

Ku dhaqan Xafiis D.

FAAFINTA

الرسمية

OFFICIAL

EE JAMHUURIYADDA SOOMAALIYA

Sanadka 3aad

Muqdisho,

2015

Laanta Maamulka Faafinta Rasmiga ah
Ee Xafiiska Garyaqaanka Guud ee Dawladda

FAAFIN SANADLE

Qiiimaha waa \$XXX Dollar, lambar waliba – RUKUNKA: Sanaddii waa \$XXX Dollar, Soomaaliya gudaheeda – Dibaddeedana waa \$XXX Dollar. Rukunka la weydiisto waqtiga loo gooyay wuxuu ka bilaabmaa 1 Janaayo. Qiiimaha Qoritaanku F.R halkii sadar iyo wixii ka yar waa \$XXX Dollar – Rukunka iyo Qoritaanku waxaa la weydiistaa Laanta Maamulka Faafinta Rasmiga ah – Lacagta waxaa lagu bixiniyaa Xafiiska Canshuuraha ee Wasaaradda Maaliyadda.

KOBNIIN

BOGGA KOOWAAD

SHARCI

W.M

BOGGA LABAAD

XEER

BOGGA SEDDEXAAD

TALOOPYIN, ISGAARSIIN, OGAYSIIS, IWM

SANADKA

2015



Meel marinta Heshiiska Caalamiga ee Xuquuqda Carruurta**MADAXWAYNAHA J.F.S**

Markuu Arkay: Qodobka 82aad, Faqradda, 2aad, Dastuurka KMG ee J.F.S

Markuu Arkay: Qodobka 90aad, Xarfaha 'F' iyo 'Q' ee Dastuurka KMG J.F.S, Qodobkaasi oo sharci ahaan awood u siinaaya Madaxweynaha J.F.S inuu saxiixo Heshiisyada Caalamiga ah ee Dowladda Qeyb ka tahay

Markuu Arkay: Warqadda Guddoonka Golaha Shacabka Lr. 555/3/1/14 ee soo baxday 13/12/2014 kuna saabsan Qaraarka Golaha Shacabka lagu ansixiyay Heshiiska UN-ka ee Xuquuqda Caruurta ee soo baxay 20/11/1989 kaas oo dhaqangalay 02/09/1990.

Markuu Tixgeliyay: In ay jirto in loo qabo baahi weyn in la badbaadiyo lana daryeelo Caruurta Soomaaliyeed meel kasta oo ay ku sugan yihiin.

Waxa uu soo saaray Sharcigaan:**Qodobka 1aad**

Waxa uu Madaxweynaha Jamhuuriyadda Federaalka Soomaaliyeed halkaan ku oggolaaday isla markaasina caddaynayaa in Heshiiska Caalamiga ee Xuquuqda Carruurta inuu ka mid noqday Shuruucda Dalka laga bilaabo taariikhda uu Madaxweynaha saxiixo Sharcigaan iyada oo loo gudbinayo xafiiska Xog-hayaha Guud ee Qaramada Midoobay in laga diiwaangeliyo.

Qodobka 2aad

Waxaa halkaan ku lifaaqan labo nuqul oo Heshiiskan ah oo ku qoran Af Soomaali iyo Ingiriis haddii loo baahdo fasiraad waxaa loo noqonayaa nuqulka Afka Ingiriisiga.

Qodobka 3aad

Waxay Dowladda Federaalka Soomaaliyeed ka gaabsatay isla markaana aysan aqoonsanayn Qodobada 14, 20 iyo 21 ee Heshiiska kor ku xusan iyo qodobo kasta oo ka hor imaanaya Mabaadii'da Guud ee Shareecada Islaamka.

Qodobka 4aad

Waxa uu Sharciigaan dhaqangelayaa maalinta uu Madaxweynaha saxiixo waxaana lagu soo daabacayaa Faafinta Rasmiga ee Jamhuuriyadda Federaalka Soomaaliyeed.

MUQDISHO: 31/12/2014

XAFIISKA HANTIDHAWRKA GUUD WAAALA DIBWAAN GELIYEY
DIBWAAN NO. <u>11001081190</u>
TAARIIXH <u>22/12/2014</u>
SAXIIXA NO. <u>Madax</u>



Madaxweynaha J. F. S.
Mudane Caban Sheekh Maxamuud

HESHIIS KU SAABSAN XUQUUQDA CARRUURTA

Oo uu Aqbalay Golaha Guud ee Qarammada Midoobay
20kii Nofembar 1989

Qoraal

GOGOLDHIG

Waddammada Xubnaha ka ah heshiiskan, iyagoo

Tixgelinaya in sida waafaqsan Mabaadii'da lagu muujiyay Axdiga Qarammada Midoobay aqoonsiga karaamada iyo xuquuqda aan la weecin karayn ee loo siman yahay ee dhammaan qoyska aadaamiga ah ay tahay aasaaska xorriyadda caddaaladda iyo nabadda adduunka;

Maanka ku haya inay dadyawga Qarammada Midoobay sida ku cad Axdiga ay mar kale qirayaan (adkaynayaan) niyaddooda xuquuqaha aasaasiga ah ee bani'aadamka iyo sumcadda iyo qiimaha qofka bani'aadamka waxayna goosteen tabantaabin horumar bulsho iyo heer nololeed xorriyad ballaaran;

Aqoonsan in Qarammada Midoobey, sida ay qabaan Baaqa Caalamiga ah ee xuquuqul insaanka iyo Heshiisyada caalamiga ah ee xuquuqda ay ku dhawaaqeen oggolaadeenna in qof kasta uu leeyahay dhammaan xuquuqaha iyo xorriyadaha kor lagu soo sheegay iyadoon lagu sameyn kala soocid nooc kasta ah sida: sinji, midab, jinsi, luqad, diin, siyaasad ama afkaar kale, u dhalasho waddan ama asal bulsho, lahaansho, dhalasho ama xaaiad kale oo ahaansho;

Xusuusan in, sida ku qoran Bayaanka Caalamiga ah ee Xuquuqda Aadanaha, ay Qarammada Midoobey ku dhawaaqday inay carruurta xaq u leeyihiin xannaano iyo kaalmo gaar ah;

Aaminsan in qoyska oo ah kooxda aasaasiga ah ee bulshada iyo degaanka dabiiciga ah ee koritaanka iyo baraaraha dhammaan xubnihiisa gaar ahaan carruurta ayna tahay inuu helo dhawritaanka iyo kaalmada fagarna maarmaanka u ah si uu u guto mas'uuliyadda uu ku leeyahay bulshada;

Sookoobid aan rasmi ahayn oo ku saabsan qodobbada ugu waaweyn.

GOGOLDHIG

Arartu waxay nakhtiimeysaa mabaadi'ida aasaasiga ah ee Qarammada Midoobey iyo qodobbo gaar ah oo la xiriiira heshiisyada xuquuqda bani'aadamka. Waxay mar kale sugaysaa inay caruurta, nugeylkooda awgiis, ay u baahan yihiin daryeel gaar ahaaneed iyo xafidaad, waxayna si gaar ah u adkeyneysaa daryeelka aasaaska ah iyo mas'uuliyadda ilaalinta ee qoyska. Waxay sugaysaa baahida loo qabo inay ilmuhu helaan ilaalin xagga sharciga ah dhalashada ka hor iyo kaddib, ahmiyadda ay leedahay in la xurmeeyo dhaqammada bulshada ilmuhu ay ku dhex nool yihiin, iyo kaalinta weyn ee iskaashiga caalamiga kaga jiro dhowritaanka xuquuqda carruurta.

Aqoonsan in dhallaanka, si uu shaqsiyad buuxda ugu koro, ay lama huraan tahay inay ku barbaaraan deegaan qoys oo leh nolol ku dhisan farxad, jaceyl iyo is faham;

Tixgelinaya habboonaanta in siqiirka loo diyaariyo inuu bulshada dhexdeeda ku yeesho nolol shakhsiyadeed kuna barbaaro dareenka ujeedooyinka lagu jideeyay Axdiga Qaruumaha Midoobay, gaar ahaan dareenka nabadda, sumcadda, dulqaadka, sinnaanta iyo wadajirka;

Maanka ku haya baahida ah in xannaano gaar ah la siiyo siqiirka oo lagu xusay Bayaankii Geneve ee Xuquuqda Siqiirka ee sannadkii 1924kii iyo Bayaanka Xuquuqda Siqiirka ee Golaha Guud ansixiyey 20kii Nofembar 1959 aqoonsanna Bayaanka Caalamiga ee Xuquuqda Aadanaha, Heshiisyada Caalamiga ah ee Xuquuqda Madaniga iyo Siyaasadda (gaar ahaan qodobbada 23 iyo 24) ee Heshiiska Caalamiga ah ee Xuquuqda Dhaqaale, Dhaqan iyo Bulsho (gaar ahaan qodobka 10aad) iyo nidaamyada u dagan wakaaladaha gaarka ah ee ururrada caalamiga ah ee ku hawllan horumarinta carruurta;

Maanka ku haya in, sida ku qeexan Bayaanka Xuquuqda Siqiirka, "siqiirka oo aan, maskax iyo muuqaal bisil lahayn darteed, wuxuu u baahan yahay ilaalin iyo xannaano gaar ahaaneed sida dhawritaan sharci oo ku habboon ka hor iyo ka dib dhalashada";

Xasuusan saadaasha Bayaanka ku saabsan Mabaadii'da Bulsho iyo Qaanuun oo la xiriira ilaalinta iyo barwaaqaynta carruurta iyadoo tixraac khaas ah la siinayo nafaqaynta iyo ilmo korsashada Waddan ahaan iyo Caalami ahaan; Heerarka ugu yar ee Xeerarka Maamulka Caddaaladda Da'yarta (xeerarkii Beyjiin) iyo bayaanka ilaalinta Haweenka iyo Carruurta xaaladaha degdegta ah iyo dagaallada hubaysan;

Aqoonsan in, dhammaan dalalka adduunka ay jiraan carruur ku nool xaalado gaar ahaan qallafsan iyo inay caruurtaasi u baahan yihiin tixgalin gaar ah;

Xisaabta ku daraya ahmiyadda caadooyinka iyo qiimaha dhaqammada ee shacab kasta ee ku wajahan ilaalinta iyo horumarinta suuban ee carruurta;

Aqoonsanaya ahmiyadda uu leeyahay iskaashiga caalamiga ah si loo horumariyo xaaladaha nololeed ee carruurta dal kasta gaar ahaan Carruurta waddammada soo koraya,

Waxay ku heshiiyeen sida soo socota:

QAYBTA 1aad

Qodobka 1aad

Heshiiskan waxaa carruur toola jeedaa qof kasta oo bani'aadam ah oo ka yar da'da siddeed iyo toban jir, haddii qaanuunka lagu dhaqo ilmaha aan qaangaar lagu gaarin muddo ka horraysa.

Qodobka 2aad

1. Qaaruumaha Xubnaha ahi waa inay xurmeeyaan una xaqiijiyaan xuquuqaha uu Heshiiskani siinayo Canug kasta oo ku nool xayndaabka xukunkooda iyadoon loo fiirin ilmaha waalidkiis/keed ama wakiilka qaanuun: sinji, midab, jinsi, luqad, diin, siyaasad ama fikrado kale, u dhalasho waddan, qabiil ama askun bulsho, hanti, naafonimo, dhalasho ama ahaansho kaie;

2. Qaaruumaha Xubnuha ahi waa inay qaadaan tallaabooyin lagu xaqiijinayo in ilmaha laga itaalayay dhammaan noocyo takoorid ama ciqaab lid ku ah; sugnaanta hawlaha/waxqabadka fikrad soo jeedin ama caqiidada waalidka, wakiilada qaanuuneed, ama xubnaha qoyska.

Qodobka 3aad

1. Dhammaan hawlaha khuseeya carruurta, haddii ay wadaan ururrada daryeelka bulshada ee dawladaha ama kuwa gaarka ah, maxkamadaha hey'adaha maamulka ama xeer dejinta, tixgelinta koowaad waa in la siiyaa ilmaha;

Qeexid Ilmo

Ilmo waxaa loo aqoonsan yahay shaqsiga ka yar 18 sano, haddii aysan shuruudda qaran aqoonsaneyn da' intan ka horreysa.

Eexasho La'aan

Dhammaan xuquuquhu way khuseeyaan dhammaan carruurta kala reebid la'aan.

Danaha ugu Fiican ee Ilmaha

Dhammaan hawlaha khuseeya ilmaha waa inay ka tarjumaan danhiisa/heeda. Qaranku waa inuu siiyaa ilmaha

2. Qarammada Xubnuhu waa inay ilmaha u xaqiijiyaan ilaalinta iyo xannaanada taasoo muhim u ah jiritaankiisa/keeda suubban iyadoo la tixgalinayo xuquuqaha iyo waajibaadka waalidkiis/keed, wakiillada qaanuuneed ama shakhsiyaadka kale ee sharci ahaan mas'uulka uga ah isaga ama iyada taas darteedna waa inay qaadaan tallaabooyinka qaanuuneed oo ku habboon.

3. Qarammada Xubnuhu waa inay xaqiijiyaan in hay'adaha adeegyada iyo tasiilaadka mas'uulka ka ah xannaanada ama ilaalinta carruurta ay waafaqsanaadaan nidaamka ay jideeyeen madaxda u xilsaaran, gaar ahaan dhinacyada ammaanka, caafimaadka, tirada iyo tayada shaqaalaha iyo waliiba kormeer xiikas ah.

Qodobka 4aad

Qarammada Xubnuhu waa inay qaadaan dhammaan tallaabooyinka ku habboon ee sharci, maamul iyo dadaal kale oo lagu hirgalinayo xuquuqaha lagu aqoonsaday heshiiskan dhanka xuquuqaha dhaqaale, bulsho iyo dhaqan, Qarammada xubnuhu waa inay tallaabooyinkaas ugu hawlgalaan heerka ugu sarreeya ee khayraadka ay haystaan iyo haddii loo baahdo inay ku timaaddo qaab shaqo ee iskaashi caalami ah.

Qodobka 5aad

Qarammada Xubnuhu waa inay xurmeeyaan mas'uuliyadaha, xuquuqaha iyo waajibaadka waalidiinta ama halkii lagu dhiqi karo, xubnaha qoyska ballaaran ama bulsho sida ay u nidaamiso caadada gudaha (degaan), wakiillada qaanuunka ama dad kale oo sharci ahaan mas'uul ka ah canugga in la siiyo si la socota koritaanka kartida canugga toosin iyo hanuunin si uu ugu dhaqmo xuquuqaha uu u aqoonsanyahay heshiiskan.

xannaano u qalanta marka waalidka iyo dadka kale ee u xilsaaran ay gudan waayaan mas'uuliyaddaas.

Hirgelinta Xuquuqaha

Dawladdu waa inay intii karaankeeda ah hirgelisaa xuquuqaha ku qoran Heshiiskan.

Talo Waalid iyo Taagta Waxqabad ee Ilmaha

Dawladdu waa inay xurmeysaa xuquuqda iyo mas'uuliyadda waalidiinta iyo xigtada inay ilmaha siiyaan wixii talo ah ee la xiriira waxqabadka ilmaha.

Qodobka 6aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin in ilmó kasta uu xaq u leeyahay inuu noolado.
2. Qarammada Xubnuhu waa inay xaqiijiyaan sida ugu suurto galsan sii noolaanshaha iyo horumarka canugga.

Qodobka 7aad

1. Canugga waa in la diiwaan galiyaa isla marka uu dhasho wuxuuna xaq u yeelanayaa magac laga bilaabo dhalashada, xaq qaadasho jinsiyad, iyo haddii ay suurto gasho xaq inuu aqoodo oo ay xannaaneeyaan waalidkiis.
2. Qarammada Xubnuhu waa inay xaqiijiyaan dhaqan galka xuquuqahaas si waafaqsan qaanuunkooda waddan ahaan iyo waajibaadkooda kuwa ugu muhimsan xeerarka caalamiga ee dhinacyadan, gaar ahaan xaaladaha uu la'aantood canuggu noqon lahaa jinsiyad laawe.

Qodobka 8aad

1. Qarammada Xubnuhu waxay xurmaynayaan, xaq ilmaha si loo xafido ahaanshihiisa sida jinsiyadda, magaca, iyo xiriirka qoyska sida qaanuunku aqoonsaday iyadoo an lagu sameynayn faragalin sharci darro ah;
2. Haddii canug si sharci darro ah looga qaado qaar, ama dhammaan xaaladaha ahaanshihiisa/heeda, Qarammada Xubnuhu waa inay siiyaan kaalmada iyo ilaalinta ku habboon si si dhakso ah loogu soo celiyo ahaanshihiisa/heeda.

Jiritaan iyo Horumar

Ilmo kasta wuxuu xaq u leeyahay inuu noolaado, Dawladdana waxaa waajib ku ah xaqiijinta noloshu iyo horumarka ilmaha.

Magac iyo Waddan u dhalasho

Ilmuhu wuxu xaq u leeyahay in loo magac bixiyo marka uu dhasho. Ilmuhu waxa kale oo uu xaq u leeyahay inuu helo xuquuqda jinsiyadda, iyo intii suurogal ah, inuu ogaado waalidkiisa/keeda, lana xannaaneyo.

Haysashada Magacyada

Dawladda ayay mas'uuliyad ka saaran tahay inay ilaaliso, haddii ay lagama maarmaan tahayna, sugto kaabayaasha aasaasiga ah ee dhalashada ilmaha, sida magaca, jinsiyadda iyo xiriirka qoyska.

Qodobka 9aad

1. Qarammada xubnuhu waa inay sugaan in aan canug laga kaxayn waalidkiis/keed rabitaan la'aantooda marka laga reebo haddii madax xilka ahi ay hoosgayso go'aan dib u eegid maxkamadeed ayadoo la waafajinayo xeer nidaamin in kala kaxayntaas ay muhiim u tahay xaalad khaas ah sida midda ku saabsan waalidka oo ku xadgudba ama dayaca ilmaha ama mid ku saabsan marka uu waalidku u nool yahay gaar ahaan in go'aan laga gaaro goobta degaan ee canugga.
2. Dood kasta oo ku saabsan xubinta laad ee qodobkan dhammaan dhinacyada danta ka leh waa in la siiyaa fursad ay uga qayb galaan doodaha lana ogaado aragtidooda.
3. Qarammada Xubnuhu waa inay xurmeeyaan xaq ilmaha laga kexeeyey mid ama labada waalid si loo joogteeyo xariirrada shakhsi aragti toos ahna ula yeesho labada waalid si joogto ah.
4. Haddii kala kaxayntaas uu ka dhashay ficil kasta oo ay bilawday dawlad xubin ah sida qabasho, xarig, masaafurin, dib u celinta ama dhimasho ka timaadda sabab kasta inta qofku u xiran yahay dawladda mid ama labada waalid ama canugga, Qarankaas Xubinta ahi waa inuu marka la waydiisto siiyaa waalidka cunuggaas ama hadii ay ku habboon tahay, xubin kale ee qoyska akhbaarta muuhimka ah ee ku saabsan halka uu jiro xubinta/naha maqan ee qoyska haddii bixinta akhbaarta aysan waxyeello u gaysanayn canugga. Qarammada Xubnuhu waa inay waliba xaqiijiyaan in qaddimaadda codsigaas oo kale uusan cawaaqib xumo ku reebin qofka (dadka) uu khuseeyo.

Qodobka 10aad

1. Sida waafaqsan waajibka Qarammada Xubnaha ee qodobka 9aad, xubinta laad, arjiga uu qorto canug ama waalidkiis/keed si uu uga baxo ama u galo dalka Qaran Xubin ah sabab isu keenid qoys darteed, waa inay ugu hawl galaan Dawladaha Xubnaha si oggolaansho bani'aadaminimo iyo dhaqso ah. Qarammada Xubnuhu waa inay haddana xaqiijiyaan in qaddimaadda codsigaasi uusan cirib xumo u yeelan codsabayaasha iyo xubnaha qoyskooda.

Ka Kaxaynta Waalidka

Ilmahu wuxuu xaq u leeyahay inuu la noolaado waalidkiisa ama keeda haddii aysan jirin sababo kale oo ah danta ugu habboon ee ilmaha. Ilmahu waxuu kale oo uu xaq u leeyahay inuu la xiriir labadiisa waalid haddii midkood ama labadaba ay ka maqan yihiin.

Dib Isugu Keenidda Qoyska

Carruurta iyo waalidku waxay xaq u leeyihiin inay ka baxaan waddan kasta ayna galaan kooda sabab dib u kulan darteed ama joogtaynta xiriirka carruur-walid.

HESHIS KU SAABSAN XUQUUQDA CARRUURTA

2. Canugga waalidkiis kala deggan yihiin Qarammo kala duwan wuxuu si joogto ah xaq ugu leeyahay, marka laga saaro xaalado khaas ah, xiriir shakhsi ah iyo xiriir toos ah oo uu la yeesho labada waalid.

Arrintaas darteed iyo sida waafaqsan waajibaadka Qarammada Xubnaha sida uu qabo qodobka 9aad, xubintiisa 1aad, Qarammada Xubnuhu waa inay xurmeeyaan xaq canugga iyo waalidkiis/keed oo ah inay ka baxaan waddan kasta marka lagu daro kooda iyo inay gafaan waddankooda. Xaq ka baxidda waddan kasta waa inay ku xirnaadaan oo kali ah xayiraadaha sharcigu banneeyey muhimna u ah ilaalinta ammaanka waddanka, nidaamka guud, caafimaadka guud, ama damiirka ama xuquuqda iyo xorriyadaha dadka kale kuwaaso garab socda xuquuqaha kale ee uu aqoonsan yahay Heshiiskan.

Qodobka 11aad

1. Qarammada Xubnuhu waxay qaadayaan tallaabooyin ay kula dagaallamayaan debed u baddalidda iyo soo celin la'aanta sharci darrada ah ee carruurta.

2. Arrintan darteed Qarammada Xubnuhu waa inay horumariyaan gelitaan heshiisyo laba dhinacle ama dhinacyo badan ama ku biirid heshiisyo hore u jiray.

Qodobka 12aad

1. Qarammada Xubnuhu waa inay u xaqiijiyaan ilmaha awoodda u leh inuu soo jeediyo aaraa'diisa iyo xaq soo bandhigidda aaraa'daas si xor ah arrin kasta oo taabanaysa canugga, maadaama aragtida canugga la siiyo culayskeeda ayadoo la waafajinayo da'da iyo bisaylka ilmaha.

Kaxeyn sharci darro ah iyo soo celin la'aan

Dawladda waxaa waajib ku ah inay baajiso ama xal u raadiso afduubka iyo haysashada carruurta dibadaha la geeyo, ha ahaado waalidka ama qo kale.

Ra'yiga ilmaha

Ilmaha waxay xaq u leeyihiin inay ra'yigooda u cabbiraar si xor ah, toona tixgeliyo aaraa'da khusaysa ilmaha nafsaddooda.

HESHIS KU SAABSAN XUQUUQDA CARRUURTA

2. Ujeeddadan darteed, waa in gaar ahaan canugga la siiyo fursad ah in la dhagaysto doodo kasta oo garsoor ama maamul oo taabanaya canugga ha ahaato si toos ah ama iyadoo loo sii marayo wakijil ama hay'ad ku habboon, qaab garab socda xeerarka habka madaniga ee qaanuunka waddaniga.

Qodobka 13aad

1. Ilmuhu waa inuu yeeshaa xorriyadda qawlka; xaqan waxaa ka mid ah inuu doono, helo, bixiyana macluumaad iyo afkaar nooc kasta ah meel kasta ha ahaatee, ha ahaadeen tiraab, qoraal ama daabacaad qaab sawir ama warbaahin-kasta oo uu ilmuhu doorto.

2. Isticmaalka xuquuqdiisu way la kulmi kartaa xayiraado qaarkood hase yeeshee kuwaasi waa inay ahaadaan kuwo qaanuunku qabo muhimkana ah:

a) Xurmeynta iyo sharafta dadka kale; ama

b) Ilaalinta ammaanka waddanka ama nidaamka guud ama caafimaadka guud ama damiirka.

Qodobka 14aad

1. Qarammada Xubnuhu waa inay xurmeeyaan xaqa canugga ee xorriyadda, fakerka, damiirka iyo diinta.

2. Qarammada Xubnuhu waa inay xurmeeyaan xuquuqda iyo waajibaadka waalidka iyo markii loo baahdo ilaaliyeyaasha sharciga ah si ilmaha loogu toosiyo dariiqa isticmaalka xuquuqdiisa/keeda qaab la socda koritaanka kartida canugga.

3. Xorriyadda muujinta qof diintiis ama caqiidadiis waxay la kulmi kartaa oo kali ah xayiraado qaanuuni ah oo loo baahan yahay in lagu ilaaliyo ammaanka guud, nidaamka, caafimaadka ama asluubta ama xuquuqaha aasaasiga ah iyo xorriyadaha dadka kale.

Xorriyadda Qowlka

ilmuhu waxuu xaq u leeyahay inuu si cad u dhiibto aragti diisa/deeda, helo macluumaad, uu bixiyo fikradaha macluumaad uu ogyahay iyadoo aan loo eegin xudduud.

Xorriyad Fikir, Damiir iyo Diin

Dawladdu waxay xurmeneysaa xaq u ilmuhu u leeyahay inuu helo xorriyad fikir, damiir iyo mid diineed, oo kuxiran hannuunin waalidka ee ku habboon.

HESHIS KU SAABSAN XUQUUQDA CARRUURTA

Qodobka 15aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin xorriyadaha ilmaha ee sameysi urur iyo xorriyadda kulan nabadgalyo.
2. Isticmaalka xuquuqahan looma gaysan karo dhimis/xayiraad aan ahayn kuwo waafaqsan qaanuun muhimna u ah bulsho dimuqraaddi ah si loo daryeelo nabadgelyada waddanka, ammaanka guud, nidamka guud, ilaalinta caafimaadka guud ama asluubta ama ilaalinta xuquuqaha iyo xorriyadaha dadka kale.

Qodobka 16aad

1. Canugna laguma samayn karo faragalin si maroorsi ama sharci darro ah arrimihiisa gaarka ah, qoyseed, guri, warqado sidoo kale, si sharciga khilaafsan looma weerari karo sharaftiisa iyo karaamadiisa.
2. Ilmuhu wuxuu leeyahay xaq qaanuuni ah in laga ilaaliyo faragelinta ama weerarkaas.

Qodobka 17aad

Qarammada Xubnuhu waxay aqoonsan yihiin kaalinta muhimka ah oo ay qaadato warbaahintu waana inay xaqiijiyaan in ilmuhu uu heli karo akhbaaraadka iyo qalabka kala duwan oo ka soo baxa dariiqyo, waddammo ama caalami ah gaar ahaan kuwa ku wajahan hagaajintiisa/teeda dhan bulsho, wanaajin caqiido iyo qalbi iyo caafimaad jir iyo maskaxeed. Ujeeddadan darteed Qarammada xubnuhu waa inay:

- a) dhiirrigeliyaan warbaahinta si ay u fidiso akhbaar iyo qalab canugga u leh faa'iido bulsho iyo dhaqan waafaqsanna xigmadda qodobka 29aad;
- b) dhiirrigeliyaan iskaashi caalami ah ee ku saabsan soo saaridda, is dhaafsiga iyo fidinta akhbaarta iyo qalabkaas ee dhaqammada kala duwan ee kasoo baxa ilo qaran ama caalami.

Xorriyad Urur

Ilmahu waxay xaq u leeyihiin inay la kulmaan kuwa kale, iskuna biiraan ama sameeyaan ururro.

Ilaalinta arrimaha gaarka ah

Ilmuhu waxay xaq u leeyihiin in laga ilaaliyo faragelinta arrimohooda gaarka ah, kuwa qoyska, guriga iyo waraaqaha lagana ilaaliyo affagaado ama gef.

Helitaan Maciiumaad Habboon

Dawladda ayaa xaqiijinaysa inay carruurtu heli karto warar iyo mowduucyo laga soo ururiyo ilo kala duwan, waxayna dhiirrigelinaysaa qalabka warbaahinta inuu faafiyo wararka ilmaha u leh faa'iido dhaqan iyo mid bulsho, iyadoo qaadaysa tallaabooyin ilmaha looga ilaalinayo mowduucyada wax u dhimaya.

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- c) dhiirrigeliyaan soo saarid iyo fidin kutub/buugaag carruureed;
- d) dhiirrigeliyaan warbaahintu inay tixgalin gaar ah siiso baahida luqo ee ilmaha ka tirsan kooxda laga badan yahay ama ku siman goobtiisa dhalasho;
- e) dhiirrigeliyaan horumarin dariiq ku habboon ka ilaalinta ilmaha akhbaar ama qalab dhaawici kara jiritaankiisa/keeda fiican iyadoo maskaxda lagu haynayo sida ku qoran qodobbada 13aad iyo 18aad.

Qodobka 18aad

1. Qarammada Xubnuhu waa inay isticmaalaan dadaalkooda ugu habboon inay xaqiijiyaan aqoonsiga mabaadii'da ah in labada waalid ay leeyihiin mas'uuliyad ka dhaxaysa oo ku saabsan kobcinta iyo horumarinta ilmaha. Waalidku ama, haddii xaaladdu noqon karto, wakiillada qaanuuneed, waxay leeyihiin mas'uuliyadda kooxaad ee korriimada iyo horumarinta carruurta. Danaha u habboon ee ilmuhu waxay noqonayaan taxadarkooda aasaasiga ah.
2. Ujeedooyinka dammaana qaadka iyo horumarka xuquuqaha lagu jideeyay Heshiiskan, Qarammada Xubnuhu waa inay siiyaan waalidiinta iyo wakiillada qaanuuneed kaalmada ku habboon si ay u meel mariyaan mas'uuliyadaha ilmahooda waana inay xaqiijiyaan horumarinta hay'adaha tasiilaadka iyo adeegyada xannaanada carruurta.
3. Qarammada Xubnuhu waa inay qaadaan dhammaan tallaabooyinka ku habboon si ay u xaqiijiyaan in carruurta waalidka shaqeeya ay helaan xaqa ka faa'idaysiga adeegyada xannaanada carruurta iyo tasiilaadka ay u qalmaan.

Wajibbaadka Waalidka

Waalidku waxay leeyihiin mas'uuliyad midaysan oo aasaasi ah lana xiriirta korinta carruurta, dawladduna waa inay ku caawisaa arrintan. Dawladdu waa inay waalidka siisaa kaalmo ku haboon oo ku saabsan korinta carruurta.

Qodobka 19aad

1. Qarammada Xubnuhu waa inay qaadaan dhammaan tallaabooyinka xeer dajin, maamul, bulsho iyo waxbarasho oo carruurta looga ilaaliyo dhammaan noocyada handadaad ee jir ama maskax, dhaawac ama xadgudub dayicid ama sixun ula dhaqmid galmo ilaa inta ay ku hoos jiraan xannaanada waalidka, ilaaliyeyaasha qaanuuneed, ama qof kasta oo kale oo ku shaqo leh xannaanada ilmaha.

2. Tallaabooyinkaas ilaalineed waa inay, ka sokow ku habboonaansho, ka mid noqdaan nidaamyo wax ku ool ah oo ku saabsan dajin manaahij bulsho si tageerada muhimka u ah loo siiyo ilmaha iyo dadka haya xannaanada ilmaha iyo waliba noocyada kale ee ka hortagga, qeexidda warbixinta, gudbin baaris tabantaabo, dabagal, hagar daamada halka hore loogu tilmaamay iyo maadaama ay ku habboon tahay ku lug lahaansho garsoor.

Qodobka 20aad

1. Canugga si ku meel gaar ah ama si joogto ah looga qaaday xayndaabka qoykiisa/keeda ama danihiisa ugu wanaagsan aan loo oggolaan karin inay ku sugnaadaan dagaankaas waa inuu yeeshaa ilaalin gaar ahaaneed iyo kaalmo uu siiyo qaranku.

2. Qarammada Xubnuhu waa inay si waafaqsan qawaaniintooda waddaniga u xaqiijiyaan xannaano kale canuggaas asaga ah.

3. Xannaanadaas waxaa ka mid noqon kara kafaalaqaadidda ay qabto shareecada Islaamku, korsasho ama haddii ay lagama maarmaan noqoto in la geeyo hay'adaha ku habboon ee xannaanada carruurta. Marka laga fakarayo xalal, tixgalin mudan waa in la siiyaa baahida loo qabo joogtaynta canugga korriimadiisa iyo jinsiyaddiisa, diinta, dhaqankiisa iyo luqada uu selka ku hayo.

Ka Ilaalin Xadgudub iyo Dayac

Qaranku waa inuu carruurta ka ilaaliya dhammaan qaababka silcinta ee ay waalidka iyo dadka kale ee mas'uulka ka ah xannaanadooda ku sameynayaan carruurta waana inay dajisaa barnaamij bulsho oo ku habboon ka hortaga xadgudubkaas iyo daawaynta dulmanayaasha.

Badbaadinta Ilmaha aan Qoyska lahayn

Dawladda waxaa waajib ku ah inay daryeel gaar ahaaneed u fidiso ilmaha aan qoyska lahayn, xaqiijisana inay heli karaan daryeel u beddela midka qoyska ama in la heli karo macaahid xannaano. Dadaalkan marka la sameynayo waxaa tixgelin mudan in la derso dhaqanka ilmaha uu ka soo jeedo.

Qodobka 21aad

Qarammada Xubnaha aqoonsada iyo/ama kuwa oggolaada habka korsashada waa inay xaqiijiyaan in danaha ugu wanaagsan ee canugga ay noqdaan in la siiyo tixgalinta ugu horreysa waana inay:

- a) Xaqiijiyaan in korsashada canugga ay oggolaadaan oo kaliya madax awood u leh kuwaasoo jideeya si waafaqsan qaanuun ku habboon iyo nidaamyo iyadoo aasaas looga dhigayo akhbaarta loo qaadan karo in korsashada la aqbali karo marka loo eego xaaladda ilmaha ee khusaysa waalidka, qaraabada iyo wakiillada qaanuuneed iyo in haddii loo baahdo, shakhsiyaadka ay khusayso ay dhiibaan oggolaanshahooda korsashada ayadoo lagu salaynayo in talabixintaasi ay tahay lagama maarmaan;
- b) Aqoonsan in ilmo korsashada ka dhaxaysa waddammada loo qaato inay tahay dariiq kale ee xannaanada canugga haddii canugga aan la gayn karin xarun nafaqayn ama qoys korsada ama aan si ku habboon loogu xannaanayn karin waddanka uu canuggu u dhashay;
- c) Xaqiijiyaan in canugga ay khusayso korsashada u dhaxaysa waddamo uu ku raaxaysto ilaalinta iyo hab la mid ah kuwa ka jira xaaladda korsashada waddaniga ah;
- d) Qaadaan dhammaan tallaabooyin ku habboon si loo xaqiijiyo in korsashada u dhaxaysa waddammada in meelayntu aysan sababin dhaqaale ku kasbasha aan habboonayn ee dadka ku lug leh;
- e) Horumariyaan halka ku habboon ujeedooyinka qodobkan ayagoo isla galaya abaabul ama heshiisyo laba dhinacle ama dhinacyo badan qaabkan shaqo dhexdiisa si loo xaqiijiyo in gaynta canugga dal kale ay sameeyaan madaxda awoodda u leh.

Korsasho

Waddammada korsashada laga aqoonsan yahay ama laga oggol yahay, waa in arrintaas loo sameeyaa oo kali ah danaha ugu wanaagsan ee ilmaha iyo oggolaanshaha cidda awood u leh oo kaliya iyo ilaalinta canugga.

Qodobka 22aad

1. Qarammada Xubnuhu waa inay qaadaan tallaabooyinka ku habboon si ay u xaqiijiyaan in canug raadinaya xaalad qaxootinimo ama loo qaatay qaxooti sida waafaqsan qaanuunka caalamiga ah ama waddani iyo hababka waa in, ha la socdaan ama yay la socon waalidkiis/keed ama qof kasta oo kale uu helaa ilaalin ku habboon iyo kaalmo bani'aadaminimo ee ku raaxaysiga xuquuqda ku habboon ee uu jideeyey Heshiiskan iyo farsamooyinka kale ee bani'aadaminimo ee xuquuqul insaanka caalamiga ah kuwaaso Qarammadaas la soo sheegay ay dhinacyada ka yihiin.

2. Ujeeddadan darteed, Qarammada Xubnuhu waa inay siiyaan sida ay u arkaan inay ku habboon tahay, iskaashi dadaal kasta oo ay wadaan Qarammada Midoobay iyo hay'adaha dawladaha ka dhexeeya ama hay'adaha aan dawliga ahayn ee iskaashiga la leh Qarammada Midoobay si ay u ilaaliyaan caawiyaanna cunuggaas isaga ah ayna baafiyaan waalidinta ama xubnaha kale ee qoyska canug kasta oo qaxooti ah si loo helo macluumaadka lagama maarmaanka u ah dib-isugu gaynta qoyska. Haddii ay dhacdo inaan la heli karin waalidkiis/keed ama xubnaha kale ee qoyska cunugga waa in la siiyaa ilaalinta la siiyo canug kasta oo kale oo si joogto ah ama ku meel gaar ah looga qaaday xayndaabka qoyskiisa/keeda sabab kasta ha ku timaaddee sida lagu soo jideeyey Heshiiskan.

Qodobka 23aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin in ilmaha maskax ahaan iyo jir ahaanba naafada ahi ay si waafi ah ugu raaxaystaan nolol buuxda oo wacan ahna xaalado xaqiijinaya karaamo horumarinaya isku fillaan sahlaysana in ilmuhu uga qayb galo si firfircoon.

2. Qarammada Xubnuhu waxay aqoonsan yihiin xaqa uu u ilmaha naafada ahi uu leeyahay xannaano khaas ah waana inay dhiiri galiyaan oo xaqiijiyaan fidinta ku xiran imkaaniyaadka la heli karo ee ilmaha mudan iyo cidda mas'uulka ka ah xannaanadiisa/deeda iyo kalmada la codsaday kuna habboon xaaladda ilmaha iyo xaaladaha waalidka iyo dadka kale ee xannaaneeya.

Ilmaha Qaxootiga ah

Ilaalin gaar ah ayaa la siiyayaa ilmaha qaxootiga ah ama ilmaha raadinaya aqoonsi qaxootinimo. Waa waajibaadka dawladda inay kaashato ururrada awoodda u leh ee bixin kara dammaanad iyo kaalmo.

Ilmaha Naafada ah

Ilmaha naafada ahi wuxuu xaq u leeyahay xannaano gaar ah waxbarasho iyo tababar si isaga/iyada looga caawiyo uguna raaxaysto nolol buuxda oo nadiif ah sharafta leh uuna gaaro heerka ugu sarreeya ee isku kalsoonaan iyo bulsho ku biirid ee suuro galka ah.

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3. Aqoonsan baahiyaha gaar ahaaneed ee ilmaha naafada ah kaalmada loo fidiyay sida waafaqsan xubinta 2aad ee qodobkan waa in lagu siiyaa kharaj la'aan markasta oo suurto gal ah ayadoo la tixgalinayo awoodda dhaqaale ee waalidka ama dadka kale ee xannaaneeya canugga, waana in lagu toosiyaa in la xaqiijiyo in ilmaha naafada ay si buuxda ugu furan tahay uuna heli karo tacliin, tababar, adeegyada daryeel caafimaad, adeegyada dhaqan celinta, shaqo u diyaarin iyo fursado ciyaaro ee qaab lagu gaari karo in canuggu gaaro sida suurta galka ee sarraysa ee la qabsashada bulshada iyo horumarkiisa qof ahaaneed, marka lagu daro horumarintiisa/teeda dhaqan iyo caqiido;

4. Qarammada Xubnuhu waa inay horumariyaan iyadoo la raacayo iskaashiga caalamiga ah isdhaafsi akhbaar ku habboon ee dhinaca ka hortagga cudurrada iyo daawaynta carruurta naafada ee xag nafsii iyo xagga shaqada xubnaha jirka, taasoo ay ka mid tahay faafin u oggolaansho akhbaaraha ku saabsan hababka dhaqan celinta waxbarasho iyo adeegyada xirfadaha iyadoo ujeeddada ah in loo surto galiyo Qarammada Xubnaha in ay horumariyaan awoodahooda iyo xirfadahooda si loo ballaariyo khibraddooda dhinacyada la soo sheegay, saas darteedna tixgaliin khaas ah waa in la siiyaa baahida waddammada soo koraya.

Qodobka 24aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin xaq carruurta ay u leeyihiin ka dheefsiga heerka u sarreeya ee caafimaad ee la heli karo iyo tasiilaadka ka daawaynta cudurrada iyo dhaqancelinta caafimaadka. Qarammada Xubnuhu waa inay raadiyaan xaqiijinta in aan canug laga qaadin xaqiisa/keeda ka qaybgalka adeegyadaas daryeelka caafimaad.

2. Qarammada Xubnuhu waa inay ku dhaqaaqaan fulin buuxda ee xaqas, khaas ahaan waa inay ka qaadaan tallaabooyin ku habboon:

a) yaraynta dhimashada dhallaanka iyo carruurta;

Caafimaadka iyo adeegyadiisa

Ilmuhu waxay xaq u leeyihiin inay helaan heerka ugu sarreeya ee caafimaad iyo dawo. Dawladaha ayaa xoogga saaraya inay horumariyaan caafimaadka aasaasiga ah iyo barashada caafimaadka guud iyo yaraynta geerida dhallaanka. Waxay dhiirrigelinayaan iskaashi caalami ah oo ku aaddan horumarinta caafimaadka iyo inay ilmo kasta heli karaan adeeg caafimaad.

b) xaqiijinta in la siiyo kaalmo daawayn oo lagama maarmaan ah iyo daryeel caafimaad dhammaan carruurta iyadoo xoogga la saarayo horumarinta daryeelka caafimaadka aasaasiga ah;

c) la dagaallanka cudurrada iyo nafaqa darrada oo marka lagu daro hawlaha caafimaadka aasaasiga ah iyadoo la adeegsanayo, Inter Alia, farsamada diyaar ahaan la heli karo iyo siin cuntootoyin nafaqaysan oo ku habboon iyo biyo cabitaan oo nadiif ah ayadoo la tixgalinayo khataraha wasakhawga deegaanka;

d) xaqiijinta daryeel caafimaad ee hooyooyinka ka hor iyo kadib dhalmada;

e) xaqiijinta in dhammaan qaybaha bulshada gaar ahaan waalidka iyo carruurta la gaarsiiyo inay galaan waxbarasho lagu taageerayo ka faalidaysiga aqoonta aasaasiga ah ee caafimaadka iyo nafaqada carruurta, faa'iidooyinka naas nuujinta, fayadhawrka, nadaafadda deegaanka iyo ka hortagga shilalka;

f) horumarinta daryeelka caafimaad ee ka hortagga ah hanuuninta waalidka iyo qorshaha waxbarasho iyo adeegyo ee qoyska;

3. Qarammada Xubnuhu waa inay qaadaan dhammaan talaabooyinka waxtarka ah kuna habboon oo leh aragti ah in la tirtiro dhaqammada wax u dhimaya caafimaadka carruurta.

4. Qarammada Xubnuhu waxay ku tallaabsanayaan in ay horumariyaan oo dhiirrigaliyaan iskaashi caalami ah oo leh aragti in tartiib-tartiib loo gaaro meel marin buuxda ee xuquuqda lagu aqoonsaday qodobkan. Arrintan darteed, tixgalin gaar ah waa in la siiyaa baahiyaha dalalka soo korayo.

Qodobka 25aad

Qarammada Xubnuhu waxay aqoonsan yihiin xaqa canug ay madax awood u lihi ay hoos gaysay sabab xannaano, ilaalin ama daawayn jir ama maskax ahaan caafimaad kiisa/keeda fiirin ammin-ammmin ah ee daawaynta la siiyay ilmaha iyo dhammaan xaaladaha waxtarka u leh meelayntiisa;

Dib u Fiirinta aan
Joogtada ahayn ee Dajinta

Ilmaha ay dawladdu meel dajisay sabab xannaano, ilaalin ama daawayn awgood wuxuu feeyahay in dajintaas loo qiimeeyo si xiriir ah.

Qodobka 26aad

1. Qarammada Xubnuhu waxay u aqoonsan yihiin canug kasta xaqa ah inuu ka faaiidaysto dammaanadaha bulsho oo ay ka mid tahay caymis bulsho, waana inay qaadaan tallabooyinka ku habboon oo lagu gaari karo meel-marin buuxda ee xaqaan si waafaqsan qaanuunkooda waddaniga ah.
2. Faa'iidooyinkaas waa in haikii ku habboon la dammaanad qaadaa ayadoo la tixgalinayo imkaaniyaadka iyo xaaladaha canugga iyo dadka mas'uuliyadda ku leh kafaala-qaadka canugga iyo qaddarin kasta oo kale oo waxtar u leh codsi ka faaidaysi oo uu sameeyey ama loo sameeyay canugga.

Qodobka 27aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin xaqa ilmo kasta uu u leeyahay heer nololeed oo u qalma xag jir, maskax, caqiido, damiir iyo horumar bulsho ee ilmaha.
2. Waalidka/waalidiinta ama dadka kale ee ka mas'uulka ah ilmaha waxaa saaran mas'uuliyadda koowaad in ay xaqiijiyaan inta ay le'eg tahay kartidooda iyo awooddooda dhaqaale, xaaladaha lagama maarmaanka u ah horumarka ilmaha.
3. Qarammada Xubnuhu ayagoo ka ambaqaadaya xaaladaha waddanka iyo imkaaniyaadkooda, waa inay qaadaan tallabooyinka ku habboon si loo kaalmeeyo waalidka iyo dadka kale oo mas'uulka ka ah ilmaha, in ay fuliyaan xaqaan waana inay haddii loo baahdo siiyaan qalab kaalmo ah isla markaana taageeraan barnaamijyo, gaar ahaan dhinacyada nafaqada, dharka iyo hoyga.

Nabadgelyada bulshada

Ilmuhu wuxuu xaq u leeyahay inuu ka faa'iido nabadgelyada bulshada sida caymin bulsho.

Heerka Noloshu

Ilmo kasta wuxuu xaq u leeyahay inuu helo nolol tayo leh oo ugu filan horumarinta dhinacyada muuqaalka, garaadka, arwaaxda, damiirka iyo bulshada. Waalidiinta waxay leeyihiin masuuliyadda aasaasiga ah ee xaqiijinta inay ilmahooda nolol heer sare ah ku noolaadaan. Waajibaadka Dawladdana waa xaqiijinta in dhammaan xuquuqahan la fuliyay. Kaalmada Dawladda waxaa ka mid ah inay taageero maaddi ah siiso waalidiinta iyo ilmahooda.

4. Qarammada Xubnuhu waa inay qaadaan dhammaan tallabooyinka ku habboon sugitaanka kafaalaqaadka uu ilmuhu ku leeyahay waalidka ama dadka kale oo ay canugga ka saaran tahay mas'uuliyad dhaqaale, ha ahaato gudaha Qaranka Xubinta ah ama debedda gaar ahaan, haddii qofka leh mas'uuliyadda dhaqaale ee ilmaha uu ku nool yahay dal ka duwan kan canugga, Qarammada Xubnuhu waa inay horumariyaan ku biiritaan Heshiisyo caalami ah, ama ay isla galaan heshiisyadaas ama ay guntaan heshiisyo kale oo ku habboon.

Qodobka 28aad

1. Qarammada Xubnuhu waa inay aqoonsadaan xaq ilmuhu u leeyahay waxbarasho iyo si loo gaaro xaqaan tartiib-tartiib, saldhigna ay u tahay fursado isku mid ah waa inay gaar ahaan:

a) Waxbarashada aasaasiga ah ka dhigaan mid khasab ah cid walibana ay ku heli karto lacag la'aan;

b) Dhiirrigeliyaan noocyada kala duwan ee waxbarashada dugsiyada sare oo ka kooban caadi iyo waxbarasho mihnadeed, la suurto galiyo helitankooda ilmo kastana uu gali karo lana qaado tallaabooyinka ku habboon sida soo rogid waxbarasho lacag la'aan ah iyo bixin kaalmo lacageed haddii loo baahdo;

c) Ka dhigid waxbarashada sare mid ay geli karto cid waliba ayadoo aasaas looga dhigayo awoodda dariiq kasta oo ku habboon;

d) Samayn macluumaad waxbarasho iyo mihnadeed iyo hanuunin ay heli karaan ayna gali karaan dhammaan carruurta;

e) Samayn tallaabooyin dhiirrigalin iyo imaatin joogto ah ee dugsiyada iyo yaraynta tirada ka tagta;

Waxbarasho

Ilmuhu waxay xaq u leeyihiin waxbarasho dawladda ayaana damaanad qaadaysa inay waxbarashada aasaasiga ah ay noqoto mid qasab ah oo lacag la'aan ah inay dhiirrigaliso in noocyada kala duwan ee dugsiyada sare ay noqoto mid u furan canug kasta ayna ka dhigto tacliinta sare mid ay cid walba ku heli karto karaankeeda. Aadaabta iskuulka waa inay la socotaa xaq iyo sumcadda ilmaha Dawladda waa inay gashaa isakaashi caalami ah si ay u fuliso xuquuqdaan.

2. Qarammada Xubnuhu waa inay qaadaan dhammaan tallabooyinka ku habboon si ay u xaqiijiyaan in nidaamka aadaabta dugsiga loo maamulo qaab la socda sunmadda bani'aadamnimo ee canugga waafaqsanna Heshiiskan.

3. Qarammada Xubnuhu waa inay horumariyaan oo dhiirrigaliyaan iskaashi caalami ah oo la xiriira waxbarashada gaar ahaan aragtida ku saabsan in ay ka qayb qaataan baabi'inta aqoon darrida iyo waxqorid la'aanta adduunka oo dhan ayna sahlaan ka faa'iidsiga aqoonta sayniska iyo farsamada iyo hababka wax dhigidda casriga ah. Arrintaan waa in si gaar ah loogu tixgaliyaa waddammada soo korays.

Qodobka 29aad

1. Qarammada Xubnuhu waxay ku heshiiyeen in waxbarashada ilmaha loo jiheeyo:

a) Horumarinta Shakhsiyadda, caqliga iyo awoodda maskaxeed iyo jir si uu u helo qowaddiisa buuxda;

b) Horumarinta xushmada xuquuqul insaanka iyo xorriyadaha aasaasiga ah iyo mabaadii'da ku iftiisan Axdiga Qarammada Midoobay;

c) Horumarinta xushmaynta carruurta waalidkood, dhaqan kiisa/keeda luqad iyo astaamo, dhaqammada uu waddanka uu ku nool yahay ilmuhu, waddanka laga yaabo inuu/inay asal ahaan ka yimid/timid iyo ilbaxnimooyinka ka duwan kiisa/keeda;

d) U diyaarinta ilmaha inuu nolol mas'uuliyad leh kula dhex noo laado bulsho xor ah oo leh is faham, nabad, dulqaad sinnaanta jinsiga iyo saaxiibtinimo dhammaan shucuubta, qabaa'ilka, kooxaha waddaniga iyo diineed iyo dadka ku nool degaanka ay ku dhasheen;

e) Horumarinta xushmanyta deegaanka dabiiciga ah;

Ujeeddooyinka Waxbarashada

Waxbarashadu waxay ahaaneysaa mid lagu horumarinayo shaqsiyadda, fahamka, muuqaalka iyo garaadka ilmaha. Waxbarashadu waxay ilmaha u diyaarineysaa inay noqdaan kuwa ku noolaada nolol mas'uulnimo oo bulsho xor ah, inuu ilmahu ixtiraamo waalidka, dhaqanka, luuqadda, dhalashada iyo caadooyin dhaqameedka bulshada uu ka soo jeedo.

2. Dhammaan qaybaha qodobkan iyo qodobka 28aad midna looma qaadan karo inay fara galin ku sameynayaan xorriyadda ay u leeyihiin shakhsiyaad iyo kooxo inay sameeyaan isla markaana hagaan hay'ado waxbarasho, oo mar walba ku khasban dhawritaanka mabaadii'da ku xusan xubinta 1aad ee qodobkan iyo shuruudaha ku saabsan waxbarashada ay dhiibaan hay'adahaas ay waafaqsanaato heerka ugu hooseeya oo ay dawladdu dajin lahayd.

Qodobka 30aad

Dawladda ay dalalkooda ka jiraan qabaa'il, kooxo diin ahaan iyo luqo ahaanba laga badan yahay ama dadka uu muuqdo nagaadigooda asal ahaan, ilmaha ka tirsan dadkaas laga tiro badan yahay ama nagaadi ah in aan loo diidin xaqooda la noolaanshada xubnaha kale ee kooxda/deeda, si uu ugu raaxaysto dhaqankiisa/keeda, u caabudo uguna dhaqmo diintiisa/teeda ama uu adeegsado luqaddiisa/deeda.

Qodobka 31aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin xaqa ilmaha ee nasashada iyo madadaalada inuu ciyaaro iyo hawlo maskax furid oo ku habboon da'da ilmaha iyo inuu si xornimo ah uga qaybgalo nolosha dhaqan iyo farshaxan.

2. Qarammada Xubnuhu waa inay xushmeeyaan oo horumariyaan xaqa ilmuhu u leeyahay inuu si buuxda uga qayb galo nolosha dhaqan iyo farshaxan waana inay dhiiriigaliyaan in la siiyo fursado isku mid ah oo ku habboon ee xagga dhaqanka, farshaxanka iyo hawlo maskaxfurid iyo madadaalo.

Qodobka 32aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin xaqa ilmuhu u leeyahay in laga ilaaliyo ka faa'iidaydiga xag dhaqaale iyo qabashada hawl kasta oo waxyeello u yeelan karta waxbarashada ilmaha ama dhibaato u keenaysa caafimaadka, ama jirka, maskaxda, caqiidada, damiirka ama horumarka bulsho ee ilmaha.

Ilmaha dadka laga tiro badan yahay ama dadyowga asalmaguure ah

Ilmaha ka soo jeeda bulsho laga tiro badan yahay ama asalow ah waxay xaq u leeyihiin inay adeegsadaan dhaqanka iyo caadooyinka ay leeyihiin dadkooda, diintooda iyo luqadooda.

Nasasho, madadaalo iyo cayaaro dhaqameed

Ilmuhu xaq bay u leeyihiin inay cayaaraan, kuna raaxeystaan ka qeybgalka cayaaraha hiddaha iyo dhaqanka.

Shaqada ilmaha

Ilmuhu waxay xaq u leeyihiin in laga dhowro shaqooyinka wax u dhimaya caafimaadkooda,

2. Qarammada Xubnuhu waa inay qaadaan tallaabooyin sharci dajin, maamul, bulsho iyo waxbarasho si loo xaqiijiyo fulinta qodobkan ujeeddadan darteed iyo ayadoo la tixgalinayo raadad muhim ah oo qoraallo kale ee caalami ah, Qarammada Xubnuhu waa inay gaar ahaan dajiyaan:

a) da'da ugu yar ama da'aha ugu yar ee u oggofaanshaha shaqada;

b) keerka ku habboon saacadaha iyo xaaladaha shaqada;

c) ciqaabaha iyo xakamaynta si loo xaqiijiyo habsami u dhaqan galka qodobkan.

Qodobka 33aad

1. Qarammada Xubnuhu waa inay qaadaan tallaabooyinka ku habboon oo ay ka mid yihiin sharci dajin, maamul, bulsho iyo kuwo waxbarasho si ilmaha looga ilaaliyo isticmaal mukhaadaraad aan sharci ahayn iyo waxyaalaha maanka dooriya sida lagu qeexay heshiisyada caalamiga ah ee muhimka ah iyo ka hortagga in aan carruurta loo adeegsan wax soo saarka iyo ka ganacsiga sharci darrada ah ee mukhaadaraadkaas.

Qodobka 34aad

Qarammada Xubnuhu waa inay ku dhaqaaqaan ka ilaalinta ilmaha dhammaan noocyada ka faa'iidayso galmo iyo ku xad gudubka galmo. Ujeedooyinkaas darteed Qarammada Xubnuhu waa inay gaar ahaan qaadaan dhammaan tallaabooyinka qarameed, laba dhinacle iyo dhinacyo badanle si looga hortago:

a) galisiin ama ku khasbid hawl galmo oo sharci darro ah;

b) in ilmaha looga faa'iidaysto dhilaysi ama isticmaallo kale oo galmo oo sharci darro ah;

c) in ilmaha loo isticmaalo jilid qaawanaansho iyo qalabka la xiriira.

waxbarashadooda iyo horumarkooda. Dawladda ayaa jaangoynaysa da'da shaqo siinta iyo xaaladaha shaqada.

Isticmaalka Mukhaadaraadka

Carruurta waxay xaq u leeyihiin in laga ilaaliyo isticmaalka mukhaadaraadka iyo daroogada iyo inay ku lug yeeshaan beeristooda iyo qaybintooda.

Uga Faa'iidayso Galmo

Dawladda waxay carruurta ka ilaalinaysaa ka faa'iidayso galmo iyo xad gudub sida dhilaysi iyo ku lug yelasho sawirrada fawaxishka ah.

Qodobka 35aad

Qarammada Xubnuhu waa inay qaadaan dhammaan tallaabooyinka ku habboon ee dawladeed, laba dhinacle iyo dhinacyo badanle si looga hortago qafaalidda, iibinta ama ka ganacsiga carruurta ujeeddo kasta iyo qaab kasta ha ku timaaddee.

Qodobka 36aad

Qarammada Xubnuhu waa inay ilmaha ka ilaaliyan dhammaan noocyada kale ee ka faa'iidaysi oo wax u dhimaya baraaraha ilmaha nooc kasta oo ay ku timaaddo.

Qodobka 37aad

Qarammada Xubnuhu waa inay xaqiijiyaan:

- a) in aan ilmaha lagu sameyn jirdil ama cadawtinimo bani'aadamnimada ka baxsan ama ula dhaqmid si ihaano ah ama ciqaab dil ah iyo xabsi daa'in aan lahayn soo dayn midna lama kuimi karaan dambiyada ay galeen dadka da'doodu ay ka hoosayso 18 sano;
- b) canugna xorriyadiisa/deeda looga ma qaadi karo si sharci darro ama iska maroorsi ah qabashada, xiridda iyo xabiska ilmaha waa inay waafaqsanaataa qaanuunka waana in loo isticmaalaa kaliya marka ay noqoto dariiqa kaliya oo furan iyo waqtiga ugu habboon uguna gaaban;

Iib, ka Ganacsi iyo Afduub

Waa waajibaadka Dawladda inay samayso dadaal kasta oo looga hortagayo iibka, ka ganacsiga iyo afduubka ilmaha.

Noocyada kale ee ka Faa'iidaysi

Ilmuhu xaq buu u leeyahay in laga ilaaliyo dhamman noocyada isku dulnoolaadka oo lid ku ah nooc kasta oo horumarka ilmaha oo aan ku xushayn qodobbada 32aad, 33aad, 34aad iyo 35aad.

Jirdil iyo Xorriyad ka Qaadis

Canugna laguma sameyn karo jirdil ula dhaqmid si cadawnimo ama ciqaab xabbis sharci darro ah ama xorriyad ka qaadid. Dil iyo xabsi daa'in aan lahayn sii dayn labaduba waa ka reebban yihiin dunuubta ay galaan dadka ay da'doodu ka hoosayso siddeed iyo toban jir. Canug kasta oo laga qaaday xorriyadiisa waa in laga dheereeyaa dadka waawayn haddii aan taa loo arag in ay tahay danaha ugu fiican ee ilmaha in aan saas ta yeelin ilmaha xiran waa inuu helaa kaalmo qaanuuneed iyo mid

c) Ilma kasta oo laga qaaday xorriyadda waa in loola dhaqmaa si bani'aadamnimo ah iyo xushamad karaamada

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qofka bani'aadamka iyo hab tixgalinaya baahida dadka da'diisa/deeda ah. Gaar ahaan ilmo kasta oo laga qaaday xorriyadda waa in laga dhax saaraa dadka waaweyn haddii aysan ahayn mid ilmaha dani ugu jirto haddii an la samayn sidaas wuxuu lahaanayaa xaq uu ku sii wato xiriirka uu la lahaa qoyskiis/keed iyadoo la adeegsanayo warqado iyo booqashooyin marka laga reebo xaalado gooni ah;

d) Ilmo kasta oo laga qaaday xorriyada/iisa/deeda waa inuu yeeshaa xaq helitaan caddaaladeed ee deg-deg ah iyo kaalmada ku habboon sida uu u leeyahay xaq ka horimadka qaanuun ahaanta ka qaadidda xorriyada/iisa/deed maxkamad horteed ama madax xilkas, madax bannaan dhinacna aan raacsanayn iyo go'aan deg-deg ah oo lagu qaadayo falkaa.

Qodobka 38aad

1. Qarammada Xubnuhu waxay goosteen inay xushmeeyaan xaqiijiyanna in la xushmeeyo nidaamyada qawaaninta caalamiga ee bani'aadamnimo oo iyaga lagu dhaqo waqtiyada iska horimaadyada hubaysani jiraan kuwaasoo ilmaha wax ku ool u ah.
2. Qarammada Xubnuhu waxay qaadanayaan dhammaan tallaabooyinka ku habboon si ay u xaqiijiyaan in dadka aan gaarin da'da shan iyo toban sano jir aysan si toos ah uga qayb qaadan colaadaha.
3. Qarammada Xubnuhu waa inay ka joogsadaan u carbinta qof kasta oo aan gaarin da'da shan iyo toban sano jir ciidamadooda qalabka sida, marka la shaqo galinaayo dadkaas gaaray da'da shan iyo toban jir ah laakiin aan gaarin da'da siddeed iyo toban jir, Qarammada Xubnuhu waa inay mudnaanta siiyaan kuwa ugu da'da wayn.

kaleba iyo waliiba tan la xiriiridda qoyska.

Colaadaha Hubaysan

Qarammada Xubnuhu waxay qaadayaan tallaabooyin lagu suurto galinayo xaqiijinta in ilmaha da'doodu ka yar tahay shan iyo toban sano aysan si toos ah uga qayb qaadan colaadaha. Canug ka yar shan iyo toban sano looma carbin kara ciidamada qalabka sida. Dawladaha waa inay xaqiijiyaan sidaasoo kale ilaalinta iyo xannaadada carruurta ay wax yeellaysay colaad hubaysan sida lagu caddeeyey hishiisyada caalamiga ee muhinka ah.

4. Iyadoo loo tixraacayo mas'uuliyadaha hoos yimaada sharciga caalamiga ee bani'aadamnimo si looga ilaaliyo dadka rayidka iska horimaadyada hubaysan, Qarammada Xubnuhu waxay qaadayaan tallaabooyinka ku habboon si ay u xaqiijiyaan ilaalinta iyo daryeelka carruurta ay saameysay iska horimaad hubaysan.

Qodobka 39aad

Qarammada Xubnuhu waxay qaadayaan tallaabooyinka ku habboon si ay hore ugu mariyaan bogsashada jirka iyo maskaxda iyo kusoo noqod bulsho ee ilmo ay ku dhaceen nooc kasta oo dayac, kafa'iidaysi, ama ku xadgudub, jirdil ama nooc kasta oo cadawtinimo, ama ula dhaqmid bani'aadamnimada ka baxsan, quursi ama ciqaab; ama iska horimaadyada hubaysan. Bogsashadaas iyo dib ugu soo noqodkaas waa inay ka dhacaan degaan leh caafimad, is xushumayn qof ahaaneed iyo koraamada ilmaha.

Qodobka 40aad

1. Qarammada Xubnuhu waxay aqoonsan yihiin xaqi ilma kasta oo la sheegay, lagu soo eedeeyay ama loo aqoonsaday inuu jabiyay xeerka ciqaabta in loofa dhaqmo hab la socda horumarka karaamada ilmaha iyo qiimihisa, taaso xoojinaysa xushmada ilmaha ee xuquuqul insaanka iyo xorriyadaha aasaasiga ah ee dadka kale taasoo tixgalinaysa da'da ilmaha iyo baahida horumarinta dhismaha canugga iyo hanashada ee qayb wax ku ool ah ee bulshada dhexdeeda.

2. Ujeeddadan darteed iyo iyadoo la tixgalinayo waxyaalaha ay jideeyeen dokumentiyada caalamiga, Qarammada Xubnuhu waa inay gaar ahaan xaqiijiyaan in:

a) canugna an lagu sheegin, lagu eedayn, loo aqoonsan inuu jabiyay xeerka ciqaabta sababo fafal ama fal la'aan oo aysan marnuucin qawaaniin waddani, caalami ama qaanuunkii waqtigii la gaystay;

Daryeel Dhaqan-celineed

Dawladda waxaa ku waajib ah inay xaqiijiyaan ilmaha ku wax yeeloobay dagaalada hubaysan, jirdil, dayac, si xun ula dhaqmid ama ka dul faa'iidaysi ay helaan tabantaabo ku habboon soo kabashadooda dib ugu noqoshada bulshada.

Maamulka Caddaaladda ee dhallinyarada

Ilmaha ka horyimaada caddaaladda waxay xaq u leeyihiin tabaataabo lagu hagaajinayo xushmadiisa iyo qiimihisa ayadoo la qaddarinayo da'da ilmaha lana tixgalinayo ujeeddooyinka dib u celintiisa/teeda.

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b) ilma kasta oo lagu sheegay ama lagu eedeeyey inuu jabiyey xeerka ciqaabta wuxuu ugu yaraan leeyahay dammaanadaha soo socda:

(i) in loo aqoonsado inuu yahay dambi laawe illaa dambi ku caddaado sida sharciga waafaqsan;

(ii) in si dhakhso ah oo toosan loola socodsiiyo eedaymaha isaga/iyada ka dhanka ah, iyo haddii ay ku habboon tahay la sii marsiiyo waafidkiis/keed ama wakiillada qaanuuneed iyo inuu helo kaalmo qaanuuneed ama kuwa kale oo ku habboon diyaarinta iyo gudbinta is difaaciisa/ceeda;

(iii) in kiiska ay sugto daahid la'aan cid u leh awood madax bannaan dhanna aan u janjeerin ama koox garsoor oo u dhagaysta habsami waafaqsan qaanuunka iyadoo ay joogaan kaalmo qaanuuneed oo ku habboon haddii aan loo arkin inaysan ahayn danta ugu fiican ee ilmaha gaar ahaan iyadoo la tixgalinayo da'diisa/deeda ama xaaladda waafidkiis/keed ama wakiillada qaanuuneed;

(iv) in aan lagu khasbin inuu dhiibo markhaati fur ama qirto dambi inuu imtixaamo ama imtixaamay markhaatiyaal iska soo horjeeda iyo inuu helo ka qayb galka iyo su'aalo waydiinta markhaatiyaasha iyaga matala iyadoo la siman kuwa kale;

(v) haddii loo aqoonsaday inuu jabiyey xeerka ciqaabta go'aankan iyo tallaabooyin kale ee uu mutaystay dartood waa inay sajiilaan cid u leh awood sare isla markaana madax bannaan dhinacna aan tageerin amase koox sharciiyeed iyadoo la waafajinayo qaanuunka;

(vi) inuu helo tarjume lacag la'aan ah haddii aan ilmuhu ku hadli karin luqadda la isticmaalo;

(vii) in sirtiisa qarsashadeeda loo xushmeeyo si buuxda tallaabo kasta ee dacwadda.

3. Qarammda Xubnuhu waa inay doonaan horumarinta dajin qawaaniin nidaam awoodo iyo hay'adaha khaas ahaan lagu nidaamin karo carruurta la sheegay, lagu eedeeyay ama loo aqoonsaday inay jabiyeen xeerka ciqaabta iyo gaar ahaan:

a) xadaynta da'da ugu yar ee wixii ka yar carruurta loo aqoonsanayo inaysan awood u lahayn inay jabiyaan xeerka ciqaabta;

b) markasta oo ay habboon tahay ama loo baahan yahay tallaabooyinka lagula dhaqmayo carruurtaas iyadoo aan lagu noqonayn dacwooyin maxkamadeed iyadoo ay tahay xuquuqul insaanka iyo damaanadaha qaanuuneed si buuxda loo xushmaynayo.

4. Noocyo kala duwan oo waxqabad sida daryeel, hanuunin iyo awaamiir kormeer talo bixin, indho-indhayn, kafaalo qaadir waxbarasho iyo barnaamijyo iyo tababarro farsamo iyo dariiqyo kale oo daryeel hay'adeed ayaa la helayaa si loo xaqiijiyo in carruurta loola dhaqmay hab ku habboon baraarahooda si u dhiganta xaaladahooda iyo dambiga.

Qodobka 41aad

Waxyaabaha ku jira Heshiiskan ma saamayn doonaan ku tala gal kasta oo sii adkeynaya xaqiijinta xuquuqaha ilmaha kuwaasoo laga heli karo:

- a) Qaanuunka Qaran xubin ah ama;
- b) Qaanuun caalami ee looga dhaqmo qarankaas.

QAYBTA Ilaad

Qodobka 42aad

Qarammada Xubnuhu waxay u hawlgalayaan inay mabaadii'da iyo ku talagallada Heshiiskan ay ka dhigaan mid si baahsan loo yaqaan iyadoo la adeegsanayo dariiqyo habboon oo wax qabad is ku mid ah u leh dadka waawayn iyo carruurta:

Xurmeynta Cabbirrada Sare

Halka cabbirada loo jideeyey qaanuunka waddani iyo caalmai oo qiimaha u leh xuquuqda carruurta oo ay ka sareeyaan kuwa Heshiiskan waxaa markasta la qaadanayaa cabbirka sare.

Fulin iyo Dhaqangal

Nuxurka Qodobbada 42-54aad waxay guud ahaan oddorasayaan:

(i) waajibka dawladda oo ah inay xuquuqaha ku jira Heshiiskan si baahsan ula socodsiiyaan dadka waawayn iyo carruurtaba.

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Qodobka 43aad

1. Ujeeddada ah qiimaynta horumarka ay sameeyeen Qarammada Xubnuhu si loo gaaro xaqiijinta waajibaadka laga gutay Heshiiskan, waa in la dhisee Guddi qaabilsan xuquuqda carruurta kaasoo qaban doona xilalka hoos lagu soo sheegi doono.
2. Guddigu waa inuu ka koobnaadaa toban khabiir oo leh damiir sare xilkasnimo loo aqoonsan yahayna u leh mawduuca Heshiiskani tilmaamayo. Xubnaha Guddigani waa inay Qarammada Xubnuhu ka dhexdoortaan muwaadiniintooda waxayna ku adeegayaan kartidooda qof ahaaneed, ayadoo tixgaliin la siinayo sinnaanta xagga u qaybinta joqoraafi, iyo mabda'a nidaamka qaanuuneed.
3. Xubnaha Guddiga waxaa qaabka codka qarsoodiga ah looga dhexdooransyaa liis dad ah oo ay soo magacaabeen Qarammada Xubnuhu. Qaran kaska oo xubin ahi wuxuu hal qof ka magacaabi karaa muwaadiniintiisa dhexdooda.
4. Doorashada u horreysa ee Guddigu waa inay dhacdaa ugu dambayn lix bilood ka dib taariikhda uu dhaqan galo Heshiiskan, wixii ka dambeeya sannad kasta oo labaad. Ugu yaraan afar bilood ka hor waqtiga doorasho kasta, Xoghayaha Guud ee Qarammada Midoobay waa inuu warqad u diraa Qarammada Xubnaha isagoo ku martiqaadaya inay soo qaddimaan muraxiintiintooda laba bilood gudahood. Xoghayaha Guud waa inuu ka dib diyaariyaa liis u qoran habka kala horraynta xuruufta ee dhammaan dadka la magacaabay, ayadoo la caddaynayo Qarammada Xubnaha ee soo magacaabay wuxuuna u gudbinayaa Qarammada Xubnaha ka ah Heshiiskan.
5. Doorashooyinka waa in lagu qabtaa shir ay isugu yimaadaan Qarammada Xubnaha uuna isugu yeeray Xoghayaha Guud Xarunta Qarammada Midoobay. Shirarkaas oo saddex meelood labo Qarammada Xubnuhu ay noqon doonaan tirada loo baahnaa, dadka loo doortay Guddigaas waa inay noqdaan kuwa

(ii) samayn Guddi qaabilsan xuquuqda carruurta oo ka kooban toban khabiir kuwasoo qiimaynta in warbixinnada Qarammada Xubnaha Heshiiskan la soo qaddimo laba sano ka dib meel marinta iyo shan sano kasta wixii ka dambeeya Heshiiskanu wuxuu dhaqan galayaa - taas darteedna Guddiga la dhisiyaa - marka ay meel mariyaan labaaan waddan.

(iii) Qarammada Xubnuhu waa inay warbixinnadooda u sameeyaan si baahsan oo dadwaynuhu heli karo.

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helay tirada ugu badan ee codadka iyo badnaanta ma dhaafaanka ah ee wakiillada Qarammada Xubnaha goob joogga ah codkana bixinaya.

6. Xubnaha Guddiga waa in loo doortaa muddo afar sano ah. Dib waa loo dooran karaa haddii dib loo soo magacaabo. Muddada shan ka mid ah xubnihii la doortay doorashadii ugu horraysay waxay dhacaysaa dhammaadka labo sano, isla markiiba doorashada kooraad ka dib magacyada shantaas xubnood waxaa dooranaya Guddoomiyaha shirka.

7. Haddii xubin ka mid ah Guddiga ay dhimato ama is casisho ama caddayso in sabab kasta oo kale uusan/ayasan dib dambe u qaban karin hawsha Guddiga, Qaranka Xubinta ah oo soo magacaabay xubintaas wuxuu ka magacaabayaa khabiir kale muwaadiniintiisa dhexdeeda si uu u shaqeeyo muddada uga hartay waqtigii taasoo ku xiran oggolaanshaha Guddiga.

8. Guddigu isaga ayaa dagsanaya nidaamka xeerarkiisa.

9. Guddigu isaga ayaa dooranaya saraakiishiisa muddo laba sano ah.

10. Shirarka Guddiga waxaa sida caadiga ah lagu qabanayaa Xarunta Qarammada Midoobey ama meel kasta oo kale oo ku habboon oo uu Guddigu tilmaamo. Guddigu wuxuu sida caadiga ah u kulmayaa sannad walba. Muddada ay soconayaan shirarka Guddigu waxaa xaddidaya isla markaasna dib u fiirinaya, haddii ay muhim tahay shir ay yeelanayaan Qarammada Xubnaha ka ah Heshiiskan ayadoo ku xiran oggolaanshaha Golaha Guud.

11. Xoghayaha Guud ee Qarammada Midoobey waa inuu bixiyaa shaqaale iyo tasiilaad muhim u ah in si firfircoon loo gutay xilalkii Guddiga hoos imaartaya Heshiiskan.

(iv) Guddigu wuxuu soo jeedin karaa in daraasado khaas ah loo sameeyo muwaadiic gaar ah oo ku saabsan xuquuqda

carruurta, qeymentiisana wuxuu la socodsiiin karaa Qaran kasta oo Xubin ah oo ay khusaysa iyo waliba Golaha Guud ee Qarammada Midoobay.

(v) si loo suurto galiyo fulin micno leh ee Heshiiskan loo dhiirrigaliyo iskaashi caalami ah hay'adaha leh takhasuska gaarka ah ee Qarammada Midoobay sida ururka Caalamiga ah ee Shaqada (ILO), ururka Caafimaadka Adduunka (WHO) iyo ururka Qarammada Midoobay ee Waxbarashada, Sayniska iyo Dhaqanka (UNESCO) iyo UNICEF way u suurto galaysaa inay ka qayb galaan kulammada Guddiga iyadoo ay la jirto hay'ad kasta oo la aqoonsan yahay oo "xilqaad" ah marka lagu daro hay'adaha aan dawliga ahayn (INGOs) oo Qarammada Midoobay ka tirsan iyo hay'adaha Qarammada Midoobay sida Guddiga caalamiga ee qaxootiga ee Qarammada Midoobay (UNHCR) waxay Guddiga hor dhigi karaan macluumaad habboon waxaana la waydiin in ay ka talo bixiyaan fulinta Heshiiska.

12. Marka uu oggolaado Golaha Guud Xubnaha Guddiga lagu dhisay Heshiiskan waxay Mushahaaroyinkooda ka helayaan dakhliga Qarammada Midoobay waqtiga iyo xaaladaha uu Goluhu go'aamiyo.

Qodobka 44aad

1. Qarammada Xubnuhu waxay Guddiga hor dhigayaan ayagoo usii maraya Xoghayaha Guud ee Qarammada Midoobay, warbixinno ku saabsan tallaabooyinka ay qaadeen oo ay ka dhafanayaan xuquuqaha halka lagu aqoonsaday iyo horumar ay ka sameeyeen ku raaxaysiga xuquuqahaas:

b) Labo sano gudahood dhaqan galka Heshiiskan ee Qarammada Xubnaha ay khasayso;

t) Wixii hadda ka dambeeya shantii sanaba mar.

2. Warbixinnada lagu sameeyey sida qodobkani qabo waa in lagu muujiyaa dhacdooyinka iyo dhibaatooyinka, haddii ay jiraan, oo saamaynaya baaxadda meelmarinta waajibaadka uu tilmaamayo Heshiiskan. Warbixinnada waa inay sidoo kale ku jiraan macluumaad waafi ah si Guddiga loo siiyo tafaahum cad in Heshiiskan uu ka fuliyo waddanka ay khasayso.

3. Qaran xubin ah oo Guddiga soo hordhigay warbixin macquul ah, loogama baahna warbixinnadiisa dambe oo qaddimay, sida waafaqsan xubinta 1aad ee xarafka (b) ee qodobkan inuu ku celiyo macluumaadka aasaasiga ah ee uu hore u bixiyay.

4. Guddigu wuxuu waydiisan karaa Qarammada Xubnaha macluumaad dheeraad ah oo qiimo u leh fulinta Heshiiskan.

5. Guddigu wuxuu u qaddimayaa Golaha Guud isagoo usii marinaya Guddiga Dhaqaalaha iyo Bulshada warbixinno ku saabsan wax qabadkiisa labo sano kasta.

6. Qarammada Xubnuhu waa inay warbixinnadooda u sameeyaan si baahsan oo uu dadwaynuhu ka heli karaan waddankooda gudahiisa.

Qodobka 45aad

Si loo xoojiyo fulin qiimo leh ee Heshiiskan, loona dhiirrigaliyo iskaashi caalami oo dhinacyada Heshiiskan khuseeya:

a) Wakaaladaha khaaska ah, laanta Qarammada Midoobay ee Sanduuqa Carruurta iyo ururrada kale ee Qarammada Midoobay waa in loo oggolaadaa in ay wakiillo ku yeeshaan tixgalinta la siinayo fulinta waxyaabaha uu tilmaamayo Heshiiskan inta soo galaysa ujeeddada xilkooda. Guddigu wuxuu casumi karaa wakaaladaha khaaska ah Sanduuqa Carruurta ee Qarammada midoobay iyo hay'adaha kale ee xilkaska ah haddii uu u arko inay ku habboon tahay in ay siiyaan talo khubaro oo ku saabsan Heshiiskan meelaha ay soo galaysa ujeeddada xilkooda kala duwan. Guddigu wuxuu u yeeri karaa wakaaladaha khaaska ah, Sanduuqa Carruurta ee Qarammada Midoobay iyo ururro kale ee Qarammada Midoobay inay soo qaddimaan warbixinno ku saabsan fulinta Heshiiskan meelaha ay soo galaysa ujeeddada hawl qabadkooda;

b) Guddigu waxuu gudbinayaa, haddii uu u arko inay ku habboon tahay, hay'adaha khaaska ah, Sanduuqa Carruurta ee Qarammada Midoobay iyo hay'adaha kale ee xilkaska ah warbixin kasta oo ka timid Qarammada Xubnaha ah oo uu ku jiro codsi, ama muujinaya baahi, talo farsamo ama kaalmo, oo ay la socoto Guddiga ilaaladiisa iyo talo soo jeedintiisa, haddiiba ay jiraan, codsiyadaas iyo tilmaamahaas;

c) Guddigu wuxuu talo ku siin karaa Golaha Guud inay waydiistaan Xoghayaha Guud inuu isagoo matalaya qaado tallaabo daraaso oo ku saabsan muwaadiic khaas ah oo khuseeya xuquuqda carruurta;

d) Guddigu wuxuu soo jeedin karaa talooyin iyo tusaalooyin guud oo ku dhisan macluumaad la helay ee la xiriira dabagalka qodobbada 44aad iyo 45aad ee Heshiiskan. Talo siintaas iyo tusaalooyinkaas guud waa in loo gudbiyaa Dawlad kasta oo xubin ah oo ay khusayso loogana warbixiyaa Golaha Guud ayadoo lagu lifaaqayo faah-faahin dheeraad ah, haddii ay jirto, oo ka socota Qarammada Xubnaha.

QAYBTA IIIaad

Qodobka 46aad

Heshiiskan wuxuu u furan yahay inay saxiixaan dhammaan Dawladaha.

Qodobka 47aad

Heshiiskan wuxuu ku khasban yahay meel marin. Dokumentiga meel marinta waxaa haynaya Xoghayaha Guud ee Qarammada Midoobay.

Qodobka 48aad

Heshiiskan wuxuu u furnaanayaa ku soo biirid Qaran kasta. Dokumantiyaasha ku soo biiridda waxaa haynaya Xoghayaha Guud ee Qarammada Midoobay.

Qodobka 49aad

1. Heshiiskan wuxuu dhaqan galayaa maalinta soddonaad ee ka dambaysa taariikhda loo dhiibay Xoghayaha Guud ee Qarammada Midoobay ee dokumentiga labaatanaad ee meel marin ama ku biirid.

2. Qaran kasta oo meel marinaya ama ku biiraya ka dib meelaynta dokumentiga labaatanaad ee meel marinta ama ku biiridda, Heshiisku wuxuu u dhaqan galaa maalinta soddonaad oo ka dambaysa meelaynta dawladdaas dokumentigeeda meel marinta ama ku biiridda.

Qodobka 50aad

1. Qaran kasta oo xubin ah wuxuu soo jeedin karaa wax ka baddalid isagoo horgaynaya Xoghayaha Guud ee Qarammada Midoobay. Xoghayaha Guud wuxuu soo jeedinta wax ka baddalidda la socodsiiyaya Qarammada Xubnaha isagoo u raacsiinaya codsi ah inay tilmaamaan haddii ay danaynayaan shir Qarammada Xubnaha oo ujeeddadiisu tahay qiimaynta iyo u codaynta soo jeedintaas.

Haddii ay dhacdo in afar bilood gudahood laga soo bilaabo taariikhda gaarsiintaas, ugu yaraan saddex meelood meeshood Qarammada Xubnaha ay doorbidaan shirkaas, Xoghayaha Guud wuxuu isugu yeerayaa shirkaas oo hoos imaanaya Qarammada Midoobay wax ka baddalid kasta oo ay qaataan aqlabiyadda Qarammada Xubnaha ah ee jooga kana codbixinaya shirka waxaa la horgaynaya Golaha Guud inuu oggolaado.

2. Wax ka baddalid lagu aqbalay si waafaqsan xubinta koowaad ee qodobkan waa inuu dhaqan galaa marka uu ansixiyo Golaha Guud ee Qarammada Midoobay ayna oggolaadaan saddex meelood labo Qarammada Xubnaha.

3. Marka ay dhaqan galayso wax ka baddalid waxay ka dhaqan galaysaa Qarammada Xubnaha ee oggolaaday Qarammada kale ee Xubnaha waxa ay wali ku khasban yihiin waxyaalaha lagu tilmaamay Heshiiskan iyo wax baddal kasta oo hore loo sameeyey ayna aqbaleen.

Qodobka 51aad

1. Xoghayaha Guud ee Qarammada Midoobay waa inuu qabtaa isla markaana gaarsiiyaa qoraalka dood ka qabidda dhammaan Qarammada oo ay sameeyeen Dawladaha waqtiga ansixinta iyo ku biiridda.

2. Dood ka qabidda aan la socon karin mawduuca iyo ujeeddada Heshiiskan lama aqbali doono.

3. Dood ka qabidaha waa lala noqon karaa waqti kasta ayadoo la samaynayo ogaysiin arrintaas ku saabsan laguna hagaajinayo Xoghayaha Guud ee Qarammada Midoobay isagoo ka dib la socodsiiin doona dhammaan Dawladaha. Ogaysiintaas waxay ka bilaabanaysaa taariikhda uu helay Xoghayaha Guud.

Qodobka 52aad

Qaran Xubin ah wuu ka dacwoon karaa Heshiiskan isagoo siinaya ogaysiin qoraal ah Xoghayaha Guud ee Qarammada Midoobey. Dacwadaas waxay dhaqan galaysaa hal sano ka dib taariikhda uu helay ogaysiinta Xoghayaha Guud.

Qodobka 53aad

Xoghayaha Guud ee Qarammada Midoobey waa qofka u xilsaaran kaydinta Heshiiskan.

Qodobka 54aad

Asalka Heshiiskan oo ka kooban luqadaha Carabiga, Shiinaha, Ingiriiska, Fransiiska, Ruushka, iyo Isbaanishka, qoraalladoodu si siman ayay rasmi u yihiin waxaana hayn doona Xoghayaha Guud ee Qarammada Midoobey. Waxaa markhaati ah wakiillada leh awoodda sare ee hoos ku saxiixan oo ay soo xilsaarteen Xukuumadahooda kala duwan, waxay saxiixeen Heshiiskan.

Translated (from the English Version of the Convention on the Rights of the Child Adopted by the General Assembly of the United Nations on 20 November 1989) by:

THE PRESIDENT OF THE FRS,

- Having seen: Article 82, Para 2 of the Provisional Constitution of F.R.S
- Having seen: Article 90, (F) and (Q) of the Provisional Constitution of F.R.S
Which vested the Somali President the Authority to sign the International Conventions on behalf of the Somali State
- Having seen: The Resolution Ref: Lr. 555/3/1/14 dated 13/12/2014, approved by the People's House in regard to UN Convention on Child Rights adopted on 20/11/1989
- Having considered: The urgent need to protect and enhance the welfare of Somali Children wherever they live.

Issues the following Law:

Article 1

The President of Federal Republic of Somalia hereby accepts and declares that the UN Convention on Child Rights has been integrated into Somali Laws the date the President signs this Law and shall be deposited at the Office of the Secretary General of the United Nations.

Article 2

Attached here to are Two Copies of the instrument approval of the UN Convention on Child Rights in Somali and English Languages and in case of interpretation of this Law, the English version shall prevail.


Article 3

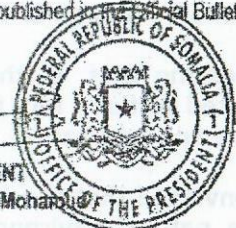
The Federal Government of Somalia expresses its reservation and does not consider itself bound by Articles 14, 20, 21 of the above stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.

Article 4

This Law shall come into force the date the President signs and shall be published in the Official Bulletin of the Somali State.

Mogadishu; 31/12/2014


 THE PRESIDENT
 H.E. Hassan Sheikh Mohamud



Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General
Assembly
resolution 44/25 of 20 November 1989

Entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice

(The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate

assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner.

States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or

in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;
(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable

law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United

Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a

manner which takes into account the needs of persons of his or her age.

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.

Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the

participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year.

At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months.

The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who

obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually.

The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures

they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the

Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance; along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations.

The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States.

Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.