other forms of ill-treatment of children are promptly and duly investigated, that perpetrators are punished in a manner commensurate with the gravity of their acts and that children who are victims receive adequate remedies;**

(b) **Ensure that children have access to confidential, child-friendly complaint mechanisms for the reporting of cases in children's detention centres;**

(c) **Provide for judicial oversight of children in custody and allow independent human rights agencies unrestricted access to detention facilities across the country.**

### **Corporal punishment**

36. The Committee is deeply concerned that the corporal punishment is widely accepted and not prohibited in the home, alternative care settings, day care and schools, and in penal institutions as a sentence for crime. It is also concerned that the Penal Code punishes assault except when the perpetrator is the parent (arts. 439 and 442); and that the punishments for more serious violence against persons are also reduced when the perpetrator is the parent.

37. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment, the Committee urges the State party to:**

(a) **Explicitly prohibit corporal punishment in law in all settings, including in the home, schools, alternative care settings and in the administration of justice, including as a sentence for crime under Sharia law, and introduce penalties commensurate with the gravity of the offence;**

(b) **Promote positive, non-violent and participatory forms of child-rearing and discipline;**

(c) **Conduct awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change within the family and the community with regard to corporal punishment.**

#### **Abuse and neglect**

38. The Committee notes that the State party has established some child protection clusters to coordinate interventions and capacity-building of law enforcement officers to handle cases of abused and neglected children. It is, however, concerned that many child abuse and neglect cases remain largely hidden, while the child protection referral system remains weak.

39. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop a comprehensive strategy for preventing and combating child abuse and neglect;**

(b) **Put into place accessible, confidential and child-friendly mechanisms to facilitate and promote the reporting of abuse and neglect against children, including by making reporting mandatory by professionals working with children and the general public.**

#### **Child sexual abuse and gender-based violence**

40. The Committee notes the State party's efforts to address the child sexual abuse and gender-based violence, including through promoting the Sexual Offences Bill and the passing of sexual offences laws in Puntland and Somaliland. It also welcomes that the Sexual Intercourse Related Crimes Bill of 2020, which proposed provisions that were against the Convention and other international human rights norms and standards, was withdrawn. The Committee is, however, seriously concerned about the reports of child sexual abuse and gender-based violence directed towards children in communities and families, especially children in camps for internally displaced persons, as well as about non-reporting of cases due to the stigma and discrimination against victims.

41. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Accelerate the adoption of 2018 Sexual Offences Bill and ensure that is in line with the Convention and other international norms and standards, and establish mechanisms for its implementation throughout the country;**

(b) **Ensure that allegations of sexual abuse and gender-based violence are promptly reported and independently and thoroughly investigated, applying a child-friendly and multisectoral approach to avoid the retraumatization of children;**

(c) **Ensure that appropriate remedies, treatment and support are provided to victims and that perpetrators are duly sanctioned and deterred from having contact with children, including in the context of customary systems of justice;**

(d) **Raise awareness of public, religious and traditional leaders to combat the stigmatization of victims of sexual exploitation and abuse, and keep children safe online.**

#### **Harmful practices**

42. While noting the development of a bill against female genital mutilation and a zero-tolerance policy on female genital mutilation in Puntland, the Committee is deeply concerned about:

(a) The widespread practice of female genital mutilation, in particular involving girls between 5 and 10 years of age;

(b) The limited progress made to eradicate the practice throughout the country, notably due to resistance of traditional and religious leaders;

(c) The prevalence of child marriage, especially among children 15 years of age or even younger.

43. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to take immediate active measures to:**

(a) **Put an end to female genital mutilation and child marriage, including by accelerating the adoption of the bill against female genital mutilation and by eliminating the practice of child marriage;**

(b) **Develop awareness-raising campaigns and programmes on the harmful effects of female genital mutilation and child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious and traditional leaders, and judges and prosecutors, and bring those who carry out such harmful practices to justice, ensuring commensurate sanctions;**

(c) **Establish protection schemes for victims of female genital mutilation and child marriage, encourage them to report such instances to relevant authorities, and ensure their access to social, medical, psychological and rehabilitative services free of charge and to legal redress, including through international cooperation and assistance.**

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

### **Family environment**

44. The Committee is concerned about the persistent discrimination between mothers and fathers within the family and with regard to their rights and obligations in relation to their children.

45. **The Committee recommends that the State party strengthen its efforts to:**

(a) **Ensure that mothers and fathers equally share the legal responsibility for their children in accordance with article 18 (1) of the Convention;**

(b) **Revise the 1975 Family Code and ensure that all provisions that discriminate against women and negatively impact on their children, such as those that authorize polygamy, be repealed.**

### **Children deprived of a family environment**

46. The Committee is seriously concerned that poverty, armed conflict and drought have driven many children away from their families or have led to a considerable number of orphans. It is also concerned that the State party does not have an alternative care policy and there is no regulation and monitoring of children placed in community-based care or kinship care arrangements.

47. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Strengthen alternative family-based and community-based or kinship care options and *kafalah* for children who cannot stay with their families, including by allocating sufficient financial resources, regularly reviewing children's conditions and facilitating the reunification of children with their families when possible;**

(b) **Strengthen the capacity of professionals working with families and children, in particular social workers and service providers, to enhance their awareness of the rights and needs of children deprived of a family environment.**

## **G. Children with disabilities (art. 23)**

48. The Committee welcomes the State party's efforts, including the development of the Disability Bill, the adoption of the National Special Educational Needs Disability and Inclusive Education Policy and rapid assessment of children with disabilities in some areas. The Committee is concerned, however, that the bill has not yet been approved. It is also concerned that children with disabilities have very limited access to education due to stigma, discrimination, lack of trained teachers and costs of education, among others.

49. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

- (a) **Adopt a human rights-based approach to disability;**
- (b) **Set up a comprehensive strategy for the inclusion of children with disabilities;**
- (c) **Accelerate the adoption of the Disability Bill, and ensure that it is in line with international standards and encompasses the human rights model of disability;**
- (d) **Expand the assessment of children living with disabilities to the entire country, and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;**
- (e) **Set up comprehensive measures to develop inclusive education, including by operationalizing and providing adequate resources to the implementation of the National Special Educational Needs Disability and Inclusive Education Policy, including through international cooperation and assistance;**
- (f) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights-holders.**

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

50. The Committee welcomes the Comprehensive Multi-Year Plan for Immunization System 2016–2020 and the Health Sector Strategic Plan 2017–2021, in addition to plans mentioned in paragraph 3 of the present document. The Committee is, however, concerned about:

- (a) Over-reliance of the health system on international aid and United Nations agencies and about the limited financing of the health sector;
- (b) Significant obstacles to access to health care, such as high costs, distance to health facilities and the need to seek consent of a male relative for treatment of women and children;
- (c) Fewer than half of the children in the State party being vaccinated against measles.

51. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of targets 2.2, 3.1, 3.2 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Implement the existing plans and policies, including by allocating appropriate human, technical and financial resources;**
- (b) **Address the existing obstacles to health care by providing access to health care in remote areas, decreasing costs and removing the requirement of consent by a male relative for treatment of women and children, and adopt measures to increase the vaccination rate;**

(c) **Seek financial and technical assistance from the United Nations Children's Fund and the World Health Organization, among other entities, in this regard.**

#### **Adolescent health**

52. The Committee is concerned that little has been done to implement the National Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Strategic Plan for 2019–2023, and that its cost plan has not yet been developed. In light of the high numbers of child marriages and pregnancies, which are of a great concern to the Committee, it regrets the lack of information on sexual and reproductive policy and education to adolescents and on access to abortion for adolescents.

53. **Recalling its general comments No. 4 (2003) on adolescent health and No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Take measures to implement the National Reproductive, Maternal, Newborn, Child and Adolescent Health and Nutrition Strategic Plan for 2019–2023;**

(b) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum;**

(c) **Ensure that all girls and boys, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;**

(d) **Decriminalize abortion in all circumstances, ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process, and take measures to prevent obstetric fistula and ensure that treatment is provided to girls who suffer from this condition.**

#### **Impact of climate change on the rights of the child**

54. The Committee is concerned that:

(a) Recurring droughts and flooding linked to climate change continued to result in the loss of lives and livelihoods and to cause displacement;

(b) Flooding and rivers breaking bank in the Shabelle area have been persistent and that these circumstances have caused humanitarian crises, including outbreaks of diseases;

(c) The State party is vulnerable to climate change disasters and is not prepared to tackle the consequences.

55. **Taking note of target 1.5 and Goal 13 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Collect disaggregated data identifying the types of risk faced by children to the occurrence of a variety of disasters in order to formulate policies, frameworks and agreements accordingly;**

(b) **Ensure that children's special vulnerabilities, needs and views are taken into account in developing policies and programmes to address climate change and disaster risk management;**

(c) **Seek bilateral, multilateral, regional and international cooperation in implementing these recommendations.**

### **Nutrition and standard of living**

56. The Committee is seriously concerned about:

(a) High rates of acute malnutrition and increased food insecurity, especially among internally displaced persons, and limited access to water, sanitation and land resources, exacerbated by the ongoing armed and clan conflicts and environmental disasters, leaving marginalized communities, including children, destitute;

(b) A spike in the price of basic items and commodities due to the coronavirus disease (COVID-19) pandemic, posing additional risks to food security for vulnerable populations;

(c) The disruption of the flow of remittances, which was a major source of revenue for many, also due to the COVID-19 pandemic.

**57. Taking note of targets 1.1, 1.2 and 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen measures to tackle malnutrition, poverty and economic disparities among marginalized and disadvantaged groups and ensure that children and their families living in poverty receive adequate financial support and free, accessible services without discrimination;**

(b) **Safeguard the right to food, water and sanitation for all children, particularly those in marginalized and disadvantaged situations, and systematically collect data on food security and nutrition for children, in order to develop relevant policies and strategies that also respond to the price increases due to the COVID-19 pandemic and the aggression against Ukraine;**

(c) **Seek technical assistance from the United Nations Children's Fund, the World Food Programme, the Food and Agriculture Organization and the World Health Organization of the United Nations in this regard and seek support from these agencies in providing humanitarian aid to children residing in areas where armed groups are present.**

## **I. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

58. The Committee notes the adoption of the Education Sector Strategic Plan 2018–2020 and the increase in budget expenditure for education. The Committee is, however, seriously concerned that:

(a) The national gross enrolment rate for primary and secondary levels of education are extremely low;

(b) Inadequate investment and discrimination limit access to education for girls, children from rural areas, internally displaced persons, refugees and children with disabilities;

(c) School infrastructure, materials and number of certified teachers remain insufficient, especially in rural areas;

(d) Fees make school unaffordable for poor families, particularly those in rural areas;

(e) High incidents of attacks on schools, students, and personnel often linked to non-acceptance of Al-Shabaab's curriculum;

(f) There is a lack of monitoring and information on education provided in Qur'anic schools.

**59. Taking note of targets 4.1, 4.4, 4.5, 4.6, 4.a and 4.c of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes;**

- (b) **Strengthen the quality of education, including by ensuring the availability of qualified teachers and of female teachers and by ensuring that schools are fully and safely accessible to all and equipped with adequate infrastructure, sanitation and educational technologies, especially in rural areas;**
- (c) **Implement the Safe Schools Declaration in a gender-responsive manner;**
- (d) **Establish monitoring of the curriculum of education and conditions in Qur'anic schools.**

**J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

**Asylum-seeking, refugee, migrant and internally displaced children**

60. The Committee notes the efforts made by the State party, including the 2019 national policy on internally displaced persons and refugee-returnees, the national eviction guidelines and the interim protocol on land distribution for housing to eligible refugee-returnees and internally displaced persons. However, it is seriously concerned about:

- (a) The dire conditions, in which asylum-seeking, refugee, migrant and internally displaced children live, and the limited opportunities for durable solutions. It is particularly concerned that such children lack or have limited access to basic essential services, such as shelter, food, education and health care;
- (b) Children in internally displaced camps being often separated from families, subjected to violence, including sexual violence, and facing multiple forms of discrimination;
- (c) The lack of a referral system for unaccompanied and separated children to governmental or non-governmental service providers.

61. **The Committee urges the State party to:**

- (a) **Provide asylum-seeking, refugee, migrant and internally displaced children with essential services, including access to adequate shelter, food, education and health-care services;**
- (b) **Involve child protection services and institutions to establish comprehensive referral pathways, in order to ensure that international protection needs of unaccompanied and separated children are duly identified and addressed, and establish fair and efficient asylum procedures;**
- (c) **Create child-friendly spaces on internal displacement sites.**

**Children belonging to minority or indigenous groups**

62. The Committee is concerned that the State party is reluctant to recognize minority groups such as Bantu populations, Af-Maay-speaking communities and minority clans in Somalia, who have been disadvantaged in social structures, social hierarchies and clan positions.

63. **The Committee recommends that the State party recognize and support children belonging to ethnic and linguistic minorities and minority clans and ensure equal access to resources to all.**

**Economic exploitation, including child labour and children in street situations**

64. The Committee is seriously concerned about the reports of:

- (a) Almost half of the children between the ages of 5 and 14 being engaged in child labour, working long hours, being underpaid or denied their wages, and being subjected to violence and sexual exploitation;
- (b) Absence of government social workers and the absence of structured mechanisms to support children in street situations, and reliance on community-based and kinship processes to support them.

65. **Taking note of target 8.7 of the Sustainable Development Goals and drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee urges the State party to:**

(a) **Implement the minimum age of employment as 15 years as set out in the Labour Code, prohibit and eliminate hazardous labour practices, where children are exploited, and implement the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization;**

(b) **Establish mechanisms to support children living and working in street situations, and ensure that such children are attended to by qualified social workers;**

(c) **Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization in this regard.**

#### **Administration of child justice**

66. The Committee notes that the State party is in the process of amending its Criminal Code and has developed a Juvenile Justice Bill aimed at harmonizing the legislation throughout its territory, but remains seriously concerned that:

(a) There is no functioning child justice system in the State party, even though Somaliland and Puntland established child courts in 2018, and that in the absence of an independent judicial system and in view of lengthy procedures, many victims prefer to settle their claims with community (clan) justice mechanisms, where perpetrators enjoy clan immunity;

(b) There is no independent, transparent system to screen and determine the age of children arrested by the security forces in the absence of identity documents, resulting in children being presented as adults;

(c) Dozens of children suspected of affiliation with Al-Shabaab were tried by military courts as adults with violations of fair-trial safeguards;

(d) Children are detained together with adults in poor conditions and sometimes in solitary confinement, with no access to proper meals, exercise and education.

67. **Recalling its general comment No. 24 (2019) on children's rights in the child justice system and with reference to the United Nations Global Study on Children Deprived of Liberty, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Enact the Juvenile Justice Bill in line with the Convention, harmonize the federal member State laws with the provisions of the Bill, and expeditiously establish a specialized child justice system throughout the country that is equipped with adequate resources and specialized judges for children, who have received appropriate training;**

(b) **Ensure that the age of criminal responsibility is at least 14 years at the national and federal member State levels and put measures in place to ensure that children are not presented as adults in judicial proceedings, particularly in cases where they cannot present identity documents;**

(c) **Ensure that children are not tried in military courts, treat children associated with armed groups primarily as victims and not perpetrators and, given erroneous age determination practices, review the cases of children deprived of liberty and prisoners who are young adults currently serving prison sentences for their alleged association with Al-Shabaab to ascertain whether the punishment for criminal offences was appropriate to their age, and consider non-custodial measures;**

(d) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;**

(e) **For the few situations where deprivation of liberty is justified as a measure of last resort, ensure that children are not detained together with adults or in solitary**

**confinement and that detention conditions are compliant with international standards, including with regard to access to education, vocational training and health services, and ensure independent monitoring mechanisms for places where children are deprived of their liberty.**

#### **Children in armed conflict**

68. The Committee notes the efforts of the State party to prevent recruitment of children into armed forces, such as through the Somali National Army general staff order, which prohibits the recruitment and involvement of children in hostilities, and the signing of a children and armed conflict road map. It equally notes the measures taken to reintegrate former child combatants through the adoption of the National Programme for the Treatment and Handling of Disengaged Combatants in Somalia, including children formerly associated with Al-Shabaab. However, the Committee is seriously concerned that:

(a) A high number of grave violations are committed against children by all parties to the conflict, including abductions, rape and other forms of sexual violence, and the recruitment and use of children;

(b) The recruitment of children by the armed forces of the State party and armed groups is not criminalized;

(c) Children as young as 8 years of age are recruited or abducted by armed groups and by government forces for use in combat, and that girls are sexually abused, subjected to forced marriage and recruited to do household chores and to serve as spies;

(d) Radicalization, peer pressure and high rates of poverty induce children to join armed groups;

(e) Attacks on schools and hospitals are being documented and that the denial of humanitarian access prevents children's access to food, medicine and other basic services;

(f) The negative effect that the ongoing armed conflict and presence of armed groups has on children's immediate and long-term psychological well-being.

69. **The Committee strongly urges the State party to:**

(a) **Cease immediately all violations against children, in line with obligations and responsibilities under international humanitarian and human rights law;**

(b) **Criminalize the recruitment of children into armed forces, regularly monitor recruitment processes to prevent children from enlisting in the army or other armed groups and take prompt measures to investigate, prosecute and sanction the perpetrators in cases of child recruitment;**

(c) **Strengthen the mechanisms in place for handover of children identified in the Somali Armed Forces, including through the 2014 standard operating procedures for the reception and handover of children separated from armed groups in Somalia, and establish referral pathways for children of former Al-Shabaab fighters and children formerly associated with Al-Shabaab;**

(d) **Launch programmes that embrace community-based approaches aimed at preventing and addressing the root causes of child association with armed groups and sensitize and educate parents on the long-term and short-term negative impact of children's engagement with armed groups;**

(e) **Ensure children's access to education and health care, facilitate humanitarian access and ensure that children have adequate access to food and basic services;**

(f) **Provide rehabilitation and mental and other health-care services to children impacted by armed conflict, including children recruited by armed forces and victims of sexual violence, and strengthen measures to address trauma experienced by children as a result of armed conflict and violence and its harmful impact into adulthood.**

## **K. Ratification of the Optional Protocols to the Convention**

70. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure.

## **L. Ratification of international human rights instruments**

71. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments, to which it is not yet a party:

- (a) Convention on the Elimination of All Forms of Discrimination against Women;
- (b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (c) International Convention for the Protection of All Persons from Enforced Disappearance.

## **M. Cooperation with regional bodies**

72. The Committee recommends that the State party ratify the African Convention on the Rights and Welfare of the Child and cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

73. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the initial report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

74. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the future National Human Rights Commission and civil society.

### C. Next report

75. The Committee invites the State party to submit its combined second and third periodic reports by 31 October 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>6</sup> and should not exceed 21,200 words.<sup>7</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

76. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>8</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>6</sup> [CRC/C/58/Rev.3](#).

<sup>7</sup> General Assembly resolution 68/268, para. 16.

<sup>8</sup> [HRI/GEN/2/Rev.6](#), chap. I.