



Convention on the Rights of the Child

Distr.: General
16 October 2019

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Initial report submitted by Somalia under article 44 of the Convention, due in 2017*

[Date received: 16 September 2019]

* The present document is being issued without formal editing.

GE.19-17899(E)



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Acronyms and abbreviations

ANC	Ante Natal Care
AMISOM	African Union Mission in Somalia
ASWJ	AhluSunnahWaJamaa'ah
AU	African Union
BEmOC	Basic Emergency Obstetric Care
CAAC	Children Affected by Armed Conflict
CEC	Community Education Committees
CEmOC	Comprehensive Emergency Obstetric Care
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
EMIS	Education Management Information Systems
EPHS	Essential Package of Health Services
FCHWs	Female Community Health Workers
FGM	Female Genital Mutilation
FGM/C	Female Genital Mutilation/Cutting
FGS	Federal Government of Somalia
GER	Gross Enrollment Ratio
HMIS	Health Management Information System
ICU	Islamic Courts Union
IEC	Information, Education and Communication
IGAD	Inter-Governmental Authority on Development
MCH	Maternal Child Health
MHADS	Ministry of Humanitarian Affairs and Disaster Management
MNCH	Maternal Neo-Natal Child Health
MoJ	Ministry of Justice
MoWHRD	Ministry of Women and Human Rights Development
NCA	National Constitutional Assembly
NCRI	National Commission for Refugees and IDPs
NCRSC	National Child Rights Steering Committee
NDP	National Development Plan
NER	Net Enrolment Ratio
NFPC	National Framework for Protection of Children
NHRC	National Human Rights Commission
NPAC	National Plan of Action for Children
PMTCT	Prevention of Mother to Child Transmission
SDGs	Sustainable Development Goals
SNA	Somali National Army
SUN	Scaling-up Nutrition Movement

TNG	Transitional National Government
TVET	Technical Vocational Education and Training
UN	United Nations
UNICEF	United Nations Children's Fund
WASH	Water, Sanitation and Hygiene

Introduction

1. Somalia ratified the Convention on the Rights of the Child in 2015. This report is prepared in accordance with the obligation under Article 44 of the Convention on the Rights of the Child. Further on, it was drafted in view of the general guidelines regarding the form and content of initial reports to be submitted by States Parties under Article 44, Paragraph 1 (a), of the Convention of 1991. Given the current understanding of the Committee on the Rights of the Child's guidance in reporting, it is structured in line with the Treaty-specific guidelines of 2015 regarding the form and content of periodic reports to be submitted by States parties under Article 44, paragraph 1 (b), of the Convention on the Rights of the Child. This report was developed by the Ministry of Women and Human Rights Development through an Inter-Ministerial Coordination Mechanism (ICM) consisting of 10 FGM ministries namely; Ministries of Defense; Health; Labour and Social Affairs; Justice; Education; Religious Affairs; Interior & Security; Constitution; and Internal Affairs. Its development also involved participation of the Federal Member States and Somali Civil Society.

A. General Situation in Somalia

Geographical situation

2. Somalia borders Djibouti to the northwest, Kenya to the southwest, the Gulf of Aden to the north, the Guardafui Channel and Indian Ocean to the east, and Ethiopia to the west. It lies between latitudes 2°S and 12°N, and longitudes 41° and 52°E. Strategically located at the mouth of the Bab el Mandeb gateway to the Red Sea and the Suez Canal, the country occupies the tip of a region that, due to its resemblance on the map to a rhinoceros' horn, is commonly referred to as the Horn of Africa. Somalia has the longest coastline on the mainland of Africa, with a seaboard that stretches 3,025 kilometers (1,880 mi). Its terrain consists mainly of plateaus, plains and highlands. The nation has a total area of 637,657 square kilometres (246,201 sq. mi).

Social structure

3. The key to understanding the social constitution of the Somali society lies in kinship and the specific kind of social construct around the clan. The people of Somalia are dependent on their kinship lineage for security, protection, duties, rights and liabilities. Somalia is a country with an ethnically homogeneous population, culture and language. Most of the population is composed of the ethnic nomadic-pastoralists while the others are farmers, merchants, and fishermen who reside in the inter-riverine area between the Juba and Shabelle rivers in the South, and along the Indian Ocean coastline.

4. Somalia has a population of approximately 10 million people.¹ Somali and Arabic are the official languages. Islam is the official religion with majority of the population being *Sunni*.

Political status of Somalia

5. The Republic of Somalia attained its independence on the 1st of July 1960. The first Somali Constitution was ratified a year later, on 20th July 1961. Nine years later, on 21st October 1969, the democratically elected government of Abdirashid Ali Sharmake was overthrown and a military government of General Mohamed Siad Barre took over. The Barre government collapsed in 1991 and Somalia soon descended into a protracted civil war that lasted for over 20 years. A transitional national government was installed in 2000. On 20th August 2012, the Federal Government of Somalia was formed, with Hassan Sheikh Mohamud as president. The diverse leadership models were addressed by the birth of the new Federal Republic of Somalia, which has been in existence for seven years. During this

¹ Issa-Salwe, Abdisalam M. (1996). *The Collapse of the Somali State: The Impact of the Colonial Legacy*. London: Haan Associates. pp. 34–35.

period, the country's leadership has had the task of creating a functioning and stable political system with all foundational infrastructures, and dealing with Al-Shabaab.

6. Al-Shabaab advocates for a radical form of Islam known as *Wahabbism*, whilst the majority of the Somali people are *Sufis*. A strict and dubious form of *sharia* has been imposed in areas controlled by Al-Shabaab, including death by stoning and body amputations.

7. This initial report on the CRC comes against a background of a state party that is in the process of resolving issues relating to peace, security, good governance, rule of law, establishment of human rights institutions and a culture of respect for the rights of all, including children.

8. The collapse of Mohamed Siad Barre's government in 1991 and the escalation of the civil war in Somalia led to collapse of the centralised authority with citizens reverting to traditional forms of governance and conflict resolution based on religious and customary law. Decisions arising out of these mechanisms were not always in the best interests of the child. Civil society organizations (CSOs) and private sector filled in the governance gap during the civil war.

9. The year 2000 saw the creation of fledgling interim federal administrations and a transitional national government (TNG) was established, followed by its successor, the Transitional Federal Government (TFG) in 2004. In 2006, the newly formed and fairly well established Islamic Courts Union (ICU) was uprooted by the TFG.

10. In August 2012, the Federal Government of Somalia, the first permanent central government in the country since the start of the civil war was established after the term of the TFG came to an end. Between 2011 and 2012, a roadmap political process providing clear benchmarks leading to the establishment of permanent democratic institutions was launched. Within the framework, a new provisional constitution was passed in August 2012.

11. The Somalia Roadmap Process also known as "*Somalia End of Transition Roadmap*" was unveiled on 6th September 2011 and signed by the Somali Prime Minister, leaders of the Regional States of Puntland, the head of the *Ahlu Sunnah Wal Jamaa'ah* (ASWJ), the UN envoy to Somalia, representatives of the Arab League, the African Union and the Inter-Governmental Authority on Development (IGAD). The roadmap called for the adoption of a new constitution by July 2011 with parliamentary elections to take place in August of 2012.

12. The Somali Parliament, held its inaugural session on 20th August, 2012. This landmark occasion was followed by the election of former Labour Minister Mohamed Osman Jawari as Speaker on 28th August 2012. In September, the Parliament elected Hassan Sheikh Mohamud, a member of the Somali Civil Society, as president.

13. The social, economic, civic, and political scenes in Somalia have changed markedly after the completion of the roadmap. The main political developments included traditional elders nominating members of Parliament to form a new federal parliament, which proceeded to elect its presiding officers and a new president for the country through free, fair and credible elections.²

The state of children in Somalia

14. Children under 18 make up over half of the population of Somalia. The situation of children in Somalia is improving, with more children surviving, being vaccinated, going to school and their births being registered, while an increasing numbers of families have sustainable water supply systems and access to health care. The Government is aware, however, that much more still needs to be done.

15. Somali children and their mothers continue to suffer from multiple nutritional deprivations, which deny them the opportunity to thrive and reach their full developmental potential. Over 300,000 children under the age of five are acutely malnourished and the

² <https://www.cfr.org/interactives/global-conflict-tracker#!/conflict/al-shabab-in-somalia> Accessed 29th November 2017.

under-five mortality rate is among the highest in the world, with one out of every seven Somali children dying before their fifth birthday and fewer than half of children estimated to have been vaccinated against measles. In addition, the maternal mortality ratio is extraordinarily high, with one in every 12 women dying due to pregnancy-related causes.³

16. In spite of ongoing efforts, general environment for children is not favorable, with over 2,000 grave violations of their rights recorded in 2015. Nearly every girl undergoes female genital mutilation (FGM), and only four in 10 go to school.⁴

17. Children in Somalia are faced with repeated climate shocks, continued conflict, displacement and violence. As of January 2019, over 4.2 million people, including 2.5 million children, needed humanitarian assistance and protection. Over 1.5 million people were expected to require emergency nutrition support and treatment, with 903,100 children aged under five projected to be acutely malnourished from August 2018 to September 2019, including 138,000 severely malnourished.⁵

18. By December 2018, over three million children, out of 4.9 million in the country, were estimated to be out of school, including 1.85 million school-aged children who require urgent assistance. There are also an estimated 2.6 million people displaced in Somalia, including over one million in the last year alone, with women and children representing the majority of the displaced. Exclusion and discrimination of socially marginalized groups continue to exacerbate elevated levels of acute humanitarian needs.

Legal system

19. Upon attaining independence, Somalia had four distinct legal traditions mostly influenced by colonialism: English common law, Italian law, Islamic sharia law, and Somali customary law (traditional rulers and sanctions). These systems were merged in the 1960s when a uniform penal code, a code of criminal court procedures, and a standardised judicial organization were introduced. The Italian system of basing judicial decisions on the application and interpretation of the legal code was retained. The courts were enjoined, however, to apply English common law and doctrines of equity in matters not governed by legislation. The prevalent legal judicial system is mainly based on the Italian-English systems with aspects of Sharia Law.

B. Substantive information on the CRC implementation/general observations

20. As Somalia embarks on the task of writing the Initial State Party Report on the Convention on the Rights of the Child (CRC), it is important to recognize the special situation the state finds itself in. Somalia is among the few states in the world to sign, ratify and accede to the CRC while attempting to recover from a situation of virtual state breakdown. The absence of a central authority for close to two decades resulted into the lack of a primary duty bearer to protect and realize the rights of the child.

21. There is an awareness in Somalia that children need to be at the centre of the humanitarian and development agenda. The Somali Government is committed to the survival, development and protection of children, as demonstrated by ratifying the Convention on the Rights of the Child in 2015. This provides an important framework for policy and legislation on children's rights.

22. As the CRC Initial State Party Report for Somalia is being drafted, the Federal State is in the process of expanding the legal framework through review and amendments of existing laws and policies and development of new ones to enhance child rights and child protection. The other ongoing processes include development of a functional public finance system, which will, in part, cater and provide for the resources that are available to be

³ UNICEF Somalia Humanitarian Situation Report No 5, 31 May 2019.

⁴ Ibid.

⁵ Ibid.

deployed for the realization of child rights; implementation of social and economic rights for the Somali people, including children; and adoption of the Provisional Constitution.

23. Somalia is actively at war with Al-Shabaab, a group of terrorists, who eschew international humanitarian law. The presence and influence of Al-Shabaab can be felt within Somalia as it carries out random, yet deadly, terrorist attacks within areas that are controlled by the Government, with deadly consequences for children and adults alike.⁶

24. In between these governance challenges, Somalia made a strategic leadership decision to ratify the CRC on 13th December 2014, at the expense of all other international agreements that could have been prioritized.

25. This shows the commitment of the Federal Government to the improvement of children's rights. It is estimated that for nearly three decades, armed conflict negatively affected the ability of Somalia's children to engage in all civil, political, social, cultural and economic rights. The presence of improved peace and security has dramatically enhanced child rights. One key saving feature for the Somali child during the past anarchy is the fact that Somalia is ethnically, religiously, and linguistically homogenous, with informal rules that protect children.

26. The accomplishments of the Somalia State in the promotion of the rights of children can only be recognized in relation to:

- The role of the state in promoting peace and security and the impact of these on the rights of children;
- The participatory development of laws and policies that will guide the implementation and subsequent protection of child rights;
- The engagement with other state parties to the crc, civil society organizations, federal member states and the united nations (un) to promote child rights;
- The creation of peace, security, and the policy environment that private entrepreneurs may use for child-related social and economic services;
- The recognition and promotion of religious, social and cultural institutions that promote the best interest of the child in civil, political, social, economic and cultural rights of the child;
- The prevention of actions that result in violation of child rights such as recruitment of children and young people by armed groups;
- The ratification of the CRC; and
- The drafting of the child rights bill.

27. The preparation of this initial report highlights the willingness of the Federal Government of Somalia to reaffirm and became a *de facto* participant in the process of implementation of the provisions of the Convention. In this regard, the Government has undertaken several measures to bring about tangible results. Most notably, the ratification of the CRC presents an opportunity for the Federal Government to ensure that Somali children are at the centre of all development and investment decisions.

I. General measures of implementation (arts. 4, 42, and 44, para. 6 of the convention)

A. Legislative measures

Ratification of the Convention and reservations

28. Somalia's ratification of the Convention on the Rights of the Child in 2015 was the first measure which the country adopted to incorporate the provisions of the Convention

⁶ One such terrorist attack, on 14th October 2017 occurred in the vicinity of an area where the CRC drafting team was meeting.

into the national legislation framework. There were reservations on Article 14 on freedom of thought, conscience and religion; Article 20 on Adoption; and Article 21 on children deprived of family environment.

Applicability of international law and access to justice

29. To improve credibility, efficacy and independence of the judicial system, the FGS has, together with its international partners, strengthened access to justice and legal empowerment for vulnerable groups including women and Internally Displaced Persons (IDPs). The Government is continuing its efforts to better mainstream gender issues in the Somali justice sector. The Government firmly believes that sensitizing the Somali justice system civil servants on gender issues will aid in the combat against impunity.

30. The Ministry of Justice (MoJ) has been working to re-build and strengthen the Somali legal system into a competent and sustainable public body. This includes improving the capacity of the judiciary system in the efforts to strengthen the delivery of fair and rights-based justice services as years of civil war have eroded traditional justice mechanisms. The Ministry has worked on increasing the number of qualified police investigators and qualified judges and prosecutors.

31. The courts in Somalia have delivered a number of significant judgments that have directly invoked both constitutional provisions and other national laws to uphold different rights, including economic and social rights. Also, judgments relating to sexual violence against women and children have been passed. The Government has been vocal about the passing of these judgements to make citizens aware that impunity will not be tolerated.

Harmonization of national laws with the CRC

32. The Provisional Constitution is the primary legal document that outlines the priorities and choices of the Somalia State in relation to its children. Over the last 20 years of limited focus on child rights, instability and conflict led to Somalia children missing out on global progressive lessons about rights of children. The Somalia Pre Provisional Constitution Standards on child rights were based on the 1960s era. The Somalia State has thus reorganized child rights ideals in the country to be more compatible with the CRC.

33. The Provisional Constitution provides for the care, protection duties, responsibilities and promotion of children rights in Somalia.

B. Administrative measures: Effectiveness of the national system for implementing the Convention

34. Measures adopted to bring national legislation and practice in line with the Convention include the enactment, amendment and development of laws and policies that will directly address child protection. The laws and policies include the Provisional Constitution, the National Development Plan 2017–2019 (NDP), the Child Rights Bill, the Somali Sexual Offences Bill, and the Juvenile Justice Bill among others. Other bills currently being drafted include the FGM Bill and Disability Bill.

National plan of action – national strategy

35. The NDP borrows from the progressive ideals of the constitution and has prioritized development of a National Children’s Policy and Child Rights Act to enable Somalia to fulfill its obligations under the CRC as well as the African Charter on the Rights and Welfare of the Child (ACRWC) and other relevant human rights instruments that protect children. It also proposes strengthening of institutional and legal systems to ensure that best interests of the child are upheld in all policies, plans, programmes, interventions and strategies.

36. The NDP also proposes the establishment of the National Commission for Protection of Children to uphold prevention and protection of child rights; development and implementation of a National Plan of Action for Children at national and state levels; strengthening the capacity of all national institutions in charge of provision and protection

of children; building strategic partnerships between government and civil society organizations, private sector and the media; and the establishment of an effective monitoring and evaluation system to report on the status of Somali children and influence policy dialogue and programming.

37. In line with the policy recommendations stated in the NDP, The Somali Government has launched the process of developing the Somali Child Rights Act, which is envisaged to incorporate all the aspects of child protection into one law. It will act as the reference point in dealing with children issues in the country. The Ministry of Women and Human Rights Development (MoWHRD) of the FGS took a major step in strengthening the rights of children on 16th November 2017 by launching the drafting process of the Child Rights Bill. The State believes that this will guarantee a better future for Somali children.

Measures to disseminate the Convention – training and education

38. Numerous measures taken to popularize the CRC include: translation of the CRC into Somali language, debate in the Federal Member States, circulation of simplified and abridged versions of the Convention in Somali language across the country, illustrated cartoon versions of CRC for children, advocacy and sensitization visits of stakeholders and opinion leaders at various levels, seminars, workshops and conferences for target groups; activities for children including drama, plays, debates, competitions and celebration of significant children's calendar days like the Day of the African Child and the National Children's Day.

39. Media campaigns, numerous radio and television enlightenment programmes, including a theatre play made by well-known national figures of theatre and culture. In 2016 and 2017 various line ministries carried out media campaigns on CRC principles and implementation activities targeting government officials, communities and children. Production of IEC materials, such as posters and billboards by the Ministry of Women and Human Rights Development; Ministry of Information, Culture and Tourism; Ministry of Defense and several governmental institutions were made available to stakeholders involved.

40. Production and circulation of a CRC Guide for Law Enforcement Officers in Somalia took place through the Ministry of Justice in 2015.

41. Since 2015, the Ministry of Women and Human Rights Development has vigorously pursued the promotion and protection of children's rights at all levels in Somalia through child rights advocacy and awareness creation programmes, including seminars, workshops and consultations on CRC implementation. These include capacity building trainings for field workers and focal points at national and regional levels.

Responsibility for coordination and monitoring

42. As the Government builds the state, the current actors in the child rights realization agenda in Somalia consist of State and non-state actors. The MoWHRD has the overall responsibility of child rights protection and child rights realization in Somalia. The MoWHRD is mandated to handle, enhance, advocate, implement and monitor issues on children on behalf of FGS. As such, the development of the initial State Party Report is the Ministry's responsibility.

43. The MoWHRD has established departments charged with the responsibility of child rights protection and promotion, including a Family Development Department and Child Rights Department at the Federal Level. All the five Federal Member States of Somalia have specific ministries and departments charged with women and children's rights that work in collaboration with the Federal Level government.

44. The Ministry coordinates all of the child rights services, including awareness and advocacy programme among other activities on child rights issues around the country with support from partners such as UNICEF and various NGOs.

45. The Ministry of Women and Human Rights Development, other line ministries and partners have established four committees to coordinate policies relating to children; domestication and implementation of the CRC; and coordination of various child rights

NGOs. These committees include the National Child Rights Committee and the Inter-Ministerial Committee on Children's Rights coordinated by MoWHRD. The other two committees are the national coordination working group for children associated in armed groups (CAAG) coordinated by the Ministry of Defense, UNICEF and Child Protection Working Group. MoWHRD is in the process of harmonising the committees for enhanced efficiency and effectiveness. MoWHRD works with the following ministries.

The Ministry of Justice

46. The Ministry of Justice is in charge of legal and judicial issues and plays a key role in ensuring that domestication of the CRC is done in line with Somali laws and policies. The Ministry is in the process of drafting the Juvenile Justice Bill, which, once adopted, will cater for and protect the rights of children in conflict with the law.

The Ministry of Defense

47. Children and other vulnerable groups receive special protection with the Ministry working to ensure that military action against aggressors such as Al-Shabaab is conducted in compliance with the principles of distinction and proportionality as enshrined in international humanitarian laws. The Ministry has a child protection unit whose focus is to ensure that children are not recruited into armed groups, rehabilitate children affected by armed conflict and train members of the government armed forces on child rights and child protection.

The Ministry of Information, Culture and Tourism

48. The role of the Ministry is to disseminate key information among key government institutions and from the government to the general population including children and young people. The Ministry runs special programs for children during the weekends which are aired on radio and television with cartoons targeting the very young. The aim of the programmes is to help children understand their culture and how to be responsible in their communities.

Ministries of Health and Education

49. The Ministry of health is responsible for the realization of the rights to health of children. Similarly, the Ministry of Education is responsible for the realization of education rights of Somali children. The two ministries are currently in the process of harmonizing all the relevant laws in their dockets, including drafting new bills to ensure that they conform to the Constitution and prevailing realities of Somalia.

Private sector

50. The Somalia private sector has thrived and has continued to provide most of the social and economic services for Somali children. They contribute mainly in the education and health services in the country.

Cooperation with Civil Society Organizations (CSOs)

51. The Federal Government of Somalia recognizes the support that civil society organizations provide in the promotion and protection of its children. Non-state actors include non-governmental organizations, both local and international; religious organizations; community based organizations (CBOs); and private trusts and foundations mainly set up by Somalis living in the diaspora. Non-state actors fill in a crucial gap left by the government in providing services to children, especially during the civil war. Somali citizens from the diaspora have invested heavily in the health and education sectors, reaching many children in need of these services.

52. The FGS is committed to working with and utilizing the significant experience of civil society organizations, which had been established during the civil war period. Somali CSOs have been widely consulted by the Government on a wide range of topics for which the Government has been formulating policies. Several ministries and senior Government

officials have held regular discussions with civil society actors, including human rights, youth, minority and women associations.

53. The MWHR has worked with several CSOs on sexual violations cases and promotion of human rights. The Ministry is also preparing memoranda of understanding with CSOs concerning human rights education and conducting research on relevant topics such as human rights awareness-raising in a federal context.

54. The MoWHRD plans to map out non-state actors working in the children sector with a view to streamlining provision of services, enhancing service provision to children and young people at both federal and state level, as well as ensuring efficient use of resources for the best interests of children.

International Cooperation

55. Several United Nation (UN) bodies provide child related services in Somalia. UNICEF operates a Somalia Support Office in Mogadishu, Hargeisa, Baidoa and Garowe. UNICEF has a close working relationship with the MoWHRD as the main partner on children's issues.

Independent Human Rights Institutions: Commission

56. As the ministry in charge of Human Rights in the country, the MoWHRD was instrumental in the implementation of the Provisional Constitution provision on the establishment of the Independent Human Rights Commission. The role of the Commission is to promote respect for and a culture of human rights; protection, development, and attainment of human rights; monitor and assess the observance of the conduct of human rights in the Federal Republic of Somalia.

57. One of the mandates of the commission will be to work with the MoWHRD and other stakeholders to ensure respect for and promotion of children rights in the country.

II. Definition of the child (art. 1 of the Convention)

58. Under Article 1 of the Convention on the Rights of a Child, "a child" means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Legal and policy framework

59. The Provisional Constitution of Somalia Article 29(8) defines a child as "*any person under the age of 18 years*".

Minimum age for marriage and age of consent

60. Article 28(5) of the Provisional Constitution states that marriage will be deemed illegal if a person has not reached the age of majority. According to the definition of a child under the Provisional Constitution, the age of majority is 18 years.

Age of criminal responsibility

61. The legal age of criminal responsibility under Section 59 of the Penal Code of 1962 is 14 years. Between the ages of 14 and 18 years, a child is presumed not to be criminally responsible for his or her actions unless it can be proved that he or she had the capacity of understanding the actions they undertook. Section 60 further states that punishment and conviction shall not exceed five years.

62. Section 137 of the Penal Code of 1962 provides that minors below the age of 18 who commit an offence shall be remanded in establishments separate from adults and shall be given moral rehabilitation. The Juvenile Courts and Reformatories Law No. 13 of 8th March 1970, defines a "*child*" as "*anyone under the age of fourteen*", and a "*young person*" as "*a person who has attained the age of fourteen but has not yet turned eighteen*".

63. The Juvenile Courts and Reformatories Law further outlines safeguards for the protection of the interests of the child. This law is, however, in conflict with the provisional constitution that defines a child as one under 18 years. The draft Juvenile Justice Bill currently before stakeholders for validation aims to address this conflict. A detained child's immediate family must be informed of the child's detention as soon as practicable. It also provides that every child shall have the right to legal aid paid for by the State and that in every matter concerning a child, the child's best interests are of paramount importance.

Minimum age of employment

64. Somali Labour Code of 18th October 1972 Section 93 puts the minimum age of employment at 15 years. The Labour Code further qualifies this by stating that the Secretary of Labour may authorize the employment of children not younger than 12 years of age on the condition that the health and moral welfare of the child are not affected by the work conditions. The Provisional Constitution, however, provides that no child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.

The Right to education

65. Article 30 of the Provisional Constitution guarantees the right of every Somali child to education. This entitles children to access quality public education without paying school fees and creation of an enabling environment for them to complete school.

66. The Somalia National Education Plan 2011 offers a foundation on regulation of the education sector. It makes plans for donor funds management, harmonization of the different curricula implemented in the country and management of educational institutions and human resource to meet the needs of the Somali children.

67. The Basic Education Law No. 6 of 12th February 1987 provides for school going children aged between 6 and 14 years. It touches on the general principles of basic education, including its curriculum, education as a constitutional right to be enjoyed by all Somalis, life skills, religion, nationalism and unity of Somalis. It also touches on environmental use and protection, democracy, constitution and the basic laws. It takes care of education from Quranic, kindergarten, middle school to high school. Ministry of Education is currently in the process of harmonizing the various education laws in Somalia to adapt them to the governance shift from centralized to federal system of government.

The Right to Health

68. Article 27 of the Provisional Constitution provides for the right to healthcare; while the NDP has policy objectives geared towards an increase in public health facilities that are well equipped, with well qualified medical personnel and accessible to all including children.

Protection of children from enlistment, conscription into armed forces and participation in hostilities

69. The State of Somalia, in accordance with Article 29(6) of the Provisional Constitution, seeks to protect every child from armed conflict and from being used in the latter.

Access to legal aid

70. Under Article 29 (8) of the Provisional Constitution children are entitled to free legal aid and advice provided by the State. This ensures that children are not denied a fair trial and hearing in cases where the child's family cannot afford legal services. The Legal Aid policy also supports this position and provides for free legal aid for children in conflict with the law.

Context and implementation

71. A child has been defined as a person below 18 years under the Provisional Constitution, while other laws and policies provide different definitions of the child. The Child Rights Act is envisaged to remedy this loophole as well as align all relevant laws with the provisions of the Constitution.

72. Child marriage is still a common occurrence in Somalia owing to customary laws as well as rigid adherence to Islamic principles. Once adopted, the Sexual Offences Bill, which is currently on the floor of parliament, will provide sanctions for child marriages. The NDP also states the government intention of eliminating child marriage.

73. The State has formed a National Coordination Working Group for Children Associated with Armed Conflict to implement measures for the rescue, rehabilitation and reintegration of such children. The Ministry of Defense takes the lead on issues of rescue, while MoWHRD, in partnership with UNICEF and child protection CSOs, is in charge of release, rehabilitation and reintegration of children rescued from armed groups.

Constraints and way forward

74. The post-conflict environment and poverty have created a culture where children participate in household economics and community conflicts. These responsibilities run deep in society and will be mitigated by peace, poverty reduction and mass education over time.

75. The state recognizes that enactment and implementation of a child rights act will ensure a standardized and uniform definition of the child, as well as domesticate the CRC and implement the Provisional Constitution with regard to the definition of the child.

76. The State is in the process of reviving the birth registration system, which will result in children having birth certificates that can be used to establish the age of a child and give extra protection from activities that may be harmful.

III. General principles (arts. 2, 3, 6 and 12 of the Convention)**A. Non-discrimination****Constitutional and legal framework**

77. According to the Provisional Constitution, discrimination is deemed to occur if the effect of an action is to impair or restrict an individual's rights, even if the person causing the discrimination did not intend this. The Provisional Constitution outlaw discrimination with respect to all citizens, including children. Article 11 (1) states that "*all citizens, including children, have equal rights before the law*". Discrimination based on age is outlawed under Article 11 (3) thereby protecting children. Sub-Article 4 lays the ground for development of laws, policies and regulations to protect children from discrimination since such developments will not be deemed to be discriminatory in themselves simply because they favour children.

Context and implementation

78. The National Policy on Education outlaws discrimination in the education sector based on gender.

79. Children who have been involved in conflict are discriminated against (even where they were forced to join armed groups), making their rehabilitation and re-integration into society difficult.

80. From consultations held with children and adults, it was evident that awareness of legal provisions outlawing discrimination is low among children themselves and those perpetrating the practice. In most cases, the type of discrimination practiced is considered acceptable due to long held cultural beliefs. This is the case with girls who face stigmatization after getting pregnant, even when pregnancy is as a result of rape.

81. The FGS has initiated interventions aimed at addressing discriminatory practices affecting children. For instance, national and local government task forces on the girl child have been set up to address discrimination against the girl child. In addition, massive awareness campaigns and advocacy visits have been undertaken at various levels with policy makers, community, religious and opinion leaders, women, youth and children's groups and other social segments to bring about attitudinal changes to enable the girl child to get access to education.

82. The proposed laws and policies as indicated above are also aimed at creating a legal and policy framework that addresses discrimination and also provides a platform for children and parents to seek legal redress when these rights are violated.

Constraints and way forward

83. Despite the existence of laws, policies and awareness campaigns by both state and non-state actors, children, including those children born out of wedlock, with disabilities, and those from minority clans, continue to experience discrimination. This points to low awareness among children, parents, communities and policy makers as well as low enforcement of the law.

84. The effects of discrimination against children go beyond the children themselves and have been known to cause social and clan tension in Somalia. Challenges encountered in the implementation of the provisions of Article 2 of the CRC are deeply entrenched in cultural, traditional and religious attitudes and practices, such as female genital mutilation/cutting, child marriage and rigid child rearing practices such as denying children a chance to air their views and to be heard. Changing attitudes and practices that have existed over the years take a combination of legal and extra-legal measures such as sensitization to change attitudes.

85. The Somali state recognizes the need for, and has drafted a Child Rights Act and the FGM Act, while the Sexual Offences Bill is currently before Parliament. There is need for mass education and public enlightenment on laws addressing discrimination against children through development of awareness creation materials in Somali language using simple language and illustrations that can be used to target children and adults with low literacy levels. The Government will work with private media to reach out to Somali people with messaging on laws and policies that outlaw discrimination and the role citizens can play in addressing the practice.

B. Best interests of the child

Legal and policy framework

86. Article 29 (7) of the Provisional Constitution states that "in every matter concerning a child, the child's best interests are of paramount importance".

Context and implementation

87. Before civil war broke out in 1991, the Child Protection and Social Welfare Department was a well-established institution that worked in conjunction with children and juvenile courts to address child related issues. The principle of the best interests of the child was widely used against the background of very supportive religious leaders and the media.

88. Somalia had functioning child care institutions such as Lafoole, located outside Mogadishu, which offered high quality education, health care, psycho-social support and playgrounds for children in orphanages and those from poor and marginalized families. They did not discriminate against any child. Children brought up through this system were called the *Ubaxa Kacaanka (flowers of the revolution)*, a reference to the non-discrimination and the best interests of the child that was practiced.

89. All this changed with the civil war leading to resurgence of Somali Customary Law and traditional practice such as child marriage, FGM and discrimination against the girl

child within the family setup in virtually all aspects of children's lives, which are not in the best interest of girls.

90. Both state and non-state actors realize the importance of placing the interests of children first in all matters affecting them, similar to the pre-civil war conditions. The Ministry of Women and Human Rights Development has established a child protection and development department and units to coordinate child related activities. The Ministry is currently laying out mechanisms to ensure coordination and use of resources among stakeholders in the children sector.

91. The ongoing legal and policy review aims to further enhance the best interests of the child.

92. The MoWHRD has drafted Somalia's first FGM bill, while at the same time reviewing the FGM Zero Tolerance policy. The bill will criminalize all types of FGM and focus on educating the community on its harmful effects. Similarly, the FGM Zero Tolerance policy will operationalize the implementation of the FGM law, once passed by parliament.

93. Parents, legal guardians and close relatives also have a duty to make a report to the police if they suspect a child under their custody or care has been subjected to FGM.

Constraints and way forward

94. FGM/C is deeply ingrained within Somali community and therefore criminalizing it without first educating the community might create a backlash from members of the community. It would be very difficult to prosecute parents for FGM in Somalia, not only because of their beliefs regarding FGM/C, but also because the country is recovering from decades of war. Therefore, the MoWHRD is aware that the interest of the child is paramount, hence their decision to focus on education and engaging members of the community in order to make a profound change on this issue. The current FGM/C policy will be reviewed and amended to conform to the draft FGM bill.

C. Right to life, survival and development

Legal and policy framework

95. The right to life is guaranteed under Articles 13 and 27 of the Provisional Constitution, which state that "everyone has a right to life", and that "every person has the right to healthcare and no one should be denied emergency health care for any reason". These provisions also apply to children.

96. The Penal Code outlaws the death penalty on children and pregnant women thereby upholding the right to life as stipulated in the Provisional Constitution.

97. The Somali Health Care Policy aims to improve the health status of the population by strengthening interventions and providing quality, accessible, acceptable and affordable health services. The right to life is one of the most prioritized areas in the Policy.

98. The education policy also advocates for the right of children to education thereby promoting their development.

Context and implementation

99. The Government is committed to ensuring survival and development of children in Somalia as indicated in legal and policy documents as well as public health programmes, including a people-centered and culturally acceptable essential package of preventive, curative and rehabilitative health services to reduce morbidity, mortality and improved quality of life and wellbeing of children.

100. The right to life is one of the priority areas covered in the Healthcare Policy that entails strengthening reproductive maternal Neo Natal Child Health, eradicating FGM/C and improving hygiene in the communities to prevent diseases to ensure that children enjoy the right of life.

Constraints and way forward

101. In spite of government efforts many children in Somalia mostly in rural areas, including areas where Al Shabaab presence is high, continue to lose their lives due to inadequate access to quality, accessible and affordable health care. Al Shabaab send children to fight on the frontline, where they are maimed, traumatized and killed. Childcare institutions such as remand homes and government-registered schools, which collapsed during the civil war, are in the process of being rebuilt. The Government, through the MoWHRD, is in the process of putting in place measures to reclaim and repurchase some child protection assets and properties that were grabbed by private citizens. This will help reduce the budget currently required for renting space for child related activities. Sensitization of policy makers to appreciate the importance of adequate budgetary allocations for children is also ongoing.

D. Respect for the views of the child**Legal and policy framework**

102. Article 18 (1–3) of the Provisional Constitution states that “every person has the right to have and express their opinions, receive and impart their opinion, information and ideas in any way”. This is in line with the CRC Article 12 and covers decisions taken at the family, legal or administrative level.

103. The Provisional Constitution paves way for child participation where children can freely express themselves in a manner most comfortable with them and have their views respected and taken into consideration.

104. The NDP states that the FGS shall empower children as citizens who participate in decisions that affects their lives, those of their families and communities and the larger society in which they live. FGS will develop a social welfare system which honours existing cultural and religious systems and recognizes the effects of the war and conflict upon children and the civilian population.

Context and implementation

105. In the last few years, children are increasingly having their views heard. Policy makers, non-state actors, religious leaders and school authorities can attribute this to awareness creation of this right.

106. The Government through the Ministry of Education has created avenues for children to join groups and clubs in school, where they interact with each other and express their views on diverse subjects. However, this leaves children, who are out of school such as refugee and internally displaced persons, girls who are married early, children from minority clans, children with disabilities and children living and working on the streets, with no avenue to meet, express their views and have the views taken into consideration.

107. The family and the community believe that once a girl undergoes FGM, she is ready for marriage even if she is still in school, leading to drop-outs. Such girls are married off without being given a chance to have their views heard as to whether they want to get married.

108. The media are gradually acknowledging the rights of children to be heard and some radio and television stations invite children to studios to participate in children programmes. This gives children a chance to air their views on various topics affecting their well-being.

109. The widespread use of Internet and social media in Somalia has opened a whole new world for children who now have more avenues to express themselves and have their opinions heard. The uptake of Internet in rural areas is not as much as in urban areas though. Unfortunately, armed militia aiming to radicalize and recruit children and youth to join their groups use the same social media. This calls for parents and guardians to balance respect for the views of the child, as article 12 does not challenge the parents’ right and responsibility to express their views on matters affecting their children. Parents have a responsibility to guide children towards a child’s right to freely express their views. For

these views to be respected and taken into account is contingent on the age and level of maturity of the child.

Constraints and way forward

110. There are many challenges facing implementation of this article in Somalia. Key among them is a deep cultural tradition and belief that have existed for a long time where children do not have a right to be heard. Few structures exist at local and national levels for children to participate in and express themselves. The absence of a national independent forum to deal with children's issues such as a children's assembly has negatively impacted the levels at which children can engage the formal institutions in order to advocate and lobby for their rights.

111. The Government, through MoWHRD, is in the process of implementing the CRC, including development of laws that, once enacted and operationalized, will ensure that challenges to respect for children's views are dealt with. The Ministry is working closely with the Ministry of Education to promote vibrant participation of Somali children in schools through promotion of children's parliaments, clubs and forums.

IV. Civil rights and freedoms (arts. 7, 8, and 13–17 of the Convention)

A. Birth registration, name, nationality, and the preservation of identity

Legal policy and framework

112. Article 8 of the Provisional Constitution grants rights to citizenship for Somali nationals with Article 29 (1) provided that "*Every child has the right to a good and righteous name and nationality after birth*". Law No. 28 of 22nd December 1962 (Somali Citizenship Law) states the different circumstances under which a Somali child may gain or lose Somali citizenship. These include Article 1: automatic acquisition of citizenship by birth within the Somalia territory; Article 6: renunciation of foreign citizenship; Article 14 on minors, that states in section 1 that, except as provided in Articles 9 and 11, any minor whose father acquires, loses or recovers Somali citizenship, shall follow his father's citizenship. If the father is stateless, the minor shall follow his mother's citizenship. 2. He/she may, however, after his attainment of majority, declare to opt for the citizenship he had at the time of his birth. Such declaration shall be made in the manner prescribed in Article 6. Article 15 on recovery of citizenship by child on attainment of majority, which states that a minor child, who had acquired Somali citizenship and subsequently lost it following the loss of Somali citizenship of his father, may recover it after the attainment of majority under Article 14 Paragraph 2 of the Law according to the procedure laid down in Article 2 above. Article 16 on acquisition of citizenship by child of unknown parents which states that the child of unknown parents who was born in the territory of the Republic shall acquire Somali citizenship under Article 15 of the Law according to the procedure laid down in Article 1 above.

113. The NDP also states that there shall be a universal birth registration and preservation of the right of the child to their name, nationality, and identity.

114. In Somali culture the process of naming a child takes between one month and three years. It commences through a cultural/religious naming ceremony known as *waqlal* in Somali language. During the ceremony, people gather, an animal is slaughtered and the Sheik blesses the child by reciting the Quran. The child gets a name, followed by his or her lineage name. Naming of children in Somali culture is in compliance with Articles 7 and 8 of the CRC on the child's right to a name, and by extension a nationality.

115. Somali children who are born in Somalia to a Somali father are considered 'legitimate' and therefore Somali citizens. Similarly, children born outside Somalia to Somali parents derive citizenship from the father. Those born to Somali parents coming

back to Somalia from the diaspora are considered Somali citizens. This is provided for in the past citizenship law.

116. However, children born outside Somalia to a Somali mother and non-Somali father do not acquire Somali citizenship. This will be addressed in the proposed Citizenship Law where the MoWHRD will lobby for citizenship to also be acquired if either parent is Somali. Article 8 of the Provisional Constitution states that the State will provide direction on how to acquire and lose citizenship.

117. It is a crime to make a false entry in the register or fail to name a newborn child under the Somali Penal Code. Somalia had a birth registration system where children were registered at birth in hospitals. This was limited to urban centers and pastoralist communities were left out. The civil war interfered with this. The FGS recognizes the importance of birth registration for every Somali child as this provides the first legal recognition of a child as a citizen. As such, the Government is in the process of strengthening the National Birth Registration infrastructure.

118. The FGS has taken measures to make the importance of birth registration widely known in the country. The Government aims to progressively ensure that all parts of the country are covered. The official authorities in charge of registering births in Somalia include Civil Registration Authority, Ministry of Interior, Department of Statistics' Birth and Death Registrar, Ministry of Health and Central Bureau of Statistics.

119. When a birth occurs in a health facility, it is easy to have this birth recorded. However, with many Somali women giving birth outside health facilities, the chances of these births being recorded are significantly low. Health facilities are also increasingly recording births in an organized manner.

120. Many women get to learn about birth registration after they give birth, pointing to low awareness among the general population of what birth registration entails, its importance and the role played by the Government.

121. During the national survey undertaken for this report, 22.5 per cent of participants reported that childbirths are recorded while 77.5 per cent reported that births are not recorded. It was also recorded that 36.6 per cent of registered birth records occurred in private hospitals, 28.5 per cent at maternal child health centers, 17.2 per cent at Galmudug FMS Hospital, Adaado, 10.2 per cent at Jubaland FMS General Hospital, Kismaayo, 3.2 per cent at mother and child centres, 3.2 per cent with the Government, 0.5 per cent at Daryeel Hospital and 0.5 per cent in Mogadishu.

122. Only a small fraction of children's births is registered in Somalia by some local municipalities and hospitals that issue birth certificates; but there is no proper linkage with national systems. The Government is in the initial process of developing a policy framework for birth registration. The Ministry of Interior has commenced partnership with UNICEF Somalia towards realizing a proper civil registration infrastructure for Somalia.

B. Freedom of expression and the right to seek, receive and impart information

Legal and policy framework

123. Freedom of expression in Somalia is covered by several constitutional provisions. Article 18 of the Provisional Constitution states that every person has the right to have and express their opinions, while Article 107 provides for the right of every person to be heard during judicial proceedings. In addition, Article 111 J grants power to the Office of the Ombudsman (to be established) to investigate any violations against basic rights and freedoms, including the rights covered under the freedom of expression.

124. Somali children, therefore, have the right to freely express themselves through speech, play and other means. However, this right is limited in some instances due to cultural traditions that do not encourage children to speak before or in the presence of adults. Children may face discrimination on account of their age, social status or clan affiliation, thereby making the realization of this right a challenge.

Context and Implementation

125. Progressively, state and non-state actors are helping create avenues for children to realize this right. In schools, children are able to express their views and opinions, and they actively participate in drama and cultural activities.

126. During the national survey undertaken for this report 77.2 per cent of participants said they allow their children to play and 22.8 per cent don't allow their children to play. When asked why parents do not allow their children to play, 9.6 per cent reported that their children are too young to play, 30.4 per cent stated security reasons, 13.3 per cent said to stop children from fighting with one another, 20 per cent to avoid disputes, 23.7 per cent had no reasons, and 3 per cent had no children. On child participation in music, drama and cultural activities, 13.4 per cent allow their children to participate whilst 86.6 per cent don't allow this.

127. The large number of those who do not allow their children to play or take part in drama and cultural activities may be attributed to fear for the security of children due to reports that armed groups have abducted some while out playing at home or in school. Children also participate in celebrations for national and international events such as the Day of the African Child (DAC) and Universal Children's Day. During the celebrations of the DAC in June 2017, the FGS, through the MoWHRD, took the opportunity to issue a press statement on the CRC reporting process that the state was due to embark on sensitization of the CRC. This helped create awareness among children, adults and government agencies on the Convention and the role of every stakeholder in the reporting process.

128. During judicial proceedings, the child has the right to be heard, including when they are treated as a vulnerable witness, in which case they will then be heard in private sessions.

129. National distribution and dissemination of information, education and communication (IEC) materials have been undertaken by the Ministry of Information on the rights of the child.

Constraints and way forward

130. Due to cultural influence, the society, including children, is yet to fully understand and appreciate the meaning of and importance of freedom of expression. Traditionally, "children are there to be seen and not heard".

C. Access to information from a diversity of sources and protection from materials harmful to a child's wellbeing

Legal and policy framework

131. Article 32 of the Provisional Constitution states that "every person has the right to access information held by the state".

132. For children and young people this information has to be appropriate based on the child's age and circumstances. The test of what is appropriate is guided by the concept of the best interests of the child.

Context and implementation

133. In February 2013, the Ministry of Information, Culture and Tourism launched a broad-based consultative process for the reformation of media legislation. The Ministry has developed special programs for children that help raise awareness about culture and historical issues. The Ministry also runs special programs for children on radio and television during the weekends. This includes cartoon programs for young children.

134. Somalia has a vibrant media network, which includes internet outlets, radio and satellite or cable television stations. Radio broadcast covers the whole country and is, therefore, an effective communication channel in Somalia. The Government run media include Somali National Television, Radio Mogadishu and the Somali National News

Agency. The Radio channels have children programmes, which offer a broad range of educative, informative, and entertaining material. Cable and satellite television channels offer cartoons, documentaries and sports programmes for children.

135. The importance of having a reading culture is gaining popularity in Somalia. In September 2017, individuals in the literary sector organized the Mogadishu Book Fair. The event involved book launches, book signing, exhibitions of fine art and photography, keynote guest speeches, film and documentary viewing, panel discussions and debates, and poetry recitals by local and international authors, artists, and performers whose aim was to inspire change. There have been similar book fairs in Kismaayo, Hargeisa, Garoowe, Burco, Beledweyne and Cadado.

Constraints and way forward

136. The literary scene has suffered the effects of civil war and terrorism. Armed militia control parts of the country and censor information thereby denying children access to information. Similarly, they brainwash children they come into contact with to influence them into accepting their twisted version of Islam. However, the government continues to encourage media outlets, especially through radio as an educational tool, provide opportunities for youth dialogue, and communicate important messages to children. The Ministry of Education also encourages the use of public library services by children, hosting annual book fairs, national book weeks, braille library services for the blind, community library and internet services.

D. Freedom of association and of peaceful assembly

Legal and Policy Framework

137. Article 16 of the Provisional Constitution gives every person the right to associate with other groups and individuals. “Every person has the right to associate with other individuals and groups. This includes the right to form and belong to organizations, including trade unions and political parties. It also includes the right not to associate with others, and a person cannot be forced to associate with any other individual or group” Article 20 provides for freedom of peaceful assembly and the right to present petitions to state institutions.

Context and implementation

138. Children are encouraged to join youth clubs, cultural clubs and sports clubs; although this is subject to the areas they reside in as conflict plays a big role in assembly. Ability to interact is especially critical for children’s development. Children need to associate freely with one another to build friendships, form views about the world, participate actively in society and stand up for their rights and those of others later in life.

Constraints and way forward

139. In areas controlled by illegal armed groups, children are forced to join these groups against their own free will. In some instances, religious beliefs and cultural practices hinder the right of children to the right of freedom of association. Young girls are sometimes kept at home to work and look after younger siblings. It is noteworthy that the Ministry of Education is encouraging children in schools to form clubs through which they can nurture and strengthen their socialization skills.

E. Protection of privacy and protection of image

Legal and policy framework

140. Privacy for children in judicial proceedings has been upheld by Article 107 of the Provisional Constitution, which provides that in judicial proceedings, the court has the discretion to hold proceedings in private, especially in cases involving juveniles. Article

470 of the Somali Penal Code on violation of the privacy of the home protects a child's right to live peacefully.

Context and implementation

141. Most children in Somalia do not enjoy their right to privacy due to a combination of cultural, social and economic factors. Culturally, many adults do not believe that children should enjoy privacy because they are children. However, as the children enter puberty they are given a little more privacy.

Constraints and way forward

142. There is difficulty in distinguishing the boundary between the protection of privacy and actions that parents and other caregivers may need to take in the context of the provision of parental guidance within a post-conflict situation. There is need to sensitize adults, especially parents and teachers, to understand that children too are entitled to a modicum of privacy so that they can let children enjoy this right.

V. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a), and 39 of the Convention)

A. Abuse and neglect

B. Measure to prohibit and eliminate all forms of harmful practices, including but not limited to, female genital mutilation and early forced marriages

Female Genital Mutilation

Legal and policy framework

143. The Provisional Constitution, under Article 15 (4), outlaws female circumcision and equates it to torture: "*Female circumcision is a cruel and degrading customary practice, and is tantamount to torture*".

144. The current FGM Bill being drafted will make the procedure an offence and highlight it as a violation of human rights. It will also emphasize on educating on the health implications.

145. The Bill will be zero tolerant on FGM and will make it an offence for anyone to perform FGM, incite or aid another to perform FGM.

146. The bill is being developed from the standpoint that the Government as a duty bearer must safeguard girls from the FGM. It advocates for total abandonment of all forms of girls' circumcision as a major contribution to the dignity, health, welfare, social wellbeing and protection of all Somali females.

Context and implementation

147. Female Genital Mutilation (FGM) or circumcision is widespread in most of Somalia with many girls undergoing the practice when they are still very young. Different forms of circumcision are practiced. In many cases marriage and pregnancy soon follow. This has an impact on the health and survival of the young girls. Some have died due to excessive bleeding or during childbirth.

148. The Federal Government of Somalia recognizes that FGM is a violation of the human rights of girls and women and has put in place measures for its total abandonment. The Female Genital Mutilation Bill is one such effort.

Constraints and way forward

149. FGM is still practiced across communities as part of Somali cultural tradition making its eradication difficult. There are major constraints in carrying out FGM initiatives. Insecurity makes work in some parts of the country a major challenge. Women who carry out the practice state that it is a source of livelihood making eradication difficult.

150. The Government, through the MoWHRD, ensures that women and girls who have undergone circumcision, as well as health care providers are continually educated and sensitized on the need to stop female circumcision. Community-based interventions are critical in supporting national-level advocacy or behaviour change programmes. There are efforts to realize community education programmes on the health and rights effects of FGM.

Child/early/forced marriage**Legal and policy framework**

151. The Provisional Somali Constitution Article 28 on Family Care states that “no marriage shall be legal if one or both have not reached the age of maturity”. While age is not specifically mentioned, in Article 29 Section 8 child is defined as being less than 18 years old.

Context and implementation

152. In Somalia, about one in 10 marriages occur before the girl is 15 years old, and about half before they are 18. There is little difference between urban and rural girls in this respect and the incidence of early marriage is significantly lower only in the wealthiest segment of population. About 30 per cent of girls aged 15 to 24 marry husbands who are 10 or more years older.⁷

153. About one in five women aged between 15 and 49 are in polygynous marriages (where the husband takes more than one wife), with little difference in incidence based on urban/rural location, education or wealth.⁸ Women in polygynous households experience numerous challenges, including difficulties in accessing sufficient resources, intra-household conflict over resources and abandonment, usually of the older wife.

154. An interesting trend reported almost everywhere is that the extent of polygyny is decreasing. There may be a correlation to increasing poverty, as fewer households are reported as being able to afford to keep multiple wives. In cases where polygyny is continuing, divorce of the first wife is common. In southern and central regions, it is common for the first wife, or sometimes all wives, to be in formal employment.

Constraints and way forward

155. Rates of child marriage tend to be high where poverty, birth and death rates are high; where civil conflict is commonplace; and where there are lower overall levels of development, including schooling, healthcare and employment. Major drivers of early marriage, in addition to poverty, are weak legislative frameworks and enforcement; traditional attitudes, including ensuring the virtue of girls before marriage; gender discrimination; and lack of alternative opportunities for girls, especially education.

156. The Sexual Offences Bill addresses sensitive cultural practices such as forced marriage and child marriage, while also establishing an elaborate sentencing regime to guide the administrators of the Bill in determining effective prosecution and higher degree of proof and appropriate sentencing.

⁷ Situation Analysis of Children in Somalia, UNICEF Report, 2016.

⁸ Ibid.

C. Sexual exploitation and sexual abuse

Legal and policy Framework

157. Article 29 (2) of the Provisional Constitution states that: “*every child has the right to be protected from mistreatment, neglect, abuse or degradation*”.

158. This includes all forms of sexual abuse and exploitation. The Education Sector Policy offers protection to children, including those with special educational needs, from all forms of sexual abuse, including harassment, sexual molestation, sexual exploitation and rape.

Context and implementation

159. Sexual abuse and other forms of sexual violence are common in conflict zones such as Somalia. Unfortunately, children are also victims as they face sexual abuse at home and within their communities including learning institutions. The Government views any form of violence and/or abuse in schools, regardless of whether this is committed and/or perpetrated by learners, teachers, officers or any other person, as a criminal offence. In particular, any form of sexual relationship between a teacher and a learner is considered a serious abuse of power subject to criminal action or, at the very least, disciplinary action.

160. Sexual abuse cases in conflict affected countries increases during periods of drought. This is often attributed to cases of exchange of sex for food as well as vulnerability of girls and women when they go in search of food and water. Children, both girls and boys are also vulnerable to sexual abuse when they go to herd family livestock, sometimes far away from home. Girls who are victims of rape face discrimination in their communities and are sometimes forced to marry perpetrators.

161. The Sexual Offences Bill is a landmark piece of legislation aimed at addressing gender-based offences, especially those of sexual nature. The Bill addresses protection of vulnerable persons such as children, and persons with disability; defines sexual offences and sexual exploitation; sentencing of offenders; and assistance available to victims and witnesses. The Bill also addresses emerging issues such as human trafficking, sexual grooming and sex tourism.

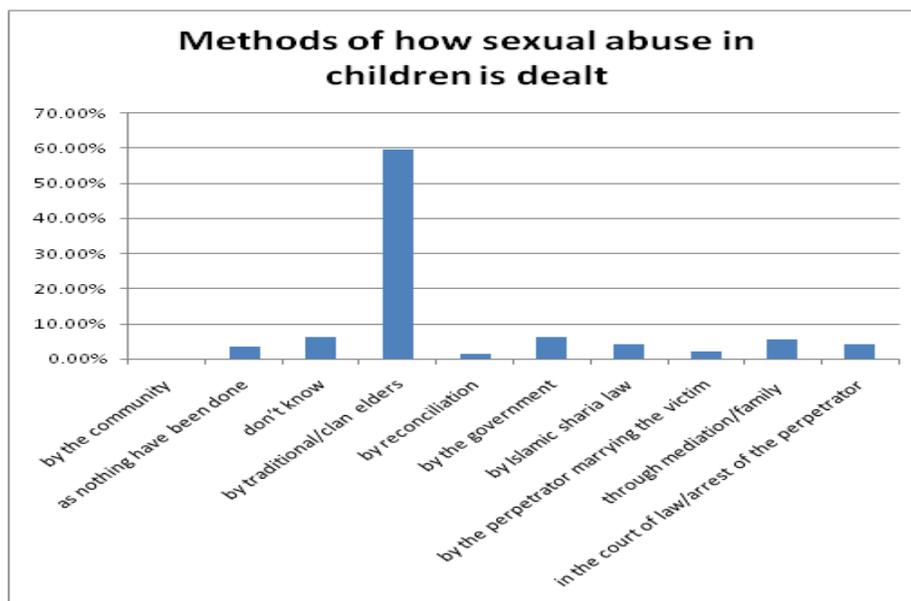
162. There is increasing awareness on sexual violence in Somalia and some health facilities are increasingly treating and reporting such cases.

Constraints and way forward

163. Displacement due to drought and conflict makes children vulnerable to sexual abuse and exploitation due to high poverty levels. Children who are separated from their parents and other caregivers are vulnerable to abuse within the communities they live in as well as armed groups who may abduct them. Due to the challenges associated with access and costs in the health system victims of sexual violence do not always have access to adequate and proper health care. Similarly, with the absence of laboratory facilities to extract and preserve evidence of sexual abuse, many cases are not followed up. The Sexual Offences Bill, when fully operationalized, is expected to address most of these challenges, including placing responsibility on private health facilities and other line government institutions including the Police Department to provide services.

164. The National Survey undertaken for this report revealed that most of sexual abuse in children is dealt with by traditional and clan elders (59.0%), mediation/family (6.0%), and reconciliation (3.2%). Only 7% said the cases were dealt with by the Government, while 5% said they were arrested and taken through court process. Significantly, 3% revealed that the perpetrators marry the victim, as shown in Table 1, below.

Table 1
Methods of how sexual abuse in children is dealt



165. The Sexual Offences Bill has been approved by the Cabinet of Ministers and is currently awaiting parliamentary approval. The State continues to work closely with other stakeholders in the children and human rights sectors to address sexual and gender-based violence through preventative and rehabilitation programmes. Some psychosocial services are provided for survivors of abuse in order to address the resultant trauma. There is also coordinated effort to address cultural traditions and attitudes that propagate sexual violence against children.

D. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment, including corporal punishment

Legal and policy framework

166. Article 15 of the Provisional Constitution states that every person has the right to personal liberty and security.

167. The Government signed and ratified the UN Convention against Torture, Inhuman and Other Degrading Treatment in 1990 and are a party to its provisions.

Context and implementation

168. In a conflict situation it difficult to control the actions of armed groups. This is especially felt in areas of Somalia that are under the influence of Al Shabaab. The FGS has enacted laws that protect the vulnerable groups as well as the community at large. In customary law, the concept of *Birimageydo* is respected. The *Birimageydo* groups in society are persons who are prohibited from being harmed specifically during war/conflicts. This group consists of women, children, people with disability, minorities and elderly people.

Constraints and way forward

169. The presence and activities of armed groups in some areas of Somalia make children vulnerable to torture, cruel, inhuman and degrading treatment. The cultural concept of the protection of the *Birimageydo* group is ignored by the armed groups. Illegal armed groups do not adhere to any laws on the rules of war against the use of torture. The FGS is in the process of pacifying areas still under control of militias. Similarly, the Children's Rights law, once operationalized, will address this.

VI. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4 of the Convention)

A. Family environment and parental guidance in a manner consistent with the evolving capacities of the child

Legal and policy framework

170. Children in Somalia have a right to know and be cared for by their parents as laid down in Article 28 (5) of the Provisional Constitution. This care includes education and instruction. The Constitution under this article envisages care for children to be undertaken within the confines of marriage. Article 57 of the Law. No. 21 of 26 August 1963: Public Order Law provides that when a person who is legally bound to provide maintenance and education fails to do so, the public order authorities shall report the matter to the judicial authorities so that criminal proceedings may be instituted against such person.

Context and implementation

171. In instances where biological parents cannot exercise this right to parental guidance, the duty falls on other members of the extended family. In Somalia context this would include clan members.

Constraints and way forward

172. Parental guidance in a fragile state like Somalia where instability is still experienced can be challenging for parents, as many are pre-occupied with safety issues. Yet it is this care and guidance that Somali children need to withstand additional challenges of living in a conflict situation where fear of radicalization, recruitment and abduction by armed groups is a daily challenge.

173. With the existing high levels of poverty, many children do not always get the necessary parental care and guidance. Parents living in IDP and refugee camps face additional challenges of caring for their children given the difficult circumstances they live in.

174. The civil war negatively impacted the quality of care and protection that children received from family, extended family and entire communities. This assault on family fabric has been exacerbated by migration of many families to urban areas in search of peace, security and employment.

175. Somalia has a shortage of qualified social workers and many families that are in need of these services are left unaided. Many young girls start having children at a very young age following FGM and early marriage. They lack the skills to provide proper parental care and guidance.

176. The FGS is cognizant of the need for quality training, capacity building and deployment of social workers in all areas to provide enhanced social support services for families in need of assistance to care for their children, especially in rural areas; and access to psychosocial and counseling services for parents. To this end, MoWHRD in partnership with UNICEF, has launched a five-year scholarship programme aimed at developing over 1,000 professional social workers in partnership with a network of six universities in Somalia. The scheme targets bachelor degrees, diploma and certificate programs in social work. Similarly, the Government intends to establish and strengthen community-based child protection mechanisms to handle referrals by the trained social workers.

B. Parents' responsibilities, assistance to parents and provision of child care services

Challenges for the Somali family in protecting children

177. More than two decades of conflict and state collapse in Somalia has had a devastating effect on the dynamics of Somali families. Many fathers and husbands became dependent on wives and children for family livelihood. Some families broke down because husbands were not contributing to family livelihood.

178. In difficult economic circumstances, husband and wife tend to blame each other for family problems, which may lead to an increased incidence of physical violence and verbal abuse. This can result in husbands divorcing their wives or departing or deserting the family and they may marry other wives to obtain additional economic support.

179. In addition, husbands may be absent from the family due to death or the 'parking' of families in one place, including IDP or refugee sites, while they seek work elsewhere. The above factors have led to a substantial absence of fathers and husbands from the family and a rise in female-headed households in Somalia.

180. Family breakdown impacts the protective environment of children in many ways, including increased poverty where the father has no livelihood and the mother cannot compensate, with consequences on health, education and meaning child labour becomes necessary; neglect of the children if the mother is occupied gaining family livelihood, and care of younger children being entrusted to older siblings, especially girls; and the marriage of girls at an early age for economic reasons becomes necessary, which often involves a polygynous arrangement with an older wealthier man.

181. When older boys migrate from a rural area to a town, they do not work for relatives but look for other opportunities, thereby increasing their exposure to protection risks. This is especially the case for pastoralist boys, who herd livestock often at the expense of educational opportunities. Older boys may engage in risky behavior in trying to adapt to social economic pressures such as illegal migration (*Tahriib*) and recruitment into gangs or armed groups.

182. Conflict and political instability over recent decades has challenged governmental authority and the justice system. In this situation, the chances of justice for children, or of children in conflict with the law receiving special protection are not strong. The absence of paralegals and lawyers in rural areas is also a barrier for children seeking justice. Poor parents intent on survival may not have the time or resources to help their children seek justice following exploitation or abuse. Many children live away from their biological parents and this may limit their right to justice when violence or abuse occurs.

C. Separation from parents

Legal and policy framework

183. Article 28 (3) of the Provisional Constitution grants children the right to live with and be cared for by the parents. In instances where a child is separated from the parents, the extended family has the first priority for providing alternative care for the child. It is the Government's responsibility to provide alternative care for the child if family and relatives are not present.

Context and implementation

184. About one per cent of Somali children living in rural or urban households are 'double orphans'. In the wealthiest households with the means to support them, two to three per cent of children are orphans. In households nine per cent of the children are 'single orphans'. This figure is broken down as seven per cent 'father dead' and two per cent 'mother dead'. When the father dies, the child tends to continue living with the mother. The incidence of children living in households without a biological parent has been rising over recent decades and the older the child is, the higher it is.

185. Orphaned children and youth living with extended families are at times exposed to various forms of maltreatment, including: intra-household discrimination; material and educational neglect; excessive child labour; exploitation by family members and psychological, sexual and physical abuse; and early girl-child marriages.

186. The main reasons given by street children for separation from their families include loss of the primary family breadwinner, especially the mother, and general poverty. When the family arrangement changes and there is a new stepmother or stepfather, boys are more likely to leave than girls, who tend to stay with their mothers or go to their mother's kin. In IDP camps and communities, it is predominantly female-headed households that take in non-biological children. Since the female head of household must earn a living outside the home, there is a likelihood of childcare being neglected.

187. Loss of livelihoods and food insecurity due to conflict or drought results in parents either going away to earn a living elsewhere or sending children away to live with others or for child labour. Some families also send their children to live in IDP camps to improve their access to basic services. Some of these children live on their own or with other children as 'child-headed households'.

188. Recruitment or use by armed groups also separates a number of boys and girls from their families. Some parents feel obliged to send their boys to work with the clan militia. Children are among those Somalis migrating to other countries, rendering them especially vulnerable to the risk of violence, abuse, trafficking and exploitation.

189. Separation of children from parents and other members of the family in Somalia is a result of several factors such as armed conflict, which may result in older family members leaving to join armed forces in government or outside government and natural disasters like drought and floods.

190. Separated children are at risk of sexual and gender-based violence, exploitation and enforced disappearance.

191. Separation from parents for whatever length of time can have long lasting effects on the emotional, psychological and physical well-being of the child. Such children lack the care, guidance, protection and overall parental support and are vulnerable to abuse and exploitation.

192. The Government is cognizant of the fact that children who are separated from parents are vulnerable to all forms of abuse and neglect and is putting measures in place for their care and protection.

193. The Government is cognizant of the fact that separation of children from families also happens among Somali refugees in the neighboring countries of Kenya and Ethiopia whenever there is a security clampdown in urban centers aimed at taking refugees back to camps.

194. The FGS priority is to ensure peace and security in the country in order to have a conducive environment for parents to bring up children and earn a living; establish and strengthen national and community child protection services; keep data and records of children separated from families to assist in family reunification.

195. The Government is working with partners like UNICEF to put in place emergency preparedness measures, including provision of basic relief supplies and services to vulnerable families.

196. Line ministries are raising awareness among communities on the importance of family remaining together during emergencies. They also ensure children remain with families unless putting children in residential care is in the best interests of the children. However, there is still need for enhanced sensitization of law enforcement officers on the rights of children including not to be separated from family; and strategies for seeking children's opinion during emergencies as they can also contribute towards their own protection. There is also need to allow social workers adequate access to separated children for proper assessment of children protection needs and proper intervention; and allocation of adequate resources for protection needs of separated children and family re-unification.

Constraints and way forward

197. The ongoing conflict is a challenge that keeps breaking families. Similarly, there is insufficient data and record keeping services that negatively impacts on reunification of separated family members including children. The FGS is working in partnership with UN bodies and CSOs to comprehensively strengthen and widen the tracing and reunification infrastructure in Somalia.

D. Family reunification**Legal and policy framework**

198. The Government has responsibility of ensuring that children, who have been separated from their parents as a result of armed conflict or a natural disaster, are rehabilitated and reintegrated. Article 28 (2) of the Provisional Constitution gives the state this responsibility.

199. The NDP also makes policy recommendations that there shall be reintegration of displaced and returnee children and development of an education and vocational skill development strategy for public and private sectors leading to a youth employment initiative.

Context and implementation

200. The State has, in collaboration with partners such as UNICEF and UNHCR, developed a system, where they collaborate on the rescue and reintegration of children.

VII. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33 of the Convention)**A. Health and health services****Legal Policy and Framework**

201. The legal framework for the Somali health and social sector is underpinned by five articles of the Provisional Constitution of the Federal Republic of Somalia. These include Article 25 (1): “Every person has the right to an environment that is not harmful to their health and well-being, and to be protected from pollution and harmful materials”; Article 27 (2): “Every person has the right to healthcare, and no one may be denied emergency healthcare for any reason, including lack of economic capability”; Article 27 (3): “Every person has the right of full social security”; Article 27 (5): “It shall be ensured that women, the aged, the disabled and minorities, who have long suffered discrimination, get the necessary support to realize their socio-economic rights”; and Article 28 (2): “Mother and child care is a legal duty of the State”.

202. The NDP provides for the following policy recommendations concerning healthcare in its framework: reduced maternal, neonatal and child mortalities, improved access and scaled up delivery of essential nutrition services with a focus on children, in addition to a strengthened national and local capacity to deliver evidence-based and cost-effective nutrition interventions.

203. Improved access to and utilization of quality services for the prevention and management of malnutrition with a focus on children under-five and women of reproductive age; a reduced prevalence of underweight in children, stunting, wasting, vitamin “A” deficiency and anemia; an increased prevalence of exclusive breastfeeding.

204. The Somali Federal Government is committed to providing health care and social services to its citizens. However, it faces enormous challenges due to the continued security challenges, natural disaster and widespread poverty.

205. The Somali Federal Government has made great progress in terms of legislative, strategic and planning frameworks for the health sector. The Government has developed and is implementing the following policies, strategies and legislation:

- Somali National Health Policy;
- Health Sector Strategic Plan (2017–2021);
- Essential Packages of Health Services Framework for the Primary Health Care;
- Reproductive Health Strategy and Plan;
- Human Resources for Health Policy and Plan;
- Nutrition Strategy and Plan;
- Legal Framework for Health;
- National Treatment Guidelines and Community Health Strategy;
- The Health Bill.

206. Furthermore, the National Health Professions Commission has started to certify and register health professionals after enabling legislation in 2013; but this only applies to the public sector. The government is working on the second phase of regulations that will include the private sector in the HSSPs to facilitate their regulation.

207. The Somali National Development Plan lays out the short to medium term strategic direction, development priorities, and proposed implementation mechanisms in order to achieve socio-economic transformations. It sets strong social and human development goals and recognizes that health care is a key role of government in developing the nation, addressing inequality, and protecting vulnerable citizens.

208. The policy environment for implementing the Code of Marketing of Breastmilk Substitutes continued to be strengthened. The code was drafted and the interim breastfeeding policy was signed by the federal Ministry of Health and federal member states.

209. The Government is committed to the global Scaling-Up Nutrition (SUN) movement. Somalia's SUN secretariat finalized the nutrition chapter of the NDP, with a focus on multi-sectoral approaches to address the nutritional needs of children and women.

210. Overall, there is significant funding to Somalia's health sector that amounts to about US\$30 per capita per annum. For 2014, the total investment in the public health sector is estimated to be US\$150 million spread across the different programmes. The public sector is to a large extent dependent on international aid donors and UN agencies. The Federal Government of Somalia has progressively increased budgetary funding for health and education sectors. In 2016, health sector received USD 601,898, in 2017 it was increased to USD1,360,480, while in 2018 it was increased further to USD 2,393,320. Similarly, Ministry of education received USD 707,982 in 2016 which was increased to 2234847 in 2017 while in 2018 it was further increased to USD 5,077,488.

211. Finally, the Health Management Information System (HMIS) has been introduced with the help of the JHNP but does not include the private sector.

Context and implementation

General health issues

212. In the course of the years since the ratification of the CRC, 5.7 million people in Somalia required basic health services. There were over 79,000 cases of acute watery diarrhea/cholera and over 23,000 cases of measles. 24% of children under five suffered from diarrhea. At any one time, one in eight children died before the age of five. One out of every eight Somali children dies before his or her fifth birthday. The leading causes of under-five deaths are pneumonia, diarrhea, neonatal disorders and measles. Overall, while there has been some progress in reducing under-five mortality in Somalia, the rate of annual

reduction (0.4 per cent) has been low and still insufficient to achieve the target of the Sustainable Development Goals (SDGs).⁹

213. One woman died every three hours from pregnancy-related causes. The maternal mortality ratio remains at 732 per 100,000 live births in 2015. The maternal mortality ratio was reduced by 40 per cent between 1990 and 2015. However high rates remain. Only a quarter of Somali women received some sort of antenatal care. The leading causes of maternal deaths are indirect causes such as anemia, malaria, infections, hemorrhage, hypertension, abortion and sepsis. There are also other underlying causes of maternal mortality that include malnutrition and lack of clean water supplies.

214. The Government, supported by UNICEF and other international agencies, has undertaken numerous measures to address the situation. In 2017 alone, through the rapid expansion of integrated lifesaving activities, over 1.3 million women and children under five, including over half a million IDPs, were reached with lifesaving health interventions, through 175 health facilities, 133 integrated mobile units and 36 rapid response teams across Somalia.¹⁰

215. A five-fold increase of AWD/cholera cases was observed from 2016, with 78,853 suspected cases and 1,119 deaths recorded. The case fatality rate was 1.4 per cent. In response and with UNICEF support, 70 cholera treatment centres/units were assisted, providing essential supplies and on-the-job training for health workers in case management, prevention and community awareness. A total of 42,771 AWD/cholera patients were treated in cholera treatment facilities. In addition, essential AWD/cholera drugs and supplies for more than 40,000 patients were prepositioned in known high-risk outbreak areas in preparation for an expected resurgence of AWD/cholera in the coming months. Two rounds of oral cholera vaccination (OCV) campaigns were conducted in Banadir, Belet Weyne and Kismayo, reaching 453,920 people. And 866,357 people were reached with AWD/cholera information, education and communication materials.¹¹

216. More than 23,000 suspected cases of measles were reported in 2017, representing more than a six-fold increase compared to 2016, with 84 per cent of these children under ten years of age. Most measles cases came from Banadir, Togdheer, Mudug, Lower Shabelle, Bari and Bay regions. In response, over 602,000 children aged six to 59 months in 35 hotspots were vaccinated.¹²

217. The UNICEF-supported Essential Package of Health Services (EPHS) includes child immunization; reproductive, maternal and neonatal health; nutrition packages; malaria treatment, first aid and care of the critically ill and injured; and management of common illnesses and HIV through support to an increasing number of facilities and communities. The EPHS was rolled out in 47 districts in 10 regions. Comprehensive obstetric care services were available in 11 hospitals, and 135 health centres offer basic obstetric care around the clock. A quarter of the population – 3.4 million people – had access to EPHS services.

218. Only one in three women gives birth in a public health facility. Infant deliveries in institutions increased from over 77,000 in 2014 to nearly 130,000 in 2016 and over 193,476 in 2017 in 135 obstetric and newborn care facilities. Almost 30 per cent of babies were born in a facility. The number of infants who received their first pentavalent vaccine – a combination of five vaccines in one against diphtheria, tetanus, pertussis (whooping cough), hepatitis B and haemophilus influenza type B – increased to over 416,898.¹³

219. With UNICEF's assistance, a large proportion of primary health care services, including the provision of incentives, essential medicines and supplies, vaccines, cold chain and other equipment were installed with a view to introducing health management information system tools for mother and child health clinics and health posts.

⁹ https://www.unicef.org/somalia/SOM_resources_annualreport2017.

¹⁰ Global Report on Internal Displacement, GRID 2018-International Displacement Monitoring Center.

¹¹ UNICEF SOMALIA SITUATION REPORT, No 20, January–December 2018.

¹² https://www.unicef.org/somalia/SOM_sitrep20_31Dec2017.pdf.

¹³ https://www.unicef.org/somalia/SOM_resources_annualreport2017.pdf.

220. Although Somalia has been polio free since August 2014, the isolation of circulating vaccine- derived poliovirus from two environmental samplings in Banadir region led to mass vaccination campaigns in the south and central regions, targeting over 700,000 children under-five with oral polio vaccine.¹⁴

221. In 2017, the malaria programme distributed over 2.4 million long-lasting, insecticide-treated bed nets. Over 32,800 people were treated for malaria and over 600 health workers were trained in malaria case management. Prevalence rates in Somaliland and Puntland are now below one per cent.¹⁵ The majority of the malaria cases (around 60%) were reported in the south and central regions.

222. Based on the 2016 HIV Sentinel Surveillance Report, HIV prevalence among pregnant women and patients with sexually transmitted infections was recorded at 0.48 per cent in Somaliland, 0.29 per cent in Puntland and 0.07 per cent in south and central regions, with an overall incidence of 0.24 per cent. Testing for HIV among pregnant women and tuberculosis patients has been scaled up. Over 2,640 people are currently on antiretroviral therapy (ART) and the survival rate of people on ART is 80 per cent after a year.¹⁶

223. The Federal Government of Somalia, the Federal Ministry of Health, Federal Member States with partners such as UNICEF and other UN agencies strengthened the capacity of the health authorities and supported policy and strategic work, including progress on the National Development Plan through the Pillar Working Group and health coordination mechanisms at the national and regional levels.

Nutrition

224. In Somalia, 1.2 million children suffer annually from acute malnutrition. Unfortunately, 65 per cent of those are IDPs. In 2017, 271,000 children received lifesaving services and 93 per cent recovered.¹⁷ Monthly results and field monitoring allowed for quick programme adjustment as required. A report showed the mortality rate among children under five years of age remained below the emergency threshold, indicating that the lifesaving response was effective. Severe Acute Malnutrition (SAM) treatment centres received sufficient nutrition supplies, with over 98 per cent of facilities showing no stock-out of ready-to-use therapeutic food.¹⁸

225. The Ministry of Health, supported by UNICEF, completed the integrated management of acute malnutrition (IMAM) bottleneck analysis (BNA) to improve effective coverage of MAM and SAM management. BNA results showed that while the geographic coverage of services was satisfactory (over 70 per cent), only 60 per cent of service providers are trained on SAM management.

226. The Government welcomed the support of international partners in the utilization of high-impact curative, promotional and promotive services along the continuum of care. More than 320,000 children aged six to 59 months each received two doses of vitamin A supplements through routine service provision, and 285,171 children aged 12 to 59 months were de-wormed. Multiple micronutrient supplements to prevent and treat anemia were delivered to 591,572 pregnant or breastfeeding women, and 245,914 received iron folate.

227. Over 283,373 pregnant or breastfeeding women benefitted from at least one counselling session on individual infant and young child feeding (IYCF), while 99,265 children delivered in health facilities were put to the breast within the first hour of birth. The adaptation of the generic IYCF materials to the Somali context is completed. Subsequently, certified IYCF trainers gave cascade training to 386 community health workers and facility health workers who deliver IYCF services at the community and facility level.

¹⁴ https://www.unicef.org/somalia/SOM_resources_annualreport2017.pdf.

¹⁵ <https://malariajournal.biomedcentral.com/articles/10.../s12936-018-2406-2>.

¹⁶ https://www.unicef.org/somalia/SOM_resources_annualreport2017.pdf.

¹⁷ Annual Results Report, 2017, Humanitarian Action.

¹⁸ https://www.unicef.org/somalia/SOM_resources_annualreport2017.pdf.

Water, sanitation, hygiene

228. In the recent years, 4.4 million people in Somalia needed water, sanitation and hygiene services. Only 34 per cent and 53 per cent of the population have access to sanitation facilities and safe water, respectively. The severe drought caused a decline in access to safe drinking water, adequate sanitation facilities and hygiene practices, especially in IDP settlements – all threatening children’s health.

229. Open defecation rates in Somalia stand at 60 per cent in rural areas and at 39 per cent at the national level. However, the drought led to a slowing down of the momentum for an open defecation-free Somalia as communities prioritized access to water over sanitation and hygiene.¹⁹

230. Since 2011, an estimated 1.96 million people had gained access to sustained safe water through the development or rehabilitation of community water points. Schools were used as an integrated service-delivery platform to provide safe drinking water, WASH, hygiene promotion and community-managed school feeding.

231. Numerous projects were introduced in order to alleviate the situation with water in Somalia. One example is the construction of sub-surface dams in the north as well as rainwater harvesting. These water structures obstruct the flow of surface runoff and the flow of groundwater in seasonal rivers, storing water below ground level. Through shallow wells equipped with solar pumps, water is extracted to meet drinking water needs and the needs of livestock. These structures are currently used to store seasonally available water for use during dry periods.

232. In 2017, international partners supported the Government for the installation of 40 solar-powered water supply systems. These helped to minimize the high cost of operating and maintaining the supply systems and to some extent have helped reduce their carbon footprint.

Access to health

233. Medical facilities are more concentrated in urban areas than in rural areas. There is a variation in the quality of services provided at public facilities, with those supported by international UN agencies or NGOs perceived to be of higher quality. With such support, public facilities have well-trained staff, but the services offered are still mainly focused on reproductive health services, nutrition services and immunization.

234. Supported public facilities generally offer basic primary health services free of charge or at nominal cost, though there is a charge for medicines. The general practice is for patients to pay a ‘voluntary’ fee of about US\$2 per consultation to ensure prompt service.

235. Public health facilities include hospitals, maternal and child health centres and Health Posts. Public facilities supported by donors implement their reproductive, maternal, newborn and child health (RMNCH) and nutrition services mainly under the umbrella of the Joint Health and Nutrition Programme (JHNP). Thus, they have standards covering the quality of medicines and the training of staff as well as providing public health messaging and communication. In rural areas, public health facilities have more geographic coverage, and cost less, than private facilities. Therefore, public facilities tend to be favoured by the poor in both rural and urban areas, including pastoralists and IDPs.

236. Private health facilities include hospitals, clinics and pharmacies and are more concentrated in urban areas where the cost of services is determined by market and profit-margin considerations. These facilities are sometimes supported with investments from the Diaspora and from Islamic NGOs, which may stipulate that a service is provided at an affordable price to at least certain segments of the population. Private facilities have a wider range of specialized services, compared with public facilities. Although private facilities charge higher costs, in rural areas, where there is lower willingness to pay amongst poorer populations and there is competition with public facilities, costs may be reduced.

¹⁹ https://www.unicef.org/somalia/SOM_resources_annualreport2017.pdf.

237. There are informal inter-relationships between the public and private segments of the health sector. Patients may be referred from one to the other depending on availability of services and the disease burden.

Constraints and way forward

238. The WHO figures indicate that Somalia has one of the highest mortality rates in the world. Given the challenges the country is facing, one of the main policies undertaken by the FGS is the establishment of the Essential Package of Health Services (EPHS), which includes child health.

239. Across the health sector, there are signs of slow but persistent improvement in health outcomes. The under-five mortalities have declined in Somalia between 1999 and 2011. The neonatal deaths are estimated at 40 per 1,000 live births while the infant mortality rate is estimated at 85 per 1,000 live births. Multiple issues contribute to the high neonatal, infant and child mortality rates including vaccine-preventable diseases, acute respiratory illness, diarrhea and malaria. Malnutrition is an underlying cause of more than a third of child deaths. Approximately 15 per cent of children under the age of five were found to have acute respiratory infection – pneumonia.²⁰

240. The immunization rates across the country remain low. All main antigen immunization coverage rates are well below 50 per cent of the targeted population (excluding new-born tetanus coverage). The immunization rates were four times higher for urban areas than for rural areas. Surveys indicate parents do not vaccinate their children due to lack of vaccine at the nearest health facility, the vaccination facility being too far away and a concern that the vaccine will harm the child. On 13th August 2017 Somalia celebrated three years of polio eradication.

241. There is an uneven distribution of health facilities, which are concentrated in urban areas, and long distances between health facilities in rural areas impede access. The planned assessment of health facilities needs to be completed.

B. Reproductive health rights of adolescents

242. Most Somali women and girls have undergone some form of FGM. This trend is similar in both urban and rural populations or between different social classes and education levels. Although FGM is performed mainly by traditional practitioners, the trend is slowly changing where more and more FGM is performed in clinics or hospitals, especially among the more educated and wealthier families, who consider it safer to have the procedure performed by medical professionals.

243. Somalia has one of the highest fertility rates in the world largely due to high child and maternal mortality. In recent decades, fertility rates have been dropping in Somalia in tandem with all the world's countries since 2010 after peaking at its maximum fertility rate of 7.7 in 1997. This high but declining fertility will have demographic and socio-economic repercussions.

244. In Somalia, the fertility rate of girls aged 15 to 19 is higher than in neighboring countries. About one in 10 marriages occurs before the girl is 15 years old, and about half before she is 18. In this respect, there is little difference between urban and rural girls and the incidence of early marriage is significantly lower only for the highest wealth quintile.²¹

²⁰ https://www.unicef.org/somalia/SOM_resources_situationalanalysis.pdf.

²¹ https://www.unicef.org/somalia/SOM_resources_situationalanalysis.pdf.

VIII. Education, leisure and cultural activities (arts. 28–31 of the Convention)

The right to education including vocational training and guidance and access to education

Legal and policy framework

245. Like all other sectors, education has suffered the consequences of a collapsed state and the ongoing conflict in parts of Somalia. Before the collapse of the government in 1991, education in Somalia was free right from nursery school all the way to the University. Lack of adequate resources has negatively impacted state education financing. The FGS is keen to invest in the education of its children, a situation that has seen the national education budget increased more than threefold from \$2,234,847 million in 2016 to \$7,077,488 million in 2017. This represents 2.9 % of the total national budget of \$246 million in 2017.

246. Nonetheless, the right to education for every Somali child is guaranteed under Article 30 of the Provisional Constitution, which states that: “Education is a basic right for all Somali citizens; Every citizen shall have the right to free education up to secondary school. The state shall give priority to the development, expansion and extension of public education. Private schools, institutions and universities shall be established according to law and in line with the educational program and academic curricula of the country”.

247. The constitutional provisions are reinforced through the draft National Education Policy (NEP), which outlines the guiding vision for the education sector. The guiding principles in the NEP are in line with international and regional conventions, national laws, policies, guidelines and regulations. The policy has paved the way for enactment of a law on education (Education Act), which will also be anchored on the Provisional Constitution as well as Article 28 of the CRC on the right to education.²²

248. The Draft NEP is aimed at fulfilling the right of every Somali to education, and building an adequate, well educated, better skilled and competent workforce that contributes to the spiritual, economic and human development of the nation. Similarly, it aims to afford all learners access to free and compulsory basic education and secondary education of real quality, followed by the opportunity to continue with life-long education and training, so enhancing their personal development and contributing to Somalia’s cultural development, socio-economic growth and global competitiveness.

249. The draft NEP address issues such as the right to education and training appropriate to learners’ age and needs; provision of free and compulsory basic education; equal rights, opportunities and responsibilities; Protection from all forms of stigma and discrimination, including those based on clan, culture, gender, disability, orphanhood, economic vulnerability or HIV status; and provision of education and training that is appropriate in terms of quality and relevance to the socio-economic and cultural needs of Somalia and its citizens.

250. The NDP makes policy recommendation that the FGS will provide relevant and inclusive education for all children in Somalia regardless of their regional affiliation; improved equitable access and increased gross enrollment ratio in primary and secondary education; reduced gender disparity in education; enhanced quality and accreditation of the education system through teacher training, licensing, curriculum development, common examination, supervision and inspection.

251. The Federal Government of Somalia (FGS) has the Interim Education Sector Strategic Plan, 2013/2014–2015/2016. The FGS Cabinet agreed on a proposed education policy that is to be passed into law to provide the basis for policies and regulatory frameworks to guide education from early childhood through to tertiary education.

²² See section on Right to Education, paragraphs 54, 55 and 56 for other laws on education.

Context and implementation

252. The education sector in Somalia is largely decentralized, with its management handled by the Ministries of Education in each of the regional administrations in the country. At the Federal level, the Ministry of Education, Culture and Higher Education is responsible for the overall guidance and administration of the national education sector. The Federal Ministry has six departments and 16 sub-departments that are in charge of the various education sub-sectors. Most education services are provided by non-State actors.

253. The Ministry of Education is currently reviewing and harmonizing the different education laws (including Basic Education Act and Higher Education Act) into one education act in order to provide a substantive law on education to regulate the education sector and provide consistent quality standards and learning curriculum materials. Non-government sponsored schools are often managed by the communities, non-governmental organizations or the private sector. 95 per cent of schools in Somalia have functioning community education committees that play a critical role in school administration at the local level. The private sector also owns and operates some schools under an association known as ‘*Umbrella Schools*’. Parents pay monthly school fees, which makes education inaccessible to many poor families, hence negating the policy of universal access to basic education. The FGS is slowly taking back the function of provision of basic education in Somalia. Already there are government schools that offer free basic education.

Access to education

Early childhood education

254. Early Childhood Education (ECE) is at a low level throughout Somalia. Many children attend Quranic schools from an early age but these cannot be considered a preparation or replacement for ECE or primary school since what is taught is primarily the Quran in Arabic. Quranic school may be seen as an alternative to primary school due to various possible factors, including: the desire of parents to give their children a religious education, non-availability of a formal school nearby, and the lower cost of Quranic school.

Primary education

255. Young people make up nearly 70 per cent of Somalia’s population, yet often suffer due to limited education and employment opportunities. Furthermore, of the nearly 1.7 million children of primary-school age in the country. According to Education Management Information System (EMIS) data, a total of 591,077 students were enrolled in primary education including alternative basic education across the country in 2015/2016.

256. The State of the World’s Children 2015 (SOWC) shows Somalia to have the world’s lowest proportion of primary-age children attending school. With a primary net attendance ratio of just 25 per cent for boys and 21 per cent for girls, Somalia stands not only well below its near neighbors but also at only a third the average level in sub-Saharan Africa (71 per cent and 68 per cent) and in the least developed countries (74 per cent and 72 per cent).

257. There is a generally high demand for primary education. However, many Somali families face widespread poverty and contend with very high levels of unemployment. One of the most serious implications of family poverty is the inability of many poor parents to sustain schooling for their children and the need for children to work to help support the family, or, in the case of girls, to look after siblings at home. This is cited as the primary reason for parents not enrolling their children in school, and particularly applies to IDP families.

258. Primary net attendance ratios are low in Somalia partly because many children attending primary school are older than the typical ‘primary age’ student (six to 14 years). In addition, it can be seen that the dropout rate starts to increase after the age of 15, and further analysis of the data indicates that this is from all grades of primary. Therefore, the earlier children start school the greater chance they have of completing their basic education.

259. Children out of school are at heightened risk of joining gangs, being recruited into armed groups and engaging in other forms of dangerous behavior.

Secondary education

260. Approximately 195,804 students (39 per cent female) are enrolled in secondary schools across Somalia in 2015/2016. The overall Gross Enrolment Ratio (GER) for secondary education across the country is 15.8 per cent. The Net Enrolment Ratio (NER) is similarly low across the country and stands at 8.6 per cent. 75 per cent of all secondary enrollment in the southern part of the Federal Republic of Somalia are found within the Benadir region alone. This is due to the greater level of urbanization and presence of facilities. The vast majority of secondary school enrollment is in urban areas with 94.5 per cent of students in urban areas and 5.5 per cent in rural areas. This is largely due to the lack of school facilities in rural areas.

Quranic schools

261. Quranic schools in Somalia provide religious education for children focusing on teaching the Quran and related religious scriptures. The schools are widespread in both rural and urban areas and are run and supported by local communities and are not part of Somalia's formal education system. However, there is no reliable data on enrollment numbers. The FGS has put in place measures to incorporate these schools into Somalia's formal education system in order for the schools to function as integrated Quranic schools. As such, the schools would be required to also teach secular subjects besides religious education.

262. 2006 MICS3 revealed that, for all of Somalia, 42 per cent of boys and 28 per cent of girls enroll in traditional Quranic schools. Only three per cent of nomadic children were enrolled in formal schools although 42 per cent were enrolled in Quranic schools. In all parts of Somalia, girls' participation in formal or Quranic schools is significantly lower than that of boys.

Education for pastoralist communities

263. Pastoralist communities make up a total of 26 percent of the Somali population. According to the Ministry of Education, fewer than a quarter of children from pastoralist communities attend primary education. The government of Siad Barre came up with a programme called "Campaign for rural development" which started on 1st of August 1974 and ended on 22nd Feb 1975, largely targeting the pastoral communities. This programme was anchored on Law No 53 of 20th October 1974 that details the protection and development of rural areas. It was the first attempt by the Somali government to combat illiteracy, especially among the pastoralist communities.

264. In the southern part of the Federal Republic of Somalia, the GER for pastoralist children is at 3.1 per cent for primary and 0.9 per cent for secondary education. Rural and nomadic children make up 25 per cent of the overall enrollment in primary education. Generally, the barriers to education facing pastoralist children in Somalia are similar to those faced by rural children. These include lack of schools within walking distance from pasture and parents' inability to afford school fees. In addition, conventional school calendars do not recognize pastoralists' migratory lifestyles. There is also low appreciation of the benefits of education among the pastoralists.

265. To address these challenges, the Government has put in place measures to pilot non-formal learning programmes designed to accommodate pastoralist lifestyles. The Government is also considering putting in place alternative basic education programmes to suit children from pastoralist communities as well as out-of-school adolescents. However, there is need for well-funded policies and strategies for alternative basic education.

266. Alternative Basic Education (ABE) informal education programmes are identified as an option to formal schooling especially for pastoralists' children and for out-of-school adolescents, particularly girls. Non-formal learning programmes designed to accommodate pastoralist lifestyles are being piloted in Somalia, but so far have not gained enough traction to be taken to scale.

Education for internally displaced and minority children

267. Children in internally displaced persons (IDP) communities have disproportionately low participation in education; but there is weak data to support this reality. There are no specific data on the educational participation of minority clans and non-clan minorities, but these groups are disproportionately represented amongst IDP populations, and are thought to have particularly low access to education.

Gender disparities

268. Throughout the country, girls' access to education is lower than that of boys due to persistent socio-cultural beliefs that under-value education for girls. Parents are reluctant to send their daughters to distant schools due to the risk of abuse and poor sanitation facilities, apart from inability of parents to afford school fees and absence of schools at local level.

Violence against children

269. The education sector has experienced the effects of conflict in the country. Due to the effects of the civil war, children face numerous risks related to violence targeting them, their families, communities and attacks on education facilities.

270. Schools experience threats and attacks primarily from Al-Shabaab in the areas where they are active or through clan or community conflict. Al Shabaab has carried out attacks in schools with the intention of forcibly recruiting children.

271. Children with disabilities are vulnerable as they cannot defend or free themselves from all these attacks. Children and teachers have been killed in the process. This has impacted on enrollment and attendance of children. Children also suffer emotionally and psychologically. Al Shabaab have taken over schools in areas they control, and are using the schools to brainwash the learners.

272. Cases of military occupation of schools were low during 2016 with only seven schools reported as being occupied by military. The frequency of threat or attack against primary schools varies greatly by region.

273. The national survey conducted for this report revealed that the highest proportion of attacks against schools was reported in Jubbaland (34 per cent) followed by Hirshabelle (29 per cent), South West State (24 per cent) and Galmudug (13 per cent). No data was available for Benadir, Puntland and Somaliland.

Vocational and professional training

274. Approximately 4.4 million Somalis are aged between 15 and 34 years and nearly 70 per cent of Somalia's population is under the age of 30 years. Most of them have limited education and employment opportunities.

275. There is little data on technical vocational education and training (TVET). Data on enrollment in specific technical vocational education and training is not available across the country. However, it is estimated that 95 per cent of youth aged between 14 and 24 years are not in any type of tertiary institution.

276. The FGS is currently developing a comprehensive national standardized curriculum framework for the entire TVET sector. This include providing qualification framework for TVET instructors and an adequate number of trained instructors.

Constraints and way forward

277. Decades of conflict have destroyed much of the country's education infrastructure and services and led to mass migration or displacement of skilled human capital severely damaging the education system's human resource base for delivery of good quality education services.

278. Reduced state revenue has impacted negatively on the sustained flow of finances towards the education system, especially with regard to all key education-sector areas,

including: teacher training colleges, curriculum development and review systems, and alternative flexible learning programmes for the most excluded children.

279. At present, the education sector lacks the requisite data to effectively plan, manage and implement learning programmes for children in schools. This creates difficulties in the prioritization, financing and monitoring of the quality of education services provided by the Government and other agencies.

280. Although government education budgets have increased, actual expenditures fall short of these and government funding is inadequate to achieve the planned results. Teacher salaries are still inadequate, especially in view of the need to strive for higher enrolment and much greater numbers of qualified teachers.

281. The ratio of pupils per classroom is high, indicating a shortage of teachers, teaching and learning supplies and school infrastructure and facilities, including sanitation facilities. The available teachers, most of whom are not trained and qualified, are not well remunerated compared to their living costs.

282. In the umbrella schools owned by private school associations, parents must pay for their children's education. Other costs (such as the cost of learning materials) impedes access to education by children from poor households. The government is slowly taking action to increase access.

283. The education system in Somalia has seen improvements over the last five years. Information on school provision is available from the Education Management Information System (EMIS) Yearbooks.

IX. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40 of the Convention)

284. Special protection of children as provided for under the CRC arises out of their vulnerable status. Parents, guardians and the state are responsible for overseeing the provision of basic needs as well as protection from all forms of violence and abuse. The state has a duty to assist parents who, for various, reasons, are unable to take care of their children.

285. In line with the CRC, Article 29 of the Provisional Constitution states that: “*every child has the right to be protected from neglect, abuse, degradation, sexual and economic exploitation and armed conflict*”. All the categories of children addressed in this cluster are found in Somalia at both federal and state level.

A. Children outside of their country of origin seeking refugee protection, unaccompanied asylum seeking children, internally displaced children, migrant children and children affected by migration

Legal and policy framework

286. Article 37 (1) of the Provisional Constitution states that “*Every person who has sought refuge in the Federal Republic of Somalia has the right not to be returned or taken to any country in which that person has a well-founded fear of persecution*”. This is in line with international law and the Geneva Conventions. Sub-section (2) states: “*The Federal Parliament shall enact legislation in compliance with international law, regulating refugees and asylum seekers*”.

287. Somalia acceded to the Convention relating to the Status of Refugees in 1978 signaling the willingness of the Government to assist refugees within its territory. The FGS is in the process of drafting a Migration Policy Framework for Somalia which will address the issues of displacement as well as children on the move and their protection with overall coordination of the Special Envoy on Migration's office in the Office the Prime Minister. The Ministry of Interior has developed a draft Internally Displaced Persons (IDPs) and Refugee Policy that lays emphasis on the right of refugees, returnees and IDPs to receive

the same treatment and rights as other Somali citizens. It also outlines protection and humanitarian assistance services for refugees and IDPs.

Context and Implementation

Refugees

288. The civil war in Somalia lasted over twenty years and resulted in a large Somali population leaving the country to take up refugee status mainly in the neighboring country of Kenya and in other parts of the world. Some have since returned home to Somalia while others have acquired citizenship in these countries.

289. In 2016, the Government of Kenya set in motion plans to close Dadaab Refugee Camp in what it said was due to relative peace returning to Somalia as well as security threats posed by some of the refugees. The Government of Somalia and United Nations High Commissioner for Refugees (UNHCR) continue to assist the refugees going back to Somalia with food rations, transport, resettlement and other basic needs.

Internally displaced people

290. Internal displacement in Somalia is caused by civil strife and prolonged droughts. Most IDPs end up in urban areas in Mogadishu, Garoowe and Hargeisa where they feel they have a better chance of survival with food rations and employment. Cases of children getting separated from their parents and other caregivers during the displacement are common. Such children are vulnerable to abuse including recruitment by armed groups.

291. Life in IDP camps is difficult for children as they face health issues due to poor nutrition, lack of clean drinking water, poor living standards in makeshift shelters, unsanitary conditions, poor access to basic services such as education and health facilities. In some parts of Somalia, armed militia control distribution of relief food and other humanitarian assistance. Some humanitarian aid workers have been killed during their work hampering efforts to reach children and adults with much needed services.

292. Sexual and gender-based violence are common in IDP camps with both children and adults falling victim. Parents and other caregivers are not always able to exercise care and control over their children as they have to work. Young girls get pregnant, are forced to get married and suffer emotional and psychological trauma.

293. During the nationwide survey conducted for this report, the children who were consulted identified the challenges faced in IDP and refugee camps to include lack of adequate shelter (29.5 %), poor health (15.1%), lack of education (9.1%), lack of food (9.1%), lack of care and support (8.4%), discrimination (7%) and abuse (3.9%).

294. Most of the children interviewed in the survey (61.8%) said that the unaccompanied refugee and internally displaced children are not cared for by anybody. 2.3% identified CSOs; 6.1% the government, while 17.6% identified the community as the one taking care of unaccompanied refugee and internally displaced children. The other identified care givers were international NGOs (4.6%), relatives/parents (4.3%), UNICEF (0.9%), Save the Children (1.2%) and volunteers (0.6%). 0.6% did not know.

295. The Ministry of Humanitarian Affairs and Disaster Management is the main government body in charge of strengthening coordination among humanitarian actors and the FGS.

296. The Government, in an effort to address problems facing refugees and IDPs, established the Somalia National Commission for Refugees and IDPs (NCRI), whose main objective is to address the needs of refugees and IDPs; prioritize efforts for protection of refugee and IDP children in the region by adopting a systems approach to address their specific needs; identify risks faced and design interventions in line with the National Framework for the Protection of Children.

297. NCRI partners with the UNHCR, international and civil society organizations to advocate for legal and policy reform for protection of refugee and IDP populations. The Commission also targets increased enrollment of refugee children in formal education by

advocating for a safer and more supportive learning environment. As a result of this, the percentage of Yemeni refugee children who enrolled in schools in Mogadishu increased between 2015 and 2016. An estimated 1,500 Yemen child refugees continue to access formal education through UNHCR/AAH-I partnership.

298. So far, 4,010 Somali returnee children have been provided with formal schooling support between 2015 and 2017. Similarly, 1,300 returnees from Yemen have been assisted with education in an NCRI/IOM partnership. Children with special protection needs are referred to Hanaano hospital, which is supported by UNHCR in collaboration with NCRI for specialized attention.

299. NCRI has partnered with UNHCR to reduce procedural barriers to birth registration while advocating for policies recognizing the right of all children to be registered at birth irrespective of their status, as well as provide the children with specialized child protection services. NCRI also profiles children who are separated and unaccompanied for appropriate referral and assistance.

300. The majority of the displaced are women and children, who arrive at the camps in a state of severe malnourishment. They are also vulnerable to gender-based violence.

Constraints and way forward

301. The protracted drought in Somalia has had a huge effect on the wellbeing of children in the whole country, with refugee and internally displaced children bearing the brunt of social, economic, cultural and emotional effects. The ongoing conflict in certain parts of the country has hindered humanitarian efforts by the Government and partners. The poor infrastructure means that most aid transported by road takes long to get to the destination with the risk of it going bad or being stolen by armed groups.

302. Refugee and internally displaced children exhibit mental and emotional scars from the impact of trauma experienced while fleeing their homes. Children are traumatized when they are stigmatized and discriminated by host communities on account of being refugees and internally displaced people.

303. The Government recognizes that it has to safeguard the rights and welfare of internally displaced and refugee children in Somalia. It is, therefore, creating a conducive atmosphere for aid agencies to conduct their operations and ensuring peace and security. Similarly, the government has enacted an IDP Policy to enhance protection of displaced children. Much is being done to keep children in school to protect them from the severe effects of drought. In-school children are also protected from violence and they maintain school enrolment rates.

B. Children belonging to a minority or an indigenous group

C. Children in street situations

Legal and policy framework

304. Article 28 of the Provisional Constitution provides that: “Every child has the right to care from their parents, including education and instruction. In instances where this care is not available from the family, it must be provided by others”. This right applies to street children and children of unknown parents, the rights of whom the state has a particular duty to fulfil and protect. Article 55. of the Law No.21 of 26th August 1963: the Public Order Law also states that in relation to minors addicted to begging or vagrancy, a minor, who is habitually addicted to begging or vagrancy, shall be ‘entrusted to the care of his father or guardian, or, in their absence, to a near relative by Public Order Authorities in order that he may supervise the education and conduct of the minor.

Context and implementation

305. For the last two decades Somalia has witnessed a growing number of children living and working on the streets of major towns where they are at risk of sexual abuse, drug use

or trafficking, exploitation and recruitment into militias. Some are on the streets to earn money to support their families, while others have no families to take care of them. Many of them get into conflict with the law after engaging in petty crime for survival.

306. The exact number of children living in the streets is not known. Their steady increase is attributed in part to extreme poverty in the rural areas made worse by protracted natural disasters such as drought and floods leading to poor economic returns from livestock and crop farming. Other causes include HIV/AIDS pandemic, high unemployment rates, domestic violence, civil unrest and fear of radicalization and forcible recruitment by armed groups among others. The resultant massive displacement of families from the rural homes to urban centers has seen most of them settle in IDP camps.

307. Majority of the children working and living on the streets of Mogadishu come from the IDP camps. Most of them engage in hawking petty merchandise, washing utensils in restaurants, domestic work and shoe shining, among others, where they are exploited with low pay and poor working conditions. Majority do not go to school and lack access to healthcare.

308. Girls working as domestic workers are at risk of sexual abuse from employers. Being alone, they also lack appropriate guidance from their parents and other caregivers and also suffer discrimination from the public due to the work they do as well as general unkempt appearance.

309. Residential centers have been set up at the national and state levels for their care and rehabilitation.

Constraints and way forward

310. Both State and non-State actors lack accurate data on the number of street children, residential centers for their care at national, regional and district levels and other critical information that would inform strategies to address the issue. Protracted drought, conflict, poor access to education because of the high cost, high poverty levels and high unemployment rates are major contributors to the street children phenomenon. As long as these conditions remain children will continue going to the streets to seek a better life. The development of the Child Rights Bill and a child protection infrastructure will help in protecting many children. The implementation of the NDP will reduce poverty and contribute to reduction of the number of street children.

D. Children in situations of exploitation

Economic exploitation, including child labour

Legal and policy framework

311. Article 29 (3) of the Provisional Constitution provides that no child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way. The right to work for children in Somalia is also governed by the 1972 Somalia Labour Code Chapter III and Civil Servant Code No. 11. According to the Somali Labour Code, Chapter III on the Work of Children and Young Persons, a child is anyone who has attained the age of 15 years but is not yet 18 years. Where age is uncertain, medical opinion shall be obtained, as it is unlawful to employ children under age of 15 years.

Context and implementation

312. Many children in Somalia are out of school and in the labour market. Poor access to education facilities, high cost of education in private schools, insecurity, early or forced marriage, female genital mutilation or cutting and low literacy rates among parents are some of the factors behind the large number of children out of school.

313. Due to the persistent droughts, many families lose their livestock and crops, which are the main sources of livelihood for most, leading to economic hardships. Children are

then forced to work to support their families, getting exploited in the process. Refugee and internally displaced children work among host communities where they are also subjected to discrimination. Children forced into armed conflict are made to serve as active combatants, undertake cooking and cleaning duties as well as carrying and transporting firearms.

314. There are many children living and working on the streets of major towns and cities in Somalia where they engage in begging and hawking.

315. Due to their age and vulnerability, children can only perform manual jobs that do not pay well, including cleaning in restaurants, shining shoes, cleaning houses, and selling sweets on the streets.

316. Working children are vulnerable to sexual abuse and exploitation, long hours of work and exploitation through poor payment or no payment altogether. Their physical and emotional health, development, and education are affected.

317. The NDP also provides the state policy action of reducing child labour from 11.2 per cent in 2016 to at most 8.2 per cent by 2019.

Constraints and way forward

318. The Government plans to provide enough enforcement officers, facilities and resources to deal with cases of child labour. This includes revamping the existing labour laws to be in conformity with the Constitution and coming up with policies and action aimed at protecting children against labour. These efforts will be accompanied by awareness creation among children and their communities on the negative effects of child labour and the rights of a child to be protected from labour.

Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances

Legal and policy framework

319. Article 29 (1) of the Provisional Constitution states that “Every child has the right to be protected from mistreatment, neglect, abuse, or degradation”. This includes drug abuse. Anyone selling drugs to a child or causing a child to use drugs is in contravention of the law.

Context and Implementation

320. Children living and working on the streets are increasingly becoming a common sight in many big cities and towns in Somalia. Some of the children come from IDP camps around the city of Mogadishu and other towns in the country. Children on the streets are vulnerable to abusing drugs, especially the use of glue and qhat. As a result of drug use, children drop out of school and become vulnerable to other forms of abuse including sexual abuse.

321. In an effort to prevent the use of drugs by children as well as address the effects caused by children already using drugs, the Ministry of Education conducts education and sensitization campaigns in schools and uses the media to create awareness on the dangers of using drugs.

Constraints and way forward

322. The FGS has started the process of drafting a drug and substance abuse policy for Somalia. In the meantime, the public health hazard is being tackled through the Ministry of Health and partners working to create awareness at national and state level against drug abuse.

Sale, trafficking and abduction of children

Legal and policy framework

323. Article 14 of the Provisional Constitution states that a person may not be subjected to slavery, servitude, trafficking, or forced labour for any purpose. This includes human trafficking for purposes of sex or slavery. The pre-1991 Penal Code also outlaws these crimes. Article 455 outlaws slavery and prescribes a punishment of between five and twenty years imprisonment; Article 464 outlaws forced labour, which is punishable by six months to five years imprisonment; Article 457 prohibits the transferring, disposing, taking possession or holding of a person, and prescribes penalties of three to twelve years imprisonment; and Article 408 (1) prohibits compelled prostitution by a person through violence or threats, prescribing penalties of two to six years imprisonment. However, this punishment is not as serious as that prescribed for rape.

Context and implementation

324. Child trafficking is mainly caused by high rates of poverty, unemployment and gender inequality that are prevalent in most parts of Somalia. Inadequate legislation as well as poor enforcement of existing laws are also to blame.

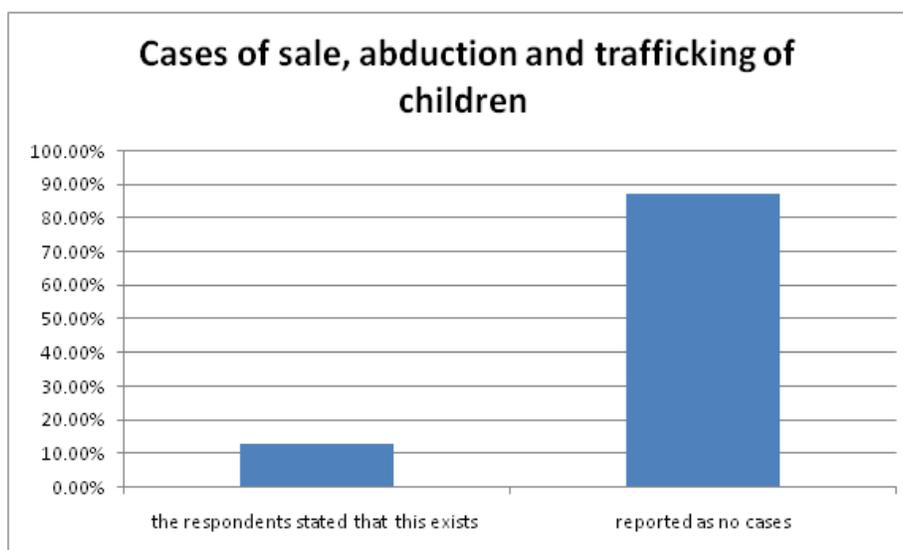
325. The FGS has put in place measures to address sale, trafficking and abduction of children by setting up the Inter-Ministerial Task-Force on Trafficking and Smuggling of migrants and Children at the federal level with representation from the ministries of Women and Human Rights Development, Internal Security, Foreign Affairs, Justice, Interior and Federal Affairs, the Somali Police Force (SPF), among others. The taskforce is part of Migration Management System of Somalia (National Coordination Mechanism). The Task-Force has been on the front line in the rescue and reintegration operations in Libya of unaccompanied Somali migrants and refugee children.

326. Community awareness on the sale, abduction and trafficking of children is critical in designing of intervention measures including enactment of laws and policies.

327. The national survey conducted for this report showed that 12.8 per cent of the respondents were aware of cases of sale, abduction and trafficking of children, as shown in Table 2, below. This is a confirmation of existence of these vices within the community, hence a danger to children's rights.

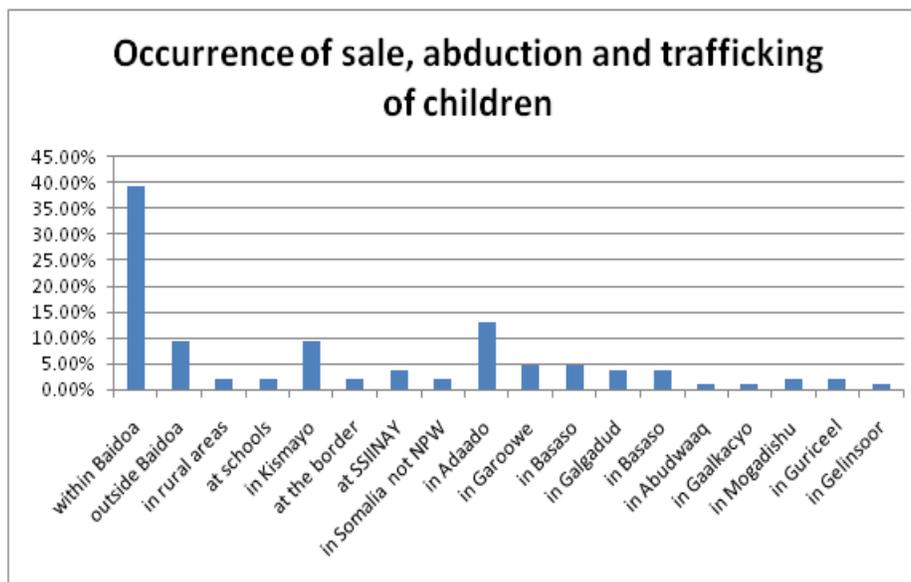
Table 2

Qualitative data cases of sale, abduction and trafficking of children



328. Again, the fact that 87.2 per cent reported that there were no such cases could be construed to mean lack of awareness and recognition of these vices within the community.

Table 3
Occurrence of sale, abduction and trafficking of children



329. The study also revealed that sale, abduction and trafficking of children were perceived to be more prevalent in and around the town of Baidoa (38.9% within, 9.3% outside), Adaado (17%) and Kismayo (9.3%). The others included Bosaso (4.6%), Garoowe (4.6%) and Galgadud (3.7%) among others as shown in Table 3, above.

330. The Government is determined to undertake more investigations to establish the high numbers in certain areas and what this means.

Constraints and way forward

331. There is no legal framework to tackle these new types of crimes against children. The State of Somalia has embarked on enacting a comprehensive child rights act and policy framework to tackle issues of sale, trafficking and abduction of children.

E. Children in conflict with the law, child victims and witnesses of crime and administration of child justice

Administration of juvenile justice

Legal and Policy framework

332. Several laws govern the administration of juvenile justice in Somalia. According to Article 107 of the Provisional Constitution, judicial proceedings are supposed to be held in public. However, in cases involving children proceedings may be held in private to safeguard the best interests of the child. This is in line with relevant international laws, rules and procedures that among other issues, calls for detention of children only as a last resort. The Juvenile Courts and Reformatory Law allows an officer to release a child or young person in conflict with the law to a parent, guardian or other responsible person, with or without sureties. The parent or guardian may be required to attend court proceedings. The court will conduct proceedings in the best interest of the child by using language understood by the child, explaining the charges to the child and treating all witnesses with respect.

333. Article 177 of the Penal Code (Commitment to a Reformatory) provides for detention of children in reformatories, how the process is to be carried out and the length of the detention.

Context and implementation

334. There are many children who are in conflict with the law in Somalia due to many factors. Majority are out of school and include children living and working on the streets, child labourers, and children previously associated with armed conflict and those engaged in petty crime. Many of these children are victim of the circumstances they find themselves in, including those who are on the streets due to domestic violence or corporal punishment in school. They engage in crime more for survival than for criminal benefit. Adults intending to commit crime also use some of the children.

335. Interventions need to take into consideration children who are offenders and those who are in need of care and protection. The stated rights of children or juveniles in conflict with the law include: to be detained only when necessary; not to be detained with adults; to be presumed guilty unless ruled otherwise; right to legal representation; right against self-incrimination; right to bail; right to a speedy trial; right to visits and contact with family, guardian or relatives; and right to rehabilitation services.

Constraints and way forward

336. The Government recognizes the need for a comprehensive child rights law to offer standards contained in the CRC and the constitution, hence the drafting of the Children's Bill. Similarly, the Government plans to set aside funding for facilities for holding of children deprived of liberty, provide knowledge on issues concerning children deprived of liberty, and adequate manpower to address the plight of children who have been deprived of liberty. The number of rehabilitation centres and rescue homes needs to be increased with adequate running budget and adequate staffing in the area of juvenile justice to run and manage remand homes for children in conflict with law.

337. The Government appreciate the need to enhance access to legal aid to many children in order to increase awareness as well as implementation.

Children deprived of liberty

Legal and policy framework

338. The Provisional Constitution under Article 29 (4) states that: "*Every (any) child may be detained only as a last resort, for a limited time and in appropriate conditions. The child's family must be immediately notified of their detention. Every child must have the right to legal aid and the child's best interest is of paramount importance*". This is in line with the CRC and the best interests of the child.

339. The Juvenile Court and Reformatory Act, 1970 governs treatment of children through the justice system with a specific focus on children in conflict with the law who have committed criminal acts. The Act emphasizes the rights and responsibilities of the children; parental rights and duties; powers and responsibilities of the police; conduct of pre-trial and trial proceedings; sentencing; and reformatory alternatives.

340. Article 3 (2) states that: "*A Juvenile Court shall have exclusive jurisdiction to hear and determine cases relating to children and young persons of any offence except murder*". Article 15(1) provides for the establishment of children courts in every region and district in an effort to bring justice closer to the communities. The age of criminal responsibility in Somalia is defined by the Penal Code which under Article 59 states that "*Anyone under the age of fourteen shall not be liable for a criminal act*". Therefore, children under the age of 14 years cannot be arrested or charged with a crime.

Context and implementation

341. In Somalia, there are many situations in which children come into conflict with the law. Family poverty, and subsequent neglect of childcare, drive children into risky and dangerous behavior, including with criminal elements. Some children from marginalized groups and minority clans can also get into conflict with the law due to discrimination, violence and abuse. Ongoing armed conflict also creates a number of situations where

children might be at risk of committing crimes. At present, there are no prisons in Somalia that separates children from adults.

342. Currently there is scant statistics for children in conflict with the law. However, the special protections for children in conflict with the law will be enhanced with the signing and operationalization of Children's Act as it will strengthen a juvenile justice system that will adequately respond to the specific needs of children.

Constraints and way forward

343. Many children in Somalia are exploited and abused with impunity due to limited opportunities for them to receive justice and limited accountability of violators due to weak law enforcement. Families do not trust the justice system due to low capacity and weak enforcement of laws. There are also a number of conflicting justice systems, which run parallel to one another – state, religious and traditional. As there are no special provisions in the legal system for protection of children, the best interests of the child are seen as secondary to the best interests of other stakeholders.

344. Lack of birth registration makes it difficult to prove the age of the child, which can take away the protection and benefits that the system might offer to children. A number of laws have different ages for protection of children, which creates confusion and prevents children from benefiting from any available protections. Many parents and families do not have the time and resources to seek any available protections for children in conflict with the law. The Somali state recognizes the need and is in the process of drafting a Child Rights Act to cure these challenges.

F. Children in armed conflict

Legal and policy framework

345. The Federal Government of Somalia recognizes its duty and obligation under international human rights law to protect and safeguard the rights and welfare of children during periods of conflict. Article 29 (6) of the Provisional Constitution outlaws involvement of children in any form of armed conflict. It states that *“every child has the right to be protected from armed conflict, and not to be used in armed conflict”*.

346. Somalia acceded to the Geneva Convention Relative to the Protection of Civilian Persons in Times of War, Articles 3 to 4 on 7th December 1962. In addition to this, the FGS has shown willingness to address children in conflict by signing the Provisions of Action Plans to End /Prevent Recruitment and Use, Killing and Maiming of Children as of July 6, 2012; and the Standard Operating Procedures for the Reception and Hand-over of Children Separated from Armed Groups in Somalia, 13th February 2014. On 6th January 2017, the Somali National Army Chief of the Defense Forces issued a general staff order stating that an individual must be at least eighteen to enlist.

Context and implementation

347. The effect of armed conflict on children in Somalia can be traced to the civil war that lasted over 20 years from 1991, resulting in death, injury and displacement among children and adults. Children have suffered displacement, separation from families, poverty, insecurity, lack of basic services like health and education. All this has had a long-lasting impact on their mental health.

348. The FGS Government's position is that children associated with armed groups are merely victims, not criminals. It is in this regard that, in collaboration with non-State actors, the Government has set up programmes to monitor violations committed against children and address children at risk of armed conflict. This is in addition to prevention of armed conflict and minimizing the harm caused to children.

349. In carrying out these actions the Government seeks to adhere to international human rights instruments for the protection of children in armed conflict. The Government views the protection of children against the six grave violations identified in the United Nations

Security Council Resolution 1612. However, these violations continue to be witnessed and the Government is determined to stop them. The Government views the recruitment and use of children in armed conflict as a serious violation of children rights and has repeatedly asserted zero-tolerance to this practice, thereby ensuring the implementation of Article 38 of the CRC within government policies.

350. The FGS also supports the global campaign of Action Plans mandated by the UN Security Council aimed at ending and preventing the recruitment and use of children in conflict.²³

351. The aim is to end and prevent recruitment of children into government security forces and armed groups. Soon after joining the campaign the Government ratified the UN Convention on the Rights of the Child in 2015.²⁴

352. The FGS has signed an Action Plan with the United Nations to end and prevent the recruitment of children into the Somali national security forces. The Government has also set up a child protection unit within the Somali Armed Forces and put in place mechanisms for the handover to the United Nations of children found within the ranks of its army.

353. In accordance with the Principle of Distinction under international human rights law, the FGS distinguishes between the civilian population and armed groups whenever it carries out offensives against armed groups.

354. The Government has instituted investigations into the killing and maiming of children during armed combat to ascertain whom the responsible party is and, thereafter, take the necessary measures to address the issue and ensure it does not recur. The Transitional Federal Government (TFG) signed an agreement with the United Nations in 2012 to implement two action plans following the listing of the SNAF (Somali National Army Forces) in the UN Secretary General's Annual Report on Children and Armed Conflict. The Action Plans addressed the recruitment and use of children and the killing and maiming of children by Somali National Army; The FGS is committed to taking immediate action to eradicate these violations by improving the behaviour of the SNA personnel, command and control.

355. Attacks on schools and hospitals have also been documented. In some instances, armed groups have forcefully occupied schools after pupils and teachers flee. The former also looted medicine from hospitals, thereby denying children access to education and healthcare. The Government has intervened, and most schools have been secured by FGS from armed groups.

356. Denial of humanitarian access by clan militias and Al Shabaab has caused further denial of basic services such as food and medicine to children. Aid workers have been threatened and, in some instances, killed. The Government has put in place measures to increase security in IDP camps and other areas to ensure relief aid reach the intended target group in good time and condition.

357. Al Shabaab has often used abduction of children as a tactic for recruitment and for sexual violence, including forced marriage. Some parents report abductions while others do not out of fear particularly where relatives are implicated in the abduction.

358. The Government is working to ensure that rescued children are provided with psychosocial support to enable them to fit back in society, enroll in school or continue with their education. Government is putting in place measures to ensure that children in detention centers are treated in accordance with international juvenile justice standards as it works with partner agencies to secure their release to parents and other caregivers.

359. Regarding separation, FGS recognizes the support that UNICEF and CSOs have provided over time in the reintegration of children back to their communities through

²³ ["https://childrenandarmedconflict.un.org/?page_id=11357"](https://childrenandarmedconflict.un.org/?page_id=11357)

["https://childrenandarmedconflict.un.org/?page_id=11357"](https://childrenandarmedconflict.un.org/?page_id=11357) HYPERLINK

["https://childrenandarmedconflict.un.org/?page_id=11357"](https://childrenandarmedconflict.un.org/?page_id=11357)Children, Not Soldiers'.

²⁴ <https://childrenandarmedconflict.un.org/joint-statement-on-somalias-ratification-of-the-convention-on-the-rights-of-the-child/>.

community-based programmes in 2018. This followed joint screening exercises carried out by the Child Protection Unit of the Somali National Army and the UN. The FGS is concerned about the death of a parents or other caregiver relatives through armed conflict and the emotional and psychological effect that this has on children.

360. The FGS intends to put in place measures that will lead to the ratification of the Optional Protocol on Children and Armed Conflict as part of the implementation efforts on the CRC.

361. As part of its preventive measures on and resolution of conflict, the FGS hosted a national consultative conference in Mogadishu from 13th to 17th June 2017, the purpose of which was to map out existing conflicts and identify reconciliation needs and capacities. The outcome was a report setting out priorities, a short-term road map on addressing immediate internal conflicts and a comprehensive, long-term national strategy.

Disarmament, demobilization and reintegration

362. The *National Program for the Treatment and Handling of Disengaged Fighters* is collaboration between the FGS and UNSOM and aims at strengthening coordination mechanisms with partners and donors. The programme focuses on outreach, reception, screening, rehabilitation and reintegration of children previously engaged in conflict. The Government has partnered with UNSOM to carry out capacity building workshops to review the National Intelligence and Security Agency screening procedures for disengaged combatants.

Rehabilitation of ex-combatants

363. The FGS has set up four rehabilitation transition centers for disengaged Al-Shabaab fighters in Baidoa, Beledweyne, Kismaayo and Mogadishu. The Kismaayo centre became operational in June 2017 with the admission of the first group of 26 disengaged Al-Shabaab fighters. By the end of July, the Baidoa center was supporting 148 beneficiaries, and an additional 70 had entered the reintegration phase. Both centers are run by IOM and funded by Germany. The centre in Mogadishu, which is supported by the United Kingdom of Great Britain and Northern Ireland, currently has 65 beneficiaries.

364. The FGS is keen to have the centers fully functional so that children can be rehabilitated thus acting as deterrence to their re-joining armed groups. In 2013 a *Joint Technical Committee/Children Associated with Armed Conflict (CAAC) Working Group* was established jointly by the FGS to oversee progress and develop policies to address children associated with armed groups. The FGS adopted the *Standard Operating Procedures (SOP)* to handle the reception and handover of children separated from armed groups. On 27th May 2014, a Child Protection Unit was established at the Ministry of Defense to ensure the rights and safety of children involved in armed conflict is protected. On 14th May 2014 a joint *Somali National Army (SNA) Child Protection Unit* and *UN Mobile Screening Unit* was set up to undertake systematic inspection and screening of SNA personnel to ensure no children were present. On 29th March 2015, six military focal persons were identified for Banadir, Beledweyne, Middle Shabelle, Lower Juba, Galgaduud and Bay to support the work of the CPU.

365. In December 2015, 22 members of the CPU, military focal persons and a representative of the Ministry of Defense and regional states attended five-day training on child protection and action plans. In March 2016, there was a conflict between Al-Shabaab and the regional states of both Puntland and Galmudug, where 46 children were arrested and the Government, in collaboration with UNICEF, had them taken back to Mogadishu for rehabilitation.

366. The Government continues to strengthen measures to prevent recruitment and address the release, care, protection and reintegration of all children who have been associated with armed groups.

Mine action

367. Many parts of Somalia still have remnants of mines and other explosive devices left over from the civil war. These devices pose a risk to the lives of communities including children, many of who have been injured or killed while playing or herding livestock. The Government is determined to progressively free all areas of explosive devices and has partnered with non-State actors to address this problem. *The United Nations Mine Action Service* has provided refresher training to the Explosive Ordinance Disposal Teams of the Jubaland State Police in Kismaayo and to the federal police in Mogadishu. The latter have also been trained in handling explosive detection dogs. This training has proved useful during terrorist attacks.

368. To address the issue of stockpile, the Government agreed to establish a commission on weapons ammunition management and to expand the second phase of physical security and stockpile management to all federal member states for the period 2017–2020.

369. The FGS undertakes to continue working with the office of the Special Representative of the Secretary General to identify all parties involved in committing the grave violations against children, establish monitoring and reporting mechanisms (MRM) on grave violations against children in order to collect and collate critical data for intervention purposes and develop reporting and managing action plans.

370. The Government recognizes that every child has an inherent right to life as stipulated in the Provisional Constitution and the CRC. This includes the prohibition against imposing death sentences for crimes committed by persons below 18 years of age, which should not be disregarded at any time.

Constraints and way forward

371. The collapse of the birth registration system during the civil war made it immensely difficult to verify the age of a person during the recruitment into the armed forces. It is hoped that the commencement of a birth registration process will assist in clarifying this. Recruitment into the police and armed forces in Somalia is thus not based on production of a birth certificate and children may inadvertently get recruited this way.

372. Armed groups continue to recruit children in violation of the domestic and international human rights standards despite efforts by the Government to stop the practice. Children and young people also join armed groups as a result of radicalization and peer pressure. Due to high rates of poverty, children are vulnerable to joining armed groups as they are promised rewards such as money and smart phones. Residual influence of the AI-Shabaab and other armed groups, that persists in some parts of the country make enforcement of laws and policies relating to child rights difficult.

373. The passing of the Child Rights Act and a child protection infrastructure will help in protecting many children. The FGS is domesticating the UNCRC through national policies, laws and bills regarding child rights, improve existing coordination mechanisms, develop policy and rules of engagement during military action targeting armed groups, train professionals in the juvenile justice sector on CRC and other existing human rights standards applicable to children.

G. Children in situations of emergency

374. The FGS has established the Ministry of Humanitarian Affairs and Disaster Management (MoHADMD) to address disasters such as drought, floods and conflict. Inter-cluster meetings are regularly held and child protection is a core aspect. The Ministry ensures that post disaster assistance and recovery include children and young adults. Refugee children are provided with protection and support to assist voluntary return to their homeland.

375. The MoWHRD took measures to train twenty social workers in 2017 for deployment to the five Regional Member States. The social workers undertook a quick rapid assessment of the child protection situation in the states, identified appropriate

drought response measures, mapped out existing services, identified gaps and helped establish referrals. Local authorities and humanitarian agencies have helped fill identified gaps, such as the need for psycho-social support for children and referral of vulnerable children and their families to appropriate services.
