



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninetieth session

### Summary record of the 2593rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 May 2022, at 10 a.m.

*Chair:* Ms. Otani

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** (*continued*)

*Initial report of Somalia (continued)* (CRC/C/SOM/1; CRC/C/SOM/Q/1; CRC/C/SOM/RQ/1)

1. *At the invitation of the Chair, the delegation of Somalia joined the meeting.*
2. **Mr. Abdi Ali** (Somalia) said that the Provisional Constitution stated that all children had the right to care from their parents and that, where care was not available from the family, it must be provided by others. Article 56 of the child rights bill stated that the Government would guarantee that children who were parentless or unable to remain in their family environment were to be provided with alternative family care within their community – for example, through *kafalah*, an arrangement under Islamic law. Planned changes to *kafalah* arrangements had been informed by research that had been conducted into such arrangements in other countries.
3. The social worker training programme had been developed and launched in 2018, with the support of the United Nations Children’s Fund (UNICEF). The aim of the programme was to ensure that social workers were capable of providing effective, rights-based support to victims of violence, abuse or exploitation. Trainees were taught to apply social work tools and principles in accordance with national and international standards. More than a thousand trainees sponsored by UNICEF, in addition to 870 self-sponsored trainees, had taken part in the programme. The trainees had worked with drug users in hospitals and had helped to raise awareness of best practices with a view to preventing the spread of the coronavirus disease (COVID-19) in schools and vulnerable communities.
4. The Ministry of Humanitarian Affairs and Disaster Management was responsible for strengthening coordination among the humanitarian agencies that worked with internally displaced persons and refugees. Internally displaced children accounted for the majority of street children. The rights of street children were protected under article 28 of the Provisional Constitution, which referred specifically to such children. They would be given additional protection when the child rights bill was signed into law and when the Government, in a step planned for 2022, ratified the African Charter on the Rights and Welfare of the Child. Most street children were not enrolled in school, faced labour exploitation and lacked access to health care. There were various national and regional residential centres for such children. The largest such centre was run by SOS Kinderdorf International.
5. The Government was working to develop a comprehensive legal framework for the protection of children’s rights, to raise public awareness of that developing framework, including such key elements as the Labour Code, which prohibited the exploitation of children, and article 29 of the Provisional Constitution, and to encourage local communities to take ownership of it. In addition, the National Development Plan 2020–2024 set out measures to combat child labour, including an increase in the resources set aside for the execution of those measures, a review of labour law provisions and awareness-raising on the negative effects of child labour.
6. In order to tackle drug use among children, national awareness-raising campaigns on drug abuse had been conducted, and a policy on drug abuse was being formulated. A rapid assessment of drug use among children living and working in major cities in Somalia had also been carried out.
7. The Government was seeking support from partners to put itself in a position to step up its efforts to combat trafficking in children. The sexual offences bill, which contained provisions that would help to combat trafficking in children and violence against children, would, he hoped, be made law by the end of 2022.
8. The National Development Plan set out measures to increase school enrolment and the number of public schools. The Provisional Constitution contained several articles relating to education that served as the basis for the draft national education policy. In addition, a draft education sector strategic plan for the upcoming five years had been prepared. The Ministry of Education, Culture and Higher Education was reviewing the laws on education

with a view to merging them into a single piece of legislation. School enrolment data included enrolment not only in formal education but also in Qur'anic schools.

9. Work was under way on the preparation of a strategy to ensure that children from pastoralist communities received high-quality formal education. Informal learning programmes designed to accommodate pastoralist lifestyles were also being piloted.

10. **Mr. Elmi** (Somalia) said that, according to estimates provided by civil society organizations, between 20 and 35 per cent of children had been separated from their parents. Steps were being taken to improve the collection of data and thus make it possible to develop effective policies to support those children. Under the national plan of action for children, a draft plan, mechanisms would be put in place to monitor the situation and identify the factors that caused children from broken homes to end up living in the street. The Government hoped to make faster progress in that area once the security situation had improved, freeing up financial resources.

11. The stigmatization of children with disabilities was still a major challenge. The Government was exploring innovative and affordable ways to improve the accessibility of schools. No child should be left behind. Community-level awareness-raising activities had been organized by the child protection focal points to combat the exclusion of children with disabilities. The Government was also engaged in dialogue with community and religious leaders, who had a crucial role to play in ensuring that children had access to the education, health and justice systems. It was putting in place a robust legal framework to promote the inclusion of children with disabilities, starting with the preparation of the child rights bill, which would prohibit discrimination on the basis of disability. The next step would be to adopt specific disability-related legislation.

12. Increased collaboration between community-based stakeholders and policymakers, in particular the police and officials from the Ministry of Health, was expected to help tackle drug use. Although some treatment had been provided for drug users, more rehabilitation centres were needed; the Government and its local and international partners were discussing the establishment of new centres with a view to helping children in vulnerable situations to get back on their feet.

13. Only Somali men could pass their citizenship on to their children. The aim of an ongoing public dialogue held against the backdrop of efforts to reform citizenship law was to ensure that children born to Somali mothers and foreign fathers, including those born abroad, could become Somali nationals, with full access to services and rights in Somalia. The Somali diaspora, estimated to number several million, was being consulted as part of the discussions. As limitations on the transfer of citizenship were linked to traditional cultural practices, change would take time.

14. Processes were in place to guarantee mainstream and inclusive education, and there was an ongoing dialogue with the Ministry of Finance and key decision makers, including parliamentary finance committees, to ensure the adequate allocation of financial resources. A draft national education policy was being developed to ensure free and compulsory primary and secondary education. Discussions with government lawyers were being held to guarantee a broad and comprehensive understanding of what was meant by free education and to ensure that parents complied with their obligation to send their children to school. There also had to be opportunities to continue with further education and training in Somalia.

15. **Ms. Todorova** said that she wished to know whether discussions on the ability of mothers to pass their citizenship on to their children addressed the central underlying issue in such cases: the civil discrimination against women under sharia. What were the prospects of legislative discussions to tackle such discrimination?

16. **Ms. Ayoubi Idrissi** (Coordinator, Country Task Force) said that she wished to know what efforts were being made to ensure that recruiting children with a view to involving them in armed conflict and violations of Security Council resolution 1612 (2005) were criminal offences. Moreover, it would be useful to know what measures, if any, were being taken or planned, in cooperation with other stakeholders, in particular UNICEF, other United Nations agencies and civil society organizations, to reintegrate and rehabilitate children involved in armed conflict. In particular, she would appreciate further information about children born to

women forced to have sexual relations with members of Al-Shabaab. She wondered, for example, what was being done to provide care for those children and their mothers and to reintegrate women who had faced discrimination as a result of forced recruitment by Al-Shabaab. Moreover, she wished to know what the State party had done to combat corruption in the management of camps for refugees and internally displaced persons.

17. It would be useful to know what was being done to address differences in the age of criminal responsibility from one jurisdiction to another, establish a formal justice system or specialized institutions for children, put an end to the practice of incarcerating children with adults and undertake a reform of the justice system. She would also like to know what the State party was doing to recruit more judges and help them develop the skills to deal with children. What was it doing to strengthen the administration of restorative community-based justice?

18. **Mr. Rodríguez Reyes** (Country Task Force) said that he would like to know what body was responsible for the process of upgrading child protection infrastructure, including setting deadlines and allocating resources, when the upgrade would be complete and whether there was a specific plan for the protection of children and adolescents with disabilities. It would be helpful to know how the State party planned to raise awareness of drug abuse by children and adolescents and who would be in charge of awareness-raising efforts and the establishment of rehabilitation centres.

19. **Ms. Aho** said that she would appreciate further information on any law to eliminate female genital mutilation, as well as on any steps or action plans to reduce the incidence of child marriage and infant and maternal mortality. She wished to know how the State party planned to address the differences in the legal age for marriage from one piece of legislation to another.

20. Regarding drug addiction, she wondered whether recourse to law enforcement authorities was an appropriate means of dealing with young people involved. It would be useful to know whether there were awareness-raising campaigns to prevent drug abuse, what kind of drugs young people were using, what care was provided to young people addicted to drugs and whether there were child psychiatrists available to help them.

21. She wished to know why girls dropped out of school at such high rates and, in particular, whether those high dropout rates were the result of early marriage or female genital mutilation. In addition, it would be useful to know what percentage of the country's teachers was female and whether schools had proper toilets and participated in the UNICEF initiative Water, Sanitation and Hygiene for All.

22. She wondered what measures were taken to ensure that children in the remotest areas of the State party had access to routine vaccinations. It would be helpful to know whether there were any services in place for the early identification of children with disabilities. In addition, she wished to know what the State party was doing to address early pregnancy and whether information on health during pregnancy was provided in schools.

23. **Ms. Skelton** said that she wondered whether calculations of the estimated costs of adopting and applying new legislation, in particular in relation to the eradication of female genital mutilation, had been done or were planned.

24. **Ms. Zara** (Country Task Force) said that she would like to know whether the directors general who were members of the policy coordination group mentioned in the replies of the State party to the list of issues (CRC/C/SOM/RQ/1, para. 8) had received the training to allow them to do their work and whether the group had adopted a national action plan. It would be useful to know whether there was a hotline or early warning system to make possible immediate action in the event of a child protection issue and whether the State party planned to establish a child protection database. She also wished to know whether judges, the police and social workers were involved in coordinated efforts to protect children and their rights and, if so, whether they had received appropriate training.

25. **Mr. Van Keirsbilck** said that he would like to know how many children were in detention in Somalia, what the general conditions of detention were, whether there was a specialized rehabilitation centre for children and a minimum age for detention, what the average age of detained children was, how long, on average, they remained in detention and

how, in view of the lack of birth registration or documentation of many children, their age was determined. In addition, he wondered how many children were detained with adults or in prisons for adults and whether they were put in solitary confinement.

26. He would also welcome further information on the situation of children facing military justice. It would be helpful, in addition, to know how the State party managed the formal justice system alongside traditional justice systems linked to clans and local communities. Lastly, he wished to know whether there was a specific policy to address and prevent the involvement of children in armed conflicts.

27. **Mr. Jaffé** (Country Task Force) said that the definition of a child – for example, for the purposes of marriage – should be standardized across all legislation as a matter of priority. He asked whether training on gender-based violence was provided to specialized police units, how many convictions there had been in connection with such violence and whether the small number of court cases stemmed from a lack of awareness of the police's role and a need for training and integration with the health-care sector. He also asked what the status of the bill on crimes relating to sexual intercourse was, what changes would be made to it and whether it might be withdrawn, given the harm that it would cause to the human rights of girls and women.

*The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.*

28. **Mr. Abdi Ali** (Somalia) said that children were protected from recruitment into the armed forces by existing legislation, the Provisional Constitution and the Convention. When the child rights bill was signed into law, they would be afforded further protection. The National Strategy on Release, Rehabilitation and Reintegration of Children Associated with Armed Forces and Groups aimed to prevent the recruitment of children and to rescue, rehabilitate and reintegrate children involved in armed conflict. Rehabilitation and reintegration activities were undertaken by civil society organizations, and a specialized unit of the Ministry of Defence worked with UNICEF to prevent the recruitment of children.

29. Although the Government had redoubled its efforts to verify the ages of new recruits to the armed forces and soldiers currently in service, they were hindered by low rates of birth registration. An awareness-raising campaign had been launched and activities undertaken in schools in response to an early 2022 assessment of drug use by children in the country's major cities, which had shown that most children who used drugs were boys involved in menial labour such as shining shoes.

30. During the preparation of the report, the Government had established a mechanism to facilitate the provision of information from the relevant ministries. A coordination group of directors general on which a number of ministries were represented had subsequently been established to address child protection issues. A centre had been set up to offer rehabilitation services to persons who had been abducted by Al-Shabaab, although it was not heavily frequented by women and girls because many female abductees became pregnant while in captivity, and Somali culture strongly encouraged them to hide their pregnancy.

31. The Ministry of Justice oversaw the implementation of the provisions of the Convention on juvenile justice, in line with Somali legislation and policy, and the juvenile justice bill had been adopted. Children's families must be informed of their detention without delay, and all children deprived of liberty had the right to legal aid. As part of their rehabilitation, child detainees, for whom there was a separate rehabilitation centre, were given vocational training and provided with equipment to enable them to earn a living after their release.

32. The Government worked with focal points at the district, regional and state levels, as well as in civil society, and provided them with training on minimum child protection standards. It used a global child protection information management system supported by UNICEF, which it had asked for assistance in creating its own system. Training in child protection was provided to police officers, and their handling of cases involving children was monitored. A study into community-based child protection committees working with internally displaced persons and host communities had led to child protection and anti-corruption training for their members, thereby enabling them to continue projects initiated by civil society organizations.

33. Efforts to obtain more data on the country's rehabilitation centres, as well as data on the length of sentences handed down to children, were planned. The conditions at rehabilitation centres were monitored and evaluated on a quarterly basis.

34. **Mr. Elmi** (Somalia) said that the issue of citizenship for children born to Somali mothers and foreign fathers was linked to the clan system, because clan membership was passed down through the paternal line. That highly contentious issue was the subject of dialogue with communities, which would continue under the national plan of action for children once it was adopted. Nevertheless, such deeply rooted mentalities would not change quickly.

35. The recommendations made following an assessment of the situation of children with disabilities would be implemented through the national plan of action for children and the child rights bill, which, it was hoped, would become law by the end of 2022. At least 50 per cent of the national plan of action should be implemented within five years, and discussions were ongoing with regard to the necessary budgetary allocation. The plan of action included ongoing awareness-raising activities on drug abuse and a number of other issues relating to children's rights. Work was under way to establish robust mechanisms to gather data to guide policy decisions.

36. Training courses on the rights of children, women, persons with disabilities and minorities were organized for judges and other members of the judiciary, and there were plans to expand awareness-raising campaigns in the years ahead.

37. Community-based justice formed part of the broader so-called Xeer system of traditional dispute resolution mechanisms. Such mechanisms frequently had adverse consequences and led to miscarriages of justice, especially in criminal cases. The Government was therefore determined to strengthen the formal justice system and reduce reliance on community-based justice.

38. A bill on the eradication of female genital mutilation had been submitted to the Council of Ministers. It would probably be one of the first bills discussed when a Government with a full mandate was in place. It was hoped that the new legislation and awareness-raising campaigns would lead to a significant decline in female genital mutilation and that redress would be provided for survivors. Training courses on the bill would also be provided for the police force and the Attorney General's Office. Sexual violence desks and units would be established and staffed with fully trained officers. No legal proceedings had resulted in convictions or prison sentences, but it was hoped that adjudication would eventually put an end to impunity.

39. Child marriage was neither prohibited nor permitted by any legislation. Steps were being taken to ensure that 18 years was recognized as the minimum age for marriage in all the country's jurisdictions. It would take time to achieve consensus on the issue.

40. No statistics were available regarding female teachers, but an increase in their number was certainly required. The Government was working with UNICEF to ensure that all schools, especially in remote areas, had basic toilets. The Ministry of Health was also cooperating with UNICEF to promote vaccination of children throughout the country.

41. Vigorous action should be taken, especially under the national plan of action, to promote sexual education in schools. It was hoped to involve the network of school associations in such promotional efforts and to discuss action taken in other Islamic countries to address the issue in an acceptable manner. It was essential, for example, to prevent parents from removing their children from schools that provided sexual education.

42. Community members should be encouraged to report cases of sexual exploitation and violence – for instance, by ensuring that police stations provided an environment conducive to interviews with children and parents. Specialized police units were being trained to provide such services and to raise awareness of reporting procedures. Sexual and gender-based violence desks were staffed by male and female officers trained to address complaints by survivors in a safe environment. It was also hoped that there would be a significant increase in the prosecution of offenders.

43. The sexual offences bill included provisions that were consistent with international norms, but the country's lawmakers had submitted a bill, informed by a traditional perspective incompatible with such norms, on sexual offences related to sexual intercourse. Civil society activists had protested the latter bill and had managed to have it withdrawn. The process of enacting the sexual offences bill would be complicated, but it would eventually become law.

44. Once the national plan of action was complete, further consultations, which would culminate in a national conference of all stakeholders, including women and children, would be held to prioritize the actions to be taken as part of the plan. Additional conferences would be held every year or two in order to guarantee accountability and to discuss lessons learned, including from other countries.

45. **The Chair** said she wished to know whether all ministries, including the Ministry of Finance, and all Members of Parliament were familiar with the Convention.

46. **Ms. Aho** said that she would like to hear what action could be taken to assist child victims of rape, which was widespread in the State party. She also had the impression that parents and children were unaware of what action might be taken to file complaints.

47. **Ms. Ayoubi Idrissi** said that she would like to know what measures were being taken to raise awareness of and outlaw the practice, allegedly common in the State party, of requiring a child victim of rape to marry the rapist.

48. **Mr. Abdi Ali** (Somalia) said that the key line ministries working on child protection, including the Ministry of Finance, were fully aware of the Convention, which had been translated into the Somali language. The members of the Parliamentary Committee on Human Rights, Women and Humanitarian Affairs also helped ensure that the country's lawmakers were familiar with the Convention.

49. **Mr. Elmi** (Somalia) said that the focal points in different ministries that were responsible for the implementation of the Convention had acquired in-depth knowledge of its provisions. However, action to raise internal ministerial awareness could prove quite challenging and required a significant amount of time and resources.

50. The culture of impunity for sexual abuse, which had persisted for three decades, was gradually changing. People had initially focused on the perpetrator and had paid less attention to the survival of victims. The sexual offences bill provided for protection and redress for survivors and, in addition, protection for witnesses. Once it was enacted, prosecutors from the Attorney General's Office would have access to effective tools. Vigorous action was being taken to raise survivors' families' awareness of the existence of support desks in police stations throughout the country.

51. The traditional dispute resolution mechanism that required rape victims to marry their rapist was a major miscarriage of justice. That harmful practice could be halted only if, through dialogue, traditional elders were persuaded of the harm it caused.

52. **Ms. Ayoubi Idrissi** said that the Committee was aware that the State party faced major challenges when it came to guaranteeing the rights of the child, but it was encouraged by the numerous plans and projects that were being implemented. Although the people of the country had diverse views on culturally sensitive issues, national cohesion could be promoted through dialogue and by highlighting children's rights. Resolute decisions should be taken forthwith in order to achieve the objectives of the Convention. She wished the State party every success in that regard.

53. **Mr. Jimale** (Somalia) said that his delegation was honoured to have had the opportunity to engage in a constructive dialogue with the Committee. The questions raised had provided food for thought that would be communicated to the competent authorities in Somalia. He hoped that significant progress would be achieved in all areas before the submission of the country's next report.

*The meeting rose at 12.50 p.m.*