

## Committee against Torture

### List of issues prior to submission of the second periodic report of Somalia\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations<sup>1</sup>, the Committee requested the State Party to provide information on the follow-up to its recommendations on the definition and criminalization of torture, the national human rights institution and investigations into the alleged acts of torture. Noting that a reply concerning the information sought by the Committee was provided on 19 October 2024,<sup>2</sup> and with reference to the letter dated 12 March 2025<sup>3</sup> from the Committee’s rapporteur for follow-up to concluding observations, the Committee considers that the recommendations included in paragraphs 8, 12 and 18(a) have been partially implemented. These points are covered in paragraphs [...], [...] and [...] of the present document.

##### Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,<sup>4</sup> please provide information regarding any legislative initiatives or consultations undertaken during the reporting period to establish torture as a distinct criminal offence in the State Party’s domestic legislation, including to incorporate a definition of torture into domestic legislation which fully encompasses the one contained in article 1 of the Convention, and to ensure that any such legislation refers to the responsibility of public officials or persons acting in an official capacity who consent or acquiesce to acts of torture. If no distinct criminal offence of torture exists in the State Party’s domestic legislation, please inform the Committee on the existence of criminal or legislative provisions that cover all cases of torture and the associated penalties.

3. Please provide information regarding the status of the Convention under the State Party’s domestic law, including whether the provisions of the Convention are directly applicable and may be invoked in domestic proceedings. Please provide information regarding the resolution of conflicts between the Convention and domestic legislation.<sup>5</sup> Taking into account reports regarding initiatives in the State Party to develop an amnesty

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\* Adopted by the Committee at its eighty-third session (10 – 28 November 2025).

<sup>1</sup> CAT/C/SOM/CO/1, para. 45.

<sup>2</sup> CAT/C/SOM/FCO/1.

<sup>3</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSOM%2F62615&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSOM%2F62615&Lang=en).

<sup>4</sup> Ibid., paras. 7-8.

<sup>5</sup> CCPR/C/SOM/CO/1, paras. 5 and 6.

law<sup>6</sup>, please provide information on efforts undertaken by the State Party to ensure that the prohibition against torture is absolute and non-derogable, and that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency may be invoked as a justification of torture. In doing so, please update the Committee on the status of the draft law and its contents. Please inform the Committee as to whether responsibility for torture and ill-treatment may be precluded by articles 32 or 33 of the Code of Military Criminal Law.<sup>7</sup> Please inform the Committee as to the existence of any statute of limitations applicable to the criminal offenses used in the State Party's domestic legislation to prosecute acts of torture. Please also provide specific examples and statistical data on cases, if any, in which the provisions of the Convention have been invoked before the courts.

#### **Article 2<sup>8</sup>**

4. With reference to the Committee's previous concluding observations,<sup>9</sup> please provide updated information on measures taken by the State Party to ensure that all detained persons are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty. In particular:

(a) The right to promptly access legal counsel and, if necessary, access free legal assistance. Please include information regarding eligibility for free legal assistance, along with statistical information regarding the number of individuals who have availed of this assistance during the reporting period. Please also update the Committee on the status of the Somali Legal Aid bill<sup>10</sup>;

(b) The right of detained and arrested individuals to be informed of their rights and the charges against them in a manner and language that they understand;

(c) The right to notify a relative or any other person of their choice of their arrest;

(d) The right to request and receive an examination by an independent medical doctor free of charge, or to pay to be seen by a medical doctor of one's own choice, in full confidentiality, promptly upon deprivation of liberty;

(e) The right to be promptly presented before a judge. In this regard, please provide information as to the measures in place to ensure that detainees can avail of their right under article 35 (5) of the Constitution;

(f) Efforts to ensure that detained or arrested individuals are held in designated places of deprivation of liberty from the outset of their detention. Please provide the Committee with information on all places of deprivation of liberty in the State Party, along with information regarding efforts to prevent and punish the use of unofficial "safe-houses" for the detention of suspects, including in the context of counter-terrorism operations;

(g) Efforts to establish a comprehensive central detention register that is accurate and accessible to detainees' family members;

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<sup>6</sup> A/HRC/WG.6/38/SOM/1, para. 21.

<sup>7</sup> Country Visit to Somalia: End of Mission Statement, 21 May 2025, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul.

<sup>8</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States Parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

<sup>9</sup> CAT/C/SOM/CO/1, paras. 9-10.

<sup>10</sup> Country Visit to Somalia: End of Mission Statement, 21 May 2025, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul.

(h) Information regarding the functioning of Sharia, *Xeer*, and any other religious, customary or tribal justice systems in the State Party, and the measures in place to ensure that all fundamental legal safeguards are provided in matters that they address;

(i) Information regarding efforts undertaken to ensure the protection of all fundamental legal safeguards before military courts, including efforts to ensure that civilians are not tried before military courts and to reduce recourse to expedited trial procedures.<sup>11</sup> Please also inform the Committee of any initiatives to revise the Counter-Terrorism Act and Code of Military Criminal Law during the reporting period. Please provide the Committee with disaggregated data regarding the number of individuals tried by military courts during the reporting period, including the number of civilians and juveniles<sup>12</sup>, if any, along with the number of cases which have been transferred from military to civil jurisdiction.

5. Noting the Committee's previous concluding observations,<sup>13</sup> and taking into account the information provided by the State Party regarding progress toward establishing a national human rights institution<sup>14</sup>, please update the Committee on the efforts undertaken by the State Party during the reporting period to establish an independent national institution for the promotion and protection of human rights, with an appropriate mandate and adequate financial and staffing resources, that is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including information regarding the approval of candidates by the Federal Parliament. Please also indicate whether the State Party intends to ratify the Optional Protocol to the Convention and establish a national preventive mechanism against torture.

6. In view of the Committee's previous recommendations,<sup>15</sup> please provide information on the legislative, administrative and other measures taken to eliminate all forms of violence against women, including domestic and sexual violence during the reporting period. In this regard, please update the Committee<sup>16</sup> on the status of the Offences of Rape and Indecency bill, along with information regarding efforts undertaken to ensure that the bill is in line with international standards by, inter alia, incorporating a harmonized definition of a child; including a consent-based definition of rape; including an expanded definition of coercion which takes into account coercive elements other than just the use of force, such as threats to the victim's family; and a precise definition of indecency.<sup>17</sup> Please provide specific information on efforts undertaken to prevent and punish conflict-related sexual violence, including violence committed by both State and non-State armed groups. Please include updated statistical data on the number of complaints of gender-based violence and on the investigations, prosecutions, convictions, and sanctions resulting from those complaints during the reporting period. As regards efforts to prevent and punish female genital mutilation, please update the Committee on the status of the Female Genital Mutilation bill and provide information regarding any prosecutions which have taken place to date in the State Party for female genital mutilation.<sup>18</sup> Please inform the Committee as to whether the proposed bill aims to prohibit all forms of female genital mutilation.<sup>19</sup>

7. Please provide information regarding efforts undertaken by the State Party during the reporting period to eliminate modern slavery, with specific reference to child slavery, including forced child marriage and the worst forms of child labour, such as forced or compulsory recruitment of children for use in armed conflict<sup>20</sup> and the sale and trafficking of children. In this regard, please provide the Committee with information regarding the status of the Child Rights bill, along with efforts to ensure its conformity with international

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<sup>11</sup> Ibid., paras. 13-14. See also CCPR/C/SOM/CO/1, paras. 31-32.

<sup>12</sup> Country Visit to Somalia: End of Mission Statement, 21 May 2025, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul.

<sup>13</sup> Ibid., paras. 11-12.

<sup>14</sup> CAT/C/SOM/FCO/1, paras. 6-10.

<sup>15</sup> CAT/C/SOM/CO/1, paras. 29-30.

<sup>16</sup> CAT/C/SOM/CO/1, para. 29.

<sup>17</sup> A/HRC/57/80, para. 73.

<sup>18</sup> CAT/C/SOM/1, para. 28.

<sup>19</sup> CCPR/C/SOM/CO/1, paras. 15 and 16.

<sup>20</sup> See, for example, S/AC.51/2024/2.

standards, such as the inclusion of a prohibition against child marriage. Please also inform the Committee as to whether the State Party intends to establish a comprehensive legal framework to address trafficking in persons.

8. Taking into account, *inter alia*, the findings of the Security Council Committee pursuant to resolution 2713 (2023) concerning Al-Shabaab<sup>21</sup> regarding grave human rights violations against civilians in areas under the effective control of non-State actors such as Al-Shabaab and ISIL-Somalia, including conflict related sexual violence and grave violence against children, please provide information as to the steps taken by the State Party to discharge its due diligence obligation to prevent acts of torture in any territory under its jurisdiction. In doing so, please provide relevant information as regards assistance provided by foreign militaries in combatting the activities of non-State actors in the State Party. Please further provide information on the discharge of the State Party's obligations under the Convention in *de facto* and *de jure* autonomous areas, including Somaliland and Puntland.

### Article 3

9. Taking into account the Committee's previous recommendations,<sup>22</sup> please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Noting that the principle of non-refoulement is enshrined in article 37 (1) of the State Party's Constitution, please inform the Committee as to whether the State Party enacted legislation making the non-refoulement principle enforceable.<sup>23</sup> Please similarly provide information regarding preventive measures against refoulement in the context of deportation in the application of article 29 (1) of the Counter-Terrorism Act. Please indicate the procedure followed when a person invokes the right of non-refoulement and whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has a suspensive effect. Please provide information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited, or expelled from the State Party during the period under review. Please provide details of the grounds on which these persons were sent back and the list of the countries to which individuals were returned. Please provide updated information on the type of appeals mechanisms that may exist, any appeals that have been made and the outcome of those appeals. Please provide updated statistical data, disaggregated by sex, country of origin and age group, of persons seeking asylum, on: (a) the number of asylum applications registered; and (b) the number of successful applications for asylum or other forms of humanitarian protection, specifying, where appropriate, the number of persons whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin.

10. Please indicate the number of refoulements, extraditions and expulsions carried out by the State Party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances in which the State Party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?

11. Please provide the Committee with information relating to the implementation of the National Policy on Refugee-Returnees and Internally Displaced Persons, including any challenges faced by the State Party during the reporting period relating to its application. Please also provide the Committee with information regarding efforts made by the State Party to combat statelessness and indicate whether the State Party intends to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

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<sup>21</sup> S/2024/748.

<sup>22</sup> *Ibid.*, paras. 37-38.

<sup>23</sup> *Ibid.*, paras. 37-38.

## Articles 5–9

12. Please provide updated information on any legislation or measures that have been adopted to implement articles 5-9 of the Convention. Please inform the Committee of any extradition agreements concluded with other States Parties during the reporting period and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements. Please also describe the measures taken by the State Party to comply with the obligation to extradite or prosecute (*aut dedere aut judicare*), and any cases where this principle has been applied. Please clarify the mutual judicial assistance treaties or agreements that the State Party has entered into with other entities, such as countries, international tribunals, or other international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence, or the provision of any other forms of assistance, in connection with investigations or prosecutions concerning torture and ill-treatment. Please provide examples.

## Article 10

13. With reference to the Committee’s previous concluding observations,<sup>24</sup> please provide up-to-date information on the training and educational programmes developed by the State Party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement officials, prison staff, border guards and members of the military are fully aware of the provisions of the Convention and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Which bodies are responsible for developing and organizing such trainings? Do members of “community defence forces” receive similar training?<sup>25</sup> Please indicate whether the State Party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture, ill-treatment and excessive use of force, and, if so, please provide information on the methodology. Please provide information on the outcomes of the Joint Police Programme II in terms of its contribution to strengthening the professionalism and capacity of the police.<sup>26</sup> Please provide detailed information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting physical and psychological sequelae of torture. Do such programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised?<sup>27</sup>

14. Please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Please explain whether clear instructions concerning the prohibition of torture and ill-treatment are included in the relevant regulations, and in particular those intended for officials in contact with persons deprived of their liberty. Please also indicate whether specific information on non-coercive investigation techniques is included in the training of public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including information as to whether the State Party has considered incorporating the principles on effective interviewing for investigations and information gathering, known as the “Méndez Principles”, into such trainings.

## Article 11

15. Please update the Committee on the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods, practices, and arrangements for custody, and indicate the frequency with which they are reviewed. Please inform the Committee as to the existence of any discussions or initiatives in the State Party regarding the revision of the Prison Law to ensure its conformity with relevant international standards. With reference to the Committee’s previous concluding observations,<sup>28</sup> please provide updated statistical data, disaggregated by

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<sup>24</sup> CAT/C/SOM/CO/1, paras. 41-42.

<sup>25</sup> A/HRC/57/80, para. 26.

<sup>26</sup> Ibid. para. 62.

<sup>27</sup> CAT/C/SOM/CO/1, paras. 41-42.

<sup>28</sup> CAT/C/SOM/CO/1, paras. 23-24.

the place of detention, sex, age group (minor/adult), and ethnicity or nationality of detainees, on the capacity and occupancy rate of all places of detention and on the number of pretrial detainees and convicted prisoners in detention. Please provide updated information on the average length of pretrial detention in the State party and the existence and prevalence of alternative, non-custodial measures. Please provide updated information on the measures taken to tackle overcrowding and to ensure the separation of men from women, pretrial detainees from convicted prisoners, and adults from minors in all places of detention. Please inform the Committee regarding any efforts made by the State Party to establish the Custodial Corps as a civilian entity<sup>29</sup>, including information regarding proposals for a revised National Security Architecture which would place the Custodial Corps under the administration of the Ministry of Justice and Constitutional Affairs.

16. Please indicate what steps have been taken during the reporting period to ensure adequate living conditions, hygiene and sanitation in all places of detention, and to provide sufficient and appropriate food and potable water, a minimum number of educational and leisure activities and adequate medical assistance and access to medicines in prisons, free of charge. Please inform the Committee of any initiatives or programmes in place to reduce violent extremism among persons deprived of liberty, including youth-specific programmes. Please indicate the measures taken to address the needs of women deprived of their liberty, in particular pregnant women and women with children, including their access to feminine hygiene products and suitable nutrition for themselves and their children and clarify whether women are guarded by personnel of the same sex in all places of detention. Please provide information on the regime governing prisoners' contact with the outside world, in particular with regard to family visits and communication with relatives and lawyers. Please inform the Committee on the status of the Federal Juvenile Justice bill and the Child Rights bill, including information regarding consultations undertaken in their development and steps taken to ensure their conformity to international standards. Please inform the Committee of any steps taken to ensure that all children deprived of their liberty for alleged association with armed groups are treated as victims and handed over, without exception, to child protection actors, in line with the standard operating procedures for the reception and handover of children separated from armed groups, as per the recommendation of the Independent Expert on the situation of human rights in Somalia.<sup>30</sup> Please inform the Committee on the functioning of re-education or cultural rehabilitation centres known as "*dhaqan celis* centres"<sup>31</sup>, including information on regulations and policies in place to eliminate the risk of abuse in such centres and to ensure their continued monitoring.

17. Please provide updated information on the disciplinary system in places of detention and indicate whether there is a procedure that guarantees due process and an independent body that reviews the disciplinary measures taken. Please clarify the current policy regarding the use of solitary confinement and the application of means of restraint to prisoners. In particular, please provide information on: (a) the maximum duration, in law and in practice, of solitary confinement; (b) the measures in place to ensure that solitary confinement is not imposed on children in conflict with the law or on persons with intellectual or psychosocial disabilities; and (c) whether a register of disciplinary penalties is kept in all places of detention, who has access to such registers, and whether the proportionality of penalties is monitored. Please inform the Committee as to whether corporal punishment is permitted as a disciplinary penalty in the penitentiary system, and if so, please provide disaggregated data, including data disaggregated by gender, on the number of instances that corporal punishment was administered as a disciplinary sanction in places of deprivation of liberty during the reporting period, along with information as to whether medical examinations are carried out before and after its administration and the procedures followed.

18. Please provide updated information regarding access to healthcare in detention, including the number of medical staff and their training. Please provide information regarding the number of individuals in detention living with chronic illnesses, such as HIV/AIDS, hepatitis, and tuberculosis, along with information regarding their long-term

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<sup>29</sup> CAT/C/SOM/FCO/1, para. 4.

<sup>30</sup> A/HRC/57/80, para. 105 (d).

<sup>31</sup> Ibid., para. 43.

treatment and care, and a description of the measures that are in place to prevent the spread of infectious diseases. Please indicate whether medical examinations are routinely carried out upon admission to detention centres and describe the procedure by which it is assured that medical personnel can document and report signs of ill-treatment without risk of reprisals. Please provide updated information regarding deaths in custody, including data disaggregated by age, gender, and cause of death. Please provide information on the manner in which those deaths were investigated, the results of those investigations, and the measures taken to prevent similar cases from occurring in the future. Please indicate the extent to which relatives of deceased persons received compensation in any of the cases. If no deaths in custody have occurred during the reporting period, please describe the procedures in place in the event such deaths occur. Please inform the Committee as to whether forensic examinations in cases of deaths in custody are carried out by an independent body, along with information regarding any steps taken to incorporate the Minnesota Protocol on the Investigation of Potentially Unlawful Death into the State Party's investigatory procedures. Please also inform the Committee as to whether, in cases of suicide, or attempted suicide, independent investigations into the causes of death are carried out which examine, inter alia, the causal links that may exist between the conditions of detention, including application of restraints and/or solitary confinement and the death under investigation, along with information regarding the strategies and programmes in place for the prevention of suicide and self-harm and the mechanisms by which their effectiveness is assessed.

19. In view of the Committee's previous concluding observations,<sup>32</sup> please provide updated information regarding the work of detention monitoring mechanisms in the State Party, including the Attorney General's Office, the Parliamentary Upper House Committee on Human Rights, and the civilian inspection committee established under the Joint Corrections Programme, along with specific information regarding their independence, the regularity and methodology of their visits, and their mandate, including their powers to conduct confidential interviews, make recommendations, publicly report, and access to places of deprivation of liberty. Please also inform the Committee as to whether recommendations formulated by such bodies have been implemented. Please provide information on the detention monitoring mandate of the Independent Human Rights Commission, including information as to when such mandate will begin to be implemented.

20. Please provide relevant information on treatment in psychiatric care in the State Party. In this regard, please provide information regarding any procedures which exist which may result in an individual's involuntary hospitalization, along with procedures for review and appeal of decisions in this regard. Please provide information on the measures in place to provide alternative family- and community-based care options for children deprived of their family environment and persons with intellectual or psychosocial disabilities. Please also inform the Committee on the progress of the Disability bill, along with any legislation relating to the use of physical and chemical restraints in psychiatric settings. Please update the Committee on the establishment and functions of the National Disability Agency.

### **Articles 12–13**

21. Please provide updated, disaggregated information on the number of complaints, investigations, prosecutions and convictions relating to acts of torture or ill-treatment in the period under review, along with information on the sentences handed down in cases where alleged perpetrators were found to be guilty. With reference to the Committee's previous concluding observations,<sup>33</sup> please provide information on the mandates of the Police Oversight Committee and the Ombudsman, including their independence, human and financial resources, and the conditions required for investigations into alleged cases of torture and ill-treatment to be launched. With reference to the information provided by the State Party subsequent to the Committee's previous concluding observations<sup>34</sup>, please provide the Committee with information regarding the outcome of the investigation by the Attorney General's Office of the Military Court and related criminal case concerning the assault of a

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<sup>32</sup> CAT/C/SOM/CO/1, paras. 25-26.

<sup>33</sup> CAT/C/SOM/CO/1, paras. 17, 18, 27 and 28.

<sup>34</sup> CAT/C/SOM/FCO/1, para. 12.

person with disabilities by a uniformed officer. Please inform the Committee as to whether acts of torture or ill-treatment carried out by members of the armed and security forces are referred to civilian courts, in line with article 128 of the Constitution.

22. Please provide updated information regarding the measures taken to ensure that any individual who alleges that they have been subjected to torture or cruel, inhuman or degrading treatment or punishment has the right to complain and to have their case promptly and impartially investigated. In this regard, please inform the Committee of specific complaints mechanisms available to individuals alleging torture and ill-treatment in the State Party, including under article 36 of the Prison Law, the measures in place to ensure confidentiality and protection from reprisals, the body or bodies responsible for the investigation and prosecution of such allegations, and the measures taken to ensure such body or bodies' independence. Please inform the Committee of any initiatives within the State Party to revise the National Intelligence and Security Agency (NISA) Act to establish a complaints mechanism for individuals affected by NISA's activities and to ensure that immunities from investigation and prosecution contained within the act to not result in impunity for acts of torture and ill-treatment.<sup>35</sup>

#### **Article 14**

23. With reference to the Committee's previous concluding observations<sup>36</sup>, please provide updated information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or their families during the reporting period. Please include the number of requests for compensation that have been made, the number granted, and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

#### **Article 15**

24. In the light of the Committee's previous recommendations,<sup>37</sup> please provide updated information on the specific measures that have been adopted to ensure that the principle of inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment during the reporting period.

#### **Article 16**

25. With reference to the Committee's previous concluding observations,<sup>38</sup> please provide updated information regarding legislative initiatives to prohibit corporal punishment of children in all settings, including the revision of article 442 of the Penal Code, which exempts parents from responsibility or reduces potential punishments against them when they carry out acts of violence against their own children. Please inform the Committee of the status of the Education bill, including information as to whether the bill proposes the abolishment of corporal punishment in schools. Please provide updated information to the Committee as to whether corporal punishment may be handed down as a criminal sentence. Do religious, tribal or customary courts also hand down such punishments? If so, please also provide updated, detailed, and disaggregated statistics, including by age and gender, regarding the means and methods of administering corporal punishment, the number and types of offences for which corporal punishment may be imposed, the number of persons sentenced to corporal punishment, and the number of persons to whom corporal punishment was administered

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<sup>35</sup> Country Visit to Somalia: End of Mission Statement, 21 May 2025, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul.

<sup>36</sup> CAT/C/SOM/CO/1, paras. 43-44.

<sup>37</sup> CAT/C/SOM/CO/1, paras. 21-22.

<sup>38</sup> Ibid., paras. 33-34.



subsequent to their criminal conviction during the reporting period. Please inform the Committee of any efforts to repeal laws which provide for such sentences or to combat such practices during the reporting period.

26. Taking into account the Committee's previous concluding observations,<sup>39</sup> please provide updated information on any discussions in the State Party in relation to the abolition of mandatory capital sentencing and the establishment of a *de facto* or *de jure* moratorium on the death penalty, with a view to its abolition, including information regarding any discussions relating to the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. Please inform the Committee of steps taken to ensure that, in the absence of a *de facto* or *de jure* moratorium, the death penalty is only handed down for the "most serious crimes"<sup>40</sup>, considered to be crimes of "extreme gravity causing intentional killing".<sup>41</sup> Please further provide the Committee with detailed and updated information on the number and types of offences which carry the death penalty, the number of persons, both civilians and military personnel, sentenced to death by both military and civilian courts, the number of individuals currently on death row, the number of those executed, the means of execution used, and the number of sentences commuted during the reporting period. Have all individuals facing capital charges received adequate and effective legal counsel and had access to all other necessary fair trial guarantees? Please inform the Committee as to whether any capital sentences have been handed down to persons under 18 years of age during the reporting period, and whether any such sentences have been carried out. Please similarly inform the Committee as to whether any capital sentences have been handed down to individuals who were under 18 years of age at the time of commission of their crime. Please inform the Committee as to whether public executions still take place in the State Party.

27. Please provide updated information regarding the existence of hate crime legislation in the State Party,<sup>42</sup> along with information on any measures taken to ensure that all hate crimes are properly and promptly investigated and prosecuted. Please inform the Committee about the specific steps being taken to abolish legislation that criminalizes consenting sexual relations between adults of the same sex.

28. Taking into account the previous concluding observations of the Committee,<sup>43</sup> please provide updated information on the efforts undertaken by the State Party to ensure that human rights defenders and journalists are able and enabled to carry out their important work free from violence and threats, whether from State or non-State actors, as a consequence of their legitimate activities. In this regard, please inform the Committee of any initiatives underway to revise the Counter-Terrorism Law, Penal Code, and Media law, as amended, in order to safeguard the right to freedom of expression, and to ensure the independence of the National Media Council.

## Other issues

29. Please provide updated information on the measures taken by the State Party to respond to the threat of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them, with specific reference the National Intelligence and Security Agency (NISA) Act and provisions of the Counter-Terrorism Act regulating judicial review of detention, powers of entry and arrest without warrant, and the duration of detention without charge, which can be extended up to 180 days.<sup>44</sup> Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the

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<sup>39</sup> Ibid., paras. 15-16.

<sup>40</sup> Article 6 (2), International Covenant on Civil and Political Rights.

<sup>41</sup> General comment no. 36, Article 6 (Right to Life), CCPR/C/GC/36, para. 39.

<sup>42</sup> CAT/C/SOM/CO/1, paras. 35-36

<sup>43</sup> Ibid., paras. 17-18.

<sup>44</sup> See Country Visit to Somalia: End of Mission Statement, 21 May 2025, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul.

Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the definition used by the State Party to qualify terrorism-related offenses and efforts to ensure sufficient precision and foreseeability in its legislation; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards and, if so, what the outcome was.

### **General information on other measures and developments relating to the implementation of the Convention in the State Party**

30. Please provide detailed information on any other relevant legislative, administrative, judicial, or other measures taken to implement the provisions of the Convention. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.

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