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Input for the UPR on Somalia
Office of the Special Representative of the
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Background

The situation of children affected by the armed conflict in Somalia remained devastating since 2016, with the number of children affected by recruitment and use, abduction, and rape and other forms of sexual violence exceeding numbers verified in other situations on the children and armed conflict agenda. Most of the grave violations against children were committed by armed groups, with Al-Shabaab as the main perpetrator, and by government security forces, including increasingly by the Somali Police Force and the regional forces of Somali Federal Member States.

The highly volatile security situation, ongoing military operations, population displacement, logistical constraints and, since March 2020, the COVID-19 pandemic, all presented challenges for the monitoring and reporting of grave violations. In addition, much of southern and central Somalia remained inaccessible because of Al-Shabaab's control over large parts of rural areas in these regions. The information on the six grave violations against children as verified by the United Nations in Somalia therefore is only indicative of the full extent of grave violations committed against children in the country. Detailed information about grave violations against children is available in the report of the Secretary-General on children and armed conflict in Somalia issued on 4 March 2020 and which covers the period from 1 August 2016 to 30 September 2019 (S/2020/174).

The trends captured in the report continued in the second half of 2019 and the first half of 2020. In 2019, the United Nations verified 3,709 grave violations against 2,959 children (2,435 boys, 523 girls):

- The recruitment and use of 1,442 boys and 53 girls was verified, with some children as young as 8 years, mostly attributed to Al-Shabaab (1,169), followed by government security forces, including the Somali Police Force (100) and the Somali National Army (74).
- A total of 703 children (518 boys, 185 girls) were killed (222) or maimed (481). These casualties were attributed to Al-Shabaab (252), government security forces, including the Somali National Army (43) and the Somali Police Force (35), as well as regional forces. The main causes of child casualties were improvised explosive devices, crossfire between armed forces and armed groups, gun shots and explosive remnants of war.
- Responsibility for rape and other forms of sexual violence against 227 girls was attributed to government security forces, including the Somali National Army (25) and the Somali Police Force (14), as well as regional forces, mostly the Jubbaland forces (16). Sexual violence against children was also attributed to Al-Shabaab (26) and clan militias (17). In 116 cases, perpetrators could not be identified.
- The majority of the 1,158 verified abductions of children in 2019 was attributed to Al-Shabaab (1,142), mainly for the purpose of recruitment and use.
- Some 76 attacks on schools (64) and hospitals (12) were verified.
- Some 50 incidents of the denial of humanitarian access were verified.

Al-Shabaab was the main perpetrator of violations against children in Somalia during the period under review. The group scaled up the recruitment and use of children in 2016, 2017 and 2018 to bolster their ranks in response to large-scale operations by the Somali National Army, AMISOM and international forces targeting the group. Al-Shabaab used mass abductions to recruit

children and pressured families and communities to hand over girls to be married to its fighters. The number of abductions peaked in 2017 (1,634) and 2018 (1,609), when Al-Shabaab significantly enhanced its forced recruitment campaigns. The recruitment and use of children by the federal government security forces also increased steadily between August 2016 and December 2018.

In the first half of 2020, the number of grave violations against children remained high. The increase in cases of sexual violence against girls is of particular concern; a trend that the United Nations in Somalia is further investigating. While Al-Shabaab remains the main perpetrator of grave violations against children, the trend of violations attributed to Somali federal and regional government forces, including with regard to recruitment and use, killing and maiming and sexual violence, continued. The detention of children for their alleged association with armed groups also continues to be a concern.

Engagement to end and prevent violations

In 2017, the Commander of the Somali National Army issued a general command order to prevent child recruitment and use by the Somali National Army and to prevent grave violations against children during military operations. Efforts to draft a national strategy to prevent child recruitment, to facilitate the release and reintegration of children associated with armed groups, and to strengthen national legislation on child protection, including through a child rights bill, were also undertaken. In May 2018, the Council of Ministers unanimously adopted the sexual offences bill which has been pending in Parliament ever since. In September 2019, the Ministry of Women and Human Rights Development submitted the initial report of Somalia to the Committee on the Rights of the Child with support from UNICEF (CRC/C/SOM/1). Discussions have commenced on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In 2020, an alternative bill to the sexual offences bill, entitled “the law on sexual intercourse-related crimes,” was recently drafted by Parliament. The bill is narrow in scope and contravenes a number of the country’s obligations under international human rights law, in particular the Convention on the Rights of the Child.

In October 2019, the Special Representative of the Secretary-General for Children and Armed Conflict visited Somalia to hold discussions with national and international partners on mechanisms to strengthen child protection, and to end and prevent grave violations against children. During the visit, the Federal Minister of Defence and the Special Representative signed a roadmap to expedite the implementation of the two actions plan on ending and preventing the recruitment and use and the killing and maiming of children signed in 2012 by the Federal Government with the United Nations. The roadmap also contains elements to prevent sexual violence against children.

Recommendations

- Urge all parties to immediately cease all grave violations against children and to abide by their obligations and responsibilities under international humanitarian and human rights law.
- Express concern over the continuing high number of grave violations committed against children by all parties to the conflict in Somalia, in particular the staggering numbers of abductions and of the recruitment and use of children by Al-Shabaab.
- Welcome the commitments of the Federal Government of Somalia to strengthen the protection of children affected by armed conflict and encourage the continuing efforts. In this regard, commend the progress made in the drafting of a child rights bill aimed at domesticating the Convention of the Rights of the Child and look forward to its enactment.

Call upon the Federal Government of Somalia to further strengthen its legal framework for the protection of children, including by ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child.

- Further encourage the Federal Government of Somalia to take into account child rights issues in the framework of the constitutional review process.
- Nevertheless, express concern over the high number of violations attributed to Government security forces, in particular the sharp increase in cases of recruitment and use, killing and maiming and of sexual violence against children attributed to the Somali National Police and to the regional forces of the Federal Member States. Urge them to swiftly put in place measures to prevent the occurrence of violations.
- Call upon the Federal Government to fully implement the two action plans to end and prevent the recruitment and use and the killing and maiming of children, signed in 2012. Welcome the signature of the roadmap for the expedited implementation of the two action plans by the Federal Government of Somalia in October 2019 and call for its swift implementation.
- Highlight concerns about the continued high numbers of children detained for their actual or alleged association with armed groups. Stress that all children under the age of 18, including those allegedly associated with Al-Shabaab, should be treated primarily as victims and as children are entitled to all the rights enshrined in the Convention on the Rights of the Child. Emphasize that any prosecution of children should respect internationally recognized standards of juvenile justice, including in relation to minimum age of criminal responsibility.
- Call upon the Federal Government of Somalia to fully apply the standard operating procedures for the handover of children separated from armed groups signed in 2014 and to allow full access for child protection actors to children at every stage of the release and reintegration process.
- Express concern over the proposed “law on sexual intercourse-related crimes”, recently drafted by Parliament. Call upon the Federal Government of Somalia to withdraw the bill and instead proceed, without further delay, with the re-introduction, examination and adoption of the comprehensive and survivor-centered draft sexual offences bill of 2018.