



# Convention on the Rights of the Child

Distr.: General  
1 December 2021

Original: English  
English, French and Spanish only

---

## Committee on the Rights of the Child

Eighty-ninth session

17 January–11 February 2022

Consideration of reports of States parties

### Replies of Somalia to the list of issues in relation to its initial report\*

[Date received: 14 October 2020]

---

\* The present document is being issued without formal editing.



## **Introduction**

1. This Replies to the List of issues comes shortly after submission of the initial State party report. Since the submission, The Government of Somalia (hereafter: the Government) has been preoccupied with the Novel Corona Virus (COVID-19) measures, as well as number of usual constraints such as non-state armed groups attacks, malaria, floods and locust attacks. In spite of the above listed obstacles, implementation of the Convention on the Rights of the Child (CRC) in Somalia is optimistically advancing.
2. Traditional views of the child, the family and the relation of the State with the two remains a notable challenge to the implementation of the CRC, hence the Government is looking forward to the CRC Committee's recommendations and support.
3. The Government would like to highlight areas of highest priority in the CRC implementation: right to life, access to health and education and violence against children – all of that in the context of noticeable risk of armed conflicts, environmental and health threats.
4. In that regard, the Government cooperates with domestic civil society groups and welcomes the on-going support and assistance from the international community, especially UNICEF.

## **Part one**

### **Reply to the questions raised in the list of issues in relation to the initial report of Somalia (CRC/C/SOM/Q/1)**

#### **Reply to the issue raised in paragraph 1 (a)**

5. The Government has made progress in incorporating the Convention on the Rights of the Child (CRC) into national law. The priority for the Ministry of Women and Human Rights Development (MoWHRD), the Government department entrusted with rights of the child, is approval of the Child Rights Bill in the cabinet and its passage into law by the Parliament. Once enacted, it will guarantee a better future for all children in Somalia as it will address all rights of the child. The current Bill, in line with article 29 of the Provisional Constitution (2012), stipulates 18 years as the age for all children to attain majority in Somalia.
6. Several laws are in different drafting stages and once enacted, will further enhance the human rights of children, and provide additional protection measures. These include the Sexual Offences Bill; the Anti-FGM Bill; the Disability Bill; and the Juvenile Justice Bill. These draft laws incorporate key principles of the Convention that ensure non-discrimination of children, respect for the views of the child, right to life, survival and development and the best interests of the child.

#### **Reply to the issue raised in paragraph 1 (b)**

7. Following the drafting of the Child Rights Bill, the Government is in the process of developing a National Plan of Action (NPA) for children. The Federal Member States (FMS) are also at different stages of developing their Child Protection Policies, and the MoWHRD will support them to harmonize those documents with the Federal level NPA.

#### **Reply to the issue raised in paragraph 1 (c)**

8. The Government recognises the importance of coordination of policy and monitoring of child rights in the state. This is done at different levels as follows:
  - (a) The National Child Rights Task Force and Director Generals Coordination Group established among key line ministries at the federal and member states level;
  - (b) At the district level District Focal Points on Child Rights have been set up in all 17 districts in Mogadishu (Banaadir District);

(c) 34 district Child Protection Focal Points have been appointed, trained, structured and are functional in Banaadir region.

### **Reply to the issue raised in paragraph 2**

9. The ongoing legal and policy reform in the Government is gaining momentum. The children sector is also undergoing reform with policies and laws at various stages of drafting. The MoWHRD, having spearheaded the ratification and implementation of the Convention on the Rights of the Child is taking measures to ensure that subsequent drafting of new legislations takes into consideration the definition of the child, which is a person under 18 years under the Convention. In addition, the Provisional Constitution under Article 29 (8) stipulates that a child is “a person under 18 years of age”. This means that subsidiary laws must adopt the same definition. The Draft Child Rights Bill, Draft Disability Bill and the Draft Anti FGM Bill define a child as a person under 18 years of age.

10. According to the Provisional Constitution discrimination and abuse of children in Somalia is prohibited. Further, children have rights and parents are entitled to comprehensive support by the government.<sup>1</sup>

11. The Government will put in place measures to ensure that all the rights under the Child Rights Bill are respected and ensured for all children regardless of their birth status.

12. The Government has taken the following measures to eliminate discrimination against children:

(a) All children, including those from minority groups, are granted the same rights as other children under the Provisional Constitution, 2012. Proposed laws have to align themselves to the Constitutional provision on discrimination;

(b) The Draft Disability Bill states that children living with disability have the same rights as other children;

(c) The Draft Anti-FGM Bill provides for equal rights for girls who are survivors of gender-based violence and harmful practices as other children.

13. Consultations on these draft bills have been held across the country, with the participation of local governments, CSOs, religious groups, children and parents.

14. The MoWHRD implements annual activities including capacity building and dissemination messages on the Convention and child protection with specific emphasis on non-discrimination at federal and state level. To safeguard the best interest of the child, members of the civil society and other stakeholders have increased knowledge and understanding of discriminatory practices against children in their communities and their role in helping eliminate these practices.

15. The Provisional Constitution is currently undergoing review even though the process has slowed due to the COVID-19 pandemic. Stakeholders including those from the children sector led by the MoWHRD, as well as advocates for early childhood and family and child development are involved in the review process and are working to ensure the gains made for children are safeguarded and sustained. Citizenship is one of the key issues under review and this will have an implication on the rights of children born of Somali mothers and non-Somali fathers, children born outside the country as well as refugee children.

### **Reply to the issue raised in paragraph 3**

16. The Provisional Constitution provides for the best interests of the child under, Article 29 (7), which states that the child’s best interests are of paramount importance.

17. Traditionally, like in all of societies around the world, parents bear the greatest responsibility in ensuring the best interests of children are taken care of. In the absence of parents, kinship care takes over. The Draft Child Rights Bill provides that the Government

<sup>1</sup> Provisional Constitution of the Federal Republic of Somalia, see: <https://villasomalia.gov.so/en/constitution/>.

shall ensure that the principle of the best interests of the child guides all actions concerning children.

18. Implementing that principle when developing relevant legislation and policies is a key requirement for State parties to the Convention. To that end, the Government intends to formulate in its NPA the best interests of the child principle including developing standards for its implementation. According to Muslim scholars, the best interests of children is important as it guarantees protection for children by both parents. If the two parents are not available, die or fail to fulfil their duties, this role is taken over by their next of kin or the extended family members, and if the next of kin or the extended family members are not available the government steps in. In Somalia there is a four layer of existing protection rings around a child: the core family, the extended family members, the community and the government. The child is always kept in his/her environment. Removing the child from his/her environment is always the last resort.

19. Measures have been taken and there are efforts to set in motion mechanisms to ensure meaningful child participation within the family, in school, in the community and in judicial and administrative proceedings. Progressively, government institutions, CSOs and communities are becoming more sensitised and aware about child participation within the wider framework of children rights. The MoWHRD with the support of partners has held sensitization campaigns on child rights promotion and protection at federal and state level, targeting government officials, children, parents, religious leaders and parliamentarians, among others. Among the rights championed are the right for all children to express their opinions and have these opinions taken into consideration. However, the full realization of this right continues to be a challenge, due in part to the impact of the conflict and the insecurity which has meant that children are not able to come together often, especially in areas where schools have been taken over by armed groups. The MoWHRD at federal government level has initiated and established 120 child ambassadors' forums in Banaadir, Hirshabelle, South West and Puntland as a mechanism of hearing children's views and engagement of implementing child rights.

#### *Home*

20. According to Islamic tradition which is part of Islamic jurisprudence, children's views should be listened to and taken into consideration at the home front. However, older children may be listened to more than the younger ones and this is something that the Federal Government is addressing through various ways including sensitization and establishing regulatory frameworks.

#### *School*

21. Schools have provided an avenue for organizers of children events such as the Day of the African Child and Universal Children's Day to bring children together to plan for the day and participate in activities revolving around child rights themes.

#### *Community*

22. During the commemoration of the Day of the African Child (DAC) in Jubaland in 2019, the MoWHRD ensured children had a conducive environment in which to play games and tell their stories. The MoWHRD at federal government level has also ensured children play a meaningful role during celebrations of the DAC and the Universal children's day.

#### *Judicial and administrative decisions*

23. Judicial and administrative officers have not been left behind in sensitization campaigns on the right of the child to be heard on matters affecting them and are progressively embracing this action. These efforts will be sustained.

#### **Reply to the issue raised in paragraph 4 (a)**

24. The Government continues to condemn all acts of indiscriminate attacks on civilians, especially children and has increasingly called out on warring parties to cease attacks targeting civilians, humanitarian agencies and civilian infrastructure. Al-Shabaab is

responsible for nearly three-quarters of the casualties<sup>2</sup> even though Somali Security forces (SNA, Somali Police, and NISA) are reportedly responsible for some civilian deaths, including children. The Federal and regional authorities have put in place measures to clarify the role of stakeholders working in critical sectors including justice and security, who play a key role in ensuring justice for affected children. Further, the Government ensures through regular training of its security forces, compliance with the principles of proportionality and distinction under international humanitarian law.

25. To prevent death and injury of civilians including children by explosive hazards which were left behind during the prolonged civil war and include improvised explosive devices used by non-state armed groups, the Federal Government through the Somali Explosive Management Authority (SEMA) at the Ministry of Internal Security has taken action to remove mines and explosive devices from civilian areas. SEMA in collaboration with UN agencies have put in place programs including one on risk education, which deployed trained risk education personnel to raise awareness among the affected communities, and in particular educate children on the dangers posed by explosives and remnants of war (see figure 2 in the Annex). The Risk Education program has reached 29,607 children in 2019.

#### **Reply to the issue raised in paragraph 4 (b)**

26. Measures are taken to investigate any such acts, prosecute and sanction those responsible and provide redress to the victims and their families. Strong measures have been taken by the Government to prosecute and sanction those responsible, and provide reparation to the victims and families contributing to a positive trend.

27. Cases are handled in both military and civilian courts. The Government has put in place measures with the support of international partners to train court officials in both courts on international best practices to safeguard the rights of the child.

#### **Reply to the issue raised in paragraph 4 (c)**

28. The Government has engaged AMISOM on the need to prevent civilian casualties caused by its troops. AMISOM has developed a Civilian Casualty Tracking, Analysis and Response Cell (CCTARC) whose objective is to investigate harm caused to civilians; apportion responsibility; keep a record of the data and develop a mechanism for settling claims. The Government aims to set up a mechanism similar to the CCTARC to address any civilian casualties caused by Somali security forces.

29. AMISOM has also set aside a harm response fund known as ex-gratia payments to settle claims arising from harm caused to civilians including children by AMISOM troops. The Government in collaboration with AMISOM and other stakeholders have conducted awareness workshops for AMISOM troops on international humanitarian law on the protection of civilians including children who are even more vulnerable during conflict.

30. The Government is committed to ensure that the protection of civilians remains an important government priority. To this end, all the relevant line institutions will work with all relevant stakeholders towards the further enhancement of their policies, systems and mechanisms relating to effective protection of civilians.

#### **Reply to the issue raised in paragraph 5**

31. The MoWHRD and the Ministry of Health, other government agencies, international organizations, CSOs as well as women led organizations and religious leaders have been at the forefront in creating awareness among communities on the right and importance of children to birth registration. Mothers are encouraged to give birth in health facilities so that the birth records can be captured. However, limited access to health facilities especially in areas affected by conflict remains a challenge.

32. A pilot birth registration initiative exists in three Puntland districts and five Somaliland districts. There are plans to strengthen capacity of authorities to manage a

<sup>2</sup> Response from the Federal Government of Somalia on the draft Protection of Civilians report developed by UNSOM/OHCHR – 2017–2019.

functioning registration system, including an online system to link birth registration to the national ID card scheme at the Federal level and the remaining FMS. The coverage of the existing or emerging birth registration system is still very low (3% of children registered at birth) and the overall registration of children's birth is estimated to be under 10% in Somaliland and Puntland. The pilot birth registration system in Puntland is managed through a private public partnership although challenges of affordability of the associated registration fee will be addressed.

33. As for legislative measures taken to ensure non-discriminatory access to nationality for all children, including children born to Somalia mothers and foreign fathers, in particular children born abroad, the ongoing constitutional review process has identified citizenship as one of the key areas deserving review to deal with the many Somali children who find themselves in limbo due to their parentage. It is important to have a clear definition of who is a Somali citizen and whether to open Somali citizenship to immigrants and Somalis in diaspora, and whether to extend the passage of Somali citizenship through either parent. These issues were also extensively discussed during the public consultations on the draft Citizenship Amendment Bill (2016). According to the current applicable law, Somali citizenship only passes through the father; Somali women cannot pass citizenship to their children unless the father is also Somali.

#### **Reply to the issue raised in paragraph 6**

34. Measures are envisaged by the Government to review legislation including Article 442 of the Penal Code to prohibit corporal punishment in all settings. Once the draft Child Rights Bill becomes law, it will provide an added layer of protection to children against corporal punishment both at home and in school. The Government intends to carry out a review of legislation, including the Penal Code and the Education Act to ensure compatibility with the Draft Child Rights Bill once the latter is enacted into law. Further work is required to complement existing measures on the elimination of violence against women and children in society. Some steps are being taken and the Government needs strong support from the international community in this regard. A strong and effective child protection referral system will be beneficial to children and act as a safety guard for children even in situations of pandemics such as the COVID-19 which has seen a rise in domestic violence incidents globally.

35. Measures are being progressively undertaken to eliminate harmful practices throughout the country. Priority has been given to child marriages and FGM due to the negative impact and far reaching effects they have on all aspects of a girl's life. In certain cases, boys are favoured over girls with regards to access to education.

36. Cases of harmful and discriminatory practices with regard to treatment of children with disabilities have been reported in many homes. The Government and CSOs, through Child Protection Focal Points at federal and state levels have put in place community-based interventions, including awareness creation through Focal Points to address these harmful practices. Awareness activities are carried out through the Focal Points.

37. The Provisional Constitution (Articles 15 (4) and 29 (2)) prohibits circumcision of girls and refers to it as "abuse and torture". The Government remains committed to eradicating the practice of FGM through legislation and continuing community dialogue. To this end, the Government has developed the Draft FGM Bill which is currently before the cabinet pending approval.

38. The Government acknowledges legislation on its own will not eliminate this traditional harmful practice. Additional measures such as addressing this issue through broad awareness campaigns as well as alternative livelihood support for those who earn an income from the practice will have to be deployed. In 2020, the Government was in the process of embarking in a joint partnership initiative on combating the practice of FGM with other countries in the region, however, due to COVID-19 this has been put on hold.

39. To accelerate the passage of the draft FGM Bill and gain consensus on its provisions, the Government maintains dialogue with traditional leaders and religious scholars to overcome and address deeply rooted traditional beliefs.

40. Puntland has put in place a Zero Tolerance FGM Policy and developed a draft bill on FGM which has been adopted by the cabinet and tabled in the Puntland parliament in 2018. Further, moderate progress towards prohibition of FGM is visible at the Federal level, as well as in Somaliland and other FMS. There is need for social norms intervention, indigenous research and programming to address the underlying factors behind the persistence of FGM. In this regard, international support would be most welcome.

41. In the State Party report, we have provided an accurate picture of the challenges concerning early and child marriage in Somalia. An estimated 7.1 percent of the population aged 15–17 have been married and an estimated 5.7 percent are currently married.<sup>3</sup> About half of Somali women are married by the age of 20 and give birth to their first child at the age of 21; and 14 per cent of women aged 15–19 had already given birth to their first child.<sup>4</sup>

42. The Child Rights Bill prohibits harmful practices against children including child marriage and FGM.<sup>5</sup> It also addresses child abuse in all its forms including abuse against children with disabilities. Further, the Child Rights Bill and Disability Bill outlaw discrimination based on disability. Once these bills become law, the Government will need the support of international and local partners to reach children and adults with awareness campaigns about the new laws through community-based forums organized through the Child Protection Focal Points.

#### **Reply to the issue raised in paragraph 7**

43. Due to incidences of rape and other forms of sexual violence against children, measures have been taken to firstly address the root causes of such violence.

#### **Reply to the issue raised in paragraph 7 (a)**

44. Circumstances of sexual violence against children in Somalia can be traced to situations that make children vulnerable such as conflict (communal or inter-clan), and climatic extremes such as drought and floods. Children in refugee and internally displaced persons camps are at risk, especially girls who have to engage in household chores such as fetching water and firewood, which leaves them exposed. The Government, in collaboration with local and international partners, provides communities in these camps with water, sanitation and health facilities (WASH) to help reduce these incidents.

45. The Government has called for strengthening of community protection systems as a strategy to prevent these crimes in addition to the speedy passage of the Sexual Offences Bill into law. In a 2019 case that sparked outrage, a 12-year old girl was abducted, raped, and murdered in Puntland. Using a forensic lab set up in 2017, DNA evidence was used for the first time to convict the perpetrators. Since that forensic lab is currently the only one in the country and the Government is seeking international assistance to introduce such labs throughout the country. Somali activists and the general public are increasingly using social media to raise public awareness about sexual and gender-based violence (SGBV) cases against minors. The Government of Somalia is utilising this public discourse to link it to its SGBV awareness raising activities

46. The Government is working directly with children, as rights holders and social actors, to take action to address the root causes of sexual violence in their communities with adolescent girls from internally displaced persons (IDPs) settlements and host communities in Garowe and Bosaso in Puntland taking part in sports as a way of sensitizing communities about gender-based violence. The MoWHRD organized basketball tournaments with participants selected from IDPs settlements and the host communities to encourage community integration in a bid to prevent rape and other forms of SGBV. Television and radio talk shows and poetry competitions have also been organized at community level to create awareness about sexual violence.

<sup>3</sup> <https://somalia.unfpa.org/sites/default/files/pub-pdf/Youth%20Report.pdf>.

<sup>4</sup> [https://www.ecoi.net/en/file/local/2029152/FINAL+SHDS+Report+2020\\_V7\\_0.pdf](https://www.ecoi.net/en/file/local/2029152/FINAL+SHDS+Report+2020_V7_0.pdf).

<sup>5</sup> Article 26 outlaws child betrothal and child marriage; Article 27 outlaws FGM in all its forms.

47. There have been efforts to develop and implement a framework within the humanitarian actors with a focus on improving awareness of actors on the prevention of sexual exploitation and abuse (PSEA). Some organizations implement codes of conduct for PSEA and have internal procedures for punishing offenders.

**Reply to the issue raised in paragraph 7 (b)**

48. The Federal Government is putting efforts to remove barriers to reporting, prosecution and punishment of such acts including those by Somali and international security forces and non-state armed groups. This includes ongoing drafting, enacting and enforcing appropriate legislation aimed at tackling violence against children, in particular girls, and to ensure that all perpetrators of those acts are brought to justice. The Government recognizes under reporting of sexual violence and the challenges of dealing with such cases by putting in place procedures that offer privacy, safety and paths to rehabilitation and reintegration. The Government also discourages the trend where pressure is put on the survivor and their families to settle cases out of court and marrying off the survivors to the perpetrator.<sup>6</sup>

49. The Federal Government recognizes that the lack of awareness and confidential community-based mechanisms for PSEA makes response to sexual exploitation a difficult undertaking for survivors and their families, and in this regard is undertaking crucial policy and legislative steps to increase awareness and strengthen institutional response to SGBV.

**Reply to the issue raised in paragraph 7 (c)**

50. The Government of Somalia has set as priorities to implement the Safe School Declaration to maintain schools and other learning facilities as safe learning environments; provide continuous training of actors in the justice, health, humanitarian, and child welfare sectors for PSEA, including application of the PSEA guidelines and to strengthen the legal system in regards to investigation (police) and prosecution (judiciary) of cases of sexual exploitation and abuse.

51. With regards to the status of draft Sexual Offences Bill, the Sexual Offences Bill is still before parliament.

**Reply to the issue raised in paragraph 8 (a)**

52. In its State party report, the Government explained the country context of more than two decades of conflict and state collapse that has had a devastating effect on the dynamic of Somali society and families. Social planning and social work are in its infancy and the State is still strengthening its federal system. Through the Somalia Social Protection Policy, 2019, the Federal Government aims to progressively provide support to families living in poverty, including those displaced, to ensure that they are able to take care of their children and to prevent involuntary separations. The policy focuses on mitigating vulnerability, better humanitarian and developmental objectives and reduction on reliance on short term humanitarian aid during emergencies such as drought and floods to the most vulnerable groups.<sup>7</sup>

53. Social protection measures aim to address the root causes of poverty in Somalia, making it easier to assess risk and vulnerability resulting in poverty reduction, social cohesion and inclusion. To this end, the Government is committed to uplifting the standards of living for families particularly those living in poverty through appropriate budgetary allocations.<sup>8</sup>

**Reply to the issue raised in paragraph 8 (b)**

54. The Government recognizes that family separation exposes children to risk of abuse and exploitation due to lack of parental care. The Department of Family and Child at the

---

<sup>6</sup> The Draft Sexual Offences Bill seeks to bring a new meaning to sexual violence by treating all forms of sexual violence as a crime.

<sup>7</sup> According to the Somalia Social Policy, 2019, population groups that are most vulnerable to poverty are: children; youth; the elderly; persons living with disability; women; large households; migrants and displaced persons; and marginalised groups such as pastoralists and nomads.

<sup>8</sup> <http://mof.gov.so/publication/budget-strategy-2017> <http://mof.gov.so/Budget-2019>.

MoWHRD is responsible for overseeing services that address the needs of children and young people, including the most vulnerable, their families and caregivers. The department under the leadership of its Director is mandated to:

- (a) develop programs that address the welfare of the family unit; define roles;
- (b) give guidance on how to implement child protection annual activities and make the necessary follow up;
- (c) develop annual implementation activities and;
- (d) annual work plans in line with the National Development Plan.

55. The department works closely with Child Protection Focal Points at federal and state level on child protection issues by linking children in need of protection with relevant agencies.

56. In 2020, the MoWHRD has put in place measures to establish a data base on Child Separation to record details of children who have been separated from their families.

#### **Reply to the issue raised in paragraph 8 (c)**

57. In 2018, the Government developed a National Special Educational Needs Disability and Inclusive Education Policy. The policy applies to all educational, training and research activities, educational intervention programs of special needs and disabilities in Somalia. The aim is to provide equal opportunities for learning and social development for children living with disabilities.

58. After ratification of the Convention on the Rights of Persons with Disability in 2019, the Government through the federal MoWHRD embarked on the development of the Disability law, a draft of which is undergoing stakeholder input prior to its presentation to the cabinet for approval into law. In readiness to roll out programs for children living with disabilities, the Government in January 2020 embarked on a Rapid Assessment of Children living with Disability in Somalia. The assessment was informed by the lack of data on these children leading to inadequate interventions to advance their rights and welfare as stipulated in the CRC. The assessment was carried out in Mogadishu, Baidoa, Galkayo and Kismayo and involved consultations (focus group discussions, questionnaire and key informant interviews) with children, parents (who doubled up as support persons), government officials and community representatives. The objective was to establish an estimate of the number of children with disabilities; their distribution; nature, types and causes of disability; specific challenges faced by children with disabilities; and nature of services including rehabilitation programs available.

59. The assessment's findings indicate that children with disabilities comprise 18%–20% of the national population with majority having a physical disability. Visual and hearing impairments were also common as well as mental disorders. Most of the disabilities were acquired after birth and were mainly attributed to lack of proper health services for pregnant mothers, explosions and injuries at home.

60. The children's mothers made up majority of the support persons and they stated that they were not fully aware of the rights of their children partly due to illiteracy as well as the fact that they did not get to go out a lot as taking care of children with disabilities was a full-time job. Respondents also experienced discrimination against these children by extended family members and the community. Most of the children did not attend school and the reason given included fear of sending their children to schools which were far from home with the possibility of abuse to or from school; lack of assistive devices for children with physical disability as well as limited access to special needs school. Such schools are few and often lack enough teachers trained in special needs education as well as facilities suitable for children with special needs. Mogadishu has a number of special needs schools, but these are expensive and out of reach for most parents of children with disabilities majority of who take care of the children full time leaving them with little time to earn a living. Some of the support persons reported they had more than one child with disabilities, and that they were the sole

support person due to the breakdown of their marriages as a direct result of the emotional, psychological and financial strain experienced.

61. Based on these findings the Government intends to commission a wider study that will cover the entire country but will in the meantime use the preliminary findings to start engaging with stakeholders in the sector to establish programs to address challenges faced by children with disabilities, thereby ensuring that they access the same rights envisioned for all children under the CRC.<sup>9</sup> The Government will continue working with parents, guardians, local and international organizations to provide for the rights and welfare of these children.

#### **Reply to the issue raised in paragraph 9**

62. In addition to the health-related policies and plans noted in Paragraph 205 of the State Party Report, the Government has developed and launched the:

- Comprehensive Multi Year Plan for Immunization System 2016–2020;
- Somalia Every New-born Action Plan (ENAP): 2019–2023;
- National Reproductive, Maternal, New-born, Child and Adolescent Health and Nutrition (RMNCAH-N) Strategic Plan: 2019–2023;
- The Somali Health and Demographic Survey, 2020.

#### **Reply to the issue raised in paragraph 9 (a)**

63. The Health Sector Strategic Plan 2017–2021 provides a meaningful policy and strategic framework for health. The NDP 9 focuses on a framework to deliver essential health services and infrastructure, including in the areas of maternal, neonatal and child mortalities.

64. The State party report stated some of the challenges (including security and natural disasters) facing the Government's efforts to provide healthcare and social services, as well as the sector's reliance on international aid donors and UN agencies to prop up the health system. Indeed, some parts of the country are inaccessible due to security concerns, and the acute cycle of chronic emergency (flood/draught/disease) creates further service delivery gaps. Somalia's under 5 mortality rate has declined from 179 per 1000 live births in 1990 to 122 per 1000 live births in 2018.

65. There are constraints in inter-ministerial coordination between the federal government and the federal member state governments. Furthermore, the Government faces difficulties in collaboration with the many private health actors on the ground; the Federal Ministry of Health (MoH) plans on developing memoranda of understanding with all health agencies active inside Somalia. This will result in a coordinated approach to health needs of children and effective use of available resources.

66. There are also gaps in health system data management, including data collection, analysis and reporting. The Government is working on improving data management and is in the process of revising the District Health Information Software and rolling out the Logistics Management Information System. The national health database does not currently capture new-born indicators and quality assurance indicators, despite significant investment and in this the Government needs broader and sustainable technical support.

67. The Government is working to implement the Reproductive, Maternal, New-born, Child and Adolescent Health (RMNCAH) and Nutrition Strategic Plan, which aligns with NDP 9. Government is also working on development of a National Operational work plan to align with NDP 9 timeline that reflects the specific activities, budget, timeline, MoH focal point and supporting partner/s for each work stream. Further, the establishment of national and sub-national technical working groups for the implementation of the RMNCAH will help aid in its implementation.

68. The Government is making efforts to improve leadership and coordination with an operational work plan for both regular health services and humanitarian interventions at the

---

<sup>9</sup> The role of the proposed National Disability Agency under the Draft Disability Law will be to coordinate activities in the disability sector.

Federal and Federal Member State levels. This coordination will help improve service delivery and bridge the critical gap in humanitarian services. Both MoH and the National Health System cluster require additional on the ground monitoring to ensure appropriate use of funds and avoid duplication of efforts.

**Reply to the issue raised in paragraph 9 (b)**

69. The Government is working on resource mobilization in the health sector, especially from government sources, to fill the major gap in health financing. Because of the acute and protracted humanitarian crisis cycle that has overburdened the fragile health system in Somalia, the Government will establish emergency health pool funds at the national level. The already critical situation in the fragile health sector is additionally burdened with the outbreak of COVID-19, floods and locust attacks throughout the country. Remittances from the diaspora which in the past have helped address gaps in health sector financing are at an all-time low due to COVID-19 related obstacles on the part of Somali nationals working abroad.

70. The Government is aware of gaps in the community health worker program and is putting in place measures to provide incentives to compensate health work.

71. UN agencies and international NGOs support health services with financial and other resources.

**Reply to the issue raised in paragraph 9 (c)**

72. Immunization rates have increased consistently over the last four years in part due to the successful implementation of the Comprehensive Multi Year Plan for Immunization System 2016–2020. For this positive movement in immunization coverage see Figure 1 in Annex.

73. Immunization campaigns that began in mid-2018 helped reduce the measles prevalence, as indicated in Figure 2 in the Annex to this Replies to the List of Issues.

74. Further, the National Immunization Policy, 2019 was set up under the Expanded Program on Immunization (EPI) as a measure of good governance, planning, implementation and effective monitoring and evaluation of priority programs. As a priority, the Somali government through the Federal Ministry of Health has partnered with all Global Health Initiatives (GHI) and recognizes the importance of immunization as the most cost-effective tool to control certain major communicable diseases through set targets.

75. The Government is addressing obstacles to immunization so that no child is left behind. Currently, there are more than 300 MCH centres that are providing immunization services.

**Reply to the issue raised in paragraph 9 (d)**

76. Somalia continues to deal with elevated acute malnutrition levels due to various forms of deprivations exacerbated by violent conflict and vulnerability to disasters. The gains of the seasonal rainfall in 2017 and 2018 were remarkable but needs remained high due to malnutrition; influenced by several factors, including childcare, healthcare, clean water, proper sanitation, good hygiene practices and recurrent shocks. The late October 2019 floods in Beledweyne, Jowhar and Bardaale districts led to the displacement of an estimated 200,000 people. Internally displaced persons are disproportionately affected by acute malnutrition.

77. Data collection for the first National Micronutrient Survey in ten years was completed in the fall of 2019. Preliminary results were expected to be available in the first quarter of 2020 to inform multi sectoral nutrition programming contributing to the attainment of NDP objectives.

78. Technical, human, and institutional capacity gaps in the nutrition sector remain challenging. Formation of a fully functional multi-sectoral coordination platform still faces challenges including inadequate institutional capacity, lack of scaling up nutrition (SUN) policy, and the absence of a legal framework for multi-sectoral action. Concurrent floods and

drought conditions are projected to negatively impact the food security and nutrition situation of children for the foreseeable future.

79. The Government, in cooperation with international partners is undertaking initiatives to safeguard the right to food for Somali children particularly the most vulnerable. Since 2018, it has generated, shared knowledge and information concerning nutrition and health behaviours and practices through nutrition education with vulnerable groups.

**Reply to the issue raised in paragraph 9 (e)**

80. The Government has begun to implement the Essential Package of Health Services. It has experienced some improvement in addressing maternal health and reducing maternal mortality among women of reproductive age with increased investment by government and international agencies to improve access to health care services.

81. Pregnant women, especially in the rural areas still find it culturally inappropriate to be attended to by a male doctor.

82. Government developed and launched the Reproductive, Maternal, New-born Child and Adolescent Health (RMNCAH) Strategic Plan for 2019–2022 to guide the Sexual and Reproductive Health and Reproductive Rights interventions. Further, the Somali Midwifery Strategy 2019–2022 has been developed to strengthen the health care professionals for Somalia.

**Reply to the issue raised in paragraph 10 (a)**

83. Increased political stability and reform efforts by the Government have led to an improved social and economic standing for Somalia in the global arena. In March 2020, the International Monetary Fund (IMF) and the World Bank's International Finance Corporation stated that Somalia had reached the Heavily Indebted Poor Countries (HIPC) Decision Point and therefore qualified to start receiving debt relief. Access to financial resources will enable the Government to address critical economic and social reforms which will trigger poverty reduction levels in the country.

84. High poverty levels in both rural and urban settings has meant poor access to a liveable income, education, water, sanitation and electricity for many households in Somalia. People living in rural areas, internally displaced persons camps and nomads continue to experience high poverty levels with children having limited access to education and health services.

85. The Federal Ministry of Education, Culture, and Higher Education (MoECHE) and the Puntland Ministry of Education and Higher Education all have a strong vision for equitable access to education for children. Between 2017 and 2019, there has been a gradual increase in education expenditure. To strengthen the capacity of the MOECHE to manage and expand education service delivery to poor and disadvantaged children, the MOECHE's Education Sector Strategic Plan 2018–2020 focuses on advocacy with internal government stakeholders. The MOF increased national budget allocations to the education sector by 3% per year over the next three years to reach the NDP target of 12% allocation to the education sector. According to Table 7 – Recurrent Expenditure Ceilings by Sector (Federal government of Somalia, Ministry of Finance Budget Strategy Paper (BSP) – FY2021, page 23) the actual expenditure for the Ministry of Education and Higher Education has increased from \$ 6,935,149 in 2017 to \$14,868,317 in 2020, which is an uptick of 46.6%.<sup>10</sup> Education funding was 4.7% of federal expenditure in 2019, and 4.4% in 2020 due to preoccupation with the COVID 19 pandemic.

86. The Federal MoECHE developed an Education Sector Strategic Plan (ESSP) 2018–2020 and the Puntland Ministry of Education and Higher Education developed state-wide ESSPs with a 2017–2021 timeframe. The federal MoECHE is currently developing a policy on Non-Formal Education.

---

<sup>10</sup> <https://mof.gov.so/sites/default/files/2020-09/BUDGET%20STRATEGY%20PAPER%20ENGLISH%20VERSION.pdf>.

87. In addition to the draft National Education Policy (discussed in paragraph 247 of the State Party Report) which has been endorsed by the cabinet, Somalia also developed a national Special Educational Needs Disability and Inclusive Education (SEND and IE) Policy in 2018. The policy deals comprehensively with all education, training and research and intervention programs for children and persons with disability in Somalia.

88. The development of the Education Act (2017) which is currently before the Federal Parliament was inclusive with representation from the FMS during the consultations and validation processes.

89. The Government is making investments in both early childhood development and adolescent education although this remains challenging due to resource constraints. As the domestic revenue improves, the Government will increase allocation to early childhood and adolescent education.

90. Secondary school gross enrolment includes those adolescents and youth who have re-entered education through alternative education pathways. The national gross enrolment rate for primary education has remained low at 30 per cent for primary level and 26.5 per cent at secondary level. Enrolment in rural areas is below 15%, and gender disparities favour enrolment of more boys than girls.

#### **Reply to the issue raised in paragraph 10 (b)**

91. The Government and FMS prioritize quality of learning outcomes at the primary school and secondary school levels, as envisioned in the Government Education Sector Strategic Plan Priority Objectives 4.2 and 5.2. Somalia is still striving to set up more schools, train and certify more teachers (especially in rural areas) and ensure children have adequate learning materials. Somalia faces significant human resources challenges in the education sector. Most of the government investment in education goes to paying teachers and recurrent costs, and as such, little resources are dedicated to recruitment of additional teachers to cater for education of the roughly 3 million children<sup>11</sup> who are out of school. To address this challenge, the Federal Government has increased over the last three years its budgetary allocation for this sector. In addition, the NDP 9 describes in detail the further development of the education sector in Somalia in the coming four years.<sup>12</sup>

#### **Reply to the issue raised in paragraph 10 (c)**

92. The Government and FMS have taken measures to prevent non-completion of schooling especially in rural areas by addressing the factors leading to non-completion including insecurity; long distance to school; children engaging in pastoralism for family survival; girls getting married after FGM; few schools and teachers; insecurity; drought; and displacement among others. Local and international partners also support access to education particularly by the most vulnerable like girls, displaced and children from minority clans and children rehabilitated from armed conflict.

#### **Reply to the issue raised in paragraph 10 (d)**

93. Somalia signed the Safe School Declaration in 2015, and intends to implement it. At the federal level, UNICEF supports the MoECHE in safe school working group to develop an implementation plan to have the safe schools work penetrate down to states, districts, and then school levels. This work can strengthen resilience of the education sector to protect schools, and consider disaster risk management considering climatic shocks and changes.

#### **Reply to the issue raised in paragraph 11**

94. According to the National Commission for Refugees and Internally Displaced Persons (NCRI) most internally displaced, refugee, migrant and asylum-seeking children lack or have limited access to basic essential services including shelter, food, education, health care among other essential services. The Government is working through the NCRI and

<sup>11</sup> <https://www.usaid.gov/somalia/education>.

<sup>12</sup> Chapter 8, section 2.6 of the National Development Plan 9 (2020–2024).

stakeholders towards ensuring that these children have access to protection and basic services similar to other children as stipulated in the Convention and the Provisional Constitution. Refugee children have access to education and health services mainly due to the coordinated approach in delivery of these services by UNHCR and other development partners.

95. As for the status of internally displaced, refugee, migrant and asylum seeking children in the country, in April and May 2020, UNHCR recorded an increase in concerns by refugees and asylum-seekers over difficulty meeting their basic needs, mainly food, and paying rent as a result of the impact of COVID-19. Further, the onset of the Gu' floods have caused massive country wide displacement leaving children and adults in dire need of assistance.<sup>13</sup>

#### *Housing*

96. Most refugees and asylum seekers live in urban setting in rental houses. They also lack permanent shelters and use their own means to pay rent. UNHCR provides subsistence allowance to refugees and asylum seekers in the form of multi-purpose cash-based intervention, which can be used to meet shelter as well as other needs for families and their children. In Puntland and Somaliland where the bulk of refugees and asylum seekers are located, cash grants have been provided.<sup>14</sup>

97. With increased demand for shelter, UNHCR is working with the government at federal and state level to accommodate the most vulnerable.<sup>15</sup>

#### *Food*

98. Many families depend on menial jobs which are disrupted during emergencies. At this time of COVID-19 pandemic vulnerable families are receiving assistance from government and UN agencies, local and international organizations, the business and religious communities.

#### *Water and sanitation*

99. Water has to be purchased in most cases in the camps, thereby compromising sanitation and hygiene. Disposal of waste is also a challenge. The Ministry of Water in partnership with the UNHCR has installed 48 hand washing stands in front of health centres/hospitals/ reception centres serving around 3,000 persons per day, provided PPE to 1,300 persons and distributed sanitary materials to 4,300 women. In Kismayo, UNHCR handed over to the Ministry of Minerals, Energy and Water three boreholes.<sup>16</sup> Constructed boreholes will enable Jubaland to provide water to the integrated settlement comprised of IDPs, Somali refugee returnees and the host community in Madina and Midnimo villages.

#### *Medical and psychological care*

100. refugee families continue receiving health care services from the Government and UNHCR. UNHCR is supporting access to health services to refugees and asylum seekers, IDPs, returnees and host community through support to health facilities in different regions.<sup>17</sup>

<sup>13</sup> More than 30,000 individuals have been reached with NFI assistance. Distribution of NFI and emergency shelter kits are planned for an additional 70,000 individuals (UNHCR, 2020).

<sup>14</sup> 200 HH of refugees and asylum seekers have been assisted on an exceptional basis, with priority being given to the elderly, infirm or disabled persons, single mothers and child headed households. UNHCR, 2020.

<sup>15</sup> Planned and completed shelter projects in Somalia: Planned construction of 200 permanent shelters (two-roomed shelters) in Baidoa, Planned 300 Refugee Housing Units in Baidoa, refugee Housing Units in Berbera, Planned 110 permanent shelters, 5 commercial centres and one stop shopping centre in Mogadishu, 200 two-roomed permanent shelters and 200 permanent family latrines in Bossaso relocation site for IDPs, Returnees and some vulnerable host communities (year 2019), among other projects.

<sup>16</sup> These come with installed solar panels to generate electricity for water pumps, generator with control rooms, water kiosks with elevation of water tanks, fence and pipes.

<sup>17</sup> Bossaso hospital (Refugee/Asylum Seeker Section) serving approximately 7000 individuals has been rehabilitated.

Strengthening national health systems to contain the spread of COVID-19 and dissemination of information are a priority.<sup>18</sup>

101. Due to the COVID-19 pandemic, schooling activities have been suspended and MoE in partnership with UNHCR is supporting long distance learning through television and radio broadcasting and provision of learning material in partnership with the MoE. The MoE has also developed the Education Sector Response Plans.<sup>19</sup>

**Reply to the issue raised in paragraph 11 (a)**

102. Less girls than boys are attending school, an indication of that gender disparity in education extends to the refugee and asylum-seeking community.

103. Table 3 of the Annex shows the number of refugee and asylum-seeking children/young people attending primary, secondary and university as at April 2020 while Table 4 of the Annex shows the number of returnees enrolled in primary and secondary school as at April 2020.

**Reply to the issue raised in paragraph 11 (b)**

104. The Government in collaboration with UNHCR and other partners has supported the return and repatriation of children. Data available is at 31 May 2020.<sup>20</sup>

105. The cooperation between the Government and UNHCR continues during the COVID-19 pandemic to ensure care and protection of children. The Government in partnership with UN agencies, has been sharing data and information to alert, advise, guide and advocate for the rights of children throughout the Government and FMS through coordination mechanisms.

**Reply to the issue raised in paragraph 12 (a)**

106. Somalia has for many years been a source, transit and destination country for child trafficking. This is mainly due to prolonged conflict and porous borders with neighbouring countries. Data on affected children, including those trafficked for use during armed conflict is not readily available. As in most armed conflict situations, non-state armed groups

<sup>18</sup> As at 25 June, 4 Persons of Concern (POC) (3 IDPs (1 a youth under the age of 18) and 1 refugee) have tested positive for Covid-19. 2 IDPs are under treatment, while 1 IDP and the refugee have already recovered. Majority of asylum-seekers and refugees have received hygiene kits and been informed about the risks and prevention measures related to COVID-19. Children benefit from UNHCR's support to public national health systems through distribution of personal protective equipment to hospitals, donation of containers to the government for isolation centres, raising awareness among refugees and asylum-seekers, migrants, returnees and IDPs about COVID-19 prevention and distribution of sanitary and hygiene kits to refugee families.

<sup>19</sup> UNHCR has undertaken the following activities to ensure access to education: Provided funding to the Ministry of Education in Somaliland (development of school learning material); Alternative learning methods offered by UN agencies and through partners include digital learning platforms, television and radio programmes and provision of learning material; Ongoing consultations with Federal Member State counterparts regarding final year examinations for Grades 7 and 12; In Puntland, in partnership with Save the Children, ARC and NRC provision of pro-active alternative learning methods in lieu of school closures to ensure completion of the study term at the secondary and upper primary levels during school closure ; Payment of tuition fees for alternative learning for POC enrolled in private schools; University students from the refugee community have been enrolled in the Albert Einstein German Academic Refugee Initiative Fund (DAFI) program through online learning methods.

<sup>20</sup> a) Out of all returnees (including Assisted and Spontaneous Return), 48% are children below 18 years old, b) Out of all returnee children 48 % are girls, while 52% are boys, c) About 55,265 (88 percent) of all returnee children are school-aged children, d) Out of all active registered Refugees and Asylum Seekers, 46% are children below 18 years old, e) Out of all active registered Refugee and Asylum-Seeking children, 49% are Girls, while 51% are Boys, f) About 10,378 (75%) of the active registered Refugee and Asylum Seekers children are school-age children.

51 unaccompanied/separated children and children at risk are among registered refugees and asylum seekers.

forcefully recruit children for use in child labour such as cooking, cleaning, carrying arms, and for girls, engagement in sex with members of the groups.

107. The Government appreciates the efforts of partners who have been addressing trafficking of children in the country through sensitization campaigns among key stakeholders such as government officials and local communities. The Government is putting in place measures to establish mechanisms to inform national prevalence rates, extent of this violation, affected children and regions, and measures taken to address the problem. This will advise on timely and appropriate interventions that are in the best interests of the child.

108. Legal provisions have been developed to address child trafficking at the federal and state levels. The Provisional Constitution, 2012 outlaws trafficking including use of children in armed conflict.<sup>21</sup> The 1962 Penal Code outlaws forced labour and other forms of trafficking in persons. The Draft Sexual Offences Bill criminalises sale, trafficking and exploitation of children for sex and also addresses sex tourism as a form of trafficking.

109. The Government has established the Inter-ministerial Trafficking and Smuggling Taskforce at federal level will carry out its role of co-ordination effectively among the representative bodies.<sup>22</sup> For more information on child trafficking please see the State report paragraphs 323–330.

110. The Government seeks the support of partners to enhance efforts aimed at addressing child trafficking through awareness campaigns at community and policy level; addressing root causes of children’s vulnerability to trafficking; enactment and implementation of laws and policies to address trafficking; rehabilitation of and assistance to victims and their families with basic needs. Psycho-social support, legal and medical aid are also needed. The Government is committed to ensuring children do not fall prey to traffickers, especially during this time when child protection systems will be tested by the COVID-19 pandemic.

#### **Reply to the issue raised in paragraph 12 (b)**

111. The Government is taking measures to achieve progress in eliminating child labour, especially the worst forms of child labour including street work and in armed conflict. The Government has put in place measures to implement General Order No. 1 which prohibits military personnel from recruiting and employing child soldiers. In 2018 the Ministry of Labour and Social Affairs started drafting a National Labour Code to regulate work including child labour. The proposed Child Rights law will provide added protection to children against child labour.

112. The Government recognizes that children living and working on the streets are vulnerable to the worst forms of exploitation as child labourers including work as child soldiers. In January 2020 the MoWHRD initiated “*A Rapid Assessment on Drug use Among Children Living and Working in Major Cities in Somalia*”. Preliminary findings of the assessment indicate that majority of these children are boys who perform menial tasks such as shoe shining, washing cars, cleaning dishes in restaurants, cleaning business premises, while girls perform domestic work. Some have dropped out of school while others have never been to school. Factors driving children to the streets were found to include escape from domestic violence at home, break up of families, poverty, the lure of a carefree life, while those who came from rural areas were escaping from drought or forceful recruitment by armed groups. Coping mechanisms in the street for these children include use of drugs including *hashish, khat, glue and taabuu*.

113. The labour inspectorate that existed before the civil war is not yet re-instated to address exploitation of children in labour but the Government continues to provide assistance to the Human Trafficking Task Force, Child Protection Units (at federal and FMS level) and Children Associated with Armed Conflict Working Group to address child labour related issues.

---

<sup>21</sup> Article 14 provides that ‘A person may not be subjected to slavery, servitude, trafficking or forced labour for any purpose,’ while Article 29 (6) outlaws the use of children in armed conflict.

<sup>22</sup> Members include Ministries of Internal Security, Foreign Affairs, Justice, Interior and Federal Affairs and the Somali Police Force.

114. The Rapid Assessment on Drug use Among Children Living and Working in Major Cities in Somalia also sought to establish among other things, the role of stakeholders in addressing drug use among children in Somalia. One of the key recommendations is collaboration among key stakeholders at community and policy making level to address the issue. Police and the Ministry of Health at federal and state level were identified as critical partners. Some treatment for those using drugs has been undertaken by partners in the CSO sector and UN agencies. Somalia needs more rehabilitation centres dedicated to drug abuse victims and the Government calls upon partners to support the government establish these in the major centres. This should go hand in hand with awareness campaigns targeting children and adults to reduce drug use. The Government is also keen to use law enforcement to punish those who supply drugs to children. The Draft Child Rights Bill, once it becomes law, will further provide protection for children from drug use.

**Reply to the issue raised in paragraph 12 (c)**

115. There is still progress to be made in establishing clear and routine procedures for determination of the child's age in the absence of a birth certificate in judicial proceedings to ensure compliance of the draft Juvenile Justice Bill with the CRC. In the formal justice system, different FMS have varying laws relating to the age of criminal majority.

**Reply to the issue raised in paragraph 12 (d)**

116. The developing legislations including the CRB and the Juvenile Justice Bill will seek to harmonize any varying FMS legislations. The Government also recognizes the need for adequate specialized facilities and a system for dealing with children in conflict/contact with the law and it is taking steps to put in place the necessary facilities with the support of its international partners.

**Reply to the issue raised in paragraph 12 (e)**

117. The Government has, in the absence of birth certification, stepped up screening exercises during recruitment of soldiers into the security forces to prevent underage recruitment into Somalia security forces as well as identify those already in the forces. Government in cooperation with international and national partners has put in place measures to hand over these children for rehabilitation.

118. During the first quarter of 2020 the Child Protection Unit in the Ministry of Defense undertook several activities aimed at protection of children from armed recruitment. The activities are listed under Paragraph 12 (d) in the Annex.

119. The Government has undertaken numerous activities to prevent recruitment of children into armed groups, as well as to provide support for reintegration of such children into society. With the support of the International Organization for Migration (IOM), Government is implementing and improving the National Programme for the Treatment and Handling of Disengaged Combatants in Somalia, including men, women and children formerly associated with Al-Shabaab. The Programme started to build gender-responsive pathways to address the needs of women formerly associated with Al-Shabaab and their dependents, including children of Al-Shabaab fighters, in 2019.

120. Even though the numbers have decreased, the Government is committed to prevent involvement of children in State armed forces.

121. As a general rule, the Federal Government of Somalia does not punish children (previously) involved in armed conflict but instead treats them as victims in line with international humanitarian law and standards. Protection of such children requires improvement of our juvenile justice system in general and the Government remains committed to gradually introduce changes as provided for in the Child Rights Bill.

**Reply to the issue raised in paragraph 12 (f)**

122. Rehabilitation and reintegration centres have been set up across the country to provide support services such as skills training, education, community and family reintegration and psychosocial support.

123. The Ministry of Justice has drafted National Minimum Standards in Detention. These are in line with the National Strategy on Release, Rehabilitation and Reintegration of Children Associated with Armed Forces and Groups (CAAFAG). The extracts and links are available Paragraph 12 (e) I, ii, and iii in the Annex.

## **Part two**

### **Reply to the issue raised in paragraph 13 (a)**

124. Since the submission of the initial State party report in 2019, the following laws which are meant to enhance the rights and wellbeing of children, have been drafted with involvement of stakeholders drawn from the CSOs and DPOs:

#### *Draft Child Rights Bill*

125. The Child Rights Bill, developed by the MoWHRD has been submitted to the Cabinet and is awaiting Parliament approval into law. The definition of the child in The Bill defines a child as anyone under the age of 18 in line with the Somali Constitution; lays the foundation for the promotion and protection of all child rights in the country. It also seeks to strengthen the legal framework to enable children, including the most marginalized enjoy their rights, while outlawing all forms of abuse and exploitation against children, including harmful practices like child marriage and FGM.

#### *Draft Disability Bill*

126. The Bill, developed by the MoWHRD is currently undergoing the first public consultation process. It seeks to protect people with disability, with a special emphasis on children with disability. It provides for non-discrimination of children with disability including ensuring their right to education from pre-schooling stage up to tertiary level.

127. Stakeholder involvement has been considered and people with disability, parents, CSO representatives, the law society and scholars have all participated during public consultations forums on the bill. A select committee from stakeholders has been appointed to review suggestions and amendments proposed by stakeholders before the Bill is finalized and submitted to Cabinet for approval.

#### *Draft Anti-FGM Bill*

128. A Bill on eradication of FGM has been developed at the federal level by the MoWHRD and at the state level. At federal level, the Bill has already been submitted to the executive for reading. Once enacted into law, it is anticipated that it will sustainably address the issue of impunity of perpetrators of sexual violence as part of the efforts to protect the girl child through stiff penalties.

### **Reply to the issue raised in paragraph 13 (b)**

129. The Act establishing the Independent Human Rights Commission was passed in 2016. The Commission is mandated to deal with all cases of human rights violations and abuses in Somalia, including torture and cruel treatment of children. The process of establishing the Commission has been concluded and the 9 proposed commissioners are awaiting for the endorsement of the cabinet and approval of the parliament.

### **Reply to the issue raised in paragraph 13 (c)**

130. The Government is currently developing a framework for a comprehensive National Plan of Action (NPA) for children with the view of having it open for discussion and adoption by the cabinet in the course of 2021. The NPA will cover the period of 2021–2025.

131. The Government has set up the Cross-Border Family Tracing and Reunification Program to provide critical services to unaccompanied and separated children (UASC) in accordance with internationally recognized best practices.

**Reply to the issue raised in paragraph 13 (d)**

132. Through efforts of the MoWHRD, under which disability issues fall, Somalia ratified the Convention on the Rights of Persons with Disability (CRPD) on August 6, 2019. Disabled Persons Organizations have continued lobbying for the rights of persons with disabilities including children. The ongoing legal and policy reforms including the constitutional review process are an opportunity to address discrimination, low education opportunities and other challenges faced by persons with disability.

133. The Government is in the process of ratification of the African Charter on the Rights and Welfare of the Child. The federal MoWHRD hosted a delegation from the African Committee of Experts on the Rights and Welfare of the Child in Mogadishu in 2018, where it was agreed that Somalia embarks on the process of ratifying the ACRWC.

134. The Federal Government of Somalia has ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa (Kampala Convention) on the 26 November 2019 as the 30th African Union Member State.

**Part three****Data, statistics and other information****Reply to the issues raised in paragraphs 14–19**

135. All available data, statistics and other information is provided in the initial State party report or in these replies, under particular topics.

**Reply to the issue raised in paragraph 20**

136. All available data, statistics and other information is provided in the initial State party report or in these replies, under particular topics.

**Reply to the issue raised in paragraph 21**

137. The priority rights of the child are highlighted in the introduction above.

---