



# General Assembly

Distr.: General  
19 February 2019

English only

---

## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

---

\* Issued as received, in the language(s) of submission only.



## Children Rights in Somalia

### Preface

Maat Foundation for Peace, Development and Human Rights (Egypt) presents this report to monitor and analyze the situation of children's rights in Somalia. Whereas, Somalia is one of the poorest countries in the world and is also one of the least protected environments for children. A large part of the country has been involved in civil war for more than 20 years. According to a UNICEF report, countless children as young as nine have been recruited to fight in these wars. UNICEF added that this was due to the inability of the Somali administration and local institutions to provide children with an appropriate protection environment that guarantee their rights. Moreover, Somali women and children are increasingly vulnerable to all forms of violence, abuse and exploitation, while most of these fatal violations are practiced in a climate of total impunity.<sup>1</sup>

In this report, Maat for Peace, Development, and Human Rights is monitoring and classifying some of these violations against children in an attempt to guide the UN system to take action to protect children against grave violations committed against them by the Somali government and extremist groups. This comes in the context of Somalia's signing of the Convention on the Rights of the Child on 16 September 2005, but has not entered into force so far.<sup>2</sup> These violations can be divided into the following categories:

### First: the recruitment of children

Although the Somali government is incapable of providing the necessary protection for Somali children from extremist terrorist groups, it still does not pay its efforts towards resolving the problem and provide the even the adequate protection to its citizens. On the contrary, it makes it worse for itself by committing the same violations. Whereas, a report was issued by the Office of the High Commissioner of the United Nations on December, 2017 on armed conflicts between the Somali government and the terrorist group Alshabab, the report shows that the conflict has disproportionately harmed children, exposing them to "serious violations during military operations, including murder, mutilation, arrest and detention by the Somali security forces." In addition, reports of child recruitment have increased dramatically, as only in the first ten months of 2017, it was reported that 3335 children were recruited, 71.5% of whom were al-Shabaab, 14.6% to tribal militias, and 7.4% to the Somali National Army.<sup>3</sup>

Even though in 2012, the Transitional Federal Government of Somalia has signed an action plan to end and prevent the recruitment and use of children by the Somali National Army.<sup>4</sup>

According to a Human Rights Watch report, during Somalia's 25-year conflict, all Somali warring parties (including government forces) used children in combat roles, as informants, and in supporting roles.<sup>5</sup>

In addition, the Secretary-General of the United Nations continues to include Somali parties in the conflict (including the national army) on the list of parties that recruit and use children in armed conflict.<sup>6</sup>

---

<sup>1</sup> Visit: <https://www.unicef.org/somalia/cpp.html>

<sup>2</sup> Visit :<https://goo.gl/WiMogs>

<sup>3</sup> See: <https://goo.gl/WiMogs>

<sup>4</sup> Action Plan Recruitment and Use, on file with Human Rights Watch. See Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Somali Transitional Federal Government signed an Action Plan to end recruitment and use of children," July 3, 2012 <https://childrenandarmedconflict.un.org/press-release/somali-action-plan-to-end-recruitment-and-use-of-children/>

<sup>5</sup> See: [https://www.hrw.org/sites/default/files/report\\_pdf/somalia0218\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/somalia0218_web.pdf)

<sup>6</sup> A report entitled "Identification of parties to the conflict who have committed grave violations against children" issued by the Office of the Special Representative of the

## Second: Physical and sexual abuse which in some cases leads to murder

Children continue to be killed or maimed by targeted and indiscriminate violence, widespread insecurity, and attacks on schools.<sup>7</sup> Furthermore, during the 2011 famine, half of those belated 260,000 deaths were children.<sup>8</sup>

While, according to the International Humanitarian Law<sup>9</sup> as well as the Convention on the Rights of Child<sup>10</sup> signed by Somalia, primary responsibility for the protection of civilians, especially children, lies on the parties involved in the conflict and the Somali authorities.

However, the Somali government, whether the federal or the state governments, has carried out numerous abuses against children, including arbitrary detention of children, imprisonment with adults, and subjecting children to military trials.<sup>11</sup>

It is worth mentioning that the aforementioned Action Plan, of which was signed by the Federal Government in 2012, was designed to develop a series of measures that the government must take to ensure that the children who were associated with armed groups and detainees of the government are presented with the adequate protection in accordance with international standards and that they will not be prosecuted before military courts.<sup>12</sup>

According to a Human Rights Watch report of last year, it interviewed more than 80 children were previously associated with youth, boys were previously held in intelligence centers, as well as lawyers, child protection advocates and government officials. The report confirmed that children are being tortured in Somali prisons for confessions and are being brought to military trials.<sup>13</sup>

Furthermore, according to article 37 of the Convention on the Rights of the Child, the Somali Government is responsible for protecting children from torture or other cruel, inhuman or degrading treatment or punishment.<sup>14</sup> However, the Somali government limits the penalties for crimes of torture if the perpetrator is one of the parents, as the criminal law of the state criminalizes torture in Article 439, but gives an exception to be free from the penalty if the act was against children, and the actor was one of the parents in Article (442). Moreover, in the case of murder, the law recommends that the penalty be commuted.<sup>15</sup>

Hence more, there are many sexual abuses in Somalia, where sexual predators are emboldened by a weak legal system and the stigma that reporting assaults brings, justice is elusive for young victims.

---

Secretary-General for Children and Armed Conflict, see <https://childrenandarmedconflict.un.org/our-work/sg-list/>

<sup>7</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Annual Report of the Secretary-General on Children and Armed Conflict,” S/2017/821, August 24, 2017, para. 137 <http://undocs.org/en/S/2017/821>

<sup>8</sup> BBC, “Somalia famine ‘killed 260,000 people,’” May 2, 2013, <http://www.bbc.com/news/world-africa-22380352>

<sup>9</sup> The Geneva Convention, article 3, and the Second Optional Protocol. See: <https://goo.gl/94MZsc>

<sup>10</sup> Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 44/25 of 20 November 1989 and entered into force 2 September 1990.

<sup>11</sup> See: <https://www.hrw.org/en/news/2018/02/21/315180>

<sup>12</sup> Action Plan Recruitment and Use, on file with Human Rights Watch. See Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Somali Transitional Federal Government signed an Action Plan to end recruitment and use of children,” July 3, 2012 <https://childrenandarmedconflict.un.org/press-release/somali-action-plan-to-end-recruitment-and-use-of-children/>

<sup>13</sup> See: <https://goo.gl/qBs6QS>

<sup>14</sup> Convention on the Rights of the Child, Article 37 Adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 44/25 of 20 November 1989 and entered into force on 2 September 1990.

<sup>15</sup> See: <https://goo.gl/Ktq2o1>

According to a report from the Guardian, children are sexually assaulted even in the school corridors. In one case, a teacher assaulted a 6-year-old girl sexually. When he stopped her after school, while everyone else left, except her younger siblings, who he ordered to face the wall then assaulted their six-year-old sister.<sup>16</sup>

The report adds that more than 100 cases of rape, including 26 children, have been reported in just three months, and that the Somali government is not winding up its efforts to eradicate the brutal phenomenon.

### **Third: Child Labor**

More than 22,000 child laborers are threatened every year in Somalia to die while working. Whereas, in Somalia the child has to work for more than 12 hours a day for 3\$, or otherwise, his second choice would be recruitment. According to article 32 of the Convention on the Rights of the Child, the state is obliged to protect the children from economic exploitation as well as performing any work that is likely to be dangerous, to be a hindrance to his education, to be harmful to his health or to his physical, mental, spiritual, moral or social development.<sup>17</sup>

However, according to a report submitted to the Security Council, affirms 4,660 cases of child abuse incidents, including child labor, and this have recently been exacerbated by severe labor as the number of displaced persons and the drought problem in the region increases.<sup>18</sup>

It is worth mentioning that child labor is not a new phenomenon in Somalia, as children in rural areas are often expected to help the family, and furthermore, the conflict, coupled with recurrent drought, has forced many children to support their families by leaving school, to be the sole host of the family.<sup>19</sup>

Moreover, in a report conducted by the Maplecroft Foundation specialized in the assessment of risks associated with work, around the world, the report confirmed the employment of children and using them in difficult and dangerous occupations in the State of Somalia. The report also pointed out that poverty is the main motive behind the decision of families to send their children to those professions to secure an additional source of livelihood, and thereof confirmed that the State of Somalia has the second highest rate of child labor.<sup>20</sup>

Although the problem of child labor is a major problem to be addressed by the Somali government, in order to resolve this crisis, children are still forced to work in Somalia on dangerous work, as 39.8% of Somali children aged 5 to 14 are already working, and the number of children working in the country have reached one million children.<sup>21</sup>

### **Recommendations**

**Maat for Peace, Development and Human Rights recommends that the UN system:**

- Request the Somali government to expedite the entry into force of the Convention on the Rights of the Child.

---

<sup>16</sup> see: <https://www.theguardian.com/global-development/2018/may/17/surge-sexual-attacks-children-somalia>

<sup>17</sup> Convention on the Rights of the Child, article 32 Adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 44/25 of 20 November 1989 and entered into force 2 September 1990

<sup>18</sup> see: <https://bit.ly/2GvaNzf>

<sup>19</sup> See, Save the Children, "Children Face Increased Violence and Exploitation as Famine Looms in Drought-stricken Somalia," April 28, 2017, <https://www.savethechildren.net/article/children-face-increased-violence-and-exploitation-famine-looms-drought-stricken-somalia>

<sup>20</sup> see: <https://cnn.it/2E3Ijec>

<sup>21</sup> see: <https://bit.ly/2q2dKxD>

- Request the Somali Government to immediately cease recruitment of children into the Somali army, or use them in intelligence operations as informants and endanger their lives.
  - Request the Somali government to stop all military trials of civilians, especially those involving children.
  - Investigate and prosecute the perpetrators of physical and sexual abuse by Somali authorities against children.
  - Request the Somali government to amend legislation to protect the rights of children against torture and sexual assault.
-