Committee on the Rights of the Child
Eighty-sixth session
7-25 September 2020
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the initial report of Somalia

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 June 2020. The Committee may take up all aspects of children’s rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide more information on the steps taken to: (a) incorporate the Convention into national law, including the progress made in developing a comprehensive child rights law; (b) develop a comprehensive child rights policy and strategy to implement the Convention; (c) strengthen the coordination to implement the Convention, including among federal and regional governments.

2. Please provide information on the measures taken to harmonize the definition of the child in all relevant laws and policies across the State party, in line with the definition under the Convention. Please provide information on any legislative and policy measures taken to eliminate all forms of discrimination against children, especially children born to unmarried parents, children with disabilities, children belonging to minority groups, and girls, in particular survivors of gender-based violence and harmful practices.

3. Please explain how authorities at all levels and regions of the State party take the best interests of the child as a primary consideration in all matters concerning them, including when developing and implementing relevant legislation and policies. Please describe the measures taken and mechanisms in place to ensure meaningful child participation within the family, in school, in the community, and in judicial and administrative proceedings.

4. Please explain the measures taken to: (a) prevent the death and injury of children as a result of direct or indiscriminate attacks as well as attacks on civilian infrastructure by the Somali security forces and non-State armed groups; (b) investigate any such acts, prosecute and sanction those responsible and provide redress to the victims and their families; (c) ensure humanitarian access to children and investigate incidents of its denial.

5. Please provide information on measures taken to increase the reportedly low birth registration rates of children throughout the country, including in rural areas. Please also describe any legislative measures taken to ensure non-discriminatory access to nationality for all children, including children born to Somali mothers and foreign fathers, in particular for children born abroad.

6. Please provide information on measures taken by the State party to review its legislation, including article 442 of the Criminal Code, to explicitly prohibit corporal punishment in all settings. Please inform the Committee on the measures taken to eliminate
harmful practices throughout the country, including child marriages, polygamy and FGM, as well as the abuse of children with disabilities, and any community-based interventions undertaken to that effect. Please update the Committee on the status of the draft FGM Bill.

7. In view of the high incidence of rape and other forms of sexual violence against children, please explain any measures taken to: (a) address the root causes of sexual violence; (b) remove barriers to reporting, prosecution and punishment of such acts, including those perpetrated by Somali and international security forces and non-State armed groups; (c) provide child survivors with support and rehabilitation. Please provide updated information on the status of the draft Sexual Offences Bill.

8. Please provide information on measures taken to: (a) support families living in poverty, including those displaced, to ensure that they are able to take care of their children and to prevent involuntary separations; (b) develop a formal social welfare structure and a policy on children without parental care; (c) facilitate the inclusion of children with disabilities into society, and ensure their access to health services, inclusive education and rehabilitation.

9. In view of the high child and maternal mortality rates due to preventable diseases, please inform on efforts to: (a) improve and expand health infrastructure across the country; (b) allocate human and financial resources, equipment and medicines thereto; (c) increase immunization rates; (d) address malnutrition and improve access to safe drinking water and sanitation; (e) improve access to maternal health services. Please indicate efforts to put in place mental health services and counselling for children.

10. Please indicate measures taken to address child poverty, including in rural areas and IDP and refugee camps. Please indicate measures taken to: (a) facilitate access to education for girls, children with disabilities, internally displaced and refugee children and those living in rural areas; (b) improve the quality of education, including learning materials; (c) prevent non-completion of schooling, especially in rural areas; (d) ensure the safety of children in schools and end the use of schools for military purposes.

11. Please explain the measures taken to facilitate the reintegration of returnee and internally displaced children and ensure their protection and access to shelter, food, water and sanitation, medical and psychological care, especially in the refugee and IDP camps. Please explain progress made in eliminating child labour, especially worst forms of child labour, including street work and in armed conflict. Please indicate efforts to that effect, including any labour inspections or prosecutions of economic exploitation of children.

12. Please indicate measures taken to: (a) establish a mechanism and procedures for identification and referral of child victims of trafficking; (b) protect children in street situations from violence, drug abuse, recruitment into armed groups and economic exploitation; (c) determine a child’s age in the absence of birth certificate in child justice proceedings and ensure compliance of the draft Juvenile Justice Bill with the Convention; (d) protect children from recruitment into Somali security forces or non-State armed groups, including in the absence of birth certification; (e) rehabilitate and reintegrate children involved in armed conflict.

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

(a) New bills or laws, and their respective regulations;
(b) New institutions (and their mandates) or institutional reforms;
(c) Recently introduced policies, programmes and action plans and their scope and financing;
(d) Recent ratifications of human rights instruments.
Part III

Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

15. Please provide, if available, updated statistical data disaggregated by age, sex, disability, ethnic origin, national origin, geographic location and socioeconomic status for the past three years, on:

   (a) Child victims of harmful practices, including child marriage, FGM or polygamy;
   (b) Cases of violence against children, child neglect and abuse and the number of investigations and prosecutions carried out and sentences issued;
   (c) Investigations into cases of sexual abuse, violence and rape, and the outcomes of the trials, including information on the penalties imposed on the perpetrators and on any redress and compensation offered to the child victims;
   (d) Cases of child abuse and neglect in families and in other types of care and public and private institutions;
   (e) Infant and child mortality;
   (f) Children classified as malnourished, and children infected with polio and requiring and receiving mental health care;
   (g) Girls having undergone abortions, in particular unsafe abortions;
   (h) Children who use illicit drugs or substances;
   (i) Children living in multidimensional poverty;
   (j) Children without access to safe water and sanitation;
   (k) Children working in the formal and the informal economy;
   (l) Children trafficked for purposes of labour and sexual exploitation;
   (m) Refugee and internally displaced children, including unaccompanied or separated children, children who have left the camps and children who have been returned and repatriated;
   (n) Children in street situations;
   (o) Children involved in combat and support positions recruited by both State and non-State groups.

16. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

   (a) Separated from their parents;
   (b) Orphaned;
   (c) Living with extended families;
   (d) Placed in institutions and orphanages.

17. Please provide data, disaggregated by age, sex, disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

   (a) Living with their families;
   (b) Living in institutions and orphanages;
(c) Living in camps for refugees and internally displaced persons;
(d) Attending regular primary schools;
(e) Attending regular secondary schools;
(f) Attending special schools;
(g) Out of school;
(h) Abandoned by their families.

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children accused of having committed a criminal offence who have been:
   (a) Arrested;
   (b) Referred to diversion programmes;
   (c) In pretrial detention;
   (d) Serving a sentence in detention and the length of the sentence;
   (e) Subjected to torture and ill-treatment in juvenile detention centres and prisons.

19. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children’s rights under the Convention and its Optional Protocols.

20. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.

21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.